Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 18 December, 2018
at 7:00pm

Cr: Cr Michael Heffernan (Mayor)

Councillors: Cr Alex del Porto
Cr James Long BM JP
Cr Laurence Evans
Cr Clarke Martin
Cr Sonia Castelli
Cr Rob Grinter
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
   Nil

8. Minutes of Advisory Committees
   8.1 Minutes of the Audit & Risk Management Committee meeting held on 28 November 2018

9. Reports by Special Committees
   9.1 Minutes of the Bayside Arts Board meeting held on 26 September 2018

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    10.2 Elsternwick Park Golf Course Decommissioning Plan - Progress Update
    10.3 Response to Notice of Motion 276 - Tree Retention, Landscape Implementation and Vegetation Protection
    10.4 Graffiti Management Plan 2019
    10.5 Public Toilet Strategy 2019-2023
    10.6 Tulip Street Basketball Courts Extension - Project and Funding Update
    10.7 Response to Notice of Motion 274 - Installation of Water Fountains
    10.8 Community Engagement Plan for Wilson Reserve and Brighton Recreational Centre Masterplan
    10.9 Environmental Sustainability Strategic Service Review
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12. Urgent Business

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Nil
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 20 November 2018.

6. **Public Question Time**

7. **Petitions to Council**

   Nil
8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 28 NOVEMBER 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/299977

The minutes of the Audit & Risk Management Committee meeting held on 28 November 2018 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 28 November 2018.

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 of 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 its 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 28 November 2018 included:

Chief Executive Officer’s Update
The Chief Executive Officer reported on a number of parliamentary reports presented by the Victorian Ombudsman, VAGO and IBAC since the previous meeting. A self-assessment was undertaken on those parliamentary reports that have a direct impact on local government, namely:

- VAGO Report - Managing the Environmental Impacts of Domestic Wastewater
- VAGO Report – Security and Privacy of Surveillance technologies in Public Places
- VAGO Report – Delivering Local Government Services
- VAGO Report - Managing the municipal and industrial landfill
- VAGO Report – Local Government Insurance Risk
- Victorian Ombudsman Report – Investigation into allegations of improper conduct by former officers at Goulburn Murray Water.

Civica Contractual arrangements
Bayside City Council is in the final stages of negotiating with Civica Authority to finalise the enterprise contract.

USB Policy
The organisation’s USB policy was presented to the Committee for information purposes.

Dendy Street Beach Masterplan Implementation update
The CEO briefed the Committee on the current status of the Dendy Street Beach Masterplan and the associated contamination of the site and the action currently being undertaken to rectify the site in accordance with EPA requirements.

Capital Works Program Update and EPMO Update
An update was provided on the current Capital Works Program and the establishment of the Enterprise Project Management Office.

People Strategy and ICT Strategy
The CEO indicated that the Manager Human Resources and the Manager Information Services would present to the Committee on the People Strategy and ICT Strategy.

Summary of the Information Technology (IT) Controls Audit Recommendations
A summary of the actions taken since the previous meeting in relation to the VAGO IT Controls audit was tabled.

Environment, Recreation and Infrastructure Divisional Presentation
The Director Environment, Recreation and Infrastructure highlighted to the Committee the activities of the Division together with the strategic risks within the Division
Risk Management and Safety Update  
The Committee received a report on Risk Management and Safety within the organisation.

September 2018 – Financial Report  
The Manager Finance tabled the financial report for the 3 month period to end of September 2018.

Status Report on Statutory compliance reporting for 2018/19 First Quarter  
The Manager Governance presented a status report on the compliance of key statutory obligations.

Internal Audit Review – Fraud Management and Prevention  
The Internal Auditor presented the Internal Audit report on Fraud Management and Prevention.

The scope of the Internal Audit Review included the adequacy of Council’s fraud management practices and procedures in respect to key components of AS 8001:

1. Planning and Resourcing, including:
2. Prevention, including:
   • Senior Management commitment to controlling the risks of fraud and corruption
   • Internal control
   • Assessing fraud and corruption risk
   • Communication and awareness
3. Detection, including:
   • Implementing a fraud and corruption detection program
   • Avenues for reporting suspected incidents
4. Response, including:
   • Policies and procedures
   • Internal reporting and escalation
   • Disciplinary procedures
5. Assess Council’s level of compliance with insurance and corporate requirements to provide face to face and e-learning training and awareness across the organisation.

Overall, the Internal Audit found that the current controls in place over fraud and corruption maintained by Council would benefit from additional strengthening. The review identified a range of controls that should be implemented and improved in order to reduce the identified weaknesses and exposures.

The audit identified a range of controls that should be improved to reduce the identified weaknesses and exposures.

The internal Audit review did not identify any High-risk issues. As a result of the audit review 7 findings were identified with 3 of a moderate risk rating and 4 of a low risk rating.
Internal Audit Review – Rates Management (including Data Analytics)
The Internal Auditor presented the Internal Audit report on Rates Management.

The objectives of the Internal audit was to review the controls over the Rates Management function, including:

1. Review and verify levy of rates against the rates level formally adopted in Council’s budget.
2. Consider Council’s procedures for ensuring that:
   • rate levels are correctly adopted into the property database; and
   • the property database is complete.
3. Review the adequacy of the controls over access to the rates database.
4. Review the allocation between rateable and non-rateable properties.
5. Review how rates, once determined by Council, are invoiced to individual ratepayers.
6. Consider Council’s collection policies, procedures and practices, including follow-up processes.
7. Undertake relevant data interrogation/analytics of transactions for the period 1 July 2017 to 31 July 2018 and the Masterfile as at date of extraction.

Overall, the Internal Auditors found that the current controls in place over the Rates Management function maintained by Council are adequate, however can be further strengthened. The review identified a range of controls that should be implemented and improved in order to reduce the identified weaknesses and exposures.

The report did not identify any High risk issues. As a result of the audit review 5 findings were identified, 2 with a moderate risk rating and 3 with a low risk rating. It was noted that management had accepted all findings.

Local Government Performance Reporting Framework Performance Measures
The Acting Executive Manager Strategy and Performance tabled comprehensive trend data in relation of the LGPRF measures over the past three years and a comparison with other similar councils.

Recommendation
That Council notes the minutes of the Audit & Risk Management Committee held on 28 November 2018.

Support Attachments
1. Minutes - 28 November 2018 - Audit and Risk Management Committee (separately enclosed)
9. Reports by Special Committees

9.1 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 26 SEPTEMBER 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/288888

Executive summary

Purpose and background

To present the minutes of the Bayside Arts Board meeting held on 28 November 2018 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 Gallery@BACC Board and later known as the Bayside Arts Board.

Council also through an instrument of delegation, 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 consists of two Councillors appointed by Council and nine ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 28 November 2018 to consider the following matters:

- Collection Activity Report from July to September 2018
- Marketing and Audience Development Report from July to September 2018
- Education and Community Education Report from July to September 2018
- Bayside Gallery Exhibition Program 2019-2021
- Murals in Bayside

A copy of the 28 November 2018 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 28 November 2018;
2. adopts the following recommendations of the Bayside Arts Board meeting of 28 November

Item 6.5 – Murals in Bayside

That the Bayside Arts Board:

1. reaffirms that murals are considered as Public Art and will be assessed as part of any public art tender process provided the proposal responds to the identified site for public art;
2. acknowledges that it does not have a role to play in the commissioning of privately funded murals on privately owned property; and
3. recommends to Council that a report be presented to the March meeting of the Bayside Arts Board to investigate potential opportunities to consider public art on private property facing public land for a suitable mural / art work. The report also to include specific proposed locations, selection process of appropriate works and the commissioning process.

Support Attachments
1. Bayside Arts Board Minutes 28 November 2018
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 Brighton
76 Royal Avenue
Sandringham
on Wednesday 28 November 2018

The Meeting commenced at 6:30pm

External Members
Ms Tiziana Borghese (Chairman)
Mr Roger Boyce (Deputy Chairman)
Ms Angelina Beninati
Mr Patrick Christian
Ms Charlotte Christie
Mr Arvind Vasan
Ms Sarah Morris
Mr Brian Hewitt
Ms Bo Rutecki

Councillors
Cr Sonia Castelli
Cr Alex del Porto

In attendance
David Smith Acting Executive Manager
Communications, Customer and
Cultural Services
Giacomina Pradolin Arts and Culture Program
Coordinator
Joanna Bosse Gallery Curator
Terry Callant Manager Governance

Item 9.1 – Reports by Special Committees
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7. General Business
8. Confirmation of date of future meetings
1. Welcome and opening of the meeting

The Chairman, Ms Tiziana Borghese (Chairman) welcomed all members and officers to the meeting, and invited members to introduce themselves and share their background, experience and passion of the Arts.

2. Present

Ms Tiziana Borghese (Chairman)
Mr Roger Boyce (Deputy Chairman)
Mr Arvind Vasan
Mr Brian Hewitt
Ms Bo Rutecki
Cr Alex del Porto
Cr Sonia Castelli

3. Apologies

An apology was submitted from Patrick Christian, Charlotte Christie and Sarah Morris to the meeting.

Moved Cr del Porto          Seconded Cr Castelli

That the apologies of Patrick Christian, Charlotte Christie and Sarah Morris 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

Meeting held on 15 August 2018.

Moved: Cr del Porto          Seconded: Cr Castelli

That the minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 15 August 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED
Bayside City Council  Bayside Arts Board (Section 86 Committee) Meeting - 28 November 2018

Committee) Meeting held on 26 September 2018.

Moved: Cr Castelli  Seconded: Cr del Porto
That the minutes of the Special Bayside Arts Board (Section 86 Committee) Meeting held on 26 September 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6.  Reports

6.1  COLLECTION ACTIVITY REPORT JULY - SEPTEMBER 2018

Communications, Customer & Cultural Services - Cultural services
File No: FOL/18/264 – Doc No: DOC/18/237805

The Gallery Curator outlined the content of the Collection Activity report for the period July to September 2018.

Moved: Mr Hewitt  Seconded: Mr Boyce
That the Bayside Arts Board notes the report collection activity report for the period July to September 2018.

CARRIED

6.2  MARKETING AND AUDIENCE DEVELOPMENT REPORT JULY - SEPTEMBER 2018

Communications, Customer & Cultural Services - Cultural services
File No: FOL/18/264 – Doc No: DOC/18/260670

The Arts and Culture Program Coordinator highlighted some of the gallery activity during the period of July to September. It was indicated that since the appointment of a Marketing Officer the attendance at the Gallery has increased. This additional resource and combined with the marketing strategy has resulted in increased participation rates.

The Board indicated that they were happy with the content of the report.

Moved: Ms Rutecki  Seconded: Mr Vasan
That the Bayside Arts Board notes the marketing and audience development report for the period July-September 2018.

CARRIED
6.3 EDUCATION AND COMMUNITY ENGAGEMENT REPORT JULY - SEPTEMBER 2018

Communications, Customer & Cultural Services - Cultural services
File No: FOL/18/264 – Doc No: DOC/18/265991

Moved: Mr Boyce Seconded: Cr Castelli
That the Bayside Arts Board approves the Summer 2019 Public Programs as attached the report.

CARRIED

6.4 BAYSIDE GALLERY EXHIBITION PROGRAM 2019 - 2020

Communications, Customer & Cultural Services - Cultural services
File No: PSF/18/254 – Doc No: DOC/18/266118

The Gallery Curator provided a presentation of the proposed 2019-2020 Exhibition Program.

Moved: Ms Rutecki Seconded: Mr Hewitt
That the Bayside Arts Board:

1. approves the 2019 – 2020 Exhibition Program;
2. endorses the forward planning of the 2020 – 2021 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; and
5. thanks the Gallery Curator for the delivery of the Exhibition Program over the past two years

CARRIED
6.5 MURALS IN BAYSIDE

Communications, Customer & Cultural Services - Cultural services
File No: PSF/18/3652 – Doc No: DOC/18/267680

The Board discussed its role in the space of Murals in Bayside.

Moved: Mr Boyce Seconded: Cr Castelli

That the Bayside Arts Board:

1. reaffirms that murals are considered as Public Art and will be assessed as part of any public art tender process provided the proposal responds to the identified site for public art;

2. acknowledges that it does not have a role to play in the commissioning of privately funded murals on privately owned property, and

3. recommends to Council that a report be presented to the March meeting of the Bayside Arts Board to investigate potential opportunities to consider public art on private property facing public land for a suitable mural / art work. The report also to include specific proposed locations, selection process of appropriate works and the commissioning process.

CARRIED

7. General Business

7.1 The Bayside Gallery business cards

It was agreed that Bayside Gallery business cards be provided to members of the Board and Councillors to assist in the promotion of the Gallery. The cards to provide details of the Gallery and a locality map on the reverse side.

8. Confirmation of date of future meetings

The next meeting of the Gallery is scheduled to be held on Wednesday 6 March 2019.

The Chairperson declared the meeting closed at 8.39pm.
10. Reports by the Organisation

10.1 RESPONSE TO PETITION: HYDROTHERAPY POOL

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/282837

Executive summary

Purpose and background

This report details the outcomes of preliminary investigations into the need and possible scale and costs of new hydrotherapy facilities in Bayside.

A petition from residents supporting a proposal for a hydrotherapy pool in the City of Bayside was presented to the 18 September 2018 Ordinary Meeting of Council. The petition prayer read as:

“We the undersigned, hereby petition Bayside City Council to strongly support the proposal that the City of Bayside needs a hydrotherapy pool accessible for all residents for a wide range of health conditions – encompassing pain management, chronic conditions and rehabilitation following injury and surgery.”

At this meeting Council resolved:

“That the petition be received and a report be submitted to the December Ordinary Meeting of Council on this matter.”

In response to a previous approach from an action group, Council engaged a consultant to undertake research regarding the need for a publicly accessible hydrotherapy facility in the City of Bayside. Council particularly sought to understand the need and potential usage of such a facility.

The research engaged Connect health, residents aged 60 and over, health professionals in the area and hydrotherapy operators in the broader region. This research has led to the development of a perception paper (Attachment 1) rather than any business feasibility or data analysis.

Following the petition, Council engaged a consultant to provide advice on facility size, operating models and potential costs (Attachment 2).

Key issues

Attachment 1 provides a Hydrotherapy Research Paper completed in July 2018. Attachment 2 provides a Hydrotherapy Pool High Level review completed in November 2018.

Hydrotherapy research findings

The research identified a potential need for a publicly accessible hydrotherapy facility within the City of Bayside. This identified potential need was based on:

- One quarter of residents aged 60 and over have previously used hydrotherapy, with three quarters likely to use it in the future if the need arose.
- Key stakeholders including local health professionals felt Bayside was not well supported with hydrotherapy facilities and that they would refer more patients to hydrotherapy if there were local facilities.
- Health professionals and residents 60 and over felt current (Glen Eira Sports and Aquatic Centre - GESAC) and soon to be completed (St. Kilda Football Club at
Moorabbin) hydrotherapy facilities were not easy to access, close to capacity and largely not available to the general public.

This information does conclude that a range of people would consider using a new accessible hydrotherapy facility in Bayside, particularly health professionals and their clients.

Current Council support

In August 2018, following the completion of the Hydrotherapy Research Paper, Council commenced a free shuttle bus trial for residents wishing to access hydrotherapy facilities at GESAC. In the first two weeks of the trial approximately eight people used the service. In September and October numbers reduced to three per week and in the last few weeks the same two people have been using the service each week. The biggest barrier appears to be a desire for clients to have door to door transport, however the current service is offered from one pick-up/drop off point on Spring Street, Sandringham.

Council could consider exploring other transport options for users of current warm water facilities at GESAC and the soon to be completed warm water facilities at Moorabbin Oval.

Preferred future hydrotherapy facilities

Studies to date clearly indicate the health sector hydrotherapy model is a restrictive facility model and a community warm water program pool would attract higher usage and be more operationally viable. Warm water program pools are built to different standards to that of a health sector hydrotherapy facility and provide greater flexibility to provide other programs including learn to swim that generate significantly more revenue than pure hydrotherapy activities.

It is understood that the petitioners are seeking a facility for exercise rather than rehabilitation purposes.

Given this advice it is recommended that any further feasibility investigation focusses on the provision of a new warm water program pool in Bayside.

Costs to construct new warm water program pool facilities in Bayside

Attachment 2, Section 3 provides a review of hydrotherapy in Bayside.

As there are no current plans or concept designs for a facility in Bayside the consultant has utilised project scope and costs associated with warm water program pool facilities developed at Craigieburn in the City of Hume as discussed in Attachment 3.

A warm water program pool facility including concourses, amenities and plant room is approximately 1,200 square metres in size. At current average constructions costs of $5,500 per square metre the cost to develop a similar facility would be approximately $6.2 million. As a standalone facility other costs such as service connections, car parking and accessible surrounds would also need to be considered. It is not unreasonable to expect total construction costs to exceed $7 million.

There is currently no provision in Council’s Long Term Financial Plan for the planning or construction of warm water facilities and Council would have to consider the timing or deferral of other projects if it was to progress this proposal any further.

Warm water program pool operating costs

Further work including a detailed feasibility study would be required to accurately estimate the operating costs of this type of facility. It is important to note that as a standalone facility operating costs including reception, member services, pool staffing and plant maintenance would be high as the relevant costs are unable to be spread across a range of aquatic and health facilities present at larger centres. For instance GESAC has one reception area and
plant spread across facilities including lap pool, warm water programs, learn to swim, water play and slides area and basketball. Case studies indicate a warm water program pool may meet operational costs however would not provide surplus funds to cover capital renewal/upgrade costs in the future. There is currently no provision in Council’s Long Term Financial Plan for the operational costs of warm water facilities in Bayside.

**Possible location of future facilities**

To date no site or location assessment has been completed as part of this early research. The petitioners are seeking as a priority a pool to be located in the south of the municipality with a preference for Council to also provide a second facility in the north of the municipality.

There are distinct capital and operational advantages in the co-location of warm water program pools with other aquatic facilities. Further work is required to identify a preferred location for a warm water program pool facility.

A potential option for Council could be to engage with relevant not-for-profit organisations to identify opportunities to work cooperatively on the provision of hydrotherapy or warm water program facilities in Bayside.

**Conclusion**

As communities age the need and demand for warm water aquatic facilities will continue to increase. The largest user market of these facilities are older adults of which Bayside has a significantly higher proportion compared to the Greater Melbourne average.

Bayside residents can access warm water facilities at GESAC in Bentleigh East and the soon be completed St. Kilda Football Club facility at Moorabbin Oval. Council currently provides a free shuttle bus service to GESAC from a single pick-up/drop-off point at Spring Street, Sandringham.

To provide a wider range of services and increase operating revenue there has been a shift from hydrotherapy pools to the provision of warm water program pools. Developing these facilities at a site that has a range of water areas and other attractions (such as Sandringham Family Leisure Centre) is the number one success factor for aquatic leisure facilities. Building standalone hydrotherapy or warm water facilities is considered a high risk project as it duplicates significant high cost capital areas while also duplicating high operational cost areas such as labour and services.

The planning of aquatic facilities such as a warm water program pool is complex and requires comprehensive investigation, business case development and community consultation. This work can take a number of years and previous developments have shown it can take five or more years to plan and construct such a stand-alone facility.

**Next steps**

If further investigation of warm water program pool facilities is desired, it is recommended that a comprehensive Business Feasibility Study and Site Analysis project be undertaken. Specialist aquatic consultants would be required to undertake this work and, dependent on scope (number of sites to consider, models to test, etc), it is estimated this work will cost approximately $100,000 - $150,000.
Recommendation
That Council:

1. Undertakes further work to complete a business feasibility study and detailed site analysis for future warm water facilities in Bayside and considers funding this work when preparing of the 2019/20 Council Budget;

2. Engages with relevant not-for-profit organisations to identify opportunities to work cooperatively on the delivery of hydrotherapy or warm water program facilities in Bayside; and

3. Investigates the demand for and subsequent implications of other transport options for current and potential users of warm water facilities at GESAC and the soon to be completed warm water facilities at Moorabbin Oval.

Support Attachments

Considerations and implications of recommendation

Liveable community

Social
There are significant social and physical health benefits associated with the use of hydrotherapy facilities including quicker recovery from illness, injury and surgery.

Natural Environment
There are no natural implications associated with the recommendation in this report.

Built Environment
A warm water program pool facility including concourses, amenities and plant room would be approximately 1,200 square metres in size.

Customer Service and Community Engagement
Council engaged a consultant to undertake research regarding the need for a publicly accessible hydrotherapy facility in the City of Bayside.

The research engaged Connect Health, residents aged 60 and over, health professionals in the area and hydrotherapy operators in the broader region.

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 legal implications associated with the recommendation in this report.

Finance
A warm water program pool facility could cost in the order of $7 million to construct. Operating costs would be expected to be met by user fees and charges, however ongoing maintenance and future renewal costs are unlikely to be recovered.

There is currently no provision in Council's Long Term Financial Plan for the planning, construction or operation of hydrotherapy or warm water program pool facilities.

Funding in the order of $100,000 to $150,000 would be required to complete further analysis and review to progress a business case for a warm water program pool. This is a new project that will require significant oversight and management and will impact on staff resources as staff will need to be reallocated to this task from other Council projects and services.

Links to Council policy and strategy
The provision of publically accessible hydrotherapy facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan and Wellbeing for All Ages and Abilities Strategy 2017-2021.
10.2 ELSTERNWICK PARK GOLF COURSE DECOMMISSIONING PLAN - PROGRESS UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/271856

Executive summary

Purpose and background

The purpose of this report is to provide an update on completed works and proposed future works required to return land formally utilised by Elsternwick Park Golf Course into an area of passive open space that is environmentally focussed. For the purpose of this report, reference to Elsternwick Park North is to the former golf course site.

Key issues

Works completed to date

Works completed to convert the former golf course to an area of passive open space began on 2 July 2018 and are continuing. These works have included the removal of golf related infrastructure at the site, including the re-profiling of tees and greens, the installation of formal entrances with park signage, both temporary and permanent totem signs, installing waste bins and repairing holes in the existing perimeter fence (see Photo 1 to 6 in Attachment 1).

All trees on the site have been inspected and assessed. Trees that were not safe have been removed. Additional tree maintenance (pruning) work required to ensure the reserve is a safe place for people to utilise are underway and ongoing. In order to replace any habitat lost following tree removal, additional tree habitat has been created in the remaining trees on site. This habitat creation is in accordance with Council’s recently adopted Biodiversity Action Plan, specifically Action 18 which states that Council will:

‘Undertake supplementary plantings and habitat augmentation works to improve wildlife corridors on public land.’

To date Council has spent approximately $50,000 on the tasks mentioned above. Council has also committed to spending an additional $20,000 for ongoing management and maintenance this financial year.

Council’s decision to return the land that was previously occupied by Elsternwick Park Golf Course to passive open space means that Action 9 within the adopted Biodiversity Action Plan is now complete. Action 9 is to:

‘Support the creation of a passive open space/environmentally focused reserve in the area of Elsternwick Park North that is currently occupied by the golf course’.

Collaboration completed to date

Since the 24 July 2018 Ordinary Meeting of Council where the four key priorities of environment, amenity, flood protection and water quality were adopted as part of the Park Plan, Council staff have been exploring what outcomes can support these priorities. Council staff are involved with a number of wider stakeholder groups regarding Elsternwick Park North.

Council staff have convened the Elsternwick Park North Community Reference Panel. The Panel has been established to provide an opportunity for community stakeholders to consider information and make recommendations to Council regarding the future development and management of Elsternwick Park North.
The Panel includes representatives of:

- Bayside City Council;
- City of Port Phillip;
- Elsternwick Park Association (EPA);
- Friends of Native Wildlife (FoNW);
- Port Phillip Eco Centre; and
- Elwood Flood Action Group (EFLAG).

The Panel will consult with other stakeholder groups, and has also received presentations from other stakeholders.

The panel has met on three occasions and during the most recent meeting representatives of the panel were able to provide their views on what could be incorporated into Elsternwick Park North to achieve the outcomes resolved on 24 July 2018. Melbourne Water attended the third meeting to brief the panel on flood issues.

Council staff also participate in the Elster Creek Catchment (ECC) CEO Forum which has been established to look at flood mitigation in the wider Elster Creek Catchment. Elsternwick Park North is located within the Elster Creek Catchment.

The Forum includes representation of:

- Bayside City Council;
- City of Port Phillip;
- City of Kingston;
- City of Glen Eira; and
- Melbourne Water.

Council has not entered into any shared capital or operational funding agreements with other organisations at the time of this report.

Future works to be completed

Council has engaged specialist consultants to investigate site and engineering constraints associated with potential works required to achieve the priorities resolved by Council on 24 July 2018.

Council staff met with the engineering consultant on 4 December to discuss the project and undertake a walkover of the reserve. Site investigation works at Elsternwick Park North are due to commence the week of 17 December, they will take approximately 2 days.

Constraints are likely to include but not be limited to, depth to groundwater, soil condition and composition and existing below ground infrastructure (see Photo 7 in Attachment 1). The findings of the investigation are will be presented to Council staff in February 2019. The investigation works, including interpretation of the findings will cost approximately $70,000.

A number of operational tasks will continue at the site in the interim. These include general park maintenance activities such as tree pruning, waste collection and dredging of the creek and lake as part of the maintenance of the existing water body system within the reserve.

Council staff have been approached by commercial organisations and community groups who have expressed an interest in using the buildings currently located in the Elsternwick Park North. Any tenant would be on a short term basis as to not compromise the long term plan to achieve an area of passive open space with a focus on the four priorities identified by Council in July 2018.
Park management issues

There have been a number of reports to Council regarding inappropriate dog control in Elsternwick Park North. The reserve is designated as ‘dog on-leash’. Residents, stakeholders and Council staff have reported dogs being exercised off leash within the park with negative impacts on wildlife.

These reports have led to an increase in patrols in the reserve. Council Authorised Officers patrol every second weekend, while during the week, this increases to approximately 13 individual visits to the reserve per week as outlined in the schedule blow:

- Weekdays patrols between:
  - 7.30am – 8.30am minimum 3 days a week patrolled;
  - 8.30am -4.30pm minimum twice a day; and
  - 4.30pm-5.30pm minimum 3 patrols each week.

The increased patrols have resulted in Council Authorised Officers issuing 14 warnings for off-leash dog activity in the reserve.

From 3 December 2018, Council Authorised Officers have implemented a two week program of increased monitoring at Elsternwick Park North. Officers visited the site twice a day, during the morning and afternoon peaks, for two weeks to monitor dog control compliance. The results of this exercise were not known at the time this report was written.

Naming

The Community Reference Panel members have raised the matter of renaming the reserve. The Panel’s preference is to have an aboriginal phrase or word that accurately describes the land. This will be explored during the drafting of the Masterplan. In the interim, the Panel believes Elsternwick Park Nature Reserve is appropriate. The Panel and Council staff feel that this name will make consultation easier for people to understand that the area does not relate to Ovals 1 or 2, the bowling club or Elsternwick Park South.

Recommendation

That Council:

1. Notes the works completed to transform land previously used as a golf course at Elsternwick Park North to an area of passive open space;

2. Notes that land previously used as a golf course at Elsternwick Park North will be operationally managed as passive open space until a masterplan is adopted and implemented; and

3. Refers to the land previously used as a golf course at Elsternwick Park North as the Elsternwick Park Nature Reserve until a formal name change can be considered.

Support Attachments

1. Attachment 1 – Photographs illustrating works completed at Elsternwick Park North (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
Returning 14 hectares of open space for passive recreation use has provided greater opportunities for social connections and improve health and wellbeing of residents.

Natural Environment
The natural environment will be enhanced by the works outlined in this report. 14 hectares of open space has been returned to passive open space and made safe and accessible to residents and visitors of Bayside. The development of a Masterplan will guide future development at the park to benefit the natural environment.

Built Environment
The existing buildings on site have been vandalised and been subject to graffiti since the previous tenant vacated. The development of a Masterplan will sensitively inform and guide future development at the park to benefit the built environment.

Customer Service and Community Engagement
The Community Reference Panel has been formed to discuss the future of the Elsternwick Park North. Some Panel members are seeking to focus on current operational matters (dogs in the park, tree habitat works, etc) and other projects (including Oval 2 and Elsternwick Park South).

An Elsternwick Park North Working Group of staff from Bayside, Port Phillip, Glen Eira and Melbourne Water has been convened and has met on six occasions.

Staff from Bayside City Council also attend the Elster Creek Catchment Working group which includes staff from Melbourne Water,

A wider community engagement plan is being designed and will be implemented in early 2019 to gather feedback from all stakeholders.

The City of Port Phillip has expressed interest in Elsternwick Park North. The CEO’s of the City of Bayside and the City of Port Phillip have met to discuss the reserve. City of Port Phillip staff are on the Community Reference Panel. Melbourne Water and the City of Port Phillip are also on the Working Group.

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
There are no legal implications associated with the recommendation included in this paper.
Finance
This paper highlights that approximately $90,000 has been allocated to be spent to return the former golf course to public open space, with approximately $50,000 spent so far. An additional $70,000 will be spent on baseline data collection.

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<thead>
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<th>Task</th>
<th>Cost</th>
<th>Budget</th>
<th>Status</th>
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</thead>
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<td>Operational</td>
<td>Underway</td>
</tr>
<tr>
<td>Tree assessments</td>
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<tr>
<td>Baselines data collection</td>
<td>$70,000</td>
<td>Operational</td>
<td>Underway</td>
</tr>
</tbody>
</table>

Links to Council policy and strategy
Returning the land currently utilised for golf to public open space had enabled Council to achieve the principles outlined in Bayside Open Space Strategy (BOSS) 2012.

The works outlined in this report will also contribute towards the following areas of the Council Plan 2017-2021:

*Goal 4: Open Space*
Gain access to increased quality open space to meet the needs of (Highett and) the wider community’

*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.

The works outlined in this report will also contribute towards Goal 2 of the Wellbeing for All Ages and Abilities Strategy (WAAA) 2017 -2021. Goal 2 is designed to ‘achieve a healthy and active community’ by ‘improving physical activity opportunities’.
10.3 RESPONSE TO NOTICE OF MOTION 276 - TREE RETENTION, LANDSCAPE IMPLEMENTATION AND VEGETATION PROTECTION

City Planning and Amenity - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/287126

Executive summary

Purpose and Background
The purpose of the report is to:

- Provide an overview of the existing regulatory framework for the retention of tree cover and vegetation protection in Bayside; and
- Propose a number of actions that could be pursued by Council to strengthen this framework.

Due to ongoing development pressure within the municipality, tree cover and vegetation protection has been a sensitive issue for the community and Council for a number of years.

At its meeting on 23 October 2018, Council supported the following notice of Motion,

That Council receives a report, at the December 2018 Ordinary Meeting of Council, that:

- Provides a review of existing operational protocols and methods used in the issuing and management of Planning Permits in Bayside as they relate to tree retention and landscape implementation; and
- Identifies potential additional protocols that result in tree retention and landscape implementation, and explores their feasibility.

Planisphere Report (2013) and Amendment C140 (2015/16)

Planisphere, a planning consulting firm, was engaged in 2013 to undertake a review of the existing regulatory framework that guides tree and vegetation protection in Bayside.

The 2013 Planisphere report, Review of Vegetation Related Provisions in the City of Bayside, which involved comprehensive community consultation, recommended three options (out of 10) for further investigation:

- Option one Amend the Municipal Strategic Statement (MSS) and local policies;
- Option two Prepare a Vegetation Retention and Enhancement Policy (local policy at Clause 22 within the Planning Scheme); and
- Option five Amend existing overlays, such as the Vegetation Protection Overlay (VPO), Design and Development Overlays (DDO) or schedules to the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) to standardise decision guidelines.

At the 30 April 2013 Ordinary Meeting, Council resolved to commence the implementation of Options 1, 2, and 5 of the Review of Vegetation Related Provisions in the City Of Bayside (the Review).

In 2015/16, Amendment C140 was proposed to implement the Bayside Housing Strategy and to make changes to the Planning Scheme that included strengthening provisions relating to tree cover and vegetation protection. However, that amendment was abandoned in October 2016 following a Panel report that recommended abandoning the amendment due to a lack of strategic justification.
Amendment C140 attracted a large number of submissions opposing the amendment and community consultation during that period also highlighted a number of issues that are not addressed in the Planning Scheme, including:

- The strength and enforcement of local laws;
- Specific issues relating to the protection of trees that are not actually removed, but sometimes damaged through development/construction, lopping or pruning; and
- Impacts on property rights as a result of stricter controls.

**Current Strategic Work**

**Planning Scheme Review**

Strategic Planning has completed a review of the MSS and Local Policy sections of the Bayside Planning Scheme (endorsed by Council in 2015) and the next step in the process is re-writing both the MSS and Local Policy sections. Key strategic documents that will support that process are:

- The Bayside Housing Strategy 2012; and
- The Neighbourhood Character Study.

A review of the Housing Strategy is underway, which will consider the implications for future housing issues in Bayside, including vegetation protection and landscaping requirements.

A review of the Neighbourhood Character is scheduled to be undertaken in the 2019/20 budget year, which will have significant benefits in strengthening the Neighbourhood Character Policy at Clause 22.06 and potentially a new local policy that addresses tree and vegetation retention in private developments.

**Opportunities to Strengthen the MSS and Local Policies**

Following on from the Planning Scheme review, the Strategic Planning unit has engaged Glossop Town Planning to assist (initially) in the translation of the MSS and Local Policy sections of the Planning Scheme, to be consistent with the format that Amendment VC148 introduced to the State section of the Planning Scheme earlier this year.

Following this “policy neutral” re-formatting of the MSS and Local Policy section (Clauses 21 and 22), opportunities to strengthen policies where appropriate, can be identified and undertaken. This would need to be based on robust strategic work (adopted strategies).

There are a number of opportunities to strengthen Council’s position to either introduce new policies or make more significant changes to existing policies (and schedules), based on new or updated strategic work.

**State Policy**

Plan Melbourne, the State Government’s Metropolitan Planning Strategy document, sets out the following principle and direction in relation to planning for climate change:

> Protecting Melbourne’s biodiversity and natural assets is essential for remaining a productive and healthy city. There is an urgent need for Melbourne to adapt to climate change and make the transition to a low-carbon city.

In response to this, a number of Councils (including Melbourne, Yarra and Stonnington) have undertaken and adopted an Urban Forest Strategy to address the emerging issues surrounding climate change and the recognition of the “urban heat island” effect, which poses a risk to the community during extended periods of heat (heat waves) in summer.
In addition to the work currently being undertaken by the Strategic Planning Unit within Council, an Urban Forest Strategy would have the benefit of reinforcing the existing policy framework in terms of the need to protect and enhance the role of tree canopy cover and vegetation across the municipality from an environmental and a human health perspective.

This would lend further weight to future planning scheme changes but also be used to inform open space and urban design projects across the municipality.

**Local Laws and Enforcement**

Council has existing Local Laws that seek to protect trees that meet specific criteria which predominantly fall under two categories, both requiring a permit for removal:

- Significant Trees included on the Significant Tree Register; and
- Canopy trees that have a circumference of 155cm measured at 1m above the ground.

Other Councils across inner Melbourne have similar Local Laws that define the two categories and also specify criteria in terms of trunk size, but this varies across Councils. The measure used by Bayside is quite high and could be reviewed to recognise younger trees that are yet to mature.

Another measure used by other Councils (such as City of Melbourne) to protect public trees is the requirement to enter into a bond agreement. This ensures that when (usually larger) developments occur, trees in the public realm are protected and if they are damaged, measures can be taken to replace the tree using the bond submitted to Council. If a need for a similar approach was identified on private properties options for implementation and implications will be presented to Council for consideration.

**Evidence, monitoring and enforcement measures through improved technology**

A number of Councils (including Bayside) are employing progressively more sophisticated techniques of collecting tree data in order to monitor and review the extent of tree canopy and vegetation cover across municipalities. This is predominantly achieved through aerial mapping, which gathers visual data that can be catalogued in a database and displayed through Council’s GIS system. This can provide a range of useful applications including the ability to monitor planning permit conditions, landscaping requirements and tree removal permits, as well to enforce/take action when trees are illegally removed.

Council’s Information Services department is currently investigating available interactive tools to ensure that vegetation data can be obtained to improve internal access to tree information. This will assist Council’s internal processes and ensure Council can track and monitor changes to tree canopy across Bayside with minimal resource implications.

**Key issues**

**Existing Planning Scheme Provisions**

The Bayside Planning Scheme already contains a number of controls that provide protection for trees and vegetation including the local law and VPO. These combined with the existing Neighbourhood Character Policy will remain the primary guidance for Statutory Planners in determining whether a proposed development includes adequate vegetation cover.

The way in which planning permit applications are assessed in relation to vegetation protection is dependent on the particular zones and overlays that apply to a site but can be summarised as follows:

- State policies (PPF);
- Clause 21 policies;
• Clause 22 local policies (including Neighbourhood Character and potentially including Tree Cover and Vegetation Protection);
• Schedules to the zones (the schedule to the NRZ can include more specific requirements that vary the Clause 54/55 provisions);
• Clause 54/55 provisions that specify requirements relating to setbacks from property boundaries, site coverage, permeability; and
• Overlay schedules such as to the DDO or VPO.

The provisions that can be changed to strengthen provisions (to some extent) relating to tree cover and vegetation protection are:

• Clause 21 and 22 policies;
• Schedules to the NRZ and GRZ (which vary provisions found in clauses 54/55); and
• Schedules to the DDO and VPO.

Officers consider that local policies (clause 22) together with revised schedules to the NRZ and GRZ would have the most widespread influence for this issue within the Planning Scheme, as they would apply widely to private properties. The specific provisions that assist in protecting existing trees or providing opportunities for future tree growth can be incorporated into schedules to the GRZ and NRZ, as follows:

• Minimum street setback;
• Site coverage;
• Permeability;
• Landscaping;
• Side and rear setbacks; and
• Private open space.

Front and rear setbacks have been identified as a key issue in allowing for the provision of trees and vegetation.

Any proposed future changes to the Planning Scheme need to be underpinned by current strategic work.

Landscape Guidelines

The Landscape Guidelines document is a resource developed for residents and developers who need to submit a landscape plan with a planning application. This only applies to trees protected by the Bayside Planning Scheme which require a planning permit to be removed and development sites that require a planning permit.

A Landscape Plan is required to be submitted with a planning application under the following situations:

• Vegetation removal applications made for properties in areas protected by the VPO;
• Tree removal applications made for properties in areas protected by the Significant Landscape Overlay (SLO); and
• Buildings and development works which may require the removal or planting or retention of vegetation under other provisions of the Bayside Planning Scheme, including the Heritage Overlay (HO).

Proposed actions and cost Implications

The following strategic work to support potential changes to the Planning Scheme and/or Local Laws is recommended:
• Undertake a review the current planning provisions in the context of the planning scheme review project that is already underway (which is in accordance with Options 1, 2 and 5 of the 2013 Planisphere recommendations);
• Continue to review the Housing Strategy;
• Commence a review of the Neighbourhood Character Study in 2019/20; and
• Consider undertaking an “Urban Forest Strategy” as outlined in this report which would provide a holistic approach to tree coverage and urban greening across the municipality.

A case study is currently underway to try to ascertain the cumulative effect of tree removal in the VPO area via a GIS tool. In order to move forward with some of the options available, we would like to understand if the unlawful removal of trees is something that we should consider as part of the development and implementation of options to address tree canopy loss.

In addition to the above, an option or measure that could be investigated is to incentivise the retention of trees that do not fall within the provisions of the planning scheme or under the local law, for private properties. This option could be investigated as part of any future work relating to the strategies already mention in this report, including a potential Urban Forest Strategy. The potential cost implications to progress this work would need to be assessed further but are estimated to be in excess of $100,000. The majority of the resources will be allocated to fund a new position within the GIS area to build the capability to monitor tree canopy, tree removal, compliance and health of trees by identifying tree population, individual presence and foliage size as well as trending net loss/gain information to enable Council to be more effective and proactive with tree management.

The work undertaken will support various departments of Council including Amenity Protection, Open Space, Development Services and Strategic Planning in contributing to deliver a high quality environment that supports the highly regarded character and liveability of Bayside for future generations.

The other measures outlined in this report would fall under the category of Local Laws and these would include:

• Reviewing existing local laws and the criteria used to identify trees that require a permit for removal; and
• Investigating the option of introducing a bond scheme that seeks the retention of trees in the public (and potentially private) realm.

It is anticipated that the cost of investigating potential changes to Local Laws would be in excess of $50,000.

**Recommendation**

That Council:

1. Continues to review the current planning provisions in the context of the planning scheme review project that is already underway to identify opportunities to strengthen policy provisions relating to tree protection;
2. Continues to undertake a review of the Bayside Housing Strategy;
3. Commences the Neighbourhood Character Study review in the 19/20 financial year;
4. Undertakes further investigation/research into the benefits of undertaking an “Urban Forest Strategy” as outlined in this report;
5. Undertakes the review of the following policies in the 2019/20 financial year:
   • Tree Reward and Vandalism Policy 2013
   • Significant Trees Management Policy 2013
   • Management of Tree Protection on Private Property Policy 2015
6. Investigates the option of introducing a bond scheme that seeks the retention of trees in the public (and potentially private) realm;
7. Considers the resource allocation for a new position in the GIS team, to build the capability to monitor tree canopy as part of the Project Concept Proposal process, for funding in the 2019/20 financial year; and

Support Attachments
Nil
Considerations and implications of proposition

Liveable community

Social
There is considerable development pressure across the municipality and genuine community concern regarding the incremental loss of tree cover and the need to protect existing vegetation, which forms part of city’s valued character. The urban and neighbourhood character of Bayside plays an important role in fostering social interaction predominantly in the city’s public realm/spaces.

Natural Environment
Trees and vegetation form an integral part of the natural environment and native vegetation, in particular, needs to be protected. The Vegetation Protection Overlay plays an important role through the planning scheme and further investigation as to appropriate controls that can be applied to further protect the natural environment should be undertaken.

Built Environment
The role that trees and vegetation play in the built environment has become increasingly important and recognised as development continues to increase the density of built form resulting in the loss of trees and vegetation, accompanied by issues (such as storm water run-off) associated with increased site coverage.

Customer Service and Community Engagement
If endorsed to proceed, the various pieces of work would require community engagement and consultation, the form of which would be determined in more detail and reported to Council.

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 some legal implications associated with the application of the Planning and Environment Act 1987 and Council’s local laws, which would be carefully considered as part of any future work.

Finance
The scope of recommended work outlined within this report is estimated to exceed $150,000 and would need to be accounted for in the 2019/20 budget in order to proceed in the next financial year.
Links to Council policy and strategy

Improving the processes that provide for the protection of trees and vegetation across the municipality is aligned to the following strategies:

Council Plan 2017 - 2021

Relevant strategies of the Council Plan include:

- Make discretionary planning controls stronger by advocating for Council’s planning and urban design objectives to State government;
- Encourage the planting of local indigenous vegetation;
- Protect the unique ecological and environmental value of Ricketts Point;
- Influence state and federal governments for improved response to climate change, aimed at reducing impacts such as foreshore erosion, beach replenishment and bay health; and
- Protect and enhance Bayside’s tree canopy and vegetation on public and private land.

Bayside Neighbourhood Character Review (2011)

The Neighbourhood Character Review provides a comprehensive overview of Bayside’s suburbs and the valued urban and residential character of areas within the suburbs. This forms the basis of the Neighbourhood Character Policy at Clause 22.06 of the Planning Scheme and should be kept relevant and up to date to ensure its effectiveness in assessing planning permit applications and appeals that are heard before VCAT.

Bayside Housing Strategy (2012)

The Bayside Housing Strategy is a key strategic document that describes how the city will accommodate dwelling and population growth and provides the strategic basis for changes to the Planning Scheme. A review is currently underway to update the Housing Strategy to reflect current state planning policy and provisions, including Plan Melbourne, as well as updated demographic (2016 census) data.

Bayside Open Space Strategy (2012)

The Bayside Open Space Strategy is a 20-year planning document that provides policy and strategy guidance to enable Council to make decisions about how open space is used, developed, managed and maintained across the municipality. The management of open space plays a role in determining ways in which open space benefits the community in the future, including the provision of tree cover.

Bayside Landscape Guidelines

The Landscape Guidelines provide specific guidance to supplement provisions in the planning scheme that trigger a permit for the removal of vegetation.
10.4 GRAFFITI MANAGEMENT PLAN 2019

City Planning and Amenity - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/294207

Executive summary

Purpose and background
The purpose of this report is to present the proposed Graffiti Management Plan 2019.

Graffiti can be an important issue for residents, as it impacts on local amenity and it can also create perceptions of low community safety. While there is high awareness of graffiti occurring in the community, the issue generally rates relatively low in importance. However, there are a number of local residents who are passionate about graffiti management and have actively sought a greater response from Council.

Recognising this concern and the operational impact of graffiti, the Council Plan 2017-2021 includes an action to ‘Develop and implement a joined up approach to minimise and respond to graffiti and tagging across State Government, utilities infrastructure, Council and private property’.

Council has a number of existing programs to address graffiti, including removal from Council properties, Local Law activities to enforce removal on private property (including the provision of graffiti kits) and preventative actions.

Key issues
There are a number of key challenges in holistically addressing graffiti, including:

- Effective management can require the integration of a wide range of stakeholders. For example, youth diversion programs could involve Community Services, the Department of Justice and Regulation, Victoria Police, the Department of Education and Training and individual schools;

- While graffiti eradication is critical to effective management, there are a large number of organisations accountable for graffiti removal across different assets. The organisations have different regulatory frameworks and performance obligations, making an integrated approach nearly impossible;

- Graffiti management is just one of the many service areas provided by Council and while there are residents that are passionate about a stronger program, it is a relatively low priority for the majority of residents; and

- While graffiti management activities are currently delivered by over ten different teams in Council, there is not a central coordination point.

The Graffiti Management Plan 2019 (Attachment 1) has been prepared by:

- Reviewing current Council activities, initiatives in other Councils and research on best practice graffiti management;

- Engaging organisational stakeholders to understand their perspectives;

- Undertaking community research to understand the needs and opinions regarding graffiti management across Bayside (Attachment 2);
• Conducting a workshop with highly engaged community stakeholders to identify activities to include within the Plan (workshop outcomes provided in Attachment 3); and

• Distributing a draft of the Graffiti Management Plan 2019 for review by the highly engaged community stakeholders.

The proposed Graffiti Management Plan 2019 is reflective of the feedback received and aligns with the technical research and analysis. While the feedback from the highly engaged community members generally supported the proposed direction, the feedback sought further increases in the level of Council investment. For example:

• The feedback sought the implementation of a graffiti education program across all schools, while the Plan proposes a more targeted focus and investigation into a broader education program;

• The feedback sought Council to take on responsibility for removal of graffiti on private properties, while the Plan proposes to increase support for private property owners and more proactive enforcement of graffiti removal through Council’s Local Law.

A significant development post the distribution of the draft Graffiti Management Plan 2019 for review, was the State Government announcement of a two year, $1.95m trial whereby six Councils (including Bayside) will remove graffiti from some public utility assets. The trial is a result of significant advocacy by the six Councils through the Inner South Metro Mayors Forum and should result in significant improvements in this highly problematic area.

While this Plan has a primary focus on activities that are within Council’s control, the Plan recognises that effective graffiti management is dependent on the actions of a complex mix of stakeholders. The Plan therefore includes a range of actions relating to advocacy, leveraging stakeholder activities or supporting stakeholder activities. The activities in the Plan are grouped into five themes:

Advocacy and Engagement: Increasing the centralised coordination of graffiti management within Council, stronger advocacy activities, as well as increased Council communication / engagement with the local community;

Removal: Driving more timely removal of graffiti across all, the organisations and individuals who have responsibilities for graffiti removal, increased support for private property owners and an enhanced graffiti reporting tool;

Diversion: Increasing the focus on ‘at risk’ community members and implementing initiatives to minimise graffiti offending, as well as implementing alternative treatments to minimise graffiti offences;

Enforcement: Improved capturing and reporting of graffiti incidence, coupled with building stronger relationships to support enforcement activities by the relevant organisations; and

Evaluation: Ensuring that plan implementation is transparent and supported by clear accountabilities.

Prior to release, the Plan will undergo a final editorial review and design.
Recommendation

That Council:

2. Refers the proposal costs of $120,000 for construction as part of the 2019/2020 Budget process.

Support Attachments

1. Graffiti Management Plan 2019 (separately enclosed)
2. Community Research Report (separately enclosed)
3. Bayside Graffiti Workshop Participant Report (separately enclosed)
Considerations and implications of proposition

Liveable community

Social
Graffiti can impact on the communities’ local amenity and sense of safety and there are many community members that take on roles that directly improve the sense of safety and security across the community. Groups and organisations such as sporting clubs, youth groups, schools, charity and service groups, Neighbourhood Watch and Trader Associations play an important role in maintaining connections, building resilience and creating an awareness of crime prevention activities.

Research shows that the proportion of individuals who engage in graffiti drawing in public places peak in mid-adolescence (at the ages of 15 to 16 years) before declining (Smart et al 2004). Unlike most other forms of antisocial behaviour, graffiti drawing is more common among adolescents who do not continue to engage in offending behaviour beyond their mid-teens (Smart et al 2004).

Natural Environment
There are no Natural Environment considerations or implications with regard to the development of the Graffiti Management Plan 2019.

Built Environment
The Graffiti Management Plan 2019, identifies opportunities to educate and apply processes to ensure that mural projects and other alternatives will align with the neighbourhood character of business districts and that urban design approaches minimise the risk of graffiti offending.

Customer Service and Community Engagement
The approach for community engagement was conducted in two stages. The first stage consisted of a random survey of residents to determine perceptions of graffiti and understanding. The second stage involved the conduct of a deliberative workshop with interested stakeholders.

Survey
Quantitative random telephone surveys with 401 Bayside residents was conducted between 30 July and 7 August 2018. The interviews each took an average of 9 minutes to complete. The following is a summary of responses received:

- Extent of graffiti in Bayside is not perceived as worse than elsewhere. 3% of residents mentioned that they had reported graffiti in the past 12 months.
- While not a major issue, two in five residents prompted expressed some level of concern.
- Graffiti is generally seen as a consistent issue across suburbs and Bayside does not have a larger issue with graffiti than other areas.
- Council is often seen as being a responsible party for graffiti removal on both private and public property.
- Two in five residents had noticed graffiti in the week prior to being interviewed, however very few are reporting, either to Council or other authorities.
- Residents would like to see Council do more, although many of the suggestions are outside of Council’s role.
Workshop

On 13 September 2018, Council held a workshop for Bayside residents who had expressed their interest in more effective graffiti management. The results of this workshop are attached to this report.

Human Rights

There are no implications associated with Human Rights as a result of the development of the Graffiti Management Plan 2019.

Legal

The Graffiti Prevention Act 2007 is a key aspect of the State Government’s graffiti management approach. This Act is a key piece of legislation that graffiti related local government local laws and policies must be consistent with.

Council’s Consolidated Local Law No: 2 ‘Neighbourhood Amenity’ 2012 delivers its regulatory function with regard to graffiti management under section 27 Unsightly Land which includes:

- An owner or occupier of Private Property must not allow any graffiti to remain on any building, wall, fence, post or other structure or object erected on that property.
- A Person who owns or has vested in him, her or it, or who has the control and management of, any building, wall, fence, post or other structure or object, or any asset, located on Council Land must not allow any graffiti to remain on that building, wall, fence, post or other structure or object, or asset.

Finance

The majority of activities identified in the Graffiti Management Plan 2019, are funded through current budget allocations and resources. The additional investment proposed in the Graffiti Management Plan 2019 is $120,000 in 2019.

Council will have the opportunity to apply for State Government grants for graffiti management grants throughout the year. It is anticipated that some activities identified in the Plan (for example Bayside clean-up day) may be the subject of such grants.

Links to Council policy and strategy

The preparation of the Graffiti Management Plan 2019, is an action from the Council Plan 2017-2021 which includes an action to ‘Develop and implement a joined up approach to minimise and respond to graffiti and tagging across state government, utilities infrastructure, Council and private property’.
10.5 PUBLIC TOILET STRATEGY 2019-2023

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/261627

Executive summary

Purpose and background
The purpose of this report is to present the Public Toilet Strategy 2019-2023 to Council for adoption and explain how feedback received during community consultation was used to finalise the Strategy.

As part of the Public Toilet Strategy 2012, Council has constructed a number of new public toilets, including facilities at the Middle Brighton Baths, Basterfield Park, Jetty Road, Elsternwick Park and Southey Street foreshore. Council has also successfully delivered a number of new public toilets under the Sportsground Pavilion Improvement Plan, with publicly accessible facilities attached to new sporting pavilions at Dendy Park, Hurlingham Park, and Banksia Reserve.

This 2012 Strategy is now due for review as part of Council’s ongoing strategy review process.

Key issues
The Public Toilet Strategy 2019-23 (refer Attachment 1) summarises Bayside’s existing public toilet assets and Council’s approach to managing this service. A new initiative introduced as part of the Strategy is the creation of ‘Changing Places’, where people with significant disabilities will benefit from specialist facilities.

The Strategy also recommends a program of works regarding new, upgraded, and replacement toilet facilities over the next four years.

Matters Arising from Community Consultation

Toilet Facilities at Table Rock
A significant number of submissions demonstrated concern about the proposed removal of the existing public toilet facility at Table Rock. This facility is in poor condition and unsuitable due having poor public safety and comfort aspects. However, a significant number of respondents felt strongly that a toilet should remain in the vicinity to support the activities of the local sea-scouting group, recreational walkers and use by the general public.

While many respondents felt that the toilet would be better located within closer proximity to the nearby scouting hall, such a relocation would require clearance of a significant area of native foreshore vegetation and result in a visual impact to the Beaumaris foreshore. Such impacts are considered unacceptable to the broader community.

The Strategy recommends replacing the existing structure with a new public toilet in the same location. A preliminary investigation suggests that construction can be managed with no loss of native vegetation and a negligible increase of profile, while significantly reducing the footprint of the building and improving the comfort and safety elements of the building.

Toilet Facilities at Ricketts Point
Little comment was received supporting the removal of the automated toilet at Ricketts Point. The community did not support significant changes to the Ricketts Point foreshore, particularly the introduction of new structures. As this element did not received significant interest in responses from the community, it is recommended to continue to maintain the existing facility.
Toilet Facilities at Green Point

A number of submissions were received for a new public toilet at Green Point. This area is frequented by a number of visitors to the municipality that walk from the Brighton Life Saving Club carpark and is the vista of Bayside’s most iconic views of the Brighton bathing boxes. Feedback from the community was that a new public toilet at Green Point was needed but that it not be detrimental to the views of the bay and respects the heritage and aesthetic qualities of the area.

The Strategy recommends a new public toilet at Green Point to be located on a strip of land between the existing carpark and the timber paling fence, as this location is considered suitable for pedestrians using the foreshore and park pathways and for people moving through the carpark. It is recommended that the design be sympathetic to the high heritage and amenity value of Green Point, and that the new facility not detract from views of the bay.

Changing Places

A small number of comments were received (with varying levels of support) for the three proposed ‘Changing Places’ at the North Road foreshore, Thomas Street Reserve, and Ricketts Point. While these type of facilities are considered important for improving accessibility for the whole community, feedback has stressed the importance of appropriate placement for these structures.

While these facilities are deemed critical for equality of access to public spaces, it is considered that Changing Places are best located at major community hubs rather than as a standalone building. Sporting pavilions are considered an excellent location for such a facility, as they frequently offer access to a variety of activities and open space reserves.

It is proposed that Changing Places be considered strategically as part of selected future pavilion upgrades and new community hubs, as identified by council officers. The three facilities initially proposed have been removed from the program of works on the current Strategy.

General comments regarding the Strategy and program of works

A number of additional comments were received considering minor items such as the program of works proposed and the current design and fitout of new and existing public toilets. Frequency of cleaning and the current state of existing toilets was also raised which have been analysed with respect to the management of current maintenance contracts.

Some additional changes were made to the program of works related to minor upgrades and refurbishment of existing facilities.

Conclusion

Based on the feedback received, the Public Toilet Strategy 2019-2023 has been updated and is presented to Council for adoption

**Recommendation**

That Council adopts the Public Toilet Strategy 2019-2023 as shown in Attachment 1.

**Support Attachments**

1. Attachment 1 - Public Toilet Strategy 2019-2023 (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
Public toilets provide an essential public amenity, allowing the community and visitors to enjoy more time in Bayside’s popular recreational areas and shopping precincts. Public amenities serve to minimise anti-social behaviour such as public urination/defecation, and can be outfitted to provide disposal facilities for sharps and health products, and baby changing tables for young families. Changing Places can improve the rate of participation in the community, for people who require access to specialist facilities.

Natural Environment
The impact of new or relocated public toilets on vegetated areas of the foreshore was an important consideration in the decision to retain a facility with a smaller footprint than the existing Table Rock facility. No native vegetation is to be removed or affected under this proposal.

Built Environment
It is proposed that new facilities reduce visual impact but be safe, highly accessible, and of a high quality yet simple construction. Upgraded and new facilities will comply with the principles of ‘Crime Prevention Through Environmental Design’ which encourages passive surveillance qualities.

Customer Service and Community Engagement
The draft Public Toilet Strategy 2019-2023 was available for public comment between the 7 September and 7 October 2018, with a total of 356 submissions received (including key representatives such as disability support advocates and community conservation groups). The comments from the community included a range of recommendations, including the design and location of existing toilets, current cleaning and maintenance requirements, and a four-year program of works proposed by Council. Additional onsite meetings were arranged between council officers and representatives of select groups.

The draft Strategy originally proposed one new public toilet at Green Point, and three ‘Changing Places’ (for people with significant disabilities) located at the North Road Foreshore, Thomas Street Reserve and Ricketts Point. A number of replacement facilities were also proposed over the four-year program, and two existing toilets were identified for closure; one at Ricketts Point, and another at Table Rock.

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 legal implications of the recommendations in this report.

Finance
Council currently allocates for the renewal of 1-2 facilities per year, and an annual minor budget for minor upgrade/renewal works of existing facilities. The program of works
proposed under the Public Toilet Strategy 2019-2023, shall cost an estimated $1.39m over the following four years. The required funding for the Strategy will be considered as part of Council’s annual budget preparation process.

**Options considered**

No other options were considered in the preparation of this report.
10.6 TULIP STREET BASKETBALL COURTS EXTENSION - PROJECT AND FUNDING UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/225806

Executive summary

Purpose and background
The purpose of this report is to update Council on the current status of the Tulip Street Basketball Courts Extension project and provide details of a funding plan as proposed by the Southern Basketball Association.

Key issues
Project design and scope
A concept design (set out as Attachment 1) has been completed and agreed to by Southern Basketball Association (SBA). The design includes four indoor courts, ticket/office/canteen area, storeroom, umpire and change facilities and accessible toilet/shower. The site layout plan (set out as Attachment 1) includes a paved entry, half court, a new access road from Reserve Road (running east-west along the southern end of the new stadium) and 62 new parking spaces (including three accessible spaces).

Importantly the new access road for Reserve Road will provide greater parking functionality for the entire Sandringham Family Leisure Centre, encouraging greater usage of the car parking in the southern part of the site. It is predicted this may assist in easing some of the traffic congestion at the front of the site and the Tulip Street/Reserve Road intersection.

Project Costs
A Quantity Surveyor was engaged to complete a cost plan based on the concept design and site layout and has estimated total construction costs of $9.85 million. The following table details the project cost breakdown:

<table>
<thead>
<tr>
<th>Project Element</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stadium, foyer, external basketball court</td>
<td>$8,242,552</td>
</tr>
<tr>
<td>External works including access road, car park, landscaping and paving</td>
<td>$626,100</td>
</tr>
<tr>
<td>Consultancy fees and Authority charges</td>
<td>$982,914</td>
</tr>
<tr>
<td><strong>TOTAL COST</strong></td>
<td><strong>$9,851,566</strong></td>
</tr>
</tbody>
</table>

Project Funding Model
In 2016 SBA provided Council with a proposal that, based on an $8 million project, it would contribute $4 million. In 2018 SBA proposed a revised funding model. Council staff have held several meetings and telephone and email communications to discuss SBA’s funding proposal. During these communications staff advised SBA that Council was seeking a contribution of $4 million, towards the project and that the project will only proceed if funding of $4 million that was initially proposed by SBA, or government grants to cover this amount are sourced.
SBA has proposed a revised long term business plan and have an updated funding model for the stadium development that proposes SBA contribute $1 million upon completion of the new courts and $50,000 per year for 20 years. This provides $1 million up front and an additional $1 million over the next 20 years.

Government funding
Prior to the recent State election the Victorian Government had implemented a Better Indoor Stadiums funding program that provided a maximum grant of $3 million (Council $3: State $1) for indoor stadium projects. At the time of writing this report the State Government has not made any announcement about the continuation of this funding program. However if the program does continue with similar conditions, a total project cost of $9.85 million would allow Council to apply for funding of up to $2.46 million.

In the event the Better Indoor Stadiums program does not continue Council would apply for funding through the State Government Community Sports Infrastructure Fund Major Facilities category for a maximum grant amount of $800,000. Relevant indoor court sporting associations and numerous councils including Bayside are lobbying the State Government to continue the Better Indoor Stadiums program.

Next steps
It is proposed that once the design is finalised, a Planning Permit application be lodged and funding applications and advocacy opportunities continue to be explored. It is also proposed that a report be presented to Council when the State Government provides clarity regarding future grant opportunities for indoor stadiums and a final funding model can be determined.

Recommendation
That Council:

1. Notes the funding model proposed by the Southern Basketball Association of $1 million upfront contribution and a further $1 million payable over a 20 year period; and

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.

Support Attachments
1. Attachment 1 - Tulip Street Basketball Extension Site Layout and Concept Plan (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
The development of improved basketball facilities will provide positive benefits for young people and adults, particularly through their participation and engagement in sport and recreation activities.

Natural Environment
Constructing the additional four courts in the north-east corner of the current Sandringham Golf Course on land to be released as part of the Sandringham Golf Course redevelopment will minimise the impact on vegetation.

Built Environment
Gaining access to land in the north-east corner of the current Sandringham Golf Course has helped deliver a site layout (set out in Attachment 1) that includes new parking and importantly new vehicle access from Reserve Road.

Customer Service and Community Engagement
Council staff have conducted numerous meetings with SBA representatives to discuss a range of project issues including concept design and funding models.

Future development of the new basketball stadium and surrounds will be subject to Council’s normal community engagement processes.

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 timing of gaining access to the land in north-east corner of the current Sandringham Golf Course is currently being negotiated as part of the roll-out of the Sandringham Golf Course redevelopment project.

Prior to commencing any works, funding agreements and leasing agreements will need to be executed with the SBA.

Finance
Concept designs for basketball facilities at the Sandringham Family Leisure Centre have identified development costs of approximately $9.85 million. Council’s four year Capital Works Program currently includes a funding allocation of $8.86 million including $4 million of external funding, towards the Tulip Street Basketball Courts Extension project. The revised cost estimate of $9.85 million will need to be considered as part of the budget development of 2019/20.
<table>
<thead>
<tr>
<th>Estimated Project Cost</th>
<th>$9.85 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Contribution</td>
<td>$5.39 million</td>
</tr>
<tr>
<td>SBA Contribution</td>
<td>$2 million*</td>
</tr>
<tr>
<td>State Government</td>
<td>$2.46 million**</td>
</tr>
</tbody>
</table>

*Note that the $2 million SBA contribution includes $1 million payable at $50,000 per year for 20 years.

**Note State Government funding is not confirmed.

**Links to Council policy and strategy**

Improvement to sport and recreation facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan and Wellbeing for All Ages and Abilities Strategy 2017-2021.

The conduction of basketball courts is in line with a number of Key Principles included in the Bayside 'Active by the Bay' Recreation Strategy (2013-2022) including:

1. The provision of recreational opportunities for all;
2. Providing great places for people to recreate in, and to be socially connected; and
3. Responding to identified recreational needs of the community.
Executive summary

Purpose and background

This report presents a feasibility assessment of the provision of drinking water fountains (fountains) at key locations throughout the municipality.

At the Ordinary Meeting on 21 August 2018, Council considered Notice of Motion - No: 274 - Installation of water fountains and resolved:

That Council investigate the feasibility of installing 2 water fountains in each of the Major Activity Centres, 1 water fountain in the grounds of the Brighton and Beaumaris libraries and 1 external water fountain at all new Pavilions where there isn't one already, and each fountain to have provisions for water bottle refills and a dog drinking bowl.

A four year program for new fountains is provided in Attachment 1, based on an initial allocation of $92,000 in 2019/20, reducing to $28,000 by year four. Total program Capital cost is $232,000.

Key issues

The cost of a fountain installed with an existing potable water supply is approx. $8,000. Where an existing water supply is not available the cost increases to approx. $12,000. The cost will vary further depending on location specific factors. The proposed fountain design is the existing fountain at the new Dendy Park Pavilion (heavy duty stainless steel, easily cleaned, wheelchair accessible and easily recognised in the street).

A range of issues associated with installing fountains were identified during the feasibility assessment and influence the program of installation dependant on location:

Issues at Major Activity Centres

Major Activity Centres are:

- Bay Street (Brighton)
- Church Street (Brighton)
- Hampton Street (Hampton)
- Sandringham Village (Sandringham)

Two other Major Activity Centres are shared with neighbouring Councils:

- Cheltenham (shared Kingston)
- East Hampton/Moorabbin (shared Glen Eira).
Due to their growing popularity, two Neighbourhood Activity Centres have also been considered in the feasibility assessment.

- Beaumaris Concourse (Beaumaris)
- Black Rock

A key issue for installing fountains in activity centres is the location of a nearby potable water supply. Coordination with the timing of the proposed Public Toilet Strategy 2018 and co-location with other works can resolve installation and water supply issues for 50% of the proposed fountains. The balance of fountains to be installed will require a new, dedicated water supply.

The smaller or shared activity centres have less capacity to accommodate two fountains without restricting pedestrian accessibility. Black Rock, Cheltenham (shared Kingston) and East Hampton/Moorabbin (shared Glen Eira) have been considered for a single fountain.

**Issues at New Pavilions**

New pavilions are being constructed under the Sporting Pavilion Improvement Plan. Constructed pavilions will be retrofitted with a new or upgraded fountain. Pavilions currently in design or construction will have the fountain added accordingly.

A fountain or other water source cannot be located too close to a pavilion’s surrounds to minimise potential slipping hazards. The installation of fountains with dog bowls at sporting pavilions can also raise expectations that the location is promoted for dog running and could lead to requests for other dog-related infrastructure such as bag dispensers, waste bins and extra bin emptying services that are already provided in other areas of the park.

At sporting pavilions it is recommended to not install a dog bowl as part of the fountain specification and to locate the fountain no closer than 5m from the closest part of the pavilion footprint or related hard/active surfaces.

**Issue at Libraries**

The existing fountain in the forecourt of Beaumaris library is poorly designed, collects debris, is difficult to clean and will benefit from an upgraded fountain.

Hampton and Sandringham libraries were also assessed for a fountain. New fountains are already proposed for the Hampton and Sandringham activity centres and in close proximity to those libraries (60m and 90m respectively.

**Conclusion**

associated with each type of location.

**Recommendation**

That Council:

1. Notes the feasibility assessment for Notice of Motion - No: 274 - Installation of water fountains; and

2. Considers the proposed four year drinking fountain program as shown in Attachment 1 as part of the 2019/20 Budget preparation process.

**Support Attachments**

1. Attachment 1 - Proposed Drinking Water Fountain Program 2019-2023
Considerations and implications of recommendation

Liveable community

Social
Free drinking water provides residents and visitors with refreshment when enjoying time in Community spaces such as Shopping Centres and Sporting Pavilions. Public Health is enhanced by providing a free alternative to sugary and/or caffeinated products.

Natural Environment
Drinking water fountains reduce the need to purchase and dispose of single-use plastic bottles. Overflow from drinking fountains can be used as passive irrigation for adjacent horticulture.

Built Environment
New drinking water fountains should be accessible to all, recognisable, easily cleaned, attractive to users, resistant to vandalism and simple to own/manage. Facilities should comply with VicHealth’s Local Government Action Guide on the provision of drinking water fountains in public areas.

Customer Service and Community Engagement
Council’s customer service and records systems show a growing demand from residents and visitors for increased access to drinking water.

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 legal implications to the recommendations.

Finance
A four year program with annual allocations of $92,000, $60,000, $52,000 and $28,000 will deliver 24 drinking water fountains over four years at a total cost of $232,000. A further 16 fountains will be included in the design and/or construction part of the cost for pavilions yet to be completed.

There is an opportunity to consider a budget allocation for this purpose in the 2019/20 budget deliberations.

Ongoing costs include inspection, cleaning and maintenance of the fountains.

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

Goal 1 Infrastructure: Provides a consistent and reliable service level across the municipality of fountains in all major activity centres, new pavilions and key libraries.
Goal 6 Local economy and activity centres: Improves the amenity of activity centres for residents and visitors.

Goal 7 Community Health and participation: Encourages and supports informal, active and passive use of key sports grounds.

**Options considered**
No options were considered in the preparation of this report.
ATTACHMENT 1

PROPOSED DRINKING WATER FOUNTAIN PROGRAM 2019-2023

The installation of drinking water fountains in community spaces such as activity centres, key libraries and new sports pavilions is feasible with a 4 year budget of $232,000 (beginning at $92,000 in 2019/20 and reducing to $28,000 in the final year of the program) and consideration of the following issues, impacts and opportunities:

Drinking Fountain model and cost

Price for a complete drinking fountain as required is approximately $5,000 (recommend design similar to model shown) below which includes bottle filler. An installed example exists at Dendy Park Pavilion.

Installation cost where water exists $8,000 (varies depending on coordination issues and available footings, drainage).

Installation cost where no water exists (and supply needs to be coordinated-installed) is estimated at $12,000.

Table 1: Proposed schedule. Note: Timing seeks to take advantage of works occurring under the Public Toilet Strategy 2018.

<table>
<thead>
<tr>
<th>2019/20</th>
<th>2020/21</th>
<th>2021/22</th>
<th>2022/23</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bay Street, Brighton (entire)</strong></td>
<td>Upgrade or replace at 393 Bay Street (at Coles)</td>
<td>8,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bay/Asling roundabout</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td><strong>Church Street, Brighton (Entire)</strong></td>
<td>Install as part of St Andrew &amp; East Mala Streets upgrade.</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordinate with public toilet strategy (Well Street)</td>
<td>8,000</td>
<td></td>
</tr>
<tr>
<td><strong>Hampton Street, Hampton (entire)</strong></td>
<td>Adj. school crossing 475 Hampton</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordinate with public toilet strategy (Thomas Street)</td>
<td>8,000</td>
<td></td>
</tr>
<tr>
<td><strong>Sandringham Village (entire)</strong></td>
<td>Adj. Public toilet</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>93 Station St (Outside Chemist)</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td><strong>Cheltenham (Part shared with Kingston)</strong></td>
<td>Near railway crossing at front of Cemetery</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td><strong>Moorabbin (part shared with Kingston and Glen Eira)</strong></td>
<td>At 844 – 854 Nepean Highway Nature Strip</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td><strong>Black Rock</strong></td>
<td>Near public toilet on Balcombe Road</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>2019/20</td>
<td>2020/21</td>
<td>2021/22</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Beaumaris Concourse</strong></td>
<td></td>
<td></td>
<td>8,000</td>
</tr>
<tr>
<td>Coordinate with public toilet strategy or locate at Beaumaris Green</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner of North and East Concourse or Eastern end of carpark (opp. Bendigo Bank)</td>
<td>12,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Martin Street</strong></td>
<td></td>
<td></td>
<td>8,000</td>
</tr>
<tr>
<td>Coordinate with public toilet strategy</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LIBRARIES**

- [21007] Brighton Library 12,000
- [21090] Beaumaris Library 8,000

**NEW PAVILIONS (already completed)**

- [475752] Dendy Park Pavilion **Fountain not required – already installed**
- [21146] Hurlingham Park Pavilion 8,000
- [21110] Banksia Reserve Pavilion 8,000
- [21067] Cheltenham Recreation Reserve 8,000
- [21497] Elsternwick Park Pavilion (Upgrade) 8,000
- [480657] Castiefield Reserve 8,000
- [21100] Sandringham Athletics (Upgrade) 8,000
- [21066] Shipston Reserve 8,000
- [21115] Simpson Reserve (Upgrade) 8,000

**Total Capital Cost**

<table>
<thead>
<tr>
<th></th>
<th>2019/20</th>
<th>2020/21</th>
<th>2021/22</th>
<th>2022/23</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$92,000</td>
<td>$60,000</td>
<td>$52,000</td>
<td>$28,000</td>
</tr>
</tbody>
</table>

**NEW PAVILIONS (in design/construct)**

(Scheduled for construction beginning 2019/20).
*Drinking fountain to be included in the design and/or construction part of pavilion cost.*

- [21088] Sillitoe Reserve Pavilion
- [21263] William Street Reserve Pavilion
- [21099] Boss James Reserve Pavilion
- [21124] Brighton Beach Reserve Pavilion
- [21065] Cheltenham Park Pavilion
- [21089] Chisolm Reserve Pavilion
- [21129] Dendy Park Athletics & Soccer Pavilion
- [21128] Destructor Reserve Pavilion Redevelopment
- [21082] Elsternwick Park No 2 Oval Pavilion
- [21050] Moorabbin West Reserve
- [21094] Beaumaris Reserve
- [21051] AW Clive Reserve
- [21129] Dendy Athletics
- [21105] Donald McDonald
- [23233] Peterson Reserve
- [21079] Tulip Street Baseball
10.8 COMMUNITY ENGAGEMENT PLAN FOR WILSON RESERVE AND BRIGHTON RECREATIONAL CENTRE MASTERPLAN

Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/244723

Executive summary

Purpose and background

The purpose of this report is to present the community engagement plan (Attachment 1) for the Brighton Recreational Centre (the Centre) and Wilson Reserve Masterplan (the Masterplan) for Council endorsement.

The development of the Masterplan relates to the Council Plan action ‘to develop a Community Facilities and Services Strategy that identifies suitability, including Brighton Recreation Centre and other community facilities’. The scope of this Council action was narrowed to an assessment focused on ensuring three identified community facilities in Brighton (the Centre, Brighton Senior Citizens Centre and Higinbotham Hall) are fit-for-purpose and well utilised to ensure the best outcomes for the community.

The recommendations from the assessment were presented to Council on 21 of August 2018. At this meeting it was resolved that Council:

1. Endorses the recommendations in the Social Infrastructure Needs Assessment for Brighton Recreational Centre (Attachment 1);
2. Notes the findings from the community engagement activities undertaken to support the recommendation (Attachment 2); and
3. Commences preparation of a Masterplan for the Brighton Recreational Centre and Wilson Reserve area.

The Social Infrastructure Needs Assessment of the Centre found:

- The Centre is ageing and lacks contemporary design features (e.g. natural light, flexible meeting rooms, waiting areas and spaces for socialisation);
- The building lacks storage and spaces for group administration;
- The Centre has minimal interface and connection and access with the neighbouring Wilson Reserve; and
- Many of the existing spaces within the Centre are not fit-for-purpose and require significant set up and pack down between activities.

Key issues

Community engagement plan for the Masterplan

The community engagement plan (Attachment 1) outlines a process to engage with the community for the purpose of applying a collective vision for the future of Wilson Reserve and the Centre. The community engagement plan will take place over two key stages.
• Stage 1 of the engagement is planned to commence in May 2019. This stage will focus on gathering information and ideas from the community and key stakeholders to inform the design of the Masterplan; and
• Stage 2 of the engagement is estimated to commence between February and May 2020. This stage will involve the development of the draft Masterplan which will be made available for public comment. The feedback from the community and key stakeholders will inform the design of the final Masterplan.

A range of activities will be conducted to inform the Masterplan development prior to, during and post the engagement plan stages. These activities will include site assessment, options analysis, concept planning, scope development and various feasibility assessments.

All key stakeholders and those who participate in the consultation will receive updates on the project throughout the engagement stages. This will occur at community events including information sessions, meetings, via Council's Have Your Say website, direct mail, email and/or social media. Community engagement will also include project updates explaining how the feedback was used, any outcomes, the rationale for decisions and an opportunity to provide feedback. In addition to the wider Brighton and Bayside community, key stakeholders to be engaged include:

• The Centre’s Board;
• The Centre’s users;
• Brighton Grammar School;
• Nearby residents (overlooking Wilson Reserve);
• Bayley House;
• The Crescent (aged care facility);
• Gymnastics Australia;
• Schools in Brighton; and
• Tenant sports clubs of Wilson Reserve.

Recommendation

That Council:

1. Endorses the community engagement plan (Attachment 1) for the Brighton Recreational Centre and Wilson Reserve Masterplan; and
2. Receives a report detailing the outcomes of the community engagement and the draft Masterplan by June 2020.

Support Attachments

1. Attachment 1 - Community Engagement Plan for Brighton Recreational Centre and Wilson Reserve Master Plan ↓
Considerations and implications of recommendation

Liveable community

Social
The Centre provides a variety of programs, activities and services to the community and Wilson Reserve is used for a range of formal and information recreational purposes. The community engagement plan takes a place based approach as a way to recognise the importance of this ‘place’ on the local and broader Bayside community.

Natural Environment
The community engagement plan for the Masterplan recognises Council’s role as environmental stewards, that Council takes action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations.

An improved interface between the Centre and Wilson Reserve will promote cohesive access between indoor and outdoor spaces and improve the community’s enjoyment of the natural environment.

Built Environment
The aim of the community engagement plan is for Council to work together with the community to plan and deliver infrastructure that responds to the changing needs of the Bayside community.

Customer Service and Community Engagement
The community engagement plan (Attachment 1) has been developed in line with Council’s Community and Stakeholder Engagement Policy (2017). The engagement with key stakeholders and community members aims to:

- Create opportunities for open and honest dialogue with members of the community and provide transparency for the Masterplan;
- Provide feedback on previous consultation and how this is reflected in the concept design;
- Gather feedback and responses to concept design and proposed budget;
- Provide an opportunity to further develop strong community partnerships;
- Engage key stakeholder in program development and service provision at the Centre;
- Generate excitement and interest in the Centre.

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 known legal implications associated with the proposition in this report.
Finance
Future budget allocations will need to be considered in line with the recommendations based on the community engagement findings and site limitations. The 2018/19 Budget foreshadows capital expenditure on works to redevelop the Brighton Recreation Centre commencing in 2021/22.

Links to Council policy and strategy
The development of the Strategy links to the:

- Council Plan 2017-2021, specifically ‘Plan for the future of recreation centres, senior centres, U3A and similar community facilities to ensure the assets meet future service needs and deliver strategies for renewal’.
- Wellbeing for All Ages and Abilities Strategy 2017-2021, specifically objective 1.2 ‘support opportunities that build social networks and community connections’ and objective 2.1 ‘increase physical activity opportunities’.
Brighton Recreational Centre and Wilson Reserve Masterplan

COMMUNITY ENGAGEMENT PLAN
DECEMBER 2018
Community Engagement Plan – Brighton Recreational Centre and Wilson Reserve Masterplan

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<th>Section</th>
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<td>6</td>
</tr>
</tbody>
</table>
**Project Background**

Brighton Recreational Centre (the Centre) is located on Outer Crescent, Brighton and is part of the Bayside Cluster of Community Centres. The Centre is operated by a not-for-profit community-based organisation, leasing the Council owned building. The Centre provides a range of services and spaces, catering to the needs of a range of different user groups of varying ages and abilities.

In 2018 Council conducted a social needs infrastructure assessment of the Centre that included broad community and stakeholder consultation. The main findings of the assessment were:

- The Centre is ageing and lacks contemporary design features (e.g. natural light, flexible meeting rooms, waiting areas and spaces for socialisation);
- The building lacks storage and spaces for group administration;
- The Centre has minimal interface and connection and access with the neighbouring Wilson Reserve; and
- Many of the existing spaces within the Centre are not fit-for-purpose and require significant set up and pack down between activities.

Based on these findings, the assessment recommended Council undertake a masterplan process of the Centre and Wilson Reserve. On 21 August 2018 Council resolved to:

1. Endorses the recommendations in the Social Infrastructure Needs Assessment for Brighton Recreational Centre;
2. Notes the findings from the community engagement activities undertaken to support the recommendation;
3. Commences preparation of a Master Plan for the Brighton Recreational Centre and Wilson Reserve area.

The following document outlines how Council will engage the community on this important and exciting project.

**Project summary**

A masterplan is a dynamic long-term planning document that provides a conceptual layout to guide future growth and development. The masterplan is about making positive community connections between the Centre, Wilson Reserve, social settings and the surrounding environment.

The masterplan will be guided by community engagement and the principles that Council owned buildings and open space should be places where people:

- From diverse backgrounds feel celebrated and have a strong sense of belonging;
- Enjoy good physical, social, mental and emotional wellbeing and have access to support, resources and experiences;
- Feel welcomed and included and have the opportunity to contribute meaningfully in their neighbourhood;
- Embrace and explore opportunities for social improvement; and
- Work together to forge collaborative solutions to community challenges.

The community engagement will be undertaken in two stages.
- Stage 1 will gather information and ideas from the community and key stakeholders to inform the design of the Brighton Recreational Centre and Wilson Reserve Draft Masterplan.
- Stage 2 will involve the development of the draft master plan which will be made available for public comment. The feedback from the community and key stakeholders will inform the design of the final masterplan.

Who are we engaging?

This Community Engagement Plan outlines how, when and why the following stakeholders will be involved:
- The Centre’s Board.
- Individual members of the community.
- Residents directly overlooking Wilson Reserve.
- Schools.
- Community groups and organisations.
- Potential users of the facility.
- Sports Groups.
- Council Staff.

Council’s Community Engagement Policy

The level of engagement with the community will vary depending on the community interest in the topic, the political sensitivity, level of social, economic and environmental impact, the number of persons potentially affected by the topic and the legislative and Policy requirements for consultation. Council’s Community and Stakeholder Engagement Policy 2017 describes the following levels of engagement based on the International Association for Public Participation (IAP2) Spectrum.

- Inform – To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
- Consult – To obtain public feedback on analysis, alternatives and/or decisions Involve.
- Involve – Working directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
- Collaborate – To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
- Empower – To place final decision making in the hands of the public.

Why are we engaging? (Purpose)

The community engagement will gather information and ideas from the community and key stakeholders to inform the masterplan process. The engagement will also raise the profile of the project and encourage community leadership and participation. Strong community networks will continue to be fostered with local stakeholders and partners. The local community and other key stakeholders will be engaged in the upcoming phases of the project, these are described in more detail in the next section.

Engagement stages

Stage 1 of the community engagement will gather information and ideas from the community and key stakeholders to inform the design of the draft masterplan. During this stage Council will:
Further consult the community by seeking information and ideas on how they would like to use and interact with Wilson Reserve and the Centre in the future; 
Further involve, consult and inform key stakeholders and partners; and 
Evaluate the success of community engagement.

Stage 2 of community engagement will begin once concept designs are complete. The engagement during this stage will present the draft masterplan to the community for public comment. The feedback from the community and key stakeholders will inform the design of the final masterplan. During this stage Council will:

- Inform the community and key stakeholders of timelines and highlight the achievement of key milestones; 
- Further inform the community by reporting back on previous community engagement and how it has affected the ongoing engagement approach and draft masterplan; 
- Undertake more targeted engagement with key stakeholders and project partners; 
- Further consult the community and key stakeholders and seek feedback on the draft masterplan; and 
- Evaluate the success of the design consultation phase.

### Timeline

<table>
<thead>
<tr>
<th>Engagement Stage</th>
<th>Estimated Start</th>
<th>Estimated Finish</th>
<th>Activities</th>
</tr>
</thead>
</table>
| Introduce Masterplan   | December 2018   | May 2019         | Report to Council 
Publish ‘Have Your Say’ holding page 
Contact key stakeholders 
Prepare communications 
Prepare engagement activities 
Receive quotations from engagement contractors |
| Stage 1                | May 2019        | August 2019      | One-on-one conversations / Letters 
Emails / Displays 
Phone calls / Social media 
Have Your Say / Displays at BRC 
Listening Posts at BRC / Possible door-knock 
Advertisements in local media / E-mails |
| Close Stage 1 Loop     | September 2019  | October 2019     | Interpret and report back on findings |
| Stage 2                | February 2020 (estimate) | May 2020 (estimate) | Same as Stage 1. |

### What are we trying to achieve with the engagement? (Objectives)

The engagement will aim to achieve the following:
• Create opportunities for open and honest dialogue with members of the community and provide transparency for the Project;
• Provide feedback on previous consultation and how this is reflected in the concept design;
• Gather feedback and responses to concept design and proposed budget;
• Provide an opportunity to further develop strong community partnerships;
• Engage key stakeholder in program development and service provision at the facility; and
• Generate excitement and interest in the facility.

**How will the community receive feedback?**

All key stakeholders and those who participate in the consultation will receive updates on the project. This may occur at community information sessions, meetings, via the Have Your Say website, direct mail, email and/or social media. This will include project updates explaining how the feedback was used, the outcome, the rationale for decision and an opportunity to provide feedback.

**How will we know if the engagement has been successful? (Evaluation)**

Council will employ a variety of methods to evaluate the engagement activities. These will include:

• Relevancy and appropriateness of engagement activities to the target group.
• Verbal and written feedback from all identified stakeholders on the effectiveness of the engagement activities.
• Participation levels in engagement activities.
• Level of qualitative and quantitative information collected.
• Achievement of the engagement objectives stated in this strategy.

This evaluation will be used to improve future engagement strategies and methods.
10.9 ENVIRONMENTAL SUSTAINABILITY STRATEGIC SERVICE REVIEW

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/18/108 – Doc No: DOC/18/284031

Executive summary

Purpose and background
This report presents key findings, issues and recommendations arising from the Strategic Service Review of Council’s Environmental Sustainability Service to Council for adoption. An executive summary of the report on the findings and recommendations of the service review is attached (Attachment 1).

This review was undertaken as part of Council’s ongoing program of strategic service reviews, which ensure that Council is delivering the most effective mix of services in an efficient way.

The review has been informed by community consultation, research and analysis and has considered the role and function of Environmental Sustainability at Bayside now and into the future to ensure the service is aligned to community needs, operating efficiently and delivering public value. The review was informed by targeted benchmarking and research, analysis of performance and financial data and stakeholder interviews to increase efficiency and improve the customer service experience.

The Environmental Sustainability activities that have been examined in this review are covered by the themes from Council’s Environmental Suitability Framework (ESF) 2016-2025:

1. Environmental Citizenship
2. Sustainable Buildings
3. Sustainable Businesses
4. Sustainable Development
5. Sustainable Procurement
6. Sustainable Water
7. Zero Carbon
8. Recycling and Waste education activities

The Environmental Sustainability Service is one of three programs under the Sustainability and Transport Department and is delivered by an established staffing structure of 4.3 EFT and an annual (2017/18) budget of $885,000 with $98,000 of these costs involving recycling and waste-related education being fully recovered through the municipal waste charge.

Key issues
Environmental Sustainability Framework (ESF)
In 2016, Council developed a 10-year framework that sets out a program of actions relating to environmental sustainability. The Environmental Sustainability (ES) team developed the ESF and has lead responsibility for 30 of the 73 actions outlined.

While the ESF lists the shared responsibility for actions across the organisation, further analysis identified the ES team, consisting of 4.3 fulltime equivalent staff, often play a leadership role in delivering actions that are intended to be led by other teams. There is an opportunity to build greater collective responsibility and assign more specific accountability for the implementation of the ESF within the organisation in the future.
There is also an opportunity to address many of these issues in developing the ESF’s 2020-2023 Action Plan including:

- Clarify overall purpose of the ESF;
- Measurable targets set for all actions;
- Reconfirmed accountabilities - differentiating between lead and partner roles; and
- Simplified structure and layout.

**Education programs**

Until recently, Council’s recycling contractor provided Council with $100,000 worth of education programs in the form of recycling plant tours, waste audits and recycling education. The fall in commodity prices and international recycling industry crisis have placed uncertainty over this funding arrangement and it is likely that the funding will not be provided into the future. Should Council wish to continue to deliver the types of education programs, Council would need to fund them directly either through a contractor or direct staff.

Bayside has delivered sustainability education programs in schools for a number of years via a service agreement with Port Phillip Eco Centre. Discussions have commenced in October 2018 between Council and the Port Philip Eco Centre to renew the service agreement. The programs largely target primary schools and while the programs are generally well-received, there are some challenges. Some schools embrace Council’s provision of education programs, while many do not engage due to competing curriculum priorities. Some schools may also incorporate sustainability themselves without the direct assistance of Council.

This also raises a broader question of whether local government should be in the business of delivering education programs in primary schools which is the responsibility of state government. Local government holds limited influence over primary and secondary schools and there is no mandate for schools to participate in sustainability initiatives. Council may realise more benefits delivering programs into kindergartens where Council owns and maintains the building and incorporate some sustainability principles into the lease agreement.

The ES team has delivered food waste reduction education since 2016 in the form of a 0.6FTE resource and additional funding for the *Don’t Feed the Bin* campaign. With the introduction of food waste organics into the garden organics bins, known as FOGO, in mid-2019, there is an opportunity for the ES team to transition out of food waste education and divert those resources into other themes covered by the ESF.

Overall, education programs are evaluated inconsistently and it is difficult to determine whether Council is providing the right mix of programs.

**Service Review Recommendations**

Six service-related recommendations and another 11 operational improvement recommendations have been made which are expected to:

- Improve the ESF in terms of leadership and accountability for actions, measurable targets and a simplified structure and layout;
- Achieve consistent evaluation of educations programs to ensure Council is providing the right mix of programs;
- Achieve more effective communication on Environmental Sustainability;
- Achieve stronger leadership across the organisation; and
- Achieve better application of ESD in Statutory Planning assessments and decisions.

The outcomes of this service review will inform the development of the 2020-2023 Environmental Sustainability Action Plan for Council.
Recommendation
That Council note the findings of and adopt the recommendations of the Environmental Sustainability Strategic Service Review.

Support Attachments
1. Environmental Sustainability Service Review - Executive Summary From Report and Recommendations

Considerations and implications of recommendation

Liveable community

Social
The effectiveness of the Environmental Sustainability service relies on strong partnerships with the members/organisations of the Bayside community, government agencies, council alliances, community organisations and businesses. Sustainability initiatives that are undertaken strengthen these partnerships and provide the basis for future work to build the capacity of Council and the community to care for the environment, minimise the use of resources, adapt to the impacts of climate change and minimise environmental impacts.

Natural Environment
Council’s commitment to environmental sustainability assist in protecting and improving the quality of the natural environment, including the protection and enhancement of biodiversity, minimising Council’s contribution to climate change, adapting to the impacts of climate change and using natural resources more wisely.

Built Environment
The application of the principles of environmental sustainability to the planning, construction and maintenance of Council’s infrastructure will ensure environmental, financial and social benefits are realised.

Customer Service and Community Engagement
The findings of the service review were based on interviews of internal stakeholders including (the Mayor and relevant staff) and a review of community satisfaction data relating to environmental sustainability.

The feedback received during the community engagement activities undertaken to support the development of the Community Plan 2025 demonstrated a strong desire from the Bayside community for Council to be an active leader of environmental sustainability.

In April 2018, Council surveyed 700 households and asked a range of questions relating to environmental sustainability. Respondents were asked which of fourteen environmental initiatives the household was currently doing, as well as those that they were considering commencing within the next twelve months. The results of this survey indicate a high level of engagement in a variety of environmentally sustainable activities among the community members sampled by the survey.
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 legal implications associated with this report.

Finance
The budget allocations for Environmental Sustainability services are:

<table>
<thead>
<tr>
<th>Service Aspect</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>23,500</td>
</tr>
<tr>
<td>Operating expenditure</td>
<td>481,657</td>
</tr>
<tr>
<td>Capital expenditure</td>
<td>328,266</td>
</tr>
<tr>
<td>Contracted education expenditure</td>
<td>98,366</td>
</tr>
<tr>
<td>Net cost</td>
<td>884,789</td>
</tr>
</tbody>
</table>

Links to Council policy and strategy
The implementation of actions contained with the ESF is aligned with the Bayside Community Plan 2025 which identifies the community aspiration that: “By 2025, both community and Council will be environmental stewards, taking action to protect and enhance the natural environment and balancing appreciation and use with the need to protect natural assets for future generations.”

The implementation of the ESF actions is also aligned with Goal 5 of the Council Plan 2017 – 2021 – “Environment”.

Options considered
No options were considered in the preparation of this report
Executive Summary

A service review has been undertaken to assess the role and function of Bayside City Council’s Environmental Sustainability (ES) service to ensure it is aligned to community needs, operating efficiently and delivering public value.

The service review has involved analysis of performance, financial data, community feedback, benchmarking with other metropolitan councils, staff workshops and stakeholder interviews. An assessment of options and recommendations for different aspects of Council’s Environmental Sustainability service was undertaken and operational improvement opportunities have been identified.

The scope of the ES service review covered themes from Council’s Environmental Suitability Framework (ESF) 2016-2025:
1. Environmental Citizenship
2. Sustainable Buildings
3. Sustainable Businesses
4. Sustainable Development
5. Sustainable Procurement
6. Sustainable Water
7. Zero Carbon
8. Recycling and Waste education activities

Out of scope for the Service Review were biodiversity activities primarily delivered by Council’s Open Space Management unit and sustainable transport activities delivered by Council’s Traffic Management and Transport Planning service area.

While there is limited legislative obligation for local government to deliver the activities provided by the ES service, there is strong desire from the Bayside community for Council to be active in environmental sustainability as highlighted in the Community Plan 2025.

The ES service is delivered by a mixed internal and external delivery model. Council’s ES team deliver actions identified in the ESF to reduce environmental impact, deliver education and behaviour change program, monitor and report on environmental impact and provide advice. Contractors deliver some educational programs via service agreements.

Overview of recommendations for Council’s Environmental Sustainability Service

Environmental Sustainability Framework (ESF)

In 2016, Council adopted a 10-year framework that sets out a program of actions relating to environmental sustainability. The Environmental Sustainability team developed the ESF and has lead responsibility for 30 of the 73 actions outlined.

While the ESF lists the shared responsibility for actions across the organisation, further analysis identified the ES team, consisting of 4.3 full-time equivalent staff, often play a leadership role in delivering actions that are intended to be led by other teams. There is an opportunity to build greater collective responsibility and assign more specific accountability for the implementation of the ESF in the future.

There is also an opportunity to address many of these issues in developing the 2020-2023 Action Plan including:

- Clarify overall purpose of the ESF;
- Measurable targets set for all actions;
- Reconfirmed accountabilities - differentiating between lead and partner roles; and
- Simplified structure and layout.
Recommendations

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendations</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.1</td>
<td>Prepare a revised 2-year Action Plan for 2018/19 – 2019/20 for endorsement by Council in February 2019</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.1.3</td>
<td>Increase organisational oversight of the Environmental Sustainability Framework by strengthening governance processes.</td>
<td>Within operating budget</td>
</tr>
</tbody>
</table>

Education programs

Until recently, Council’s recycling contractor provided Council with $100,000 worth of education programs in the form of recycling plant tours, waste audits and recycling education. The fall in recyclables’ commodity prices and international recycling industry crisis have placed uncertainty over this funding arrangement and it is likely that the funding will not be provided into the future. Should Council wish to continue to deliver the types of education programs, Council would need to fund them directly either through a contractor or direct staff member.

Bayside has delivered sustainability education programs in schools for a number of years via a service agreement with Port Phillip Eco Centre. Discussions commenced in October 2018 between Council and the Port Phillip Eco Centre to renew the service agreement. The programs largely target primary schools and while the programs are generally well-received, there are some challenges. Some schools embrace Council’s provision of education programs, while many do not engage due to competing curriculum priorities. Some schools may also incorporate sustainability themselves without the direct assistance of Council.

This also raises a broader question of whether local government should be in the business of delivering education programs in primary schools which is the responsibility of state government. Local government holds limited influence over primary and secondary schools and there is no mandate for schools to participate in sustainability initiatives. Council may realise more benefits delivering programs into kindergartens where Council owns and maintains the building and incorporate some sustainability principles into the lease agreement.

The ES team has delivered food waste reduction education since 2016 in the form of a 0.6FTE resource and additional funding for the Don’t Feed the Bin campaign. With the introduction of food waste organics into the garden organics bins, known as FOGO, in mid-2019, there is an opportunity for the ES team to transition out of food waste education and those resources into other themes covered by the ESF.

Overall, education programs are evaluated inconsistently and it is difficult to determine whether Council is providing the right mix of programs.

Recommendations

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendations</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.1</td>
<td>At the conclusion of the soon to be finalised 1-year service agreement with the Port Phillip Eco Centre, review the suite of service of school-based programs to determine the most effective investment options, including in early childhood programs.</td>
<td>Additional resources required (~ $5k) – post 19/20</td>
</tr>
<tr>
<td>4.2.2</td>
<td>Establish and consistent evaluation methodology for all education programs.</td>
<td>Within existing resources</td>
</tr>
<tr>
<td>4.2.3</td>
<td>Assign recycling, FOGO and other waste education/community behaviour change activities to a Waste Minimisation Officer position required to support the introduction of FOGO in July 2019 funded via the Waste Charge. This recommendation was adopted as part of the Recycling and Waste Strategy.</td>
<td>Within existing resources</td>
</tr>
</tbody>
</table>
Operational improvement recommendations

A series of operational improvement recommendations were identified as part of the Environmental Sustainability service review and these will be progressed along with a continuous improvement program.

<table>
<thead>
<tr>
<th>Service improvements</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1.1a Establish a process to ensure sustainability principles are considered as part of the development of capital works projects, including the determination of those criteria used to assess the sustainability credentials of proposed projects</td>
<td>Within existing resources</td>
</tr>
<tr>
<td>5.1.1b Work collaboratively with the organisation to identify high impact opportunities to incorporate sustainability principles into Council processes/systems</td>
<td>Within existing resources</td>
</tr>
<tr>
<td>5.1.1c Where necessary, ensure that internal stakeholders seek information and advice on sustainability practices and principles when reviewing/developing policies and processes</td>
<td>Within existing resources</td>
</tr>
<tr>
<td>5.1.1d Include environmental sustainability objectives and actions in the Organisation Strategy 2019-21</td>
<td>Within existing resources</td>
</tr>
<tr>
<td>5.1.2a Develop a communication plan (internal and external) to promote sustainability principles, the ESF and related policies to encourage behaviour change</td>
<td>Additional resources required to implement</td>
</tr>
<tr>
<td>5.1.2b Regularly seek feedback from the organisation on communication methods and style associated with projects and initiatives</td>
<td>Within existing resources</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>People improvements</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.1 Establish and embed an effective engagement and collaboration approach with organisational leaders to improve environmental sustainability practices across the organisation</td>
<td>Additional resources required – to be determined</td>
</tr>
<tr>
<td>5.2.2 Establish a cross-organisational group to consider organisational sustainability matters and to guide internal service areas</td>
<td>Within existing resources</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficiency improvements</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.3.1 Review interdependent processes and develop a Service Level Agreement between Environmental Sustainability and Development Services relating to internal Statutory Planning referrals by June 2019.</td>
<td>Within existing resources</td>
</tr>
<tr>
<td>5.3.2 Continue to embed Environmentally Sustainable Design (ESD) principles in planning processes utilising Council’s membership to CASBE.</td>
<td>Additional resources required (~$5K) in 2018/19</td>
</tr>
<tr>
<td>5.3.3 After embedding sustainability principles into planning processes, examine opportunities to improve the enforcement of planning permit conditions associated with sustainability principles.</td>
<td>Additional resources may be required</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
The purpose of this report is to advise Council of the status of the Hard Waste and Bundled Branches Contract No: 111207A, and to recommend an extension to the current contract for a period of one year.

Key issues
Council provides a residential hard waste and bundled branches collection service as part of its ongoing service delivery which provides residents with two hard waste and bundled branches collections per calendar year.

The Contract with Selkri Enterprise Pty Ltd commenced on 5 March 2012 for an initial period of seven years and is due to expire on 4 March 2019. The Contract provides an option for Council to extend for up to three one-year extensions. This will be the first extension option executed under the contract.

Council staff wrote to Selkri Enterprise to enquire whether there were any financial incentives available to Council if it were to award all three extension terms now. Selkri Enterprise replied saying that there is no advantage to this approach.

Community satisfaction with the hard waste and bundled branches service is high and a survey by Metropolis Research, published in early 2018, indicated that the satisfaction with the service is well above the council average and is rated as excellent.

There are no identified impediments to the extension of this Contract and it is considered appropriate for Council to exercise its option to extend Contract No: 111207A for one year, from 5 March 2019 until 4 March 2020.

Recommendation
That Council authorises the Chief Executive Officer or his delegate to extend the current Hard Waste and Bundled Branches Collection Contract No. 111207A for hard waste and bundled branches collections for the period 5 March 2019 to 4 March 2020 and execute this in accordance with the terms and conditions of the current contract.

Support Attachments
Nil

Considerations and implications of recommendation
Liveable community
Social
Residential waste management services help residents to keep their property safe and hygienic through the regular removal of waste. These services rely on having a reliable collections contractor that is appropriately trained.

Natural Environment
The appropriate collection of waste assists to keep the natural environment, including our beaches and waterways, free of litter and waste. The Environmental Sustainability Framework sets waste reduction targets over the next ten years.

Built Environment
Appropriate waste collections contributes to the amenity of urban streetscapes by ensuring they remain free of waste and are clean, safe and tidy for the community, through the collection of waste by an appropriately trained and licensed collections contractor.

Customer Service and Community Engagement
The contract allows for review and auditing of the service provided by Selkriig Enterprises to ensure that customer/community expectations are being met.

Residents are entitled to two hard waste and bundled branches collections per calendar year. The service averages 75 collections each week day (19,000 collections per year), with many residents relying on the service to collect and dispose of household waste.

Community satisfaction with the hard waste and bundled branches service is high and a survey by Metropolis Research, published in early 2018, indicated that the satisfaction with the service is well above the council average and is rated as excellent.

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 Human Rights and Responsibilities Act 2006.

Legal
Under the Contract, Selkriig Enterprises agrees to comply with all applicable laws in undertaking their obligations under the Contract.

Finance
The cost of the hard waste and bundled branches service contract is provided in Council’s operating budget at a value of approximately $1.06 million per year. This cost forms part of the Waste Charge.

Links to Council policy and strategy
An extension of the contract is compliant with Council’s Procurement Policy and in accordance with the terms of the Contract.

The provision of waste collection and disposal services is a core function of Council.

The services under this contract are consistent with Council’s recently adopted Recycling and Waste Strategy 2018.

Options considered
No options have been considered in the preparation of this report.
Executive summary

Purpose and background
The purpose of this report is to advise Council of the status of the Green Waste Collection Contract No: 111207B, and to recommend an extension to the current contract for a period of one year.

Key issues
Council provides a residential green waste collection service as part of ongoing service delivery, and provides residents with an optional green waste collection service.

The contract with JJ Richards and Sons Pty Ltd commenced on 1 July 2012 for an initial period of seven years, which is due to expire on 30 June 2019. The Contract provides an option for Council to extend for up to three one-year extensions. This will be the first extension option executed under the contract.

Council staff wrote to JJ Richards and Sons to enquire whether there were any financial incentives available to Council if it were to award all three extension terms now. JJ Richards and Sons replied saying that there is no advantage to this approach.

This contract is for the collection of bins only. The material contained in each bin does not impact on this contract so Council’s move to a food organics and garden organics (FOGO) collection in 2019 does not impact on this contract.

There are no identified impediments to the extension of this Contract and it is considered appropriate for Council to exercise its option to extend Contract No: 111207B for one year, from 1 July 2019 to 30 June 2020.

Recommendation
That Council authorises the Chief Executive Officer or his delegate to extend the current Green Waste Collection Contract No. 111207B for green waste collections for the period 1 July 2019 to 30 June 2020 and execute this in accordance with the terms and conditions of the current contract.

Support Attachments
Nil

Considerations and implications of recommendation
Liveable community
Social
Residential waste management services help residents to keep their property safe and hygienic through the regular removal of waste. These services rely on having a reliable collections contractor that is appropriately trained.

Natural Environment
The appropriate collection of waste assists to keep the natural environment, including our beaches and waterways, free of litter and waste. The Environmental Sustainability Framework sets waste reduction targets over the next ten years. The green waste service assists with the diversion of waste to landfill, with the green waste being processed and turned in to compost.

Built Environment
Appropriate waste collections contributes to the amenity of urban streetscapes by ensuring they remain free of waste and are clean, safe and tidy for the community, through the collection of waste by an appropriately trained and licensed collections contractor.

Customer Service and Community Engagement
The contract allows for review and auditing of the service provided by JJ Richards and Sons to ensure that customer/community expectations are being met.

Community satisfaction with the green waste collection service is high and a survey by Metropolis Research, published in early 2018, indicated that the satisfaction with the service is well above the council average and is rated as excellent.

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 Human Rights and Responsibilities Act 2006.

Legal
Under the Contract, JJ Richards and Sons agrees to comply with all applicable laws in undertaking their obligations under the Contract.

Finance
The cost of the green waste service contract is provided in Council’s operating budget at a value of approximately $680,000 per year. This cost forms part of the Waste Charge.

Links to Council policy and strategy
An extension of the contract is compliant with Council’s Procurement Policy and in accordance with the terms of the Contract.

The provision of waste collection and disposal services is a core function of Council.

The services under this contract are consistent with Council’s recently adopted Recycling and Waste Strategy 2018.

Options considered
No options have been considered in the preparation of this report.
10.12 CONTRACT CON/18/105 - OPEN SPACE GRANITIC PATHWAY RENEWAL PROGRAM

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/268186

Executive summary

Purpose and background

The purpose of this report is to appoint a contractor to undertake the annual Open Space Granitic Pathway Renewal Program under the Contract CON/18/105.

This contract will deliver works to resurface pathways in open space areas throughout the municipality covering approximately four kilometres in total length.

The condition of open space pathways was audited through systematic site inspections and documented through Council’s Asset Management Plan and Open Space Management Plan. These plans identify the list of pathways due for priority re-surfacing. These works will be managed under a Schedule of Rates Contract.

The works include all associated excavation, installation of materials, traffic management disposal and site reinstatement.

The contract is proposed to commence on 7 January 2019 and works will be delivered over a four month period.

Key issues

A public tender was advertised and closed on Wednesday 26 September 2018 with submissions being received from the following companies:

- Blue Peak Constructions Pty Ltd;
- CDN Constructors Pty Ltd;
- Kaizen Civil Pty Ltd;
- Novacon Group Pty Ltd; and
- Metroplant & Civil services Pty Ltd.

The results of the tender assessment are detailed in Confidential Attachment 1: Evaluation Matrix.

The Tender Evaluation Panel (TEP) consisted of representatives from the Capital Delivery Team, Open Space Team and the City Assets and Projects Contracts Officer.

The financial component of each submission was assessed by applying tendered rates to indicative areas of granitic pathways projected to be completed throughout the life of the contract.

From the initial evaluation, Novacon Group Pty Ltd was shortlisted and invited to interview. At interview, Novacon Group Pty Ltd demonstrated a good understanding of the project and can complete the work within the required timeframe of four months.
Novacon Group Pty Ltd has been operating for 1.5 years delivering civil infrastructure projects for City of Hume and Glen Eira City Council. Novacon Group Pty Ltd has allocated a qualified civil engineer with 17 years of experience to manage the works and is committed to providing Bayside City Council with high quality service at a competitive price.

Confidential Attachment 2 provides the tendered schedule of rates for Novacon Group Pty Ltd.

to Novacon Group Pty Ltd.

**Recommendation**

That Council:

1. Awards Contract CON/18/105 Open Space Granitic Pathway Renewal Program to Novacon Group Pty Ltd for the specified schedule of rates in Confidential Attachment 2;

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/105 Open Space Granitic Pathway Renewal Program; and

3. Advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CONTRACT CON/18/105 Open Space Granitic Pathway Renewal Program Tender Evaluation Matrix (separately enclosed) (confidential)

2. Confidential Attachment 2 - CONTRACT CON/18/105 Open Space Granitic Pathway Renewal Program Novacon Schedule of Rates (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**
These works will upgrade council pathways that are eroded or have uneven surfaces that present a risk to pedestrians use.

**Natural Environment**
The use of recycled material in crushed rock products will be utilised to deliver this project. Council will continue to liaise with the successful contractor to ensure environmentally friendly and recycled products are utilised throughout the construction.

**Build environment**
The work under this contract will enhance and improve pathway infrastructure in open space areas throughout the municipality. The condition of the existing pathways selected for reconstruction are in poor condition which present a risk to pedestrians.

**Customer Service and Community Engagement**
Park users will be informed by site signs and when works are near residential properties, letters will be delivered to near or adjacent properties.
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
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
An allocation of $400,000 has been provided for in the 2018/19 Capital Works budget for the Open Space Granitic Pathway Renewal Program.

The extent of work will be managed to ensure expenditure does not exceed the allocated budget. No minimum quantity of work is guaranteed to the successful contractor.

As the contract is a schedule of rates contract, it does not have a total contract value. Hence, it is appropriate that this contract be awarded on the basis of the schedule of rates.

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.

Options considered
Not applicable to this report.
Executive summary

Purpose and background

The purpose of this report is to recommend the appointment of a contractor to undertake the construction of the Elsternwick Park Oval 2 Pavilion - Demolition and New Building Construction Works under the proposed Contract CON/18/120.

Elsternwick Park No. 2 Pavilion is listed in Council’s Sportsground Pavilion Improvement Plan and is identified as a high priority for renewal due to being in a poor condition and having non-compliant amenities.

This contract will deliver a new sports pavilion that meets gender neutral standards to accommodate the growing rate of female participation presently occurring in football. The new building will deliver two change rooms, 100sqm social space, canteen, first aid room, storage, under cover area, public and spectator toilets and has been sited adjacent to the Elsternwick Park No. 2 Oval to facilitate better connectivity between the sportsground and amenities. The design is compliant with current building codes for accessibility and has energy efficient lighting, fixtures and systems specified in the contract.

The contract includes the demolition of the existing pavilion, which is programmed to occur after the sports club move into the new pavilion.

A major power upgrade also forms part of this contract and project. The service upgrade will provide sufficient power supply to feed the sporting pavilions and associated lighting.

The pavilion is scheduled to be delivered in conjunction with the re-construction of the sportsground oval (presently underway), new cricket nets (presently underway) and sportsground lighting (completed).

Key issues

Six companies were invited to tender for the works through a selective tender using the State Government Construction Supplier Register. All invited tenderers had the experience and resources to undertake the project. The following companies submitted tenders on Friday 19 October 2018:

- Bowden Corporation Pty Ltd;
- Building Engineering Pty Ltd;
- FIMMA Constructions Pty Ltd;
- Melbcon Construction Pty Ltd; and
- Allmore Constructions Pty Ltd.

Ducon Construction Pty Ltd confirmed their interest to tender prior to opening but advised on the first day they would withdraw due to winning other large construction contracts.

Each submission was reviewed by the Tender Evaluation Panel (TEP) and advice and input was received from the Architect and Quantity Surveyor.
After the initial evaluation FIMMA Constructions Pty Ltd was shortlisted and invited to interview. A number of clarifications on items were requested prior to the interviews.

At interview, FIMMA demonstrated a high degree of experience in construction and presented a detailed understanding of the technical aspects of the project scope. During the interview it further demonstrated the capacity to resource the works, meet timeframes, organise a tight program, perform early planning and their overall ability to manage and deliver the works.

FIMMA Construction has successfully completed a number of sportsground pavilions of similar size, value and complexity for a range of Victorian local councils therefore demonstrating a proven track record in the delivery of sportsground pavilion buildings.

for money.

**Recommendation**

That Council:

1. Awards contract CON/18/120 Elsternwick Park Oval 2 Pavilion Demolition and New Building Construction Works to FIMMA Constructions Pty Ltd (ABN:22 101 232 320) for the lump sum price of $2,096,512.00 ex GST and $2,306,163.20 inc GST;

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/120 Elsternwick Park Oval 2 Pavilion Demolition and New Building Construction Works; and

3. Advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CONTRACT CON/18/120 Elsternwick Park Oval 2 Demolition and Construction Tender Evaluation Matrix (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The facilities at the Elsternwick Park Oval 2 Pavilion support a range of community programs and services provisions, predominantly junior & senior football and cricket. This project is aimed at reinvigorating the facilities at the ground to provide better community access to sporting and recreational opportunities for the local communities.

**Natural Environment**

The new building has the following Environmental Sensitive Design (ESD) characteristics:

- Rainwater harvest and re-use;
- High level fixed ventilation louvres to reduce mechanical ventilation demands;
- Highlight windows provide natural light and reduce the demand for artificial lighting;
- Motion sensor detectors have been incorporated into the lighting design to reduce energy and turn off when people are not in rooms
• High rated insulation to minimising the need for mechanical heating and cooling; and
• Recycled building materials that use recycled content and low emissions.

Built Environment

The existing Elsternwick Park Oval 2 Pavilion was constructed in the early 1970’s and has reached the end of its useful life. The building is no longer fit for purpose or meets compliance with building and sporting codes. The location and structure of the existing building made it unsuitable for a renovation and was listed in Council’s Accelerated Sportsground Pavilion Improvement Plan as high priority for renewal.

Customer Service and Community Engagement

Council officers consulted with each sports club during the design phase and the project has received wide endorsement from the stakeholders.

Information regarding the works and disruptions at the reserve will be communicated to the clubs and park users via letters and project information boards throughout the construction period.

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

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

Council’s four year Capital Works Program allocated funds to the project across multiple financial years:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>$100,000</td>
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<tr>
<td>2018/19</td>
<td>$800,000</td>
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<tr>
<td>2019/20</td>
<td>$1,580,763</td>
</tr>
<tr>
<td><strong>Total Project Budget</strong></td>
<td><strong>$2,480,763</strong></td>
</tr>
</tbody>
</table>

The following table provides a high level breakdown of the project expenditure as it relates to this contract.
The projected budget shortfall will be considered as part of future year budgets as this project will not be completed in 2018/19.

**Links to Council policy and strategy**


**Options considered**

Not applicable to this report.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultants Fees</td>
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</tr>
<tr>
<td>Construction Works Contract</td>
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</tr>
<tr>
<td>Contingency (10% of Contract Sum)</td>
<td>$209,652</td>
</tr>
<tr>
<td>Power Upgrade</td>
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</tr>
<tr>
<td><strong>Project Cost</strong></td>
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</tr>
<tr>
<td><strong>Project Budget</strong></td>
<td><strong>$2,480,763</strong></td>
</tr>
<tr>
<td>Project Over Run</td>
<td>$94,541</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background

The purpose of this report is to:

- Provide Councillors with an update on the current tender process being undertaken to appoint a consultant to coordinate the preparation of the Hampton Community Infrastructure Feasibility Assessment and Masterplan (the Project); and

- Obtain a resolution from Council to give authority to the CEO to award and sign a contract in excess of $300,000 if the case arises inaccordance with Council’s procurement policy.

At its meeting on 21 August 2018, Council resolved to:

- Commence the preparation of a master plan including broad community consultation to guide the future development of Council-owned property within the Hampton Street Major Activity Centre and to facilitate an integrated approach to identify a suitable site and scope, for a Hampton Hub; and

- Receive a progress report every four months.

On 1 November 2018, Councillors were given an overview of the Project including the proposed approach to the preparation of the Hampton Community Infrastructure Feasibility Assessment and Masterplan, the stages of the Project and an indicative timeline of key milestones. In summary, the aim of Stage 1 of the Project is to provide a robust approach that responds to the needs and opportunities for this area including:

- Building on an understanding of the social and community infrastructure needs;

- Understanding of community aspirations and potential development constraints; and

- Understanding of Council opportunities and constraints relating to the retention, redevelopment or potential sales that maximise the utilisation of 13 Council owned parcels of land.

Tendering Process

As required under Council’s procurement policy, an open tender process has been undertaken in seeking the appointment of a suitable consultant to undertake the Project.

The Tender document was advertised in the Age newspaper on Saturday 17 November, seeking submissions from suitable consultancies and/or qualified professionals. Tender Offers are due by 2pm, Wednesday 19 December and officers will review the submitted Tender Offers during the course of that week, following the Council meeting.

The Tender document outlines what is required from the appointed candidate with respect to the purpose of the project and the outcomes that Council is seeking to achieve, which includes:
• Assembling and managing a team of suitably qualified consultants to undertake various components of the feasibility assessment covering a range of expert fields including (but not limited to) planning, urban design, open space, traffic and parking, community infrastructure and needs, and community engagement;

• Undertaking a comprehensive review and assessment of existing Council policies and strategies that relate to the Hampton Street Activity Centre;

• Exploring various options (based on the feasibility assessment undertaken);

• Coordinating/planning community engagement to guide the outcomes at Stages 1 and 2 of the project; and

• A report outlining a number of options for the use, retention and disposal of various Council owned assets that would best deliver the desired outcomes for the community, which will then be progressed into the master plan phase of the project.

Key issues

Delegation of authority for contracts above $300,000

The scope of the Project covers a range of expert fields including (but not limited to) planning, urban design, open space, traffic and parking, community infrastructure and needs, and community engagement.

Given the significance of this priority project, involving inputs from the range of expert fields mentioned, it is expected that the overall cost could exceed $300,000 which therefore requires a Council resolution to provide the authority and delegation to the CEO to sign off on the contractual arrangements for the successful Tender Offer, subject to the evaluation process.

Given the timing of advertising the Tender and the potential appointment of a consultant prior to the end of year holiday period, it is important that the project is able to be progressed from mid-January when consultancies generally resume business in the New Year.

In order to avoid delaying the commencement of the background work until after the February 2019 Council meeting (the earliest meeting where Council could award a tender), it is proposed to authorise the CEO to enter into a contract in excess of $300,000 for this project.

Recommendation

That Council authorises the Chief Executive Officer to award a contract (CON/18/128) relating to the Hampton Community Infrastructure Feasibility Assessment and Masterplan for goods and services in excess of the delegation attributed to the Chief Executive Officer.

Support Attachments

Nil
Considerations and implications of proposition

Liveable community

Social
An additional 1,360 dwellings are forecast for the Hampton Activity Centre by 2036. This will place increased demand on existing traffic and parking, public open space, community services and infrastructure. The purpose of preparing a master plan for public land in Hampton will guide how Council will address the provision of this public infrastructure to meet the future needs of the community.

Natural Environment
New buildings associated with the development of the Hampton Hub will be required to employ sustainability measures to reduce the ecological footprint of the facility including but not limited to passive thermal comfort, water recycling initiatives and solar panels. An assessment of Council-owned sites within the Hampton Street MAC will consider future public open space opportunities to provide additional open space to meet future needs.

Built Environment
Council has a number of aging buildings and infrastructure within the Hampton Major Activity Centre in need of significant maintenance and renewal. Opportunity exists to consider the consolidation and upgrade of facilities to ensure that social infrastructure meets community needs moving forward and that buildings are fit for purpose.

Customer Service and Community Engagement
Following the appointment of a consultant to deliver the work, a detailed community engagement plan will be prepared to inform how the community and stakeholders are involved and engaged in the project.

Informal engagement with key stakeholders, including Hampton Neighbourhood Association has commenced and will continue throughout the process. The scope of the feasibility assessment has been informally explored with stakeholders including the Hampton Neighbourhood Association and it covers their priority areas.

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 legal implications associated with this report; however, depending on future directions, legal advice may be required for specific land and leasing matters.
Finance
There are financial implications by bringing this project forward, as it is anticipated that the consultant fees, and community engagement costs given the complexity of the stakeholders involved and the high interest nature of the project may exceed the $300,000 threshold. This has not been budgeted for this financial year and funding will need to be allocated to cater for this.

Links to Council policy and strategy
Providing community infrastructure to meet community service needs in the Hampton Street MAC is aligned to the following strategies:

Council Plan 2017 - 2021
Relevant strategies of the Council Plan include:

- Plan for the future of recreation centres, senior centres, U3A and similar community facilities to ensure the assets meet future service needs and deliver strategies for renewal;
- Provide fit for purpose, modern multi-use facilities that are effectively utilised for our children’s early years; and
- Provide modern library services that meet the needs of the community.

As a result of this project being brought into the 2018/19 Financial Year, the review of the Neighbourhood Character Policy outlined in the Council Plan will need to be deferred to commence in 2019/20.

Hampton Willis Street Precinct Urban Design Framework 2013 (UDF)
Council adopted the UDF as its preferred development vision for the Willis Street Precinct. The UDF includes a number of short to long term implementation actions that seek to improve the Precinct, including consideration of the opportunity to create an integrated community hub within the Willis Street precinct.

Hampton Street Structure Plan Review 2016
The purpose of the Structure Plan Review was to examine the effectiveness of the implementation of the Hampton Street Structure Plan 2006 to ensure that the key strategic planning issues facing the centre are identified and considered. One of the recommendations made by the review is that Council prepare a Community Infrastructure Study to ensure that the social and community infrastructure needs of the community are considered. At its 19 June 2018 Council Meeting, Council resolved to undertake this work in 2019/20. As a result of this project being brought forward to 2018/19, there are budget and resourcing implications in preparing an approach for the Hampton Street MAC in isolation.

Bayside Housing Strategy 2012
The Bayside Housing Strategy 2012 identifies the Hampton Street MAC as a location with medium and high density residential development. The primary location for growth within the Hampton suburb is nominated as being within the Hampton MAC.
Bayside Open Space Strategy 2012: Suburb Analysis and Action Plan

The Suburb Analysis and Action Plan considers the location of open space within the Hampton suburb and makes recommendations as to whether additional public open space is required. There are large areas of the Hampton MAC where public open space of a sufficient size to undertake structured and unstructured recreation is not available within 400 metres. An action from the Strategy is to actively plan for the creation of additional open space in the Hampton MAC.
Executive summary

Purpose and background

The report seeks Council approval to commence statutory procedures under Section 190 of the *Local Government Act* 1989 (Act) to renew an existing lease which includes some equipment and locational changes. The proposed lease is with Telstra for the occupation of part of Banksia Reserve in Beaumaris, formally known as 68 Oak Street, Beaumaris.

Council resolved at its meeting on 20 February 2018 to commence statutory procedures and, in the event that no submissions are received, execute a lease with Telstra with a commencement rent of $25,000 escalating yearly at 4%. Telstra has subsequently advised that they’re unable to execute a lease with 4% yearly increases and has instead agreed to a new commencement rent of $27,700 escalating at 3%. In effect, over a 20 year period, the two amounts provide a similar financial outcome.

The proposed lease is for 10 years with two options to extend a further 5 years each, equating to a total of 20 years.

Key issues

Council entered into a lease with Telstra on the current site in 2009 with a commencement date in 2008 which is due to expire in May 2023. The equipment shelter currently sits within a garden bed in the main car park of the reserve whilst the antennae is attached to a redundant oval light pole. Council has sought to relocate the tower to support the installation of cricket nets. As part of the new lease, Telstra will relocate the equipment shelter and antenna approximately 10 metres north to a new custom built pole of which Telstra has already obtained statutory planning approval to erect. The current lease was entered into on the below terms:

- **Commencement Date:** 5 September 2008
- **Term:** 10 years
- **Option for further term:** 5 years
- **Commencement Rental:** $15,000
- **Current Rent:** $25,269
- **Rental Escalation:** CPI or 5% per annum whichever is greater

After discussions between Council and Telstra, a report was presented at the February Ordinary Council Meeting relating to a new lease, the resolution was as follows:

1. in accordance with Section 190 and 223 of the *Local Government Act* 1989 ("the Act") gives public notice of its intention to enter into a Deed of surrender and re-grant of new lease (New Lease) for the occupation part of Council’s land located at 68 Oak Street, Beaumaris by Telstra Corporation Limited (Telstra) for the purpose of upgrade
works and continual operation of a telecommunications facility (Proposal), with the following terms and conditions;

a) an initial term of Ten (10) years with One (1) further term of five year;

b) Initial rental to be set at $25,000 per annum plus GST with rent increases on each anniversary of 4%.

2. Establishes a Special Committee of Council in accordance with S223 of the Act consisting of all councillors with a quorum of four (4) Councillors to consider any public submissions, including those submitters who wish to be heard or represented at a meeting to be held on Wednesday, 11 April 2018 at 6:30pm in the Council Chambers, Boxshall Street Brighton in relation to the New Lease proposal;

3. In the event that no submissions are received, authorises the Director Corporate Services to undertake all necessary actions to finalise and execute the New Lease; and

4. Notes that the final execution of New Lease is subject to a planning permit approval of the Bayside Planning Scheme.

A ‘Heads of Agreement’ with Telstra for the above terms was drafted and executed by Telstra’s Site Acquisition Manager Victoria & Tasmania. The statutory processes outlined under Section 190 and 223 of the Local Government Act were undertaken and no objections to the proposed lease were received. In August 2018 discussions regarding the execution of the lease commenced with Telstra’s National Leasing Manager, who advised that Telstra would not execute a lease with a yearly escalation of 4% as this would set a precedence for the rest of the rental market. Telstra also advised that the Heads of Agreement was not binding and in effect, Telstra were reneging on the agreement. The Heads of Agreement as drafted was not enforceable and therefore not binding.

In subsequent weeks, a new offer was put forward to Council which was on the same terms with a reduction in the escalation factor from 4% to 3% which over a 20 year lease represented a reduction of income to Council in the order of $72,000. Subsequent negotiations failed to achieve an agreement in line with the advertised terms.

Council’s Chief Executive Officer wrote to Telstra’s Chief Executive Officer requesting Telstra honour the terms agreed to back in March by the State Manager. Following discussions between Council’s CEO and Telstra’s Director of Property Services, Telstra agreed to a revised offer of $27,700 with a yearly escalation factor of 3%. This provides a similar financial outcome to Council over the term of the agreement.

On 21 November 2018 Telstra representatives signed a new ‘Heads of Agreement’ with Council on the following terms which are subject to Council and statutory approval. Note this
Heads of Agreement has been prepared by Council’s Solicitor and is binding to avoid any repeat of previous action.

- Commencement Date: 1 June 2019
- Term: 10 years
- Option for further term: 5 years + 5 years
- Commencement Rental: $27,700 + GST
- Rental Escalation: 3% per annum
- Legal Fee’s contribution: $3,000

**Recommendation**

That Council:

1. Commence the statutory procedures to lease part of Banksia Reserve, 68 Oak Street, Beaumaris to Telstra on the below terms:
   - Term: 10 Years
   - Options: 5 years + 5 years
   - Rent: $27,700
   - Rent Escalation: 3% per annum;
2. Give Public Notice of the proposed lease of Land in the appropriate newspaper and on Council’s website;
3. If no submissions are received following the Public Notice, authorise the Director of Corporate Services to execute the lease on the above terms; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 to consider any submissions received at the Council Chambers, Boxshall Street, Brighton on 5 March 2019 at 6:30pm.

**Support Attachments**

1. Existing Telstra facility and proposed New Lease Area ↓
Considerations and implications of proposition

Liveable community

The facility will not have an unreasonable impact upon the amenity of the area as it already legally exists and has caused no issues to date. The proposal will not have a detrimental impact on the local environment; rather it will be beneficial to the area including security of tenure for Telstra which has led to greater investment in the infrastructure of the site.

Social

The invitation for public submission process may create an expectation among those who will submit objections that this New Lease would not be approved. However, providing for a modern communications network will provide benefits to many more individuals and businesses within the area than the relative few objectors.

The relocation of the tower allows the cricket nets to be constructed at the Oak Street reserve.

Natural Environment

There will be no removal or disturbance of vegetation as a result of the lease.

Built Environment

The current installation is located on top of a redundant light pole and within a garden bed of a car park. The new proposal is to relocate the equipment to another existing light pole and move the equipment shelter closer to the pole. This will facilitate the construction of cricket nets.

Customer Service and Community Engagement

Council must comply with section 190 of the Local Government Act 1989 when Council enters into a lease agreement for a term 10 years or greater. In complying with this section of the Act Council must give no less than 28 days public notice of the proposed lease allowing any person the right to make a submission under section 223.

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

In the instance Council does not approve the lease, it will need to advise Telstra that vacant possession is required. The risk of such a decision may lead to Telstra utilising its powers under the Telecommunications Legislation which allows them to access any site using the Low Impact Determination. It is officers’ view that Telstra would use their powers in this instance which in effect would produce a similar outcome to what they have now with a negative impact on Council from a financial perspective.

Finance

Over the 20 year term of the lease, Council will generate in excess of $740,000.
Links to Council policy and strategy

The Council Plan contains three strategies that link to the property related matters as follows:

Goal 3 - A liveable City, strategy 3.2.1 Ensuring community assets and infrastructure meet current and expected needs:

Goal 7 - Financial Responsibility and Good Governance, strategy 7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability; and strategy 7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

The Long Term Financial Plan and Strategic Resource Plan identified the development of a Property Strategy as a key guide to drive better community value from Council’s property assets.

The following policies are also associated with the delivery of the strategy:

- Lease and Licence Policy 2018
## Options considered

### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council does not approve the proposed lease.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no obvious benefits in Council not approving the lease.</td>
</tr>
<tr>
<td>Issues</td>
<td>In the instance Council did not renew the lease, Telstra still has more than 4 years remaining on its current lease. It is officer’s view that Telstra would utilise its powers under the Act to locate on a separate part of the reserve which would lead to a similar outcome with no financial income for Council nor control of the tenant via the lease. Council is not able to construct the cricket nets in the preferred location until the tower is relocated.</td>
</tr>
</tbody>
</table>
Existing Telstra facility and proposed New Lease Area

Figure 1 | Aerial view of the site and surrounds

Figure 2 | View of the existing facility and light pole
Executive summary

Purpose and background

The report seeks Council approval to commence statutory procedures under Section 190 of the Local Government Act 1989 (Act) to enter into a new lease for the occupation of part of Black Rock Foreshore which is managed by Council on behalf of the Crown. The proposed lease is with Vodafone Network Pty Ltd for 10 years with an option to extend a further 10 years equating to a total of 20 years. The small parcel of land is located opposite the corner of Beach Road and McGregor Avenue, Black Rock as shown in Attachment 1 of this report.

Key issues

Vodafone constructed the installation in 2015 accessing the site utilising its powers under Schedule 3 of the Telecommunications Act 1997 (Cth). In effect, the Act allows Vodafone to access the site without agreement with the owner of the land as well as the ability to bypass any Local or State planning regulations. However, under Clause 42, Schedule 3 of the Telecommunications Act the Carrier, being Vodafone, is required to pay the land owner/manager compensation. In this case officers have sought to negotiate a long term lease for a ground rental only. Attachment 2 of this report contains the Land Access & Activity Notice (schedule 3 of the Telecommunications Act). The attached notice identifies the antenna installation as being atop an existing United Energy Power / Light pole with underground cabling travelling to the equipment shelter. This proposed lease is a ground lease for the space occupied by the equipment shelter only.

On 19 September 2018 Vodafone representatives signed a Heads of Agreement with Council on the following terms which are subject to Council and statutory approval:

- Commencement Date: 1 January 2015
- Term: 10 years
- Option for further term: 10 years
- Commencement Rental: $7,000
- Rental Escalation: 3% per annum
- Legal Fee’s contribution: $3,000

LEASE TO VODAFONE FOR 20 YEARS ON FORESHORE RESERVE
OPPOSITE CORNER OF BEACH ROAD AND MCGREGOR AVENUE,
BLACK ROCK
Recommendation

That Council:

1. Commence the statutory procedures to lease land on the Black Rock Foreshore opposite the corner of Beach Road and McGregor Avenue Black Rock to Vodafone on the below terms:
   - Term: 10 Years
   - Options: 10 Years
   - Rent: $7,000
   - Rent Escalation: 3% per annum;

2. Give Public Notice of the proposed sale of the Land in the appropriate newspaper and on Council's website;

3. If no submissions are received following the Public Notice, authorise the Director of Corporate Services to execute the lease on the above terms; and

4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 to consider any submissions received at the Council Chambers, Boxshall Street, Brighton on 12 March 2019 at 6:30pm.

Support Attachments

1. Vodafone Lease Plan ↓
2. Land Access & Activity Notice - Metasite (Vodafone) ↓
Considerations and implications of proposition

Liveable community

The facility will not have an unreasonable impact upon the amenity of the area as it already legally exists and has caused no issues to date. The proposal will not have a detrimental impact on the local environment; rather it will be beneficial to the area including security of tenure for Vodafone which may lead to greater investment in the infrastructure of the site.

Social

The invitation for public submission process may create an expectation among those who will submit objections that this New Lease would not be approved. However, providing for a modern communications network will provide benefits to many more individuals and businesses within the area than the relative few objectors.

Natural Environment

There will be no removal or disturbance of vegetation as a result of the lease.

Built Environment

The current equipment shelter located on the land this report proposes to grant a lease over is currently painted green in an effort to disguise its existence into the local environment. As part of the new lease, Council will have the ability to enforce compliance with graffiti clauses in the lease that compel Vodafone to keep the site clean of any unapproved artworks.

Customer Service and Community Engagement

Council must comply with section 190 of the Local Government Act 1989 when Council enters into a lease agreement for a term 10 years or greater. In complying with this section of the Act Council must give no less than 28 days public notice of the proposed lease allowing any person the right to make a submission under section 223.

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

In the instance Council does not approve the lease, it has little to no ability to remove Vodafone from the site. The Telecommunications Legislation is clear in its intent that no land owner may stand in the way of or slow the Telecommunications network. Council’s best course of action is to enter into a lease with Vodafone to provide Council the ability to enforce breaches.

Finance

Over the 20 year term of the lease, Council will generate in excess of $250,000. In addition Vodafone has agreed to a commencement date of 1 January 2015 meaning the first rental invoice will be for in the first 4 years rent, equating to $30,170.
Links to Council policy and strategy
The Council Plan contains three strategies that link to the property related matters as follows:
Goal 3 - A liveable City, strategy 3.2.1 Ensuring community assets and infrastructure meet current and expected needs:

Goal 7 - Financial Responsibility and Good Governance, strategy 7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability; and strategy 7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

The Long Term Financial Plan and Strategic Resource Plan identified the development of a Property Strategy as a key guide to drive better community value from Council’s property assets.

The following policies are also associated with the delivery of the strategy:
- Lease and Licence Policy 2018
Options considered

**Option 1**

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<td><strong>Benefits</strong></td>
<td>There are no obvious benefits in Council not approving the lease.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Council has no way of compelling Vodafone to do anything with the site without the existence of a lease.</td>
</tr>
</tbody>
</table>
Item 10.16 – Reports by the Organisation

**Proposed Vodafone Lease Area**
(about 60m²)

8/11/2018
Scale 1:564
Printed by Nicholas Beck


Disclaimer:
This material may be of assistance to you but the state of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. Using or copying parts of this document is prohibited without Councils written authority.
18 February 2015

Sally Naughton
Leasing Co-ordinator
Commercial Services
Bayside City Council
75 Royal Avenue
SANDRINGHAM VIC 3191

Dear Sally

Land Access and Activity Notice
Issued Pursuant to Schedule 3 of the Telecommunications Act, 1997 (CTH) ("Act")

Site Number: 340205
Site Name: Black Rock 2

Vodafone Hutchison Australia Pty Ltd ACN 096 304 620 ("Vodafone") and Optus Mobile Pty Ltd ACN 054 365 696 ("Optus") are licensed telecommunications carriers pursuant to the Act ("Carriers").

In meeting the Carriers’ respective commitments to provide modern and efficient telecommunications services to Australia, it is necessary to access your property and undertake the following activities during the timeframe specified. There is no requirement that you be present during the course of our activities.

Vodafone and Optus have made arrangements to share infrastructure necessary for the supply of carriage services to the customers of their respective networks. As a consequence of those arrangements, both Optus and Vodafone propose to operate co-ordinated facilities at the Site.

Further to the rights outlined in the attached Notice, we wish to inform you that Vodafone Network Pty Limited ("Vodafone") intend to act upon their powers under the Telecommunications Act, 1997 at the aforementioned site for the continuing access through the land and improvements situated within the Vodafone Base Station Facility at VODAFONE RADIO BASE STATION AT ELECTRICITY LIGHT POLE NO #1811700, BEACH ROAD (NEAR CORNER OF MCGREGOR AVENUE), BLACK ROCK VIC 3193.

Details of the work requirements are outlined in the attached document. All works will be conducted in an orderly manner with as little disturbance as possible to the occupiers, public and surrounding area, taking into account any reasonable timing and access timing you may require.
Our Ref: 340205 Black Rock 2/MTS0007-01

Vodafone are proposing to commence works on or after 11 March 2015 and expect to have the works completed by 11 September 2015. Should you have any questions, queries or concerns, please do not hesitate to contact David Hodkinson on (03) 9804 5324 or david.hodkinson@metasite.com.au.

Yours sincerely

David Hodkinson

Site Acquisition and Environmental Consultant

On Behalf of Vodafone Network Pty Limited

Enc:

1) Land Access & Activity Notice
2) Schedule 3 to the Telecommunications Act 1997 (CTH)/Telecommunications Code of Practice 1997 (CTH)
3) Waiver
4) The Plans
18 February 2015

Our Ref [Black Rock 2 /MTS0037-01]

Sally Naughton
Leasing Co-ordinator
Commercial Services
Bayside City Council
76 Royal Avenue
SANDBRINGHAM VIC 3191

LAND ACCESS AND ACTIVITY NOTICE
ISSUED PURSUANT TO SCHEDULE 3 OF THE TELECOMMUNICATIONS ACT, 1997 (CTH)
SITE: VODAFONE RADIO BASE STATION AT ELECTRICITY LIGHT POLE NO 18 11700 BEACH ROAD
(NEAR CORNER OF MC Gregor AVENUE), BLACK ROCK VIC 3193.

Dear Owner/Occupier,

Vodafone Hutchison Australia Pty Ltd ACN 096 304 620 ("Vodafone") and Optus Mobile Pty Ltd ACN 054 365
656 ("Optus") are licensed telecommunications carriers pursuant to the Act ("Carriers").

In meeting the Carriers’ respective commitments to provide modern and efficient telecommunication services to
Australia, it is necessary to access your property and undertake the following activities during the timeframe
specified. There is no requirement that you be present during the course of our activities.

Vodafone and Optus have made arrangements to share infrastructure necessary for the supply of carriage
services to the customers of their respective networks. As a consequence of those arrangements, both Optus
and Vodafone propose to operate co-ordinated facilities at the Site.

<table>
<thead>
<tr>
<th>Project Activity</th>
<th>Installation of &quot;low impact&quot; facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Work:</td>
<td>As further indicated in the attached diagrams and plans, the facility consists of:</td>
</tr>
<tr>
<td>A.</td>
<td>Replacement of two (2) panel antennas colour matched to their background which are equal to or less than 2.8 metres long, attached to and extending from the lattice tower identified in the attached diagram by a supporting structure of not more than 3 metres;</td>
</tr>
<tr>
<td>B.</td>
<td>Installation of five (5) outdoor units each with a dimension not more than 2 metres high and 2 square metres base area each used solely to house equipment relating to the facility and colour matched to background;</td>
</tr>
<tr>
<td>C.</td>
<td>Ancillary infrastructure necessary for the operation and proper functioning of those low impact facilities, or otherwise for the sole purpose of ensuring the protection and safety of the facility and persons or property near the facility;</td>
</tr>
<tr>
<td>D.</td>
<td>Underground cables and conduit deployed by burial in trenches not more than 450 mm wide;</td>
</tr>
<tr>
<td>E.</td>
<td>Two (2) draw pits with a surface area of not more than 2 square metres; and</td>
</tr>
<tr>
<td>F.</td>
<td>All other activities necessary or desirable for the purposes of the installation of the facility.</td>
</tr>
</tbody>
</table>

Vodafone Hutchison Australia Pty Limited
ABN 76 096 304 020
Level 7, 40 Mount Street
North Sydney, NSW 2060
vodafone.com.au

Phone: 02 9994 4046
Power will be sourced from an existing power source at the cost of Vodafone or its contractor Vodafone Network. The facility will be located in accordance with the attached plan.

| Date(s) proposed to enter property to engage in activity and depart | Access Start Date: | 11 March 2018 |
| Project Location: | VODAFONE RADIO BASE STATION AT ELECTRICITY LIGHT POLE NO # 1811700 BEACH ROAD (NEAR CORNER OF MCGREGOR AVENUE), BLACK ROCK VIC 3193 |
| Property details: | ALLOTMENT 21 C PARISH OF MOORABBIN |

Further details of the proposed activities are included in any attachment/s to this notice.

The Carrier’s employees and contractors are authorised to carry out the Carrier’s activities under clause 43 of Schedule 3 of the Telecommunications Act 1997 (Cth). Vodafone Network Pty Ltd ACN 081 916 461 (“Vodafone Network”) has been engaged on this project to conduct negotiations regarding the Carrier’s entry to your property to install and maintain the facilities for the purpose of the above legislation. Other contractors may from time to time be engaged by the Carrier’s or Vodafone Network to carry out the activities.

In engaging in the activities, the Carriers are committed and obliged to take all reasonable steps to ensure that they cause as little detriment and inconvenience, and do as little damage, as is practicable. The Carriers will also take all reasonable steps to ensure that the site is restored to a condition similar to its condition before the activity began. Details of the likely impact on the site and the proposed measures to prevent or restore disturbance are as follows:

| Anticipated Effect: | Minor soil disturbance (short term result of installation works). Travel over the property in order to conduct the activity. |
| Proposed Remediation: | The Carrier’s staff and/or contractors will consult with the owner to ensure as little disturbance as possible to the operation of the premises. The Carrier’s staff and contractors will follow applicable industry standards and good engineering practice. Relevant noise and air pollution guidelines will be observed at all times. Care and appropriate precaution will be taken at all times to ensure the safety of persons and property. The Carriers will take all reasonable steps to ensure that the activity interferes as little as practicable with the movement of traffic and the use of the land. The Carriers will take all reasonable steps to ensure that the land is restored to a condition similar to its condition before the activity began. |

Australia’s privacy regime restricts the way private sector organisations collect, use, disclose and store personal information about individuals. The regime sets out the minimum standards for information handling practices. The Carriers, their subsidiaries and contractors must comply with these legal obligations. As well the Carriers are obliged to follow the requirements of the Telecommunications Act in relation to use and disclosure of personal information.

The Carriers, their subsidiaries and contractors collect contact details of landowners and authorities for the purpose of notifying them about proposed activities on their land. The Carriers maintain a contact database in
Attached you will find information regarding the Carrier’s rights and responsibilities and your rights in accordance with the Telecommunications Act 1997 (Cth).

We thank you for your assistance and co-operation. If you have any queries, please do not hesitate to contact David Hodgkinson on 03 9604 6324 or on david.hodgkinson@metasite.com.au. Any objections should be directed to this person.

Yours sincerely,

VODAFONE HUTCHISON AUSTRALIA PTY LTD AND OPTUS MOBILE PTY LTD

[Signatures]

Peter Aston
VAA

VODAFONE HUTCHISON AUSTRALIA PTY LTD

Howard Acome

OPTUS MOBILE PTY LTD
SCHEDULE 3 TO THE TELECOMMUNICATIONS ACT 1997 (Cth)
TELECOMMUNICATIONS CODE OF PRACTICE 1997 (Cth)

1. Carrier Powers and Obligations

The Carriers' employees and its authorised contractors are empowered to carry out the Carriers' activities under the Telecommunications Act 1997 (Cth). Contractors may be engaged on this project by the Carriers to give statutory notifications or to carry out other activities such as maintenance or installation. The Carriers are required by law to give you at least 10 business days' notice before engaging in activities on your land for at least 2 business days if no part of the land is included in a "sensitive area" and the activity is only inspection and survey which will not involve any material disturbance to the land.

All laws providing for the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders will be complied with.

2. Compensation

If you suffer financial loss or damage in relation to property because of anything done by the Carriers when engaging the above activities, compensation may be payable under clause 42 of Schedule 3 of the Telecommunications Act. A right to compensation only arises where financial loss or damage is suffered as a result of carrier activities. The Carriers are not in a position to agree on any amounts of compensation until after they have concluded our activities.

3. Objection Process

The Telecommunications Code of Practice 1997 (Cth) ("Code") provides for a right of objection and how objections must be managed. Under the Code you have a right to object about the exercise of power described in this notice only if it relates to one or more of the reasons listed below:-

(i) using the objector's land to engage in the activity;
(ii) the location of a facility on the objector's land;
(iii) the date when we propose to start the activity, engage in it or stop it;
(iv) the likely effect of the activity on the objector's land;
(v) our proposals to minimise detriment and inconvenience, and to do as little damage as practicable, to the objector's land.

In order for any objection to be valid under the Code, your objection must be directed in writing to the address shown on this Notice within the time frames below, depending on the type of activities:-

(i) Inspection and survey -- any objection must be given within 1 business day after the notice is received where all part of the land is included in a "sensitive area" and the activity will not cause a material disturbance to the land. For all other inspection and survey activities any objection must be given within 9 business days after the notice is received; and,
(ii) For installation and maintenance activities -- any objection must be given at least 5 business days before we propose to engage in the activities.

If you make an objection on one of the grounds above within the specified time frames, reasonable efforts will be made to contact you for the purposes of consultation within 5 business days after receiving your objection. Reasonable efforts will also be made to resolve the objection by agreement with you within 20 business days after receiving the objection. If your objection cannot be resolved by agreement within 25 business days after receiving the objection, a further notice will be provided to you advising whether:

(i) the Carriers propose to change the activity and if so, how; or
(ii) if the Carriers do not propose to change the activity -- why they will engage in the activity as originally proposed.

If your objection cannot be resolved by agreement, you are not satisfied with our response to your objection and the objection falls within the jurisdiction of the Telecommunications Industry Ombudsman ("Ombudsman"), you may request in writing that your objection be referred to the Ombudsman. Time limitations for referral to the Ombudsman are also applicable, depending on the type of activities as follows:

(i) Inspection and survey -- you must request referral within 9 business days after you receive a response to the objection; and
(ii) for all other activities -- you must request referral within 5 business days after you receive a response to the objection.
## WAIVER

**RETURN TO:**

<table>
<thead>
<tr>
<th>David Hodgkinson</th>
<th>Telephone: (03) 9804 5324</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metasite Pty Ltd</td>
<td>Email: <a href="mailto:david.hodgkinson@metasite.com.au">david.hodgkinson@metasite.com.au</a></td>
</tr>
<tr>
<td>Level 5, 3 Bowen Crescent</td>
<td></td>
</tr>
<tr>
<td>MELBOURNE VIC 3004</td>
<td></td>
</tr>
</tbody>
</table>

As detailed in the attached Land Access and Activity Notice, the Carriers are proposing to carry out activities on your land under Schedule 3 of the Telecommunications Act 1997 (Cth). In doing so, the Carriers are legally required to give you written notice of its intention to conduct these activities.

If you agree to the activity commencing prior to the start date specified in the Land Access and Activity Notice, please confirm this by signing below. This will expedite the timely delivery of services in your area and will be most appreciated.

In addition, this form provides you the opportunity to supply further information that you consider important to the proposed works. Your response is not mandatory, but any information that you supply us will be highly valued.

<table>
<thead>
<tr>
<th>Project:</th>
<th>eJV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Our Ref:</td>
<td>Black Rock 2 2/MTS0037-01</td>
</tr>
<tr>
<td>Affected Party:</td>
<td>Bayside City Council</td>
</tr>
</tbody>
</table>

☐ Yes ☐ No  I/we agree to the activity commencing prior to the start date specified in the Land Access and Activity Notice

Print Name/s

Signature/s

Date/s

☐ Yes ☐ No  Are you in current occupation of the land or building?
If no, please provide contact details of current occupier(s) (if known):

☐ Yes ☐ No  Will you, or any other person, be on the property during the proposed activities?
If yes, please provide contact name of person who will be present:

Contact Number:  Phone ................................ Fax ................................

☐ Yes ☐ No  Do you require a courtesy telephone call prior to the activity commencing?

☐ Yes ☐ No  Are there any matters you would like us to consider during the activities e.g. future change in land use, dams, livestock yards, windbreaks, access roads, etc.? 

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Item 10.16 – Reports by the Organisation
Item 10.16 – Reports by the Organisation

Notes:
1. Items in bold text/boxes indicate extent of new works.
2. All directions are in degrees relative to M.S.A. North.
3. Provide connections to existing earthing as per VHA DLS Manual requirement.
4. Refer to draw 340205-04 for Antenna and Ancillaries Table.
5. MHA’s to be mounted below panel antennas as per manufacturer’s specifications.
6. Services where shown are indicative only. Location of all relevant existing services shall be identified and confirmed prior to commencement of works. Contractor to liaise with relevant authorities for direction & permits required. Dial 1109 before you dig.
7. Exact location of pit, feeder & power route need to be confirmed at site. It is advisable that feeder and power route can be run with in a 400mm gap between the footpath and the retaining wall.
8. Cabinets must be colour matched to background (Colour 030) to the satisfaction of the council directions and conditions.
9. BPV & ASPV cabinets must contact council representative prior to commencement of any works.
10. Trenching or boring must be clear of vegetation and no vegetation must be removed as part of the works.
11. Trenching or boring of conduits and pits, and earthworks of cabinets must be in accordance with the direction and conditions imposed by Bayside City Council.
12. Build contractor to ensure suitable pit location near pole and will need to contact Land Lease and get approval prior to construction.
10.17 PROPOSED TRANSFER OF LAND AT DOWNES AVENUE AND ELWOOD LANE BRIGHTON FROM DEPARTMENT OF FINANCE TO COUNCIL

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/18/290347

Executive summary

Purpose and background
The Department of Finance has requested that land at Downes Avenue and Elwood Lane, Brighton be transferred to Council as part of a rationalisation of titles. The transfer is effectively at no cost to Council and the cost of surveying will be borne by the Department.

Key issues

Downes Avenue
The potential transfer relates to land that is currently a constructed road. The land is contained in Certificate of Title Volume 5186 Folio 859 and is known as ‘Road R1’. It forms part of the title associated with ‘Anzac Hostel’ or Kamesburgh Mansion in Brighton. This parcel was transferred to the Commonwealth in 1926 and further subdivided for housing for returned servicemen creating Downes Avenue. The Commonwealth land holding audit identified this parcel as never having been formally transferred to Council. There is no issue with the transfer of title as the land is included in a road on Council road register. This corrects an historical issue with the land under the road.

Elwood Lane
The land is contained in Certificate of Title Volume 5186 Folio 859 and is known as ‘Road R2’ which is linked to Elwood Street Brighton. Again this lane was created through subdivision and also never transferred to Council. The Department would like to correct the historical anomaly and transfer the title to Council.

There are a number of issues with the subject land in Elwood Lane. This land is fully enclosed by 16 private properties. It is not subject to adverse possession as it is held by the Crown. Unlike Council, the Department cannot sell the land to multiple parties. It must achieve a sale at the lands valuation. It can however, transfer the land to Council where the power and policy exists to discontinue and sell the land to multiple parties.

As the lane is fully enclosed, those current occupiers may see the transfer and subsequent sale by Council as an opportunistic way to raise money to their detriment.

It is proposed to undertake the transfer using powers under the Local Government Act 1989 including enacting the provision to not undertake statutory consultation as the transfer is between government entities.

It is proposed to move forward with the transfer of land. This will include notifying those residents currently occupying the lane of the transfer, undertaking surveying to determine current occupation and then seeking to discontinue and sell the land in the first instance to the occupying property owner.
Recommendation
That Council

1. Authorises the Director Corporate Services to execute all necessary procedures and documents related to the transfer of land known as Downes Avenue and Elwood Lane, Brighton from the Department of Finance;

2. Advises the residents currently occupying the land at Elwood Lane of the transfer; and

3. Undertakes surveying and notification to residents in relation to the proposal to discontinue and sell the land at Elwood Lane in accordance with Council’s Discontinuance and Sale of Right of Way, Roads and Reserves Policy 2018.

Support Attachments
1. Certificate of Title Downes Avenue
2. Department of Finance Letter Elwood Laneway
3. Department of Finance Letter Downes Avenue
Considerations and implications of recommendation

Liveable community

Social
There may be some community concern in relation to Council addressing the historic occupation of land. This issue is slightly different to other lanes in Council control that are occupied in that it involves a transfer of the land to Council.

Natural Environment
There is no impact on the natural environment in relation to this report.

Built Environment
The lane is fully occupied in residential properties. It would be difficult and costly to reopen and this would serve no meaningful purpose. The land is best transferred to the occupiers where possible or the abutting owner where this can be agreed.

Customer Service and Community Engagement
The impacted residents currently occupying Elwood Lane will be advised after the transfer of land through a direct mail out. This will seek interest in the purchase of the occupied land and access to undertake the appropriate site survey to determine the location of fence lines. Occupiers will be offered the first opportunity to purchase the land and if not desired will be offered to the abutting neighbour.

Human Rights
There are no Human Rights issues associated with the transfer of land from the Department of Finance to Council.

Legal
Section 191 of the *Local Government Act* 1989 allows the transfer with or without consideration with the Crown, Minister or any public body. Section 191 (3) provides that Sections 189 and 190 do not apply to any transfer, exchange or lease under this section. No statutory consultation process is required in relation to the transfer.

The Department is not able to subdivide and seek to sell the land in Elwood Lane to multiple occupiers as it has no mechanism to do so. To discontinue and sell the land under Elwood Lane, Council will need to undertake the appropriate statutory processes in accordance with the Act.

It is unlikely all occupiers will seek to purchase the land immediately and the process to dispose the land may take many years and be associated with future changes in ownership.

Finance
Surveying costs will be reimbursed by the Department. This is in the order of $2500. They will also pay the cost associated with the transfer. Any costs associated with the subsequent discontinuance and sale to occupiers will be addressed in accordance with the Discontinuance and Sale of Right of Way, Roads and Reserves Policy 2018.
Valuation in accordance with the Discontinuance and Sale of Right of Way, Roads and Reserves Policy 2018 will be undertaken and over time as the parcels of land are sold, additional income will be provided to Council.

There is no additional operational cost associated with Downes Avenue land under road as it is already maintained by Council as part of the road network.

**Links to Council policy and strategy**

Discontinuance and Sale of Right of Way, Roads and Reserves Policy 2018
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not take title to the land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>No need to raise community concerns</td>
</tr>
<tr>
<td></td>
<td>Land under Downes Road is already vested in Council as it is land under road.</td>
</tr>
<tr>
<td>Issues</td>
<td>Does not address the issue of illegal occupation of the lane</td>
</tr>
<tr>
<td></td>
<td>Does not resolve the historic title issue</td>
</tr>
<tr>
<td></td>
<td>Potential sale of land revenue not achieved by Council</td>
</tr>
</tbody>
</table>
Bayside City Council
Ordinary Council Meeting - 18 December 2018
Attachment 1

Register Search Statement - Volume 5185 Folio 859

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958
-----------------------------------------------------------------------
VOLUME 05185 FOLIO 859 Security no : 124074216408U
Produced 03/10/2018 01:12 PM

LAND DESCRIPTION
-----------------
Roads R1 and R2 on Plan of Subdivision 011733.
PARENT TITLES :
Volume 04200 Folio 853 Volume 05074 Folio 722
Created by instrument 2605406R 16/03/1926

REGISTERED PROPRIETOR
-----------------------
Estate Fee Simple
Sole Proprietor
THE COMMONWEALTH OF AUSTRALIA
2605406R 16/03/1926

ENCUMBRANCES, CAVEATS AND NOTICES
-------------------------------------
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION
-----------------
SEE LP011733 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS
--------------------------------
NIL

END OF REGISTER SEARCH STATEMENT---------------------------------
Additional information: (not part of the Register Search Statement)
Street Address: ELWOOD STREET BRIGHTON VIC 3186

DOCUMENT END

Delivered from the LANDATA® System by SAI Global Property Division Pty Ltd
Delivered at 03/10/2018, for Order Number 53508602. Your reference: Downes Road.

Item 10.17 – Reports by the Organisation
Bayside City Council
Ordinary Council Meeting - 18 December 2018
Attachment 1

PLAN OF SUBDIVISION
OF PART OF DENDY'S CROWN SPECIAL SURVEY
PARISH OF MOORABBIN
AT BRIGHTON
COUNTY OF BOURKE

V. 5185 F. 859
Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

COLOUR CODE
E=BLUE
R1 & R2 = BROWN

APPROPRIATIONS
THE LAND COLOURED BLUE
IS APPROPRIATED OR SET
APART FOR EASEMENTS OF
DRAINAGE AND SEWERAGE

THE LAND COLOURED BROWN
IS APPROPRIATED OR SET
APART FOR ROADS

ENCUMBRANCES
AS TO THE LAND MARKED R2
ANY EASEMENTS AFFECTING
THE SAME

APPURTENANCES
AS TO LOT 14
TOGETHER WITH A RIGHT
OF CARRIAGEWAY OVER THE
ROADS COLOURED BROWN

NORTH ROAD

DOWNES R1 900' AVENUE

ELWOOD STREET

LP 11733
EDITION 3
PLAN MAY BE LODGED
15-10-2.6

SEE SHEET 2

Item 10.17 – Reports by the Organisation Page 129 of 167
## MODIFICATION TABLE

**PLAN NUMBER**

**LP 11733**

**WARNING:** THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

<table>
<thead>
<tr>
<th>AFFECTED LAND/PARCEL</th>
<th>LAND/PARCEL IDENTIFIER CREATED</th>
<th>MODIFICATION</th>
<th>DEALING NUMBER</th>
<th>DATE</th>
<th>EDITION NUMBER</th>
<th>ASSISTANT REGISTRAR OF TITLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT 14</td>
<td></td>
<td>APPURTEINANT EASEMENT NOTATION ADDED</td>
<td>2</td>
<td></td>
<td>AD</td>
<td></td>
</tr>
<tr>
<td>ROAD</td>
<td>R2</td>
<td>EASEMENTS ENHANCED</td>
<td>3</td>
<td></td>
<td>AD</td>
<td></td>
</tr>
</tbody>
</table>
Dear Bayside City Council

Transfer Ownership of Laneway off Elwood Street, Brighton to Bayside City Council

The Commonwealth of Australia, as represented by the Department of Finance (Finance), seeks to transfer the land known as ‘Elwood Laneway’ to Bayside City Council (Council).

For context, the land contained in Certificate of Title Volume 5185 Folio 859 was acquired by the Commonwealth in 1926, comprising a large mansion and surrounding grounds, as well as a road known as ‘Road R2’, which linked the property to Elwood Street and became known as Elwood Laneway. The mansion was utilised by the Commonwealth as ‘Anzac Hostel’ for returned servicemen and was transferred to the Repatriation Commission in 1955 and subsequently to the Council in 1996. The surrounding grounds were subdivided into 28 housing lots and publicly sold between 1926 and 1930.

Following an audit of Commonwealth landholdings, it has become apparent that the area that comprises Elwood Laneway / Road R2 was not formally transferred to the Council. Finance seeks to rectify this oversight.

We note that Elwood Laneway / Road R2 has never been constructed, and since the 1926 subdivision the area has been encroached upon by the 16 abutting owners and included within their respective fence lines. The land has been used to build structures such as fences, gardens, sheds, paths, and pools.

Subject to Council agreement, and support from the Victorian Land Titles Office, we would propose to formally transfer Elwood Laneway / Road R2 from the Commonwealth to the Council through a ‘Deed of Transfer’ jointly executed by respective delegates.

Your support on this matter would be appreciated.

Yours sincerely

Jason Ford
Assistant Secretary
Property & Construction Division
4 October 2018
Bayside City Council
PO Box 27
Sandringham VIC 3191

Dear Bayside City Council

**Transfer Ownership of Downes Avenue, Brighton to Bayside City Council**

The Commonwealth of Australia, as represented by the Department of Finance (Finance), seeks to transfer the road known as ‘Downes Avenue’ to the Bayside City Council (Council).

For context, the land contained in Certificate of Title Volume 5185 Folio 859 was transferred to the Commonwealth in 1926, comprising a large mansion and surrounding grounds, as well as a road known as ‘Road R2’, which linked the property to Elwood Street. The mansion was utilised by the Commonwealth as a hostel known as ‘Anzac Hostel’ for returned servicemen and was transferred to the Repatriation Commission in 1955 and subsequently to the Council in 1996. The surrounding grounds were subdivided into 28 housing lots and publicly sold between 1926 and 1930. The subdivision also created ‘Downes Avenue’, which is also known as ‘Road R1’.

Following an audit of Commonwealth landholdings, it has become apparent that the area that comprises Downes Avenue / Road R1 was not formally transferred to the Council. Finance seeks to rectify this oversight.

Subject to the agreement of the Council, and support from the Victorian Land Titles Office, we would propose to formally transfer Downes Avenue / Road R1 from the Commonwealth to the Council through a ‘Deed of Transfer’ jointly executed by our respective delegates.

Your support in this matter would be appreciated.

Yours sincerely

Jason Ford
Assistant Secretary
Property & Construction Division
2 October 2018
10.18 PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 173 BLUFF ROAD BLACK ROCK

Executive summary

Purpose and background

The purpose of this report is to seek 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 173 Bluff Road, Black Rock, identified as Lot 3 circled in red in Attachment 1, and to sell the land by private treaty to the owners of 173 Bluff Road, Black Rock.

An enquiry has been received from the owner of 173 Bluff Road, Black Rock, for the possible discontinuance and sale of the Road. Initial investigations have identified that the road is landlocked and enclosed into the property of 173 Bluff Road. No adjoining owners use the road for vehicle or pedestrian access, nor any adjoining part of the road.

The subject Right of Way is not currently listed on Council’s Register of Public Roads. It is known as a Right of Way on LP 5407. Register Search Statement refers to the subject land as a Road (R1) on Title Search PS005407, Volume 11498 Folio 397. The Road remains in the original subdivider’s names, Eileen Frances Duff and Hubert Silvers Black (1941).

Key issues

The section of Road in question was previously used to access the rear of 5/175 Bluff Road, 173 Bluff Road, 72 Edward Street and 74 Edward Street. Multiple sections of the road have been enclosed for an unknown period of time. Attachment 2 identifies the sections of the road that have been enclosed as well as the sections of the road that remain open.

The road contains an underground South East Water and Bayside City Council Sewer and Drainage easement. If discontinued, the current Easements will be retained in favour of South East Water for sewerage purposes and Bayside City Council for drainage purposes.

Questionnaire

Correspondence to the adjoining owners of the part of the road adjoining 72 Edward Street, 5/175 & 173 Bluff Road, 2/67 Red Bluff and 65 Red Bluff Road Black Rock requesting feedback relating to the use of the road and interest in each party acquiring the land from Council has been sent. To date, Council has not received any negative feedback relating to the proposed discontinuance or sale. It is also noted that this section of the road has been enclosed for a lengthy period of time and therefore carries little risk of attracting negative feedback.

As the road is no longer considered reasonably required for public use, it is appropriate to proceed with the statutory procedures to discontinue the road and sell the land to the owner of 173 Bluff Road, Black Rock via private treaty. The owner of 173 Bluff Road, Black Rock has accepted Council’s offer to sell the land for $30,000 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 road adjoining 173 Bluff Road, Black Rock, highlighted in Attachment 3 via private treaty;
2. Give Public Notice of the Proposal in the appropriate newspapers and on Council’s website;
3. If no submissions are received authorise the Director Corporate Services to complete the formal procedures for the discontinuance of the road and sale of the land to the owners of 173 Bluff Road, Black Rock for $30,000 plus GST; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the *Local Government Act* 1989 to consider any submissions received at the Council Chambers, Boxshall Street, Brighton on 12 February 2018 at 6:30pm.

Support Attachments

1. Proposed Title Plan - 173 Bluff Road Black Rock
2. Road Plan - ROW at rear of 173 Bluff Road Black Rock
3. Survey Title Plan - TP948996U - Farren Group - Land at the rear of 173 Bluff Road Black Rock
Considerations and implications of proposition

Social
The sale of discontinued right of ways will remove the need for Council to regularly maintain land that it no longer requires ownership over to deliver social needs. In this instance, the land is used for sewerage and drainage purposes by Council and South East Water. Through easement rights, the sewerage and drainage services will continue to operate if the land was disposed.

Natural Environment
There are no impacts associated with this report.

Built Environment
The discontinuance and sale of the road will provide the property owner an opportunity to gain title to the land which is no longer required by Council for municipal purposes.

Customer Service and Community Engagement
Consultation has been undertaken with adjoining property owners. Officers will consult the external service authorities during the public consultation period. 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 land. 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 road and invite submissions from affected parties.

Human Rights
There are no Human Rights issues or implications identified in relation to this report.

Legal
The occupier of the land has advised they may have adverse possession rights of which they’re yet to prove. The approach to purchase the land under Council policy removes a need to undertake a lengthy and potentially uncertain outcome to the claim and 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 (MSV) have valued the subject land at $30,000 (exclusive of GST).

In accordance with Council Policy, the land has been allocated to the adjoining property owner in accordance with lot 3 circled in red in Attachment 1. 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>R1</td>
<td>Rear 173 Bluff Road Black Rock</td>
<td>38m²</td>
<td>$30,000</td>
<td>$3,000</td>
<td>$33,000</td>
</tr>
</tbody>
</table>

The property owner has agreed to purchase the land for the sum of $30,000 + GST given the road is discontinued.

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 proceed with discontinuance and sale.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Nil.</td>
</tr>
<tr>
<td>Issues</td>
<td>Road is not reasonably required.</td>
</tr>
<tr>
<td></td>
<td>Income from sale not achieved.</td>
</tr>
</tbody>
</table>
Item 10.18 – Reports by the Organisation
Item 10.18 – Reports by the Organisation
Executive summary

Purpose and background
This report provides a summary and analysis of Council's financial performance for four (4) months to 31 October 2018.

The report is designed to analyse actual results against the 2018/19 Adopted Budget to ensure consistency and compliance with the Budget, and to measure Council’s overall financial performance.

Please refer to the Detailed Financial Report attached for full analysis.

Key issues

2018/19 Year to date operating result
The October 2018 result is a surplus of $12.4M which is $3.6M favourable to budget.

2018/19 Forecast operating result
The current forecast for the year is a surplus of $22.5M which is $777k favourable to Budget.

The underlying forecast is favourable to budget by $267k and excludes the following one off or timing items totalling ($510k):

- ($259k) additional costs associated with the purchase of new smaller bins as part of the "shrink your bin campaign".
- ($257k) reduction in net income for the sale of one Bathing Box which is unlikely to proceed in 2018/19.
- ($155k) expenditure related to the timing of grant funding for Aged & Disability Regional projects.
- ($90k) State election advocacy campaign.
- $553k additional income from developers relating to drainage contribution
- $414k sale of discontinuance of Council owned laneways.
- $175k additional grant funding in 2018/19 for ‘Safe Travel in Local Street Program’.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.

It should be noted that Council budgets for a surplus in its operating budget each year so as to fund capital works. Any end of year surplus that is favourable to budget is quarantined in Council’s infrastructure reserve which is used to fund capital works in future years or other unavoidable projects.
Cash and Investments

The cash position as at October 2018 is $98.7M

The YTD favourable variance to budget of $16.1M as at October 2018 is mainly due to:

- $13.5M greater opening cash balance than budgeted as of 1 July 2018:
  - Favourable capital works underspend including Rollover of 2017/18 capital projects
  - Favourable operating result in 2017/18 resulting in $2M transferred to the Infrastructure Reserve, an increase of unspent grant funds $1.6M, as well as additional resort and recreation and drainage levy income $1.5M transferred to reserves.

There will be a significant drawdown on these cash reserves over the next 4 years to fund an expansion of major capital projects.

Victorian Auditor General’s Office (VAGO) Indicators

Current forecasts indicate that Council will achieve VAGO indicator targets.

Local Government Performance Reporting Framework (LGPRF) Indicators

Current forecasts indicate that Council will achieve LGPRF indicator targets.

Capital Result

Capital expenditure is forecast to be underspent by $14.3M for the year driven mainly by the forecast carry forward of project budget to 2019/20 including $9 million for the purchase of the CSIRO site. Excluding the $9 million allocated to purchase the CSIRO site the forecast at the end of October indicates that 89% of the 2018/19 adjusted budget will be spent by June 2019.

Recommendation

That Council notes the operating and capital financial report for four months to 31 October 2018.

Support Attachments

1. October 2018 Financial Report ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
There are no impacts to customer service.

No community engagement has been undertaken in preparing this report.

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

Section 138 of the Local Government Act 1989 prescribes that, at least every three months, a financial report of revenue and expenditure be presented to Council.

Finance

The year-end forecast operating result is a surplus of $22.5M which is $777k favourable to budget. Taking into account one off and timing issues the underlying operating result is $267k favourable to budget.

Capital expenditure is forecast to be underspent by $14.3M for the year driven mainly by the forecast carry forward of project budget to 2019/20 including $9 million for the purchase of the CSIRO site. Excluding the $9 million allocated to purchase the CSIRO site the forecast at the end of October indicates that 89% of the 2018/19 adjusted budget will be spent by June 2019.

Links to Council policy and strategy

The monthly financial report is identified within Goal 8 Governance in the Council Plan 2017-2021. We want an organisation that is financially stable and with decision making that is open, transparent, and informed by the community.
Bayside City Council Financial Report 31 October 2018

Operating Result

2018/19 Year to date operating result
The October 2018 result is a surplus of $12.4M which is $3.6M favourable to budget.

2018/19 Forecast operating result
The current forecast for the year is a surplus of $22.5M which is $777k favourable to Budget.

The underlying forecast is favourable to budget by $267k and excludes the following one off or timing items totalling ($510k):
- ($259k) additional costs associated with the purchase of new smaller bins due to the ‘shrink your bin campaign’.
- ($257k) reduction in net income for the sale of one Bathing Box as this is unlikely to proceed in 2018/19.
- ($155k) expenditure related to the timing of grant funding for Aged & Disability Regional projects.
- ($90k) for the development and implementation of the State election advocacy.
- $553k additional income from developers relating to drainage contribution unbudgeted.
- $414k sale of discontinuance of Council owned laneways.
- $175k additional grant funding in 2018/19 for ‘Safe Travel in Local Street Program’.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.
<table>
<thead>
<tr>
<th>Line Item</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 Adjusted Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast 2018/19</th>
<th>Adjusted Budget less forecast variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Services &amp; New Initiatives Budget</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>31,792</td>
<td>31,874</td>
<td>82</td>
<td>95,416</td>
<td>95,301</td>
<td>(115)</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>2,141</td>
<td>2,463</td>
<td>322</td>
<td>6,357</td>
<td>6,701</td>
<td>344</td>
</tr>
<tr>
<td>User Fees</td>
<td>2,726</td>
<td>3,110</td>
<td>384</td>
<td>7,058</td>
<td>7,744</td>
<td>96</td>
</tr>
<tr>
<td>Rental Income</td>
<td>2,163</td>
<td>2,270</td>
<td>167</td>
<td>4,120</td>
<td>4,120</td>
<td>0</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>4,298</td>
<td>4,429</td>
<td>130</td>
<td>10,878</td>
<td>10,486</td>
<td>(393)</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>705</td>
<td>305</td>
<td>(400)</td>
<td>1,370</td>
<td>1,545</td>
<td>175</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>7</td>
<td>-</td>
<td>(7)</td>
<td>105</td>
<td>105</td>
<td>-</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>666</td>
<td>2,178</td>
<td>1,512</td>
<td>3,213</td>
<td>3,766</td>
<td>553</td>
</tr>
<tr>
<td>Interest Income</td>
<td>718</td>
<td>932</td>
<td>214</td>
<td>2,155</td>
<td>2,490</td>
<td>335</td>
</tr>
<tr>
<td>Other Income</td>
<td>430</td>
<td>802</td>
<td>463</td>
<td>1,713</td>
<td>2,055</td>
<td>342</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>45,587</strong></td>
<td><strong>48,455</strong></td>
<td><strong>2,868</strong></td>
<td><strong>132,985</strong></td>
<td><strong>134,313</strong></td>
<td><strong>1,328</strong></td>
</tr>
<tr>
<td>Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>14,414</td>
<td>13,623</td>
<td>791</td>
<td>44,029</td>
<td>44,196</td>
<td>733</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>16,985</td>
<td>16,074</td>
<td>11</td>
<td>47,306</td>
<td>48,586</td>
<td>(1,280)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>3</td>
<td>(3)</td>
<td>173</td>
<td>177</td>
<td>(4)</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>6,136</td>
<td>6,102</td>
<td>(56)</td>
<td>18,416</td>
<td>18,416</td>
<td>-</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>131</td>
<td>117</td>
<td>14</td>
<td>440</td>
<td>440</td>
<td>-</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(0)</td>
<td>(0)</td>
<td></td>
<td></td>
<td></td>
<td>(0)</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>36,767</strong></td>
<td><strong>36,009</strong></td>
<td><strong>757</strong></td>
<td><strong>111,265</strong></td>
<td><strong>111,815</strong></td>
<td><strong>(550)</strong></td>
</tr>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td><strong>8,821</strong></td>
<td><strong>12,446</strong></td>
<td><strong>3,625</strong></td>
<td><strong>21,720</strong></td>
<td><strong>22,498</strong></td>
<td><strong>777</strong></td>
</tr>
</tbody>
</table>
Operating Result by Division

<table>
<thead>
<tr>
<th>Division (in '000s)</th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget less Forecast</th>
<th>Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>3,159</td>
<td>3,083</td>
<td>77</td>
<td>10,645</td>
<td>11,002</td>
<td>(217)</td>
<td>-2.0%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>2,652</td>
<td>2,615</td>
<td>38</td>
<td>8,448</td>
<td>8,866</td>
<td>(250)</td>
<td>-3.0%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>11,941</td>
<td>11,250</td>
<td>691</td>
<td>36,174</td>
<td>36,451</td>
<td>(277)</td>
<td>-0.8%</td>
</tr>
<tr>
<td>City Planning &amp; Community Services</td>
<td>1,228</td>
<td>(41)</td>
<td>1,209</td>
<td>8,738</td>
<td>8,410</td>
<td>348</td>
<td>4.0%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(413)</td>
<td>(1,113)</td>
<td>698</td>
<td>(3,069)</td>
<td>(4,428)</td>
<td>559</td>
<td>-14.4%</td>
</tr>
<tr>
<td>Underlying Operating</td>
<td>18,265</td>
<td>15,793</td>
<td>2,472</td>
<td>60,357</td>
<td>60,194</td>
<td>163</td>
<td>0.3%</td>
</tr>
</tbody>
</table>

Rates

<table>
<thead>
<tr>
<th></th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget less Forecast</th>
<th>Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(31,851)</td>
<td>(31,933)</td>
<td>82</td>
<td>(95,590)</td>
<td>(95,476)</td>
<td>(114)</td>
<td>0.1%</td>
<td></td>
</tr>
</tbody>
</table>

Capital Income

<table>
<thead>
<tr>
<th></th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget less Forecast</th>
<th>Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1,371)</td>
<td>(2,408)</td>
<td>1,127</td>
<td>(4,903)</td>
<td>(5,831)</td>
<td>727</td>
<td>-14.8%</td>
<td></td>
</tr>
</tbody>
</table>

Depreciation

<table>
<thead>
<tr>
<th></th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget less Forecast</th>
<th>Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,136</td>
<td>6,192</td>
<td>(56)</td>
<td>18,416</td>
<td>18,416</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
</tbody>
</table>

Grand Total

<table>
<thead>
<tr>
<th></th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget less Forecast</th>
<th>Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(8,821)</td>
<td>(12,446)</td>
<td>3,625</td>
<td>(21,720)</td>
<td>(22,498)</td>
<td>777</td>
<td>-3.6%</td>
<td></td>
</tr>
</tbody>
</table>

Executive forecast unfavourable ($217k)

- ($135k) increase in costs associated with advertising and recruitment of senior staff vacancies.
- ($90k) State election advocacy campaign which was approved by Council after the budget process.

Corporate Services unfavourable ($250k)

- ($143k) Additional staff in Property and Leasing to assist with the sale of discontinuance of Council owned laneways. Fully offset by $175k discontinuance income.
- ($105k) additional costs associated with sale of discontinuance, leases and Sandringham Driving Range.
- ($100k) increase in annual software support which represents a transition to best of breed cloud solutions as an alternative to capital investment.
- $175k sale of discontinuance of Council owned laneways.

Environment, Recreation and Infrastructure unfavourable ($277k)

- ($467k) increase in Utilities for Public Lighting, Electricity and Gas charges as a result of the new contracts negotiated after budget approval and effective 1 July 2018. The new contract is an aggregated portfolio across the majority of Metropolitan Local Councils and is significantly cheaper than the default market rate for energy.
- ($259k) additional costs associated with the purchase of new smaller bins due to the “Shrink your bin and save” campaign.
- $246k savings in the kerbside recycling waste disposal contract as a result of a better price per tonnage negotiated with the recycling processor.
- $133k additional income main associated with Open Space permits issued for filming activities within the municipality.
- $65k increase in legal point of discharge income.

City Planning and Community Services favourable $348k

- $300k increase in parking fines due to increased patronage.
- $108k increase in infringement court recoveries related to parking.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.
- ($150k) reduction in statutory planning application income due to the economic uncertainty and downturn in the housing market.

Page 3
• ($148k) expenditure for Customer Journey mapping for City Planning.
• ($155k) expenditure for Aged & Disability Regional projects for which funding was received in 2017/18.
• $41k net savings expected in Aged & Disability predominantly due to clients transitioning to NDIS.

Corporate Finance favourable $559k
• ($257k) net reduction in the proceeds for the sale of a Bathing box which is expected to be sold in 2019/20
• $414k sale of discontinuance of Council owned laneways
• $335k increase in interest income from general bank accounts and term deposits mainly due to a favourable opening cash position for the year.
• $71k savings in 2018/19 workcover premium due to improved claims history.

Rates unfavourable ($114k).
• ($392k) reduction in rates and charges resulting from requests from rate payers for smaller bins.
• $251k increase in supplementary rates over budget.
Cash and Investments

The cash position of $98.7M has increased by $7.5M from the 2017/18 ending balance of $91.2M.

The YTD favourable variance to budget of $16.1M as at October 2018 is mainly due to:
- $13.5M greater opening cash balance than budgeted as of 1 July 2018:
  - Favourable capital works underspend including Rollover of 2017/18 capital projects
  - Favourable operating result in 2017/18 resulting in $2M transferred to the Infrastructure Reserve, an increase of unspent grant funds $1.6M, as well as additional resort and recreation and drainage levy income $1.5M transferred to reserves.

Restricted funds include trust funds and reserves.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30-Jun-18</th>
<th>31-Oct-18</th>
<th>Variance</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>37,412</td>
<td>46,632</td>
<td>37,182</td>
<td>9,450</td>
<td>23,755</td>
<td>36,188</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>53,936</td>
<td>52,060</td>
<td>46,476</td>
<td>6,694</td>
<td>37,043</td>
<td>51,759</td>
</tr>
<tr>
<td></td>
<td>91,247</td>
<td>98,712</td>
<td>82,658</td>
<td>16,054</td>
<td>60,797</td>
<td>87,948</td>
</tr>
</tbody>
</table>

Cash & cash equivalents (including investments) consists of:
- Retail banks: 85,526
- Community banks: 4,000
- Cash on hand and at bank: 1,721
- Total cash and cash equivalents: 91,247

Statutory Reserves:
- Recreational Land Reserve: 17,906
- Drainage Contribution Reserve: 394
- Car Parking Reserve: 407
- Total Statutory Reserves: 18,706

Funds Subject to Intended Allocation:
- Infrastructure Reserve: 8,235
- Dendy Street Beach Improvement Reserve: 2,157
- Community Facilities Enhancement Reserve: 908
- Early Childhood Facilities Reserve: 5,550
- Defined Superannuation Shortfall: 2,500
- Unspent Conditional Grants Reserve: 1,620
- Capital Works Carried Forward Reserve: 9,964
- Street and Park Tree Management Carried For: 110
- Total Funds Subject to Intended Allocation: 30,704

Total Other Reserves:
- 49,410

Committed Funds:
- Trust Funds and Deposits: 4,425
- Total Committed Funds: 4,425

Total Restricted, Committed and Allocated funds:
- 53,835
**Victorian Auditor – General’s Office (VAGO) Indicators**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Definitions</th>
<th>VAGO Target (to maintain low risk)</th>
<th>Forecast Performance</th>
<th>Achievable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquidity</td>
<td>The ability to pay liabilities within the next 12 months. (current assets/current liabilities)</td>
<td>&gt; 150%</td>
<td>535.60%</td>
<td>Yes</td>
</tr>
<tr>
<td>Self-financing</td>
<td>The ability to replace assets using cash generated from day to day operations (net operating cash flow/underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>29.74%</td>
<td>Yes</td>
</tr>
<tr>
<td>Capital Replacement</td>
<td>To ensure sufficient spending on capital renewal and new capital works. (Total capital spend: Depreciation)</td>
<td>&gt; 150%</td>
<td>232.26%</td>
<td>Yes</td>
</tr>
<tr>
<td>Indebtedness</td>
<td>The ability to repay debt from own source revenue being revenue not tied to specific projects. (not current liabilities / own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.77%</td>
<td>Yes</td>
</tr>
<tr>
<td>Underlying result</td>
<td>Sufficient operating income to cover operating expenses (new surplus/revenue)</td>
<td>&gt; 0%</td>
<td>15.77%</td>
<td>Yes</td>
</tr>
<tr>
<td>Renewal gap</td>
<td>To ensure sufficient spending on existing capital assets. (Renewal capital spend: depreciation)</td>
<td>&gt; 100%</td>
<td>163.43%</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Local Government Performance Reporting Framework Indicators**

<table>
<thead>
<tr>
<th>LGPRF Performance Indicators</th>
<th>Expected Range</th>
<th>2018/19 Forecast</th>
<th>Within Range?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average residential rate per residential property assessment*</td>
<td>$700 to $2,000</td>
<td>$2,166</td>
<td>✗</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,459</td>
<td>✓</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>264.3%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings compared to rates</td>
<td>0% to 70%</td>
<td>0.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings repayments compared to rates</td>
<td>0% to 20%</td>
<td>0.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Adjusted underlying surplus (or deficit)</td>
<td>-20% to 20%</td>
<td>13.3%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>73.9%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to property values**</td>
<td>0.15% to 0.75%</td>
<td>0.14%</td>
<td>✗</td>
</tr>
</tbody>
</table>

*The 2018/19 forecast for average residential rate includes the additional waste levy required to fund increases in recycling costs*

**Reduced rates due to the take up of smaller garbage bins**
**Capital Results**

<table>
<thead>
<tr>
<th>$'000's</th>
<th>Adjusted Budget</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Forecast rollover to 2019/20</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Income</td>
<td>(1,371)</td>
<td>(2,498)</td>
<td>1,127</td>
<td>(4,093)</td>
<td>(5,631)</td>
<td>728</td>
<td>-</td>
</tr>
<tr>
<td>Capital Expenditure</td>
<td>7,496</td>
<td>6,191</td>
<td>1,304</td>
<td>57,117</td>
<td>42,773</td>
<td>14,344</td>
<td>14,206</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,124</strong></td>
<td><strong>3,693</strong></td>
<td><strong>2,431</strong></td>
<td><strong>52,214</strong></td>
<td><strong>37,142</strong></td>
<td><strong>15,072</strong></td>
<td><strong>14,298</strong></td>
</tr>
</tbody>
</table>

**Capital revenue**

YTD favourable $1.1M, forecast favourable $728k.

The forecast favourable variance in capital income of $728k is mainly due to:

- $553k additional income from developers relating to drainage contribution unbudgeted.
- $175k additional grant funding received from VicRoads for Church and Male Street Roundabout zebra crossings completed in 2017/18.

**Capital expenditure**

YTD underspend $1.3M, and forecast underspend $14.3M.

The forecast underspend in capital expenditure of $14.3M is mainly due to:

- $2M Dendy St Beach Masterplan Implementation – delayed due to VCAT and remediation works.
- $1.2M Sandringham Village Activity Centre Streetscaping – delayed due to planning permit and Melbourne Water approval.
- $640k Destructor Reserve Pavilion Redevelopment – Project on hold due to delays awaiting sign off on design from sports club. Construction to commence in 2019.
- $620k William Street Reserve Pavilion Redevelopment – Planning approval required, construction is not anticipated to commence until 2019.
- $284k Brighton Beach Oval Precinct Redevelopment – Project is currently on hold as scope not approved by club.
- $260k Highton Road Activity Centre Streetscaping – Design only anticipated in 2018/19 as dependent on negotiations with Public Transport Victoria (PTV).
- $205k Red Bluff to Half Moon Bay Masterplan Implementation – project is in Masterplan Stage and expected to be carried forward to 2019/20.
- $70k Bay and Avoca Activity Centre Upgrade – delayed due to the construction of a private development at the location.
## Detailed Schedules

### 1. Income Statement

<table>
<thead>
<tr>
<th>Line Item</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Forecast 2018/19 Year End less variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Services &amp; New Initiatives Budget</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>31,792</td>
<td>31,874</td>
<td>82</td>
<td>95,416</td>
<td>95,301</td>
<td>(115)</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>2,141</td>
<td>2,463</td>
<td>322</td>
<td>6,357</td>
<td>6,701</td>
<td>344</td>
</tr>
<tr>
<td>User Fees</td>
<td>2,726</td>
<td>3,110</td>
<td>384</td>
<td>7,658</td>
<td>7,744</td>
<td>86</td>
</tr>
<tr>
<td>Rental Income</td>
<td>2,103</td>
<td>2,270</td>
<td>167</td>
<td>4,120</td>
<td>4,120</td>
<td>0</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>4,299</td>
<td>4,429</td>
<td>130</td>
<td>10,678</td>
<td>10,486</td>
<td>(393)</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>705</td>
<td>305</td>
<td>(400)</td>
<td>1,370</td>
<td>1,545</td>
<td>175</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>7</td>
<td>-</td>
<td>(7)</td>
<td>105</td>
<td>105</td>
<td>-</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>666</td>
<td>2,178</td>
<td>1,512</td>
<td>3,213</td>
<td>3,766</td>
<td>553</td>
</tr>
<tr>
<td>Interest Income</td>
<td>718</td>
<td>932</td>
<td>214</td>
<td>2,155</td>
<td>2,490</td>
<td>335</td>
</tr>
<tr>
<td>Other Income</td>
<td>430</td>
<td>892</td>
<td>463</td>
<td>1,713</td>
<td>2,055</td>
<td>342</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>45,587</td>
<td>48,455</td>
<td>2,868</td>
<td>132,985</td>
<td>134,313</td>
<td>1,328</td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>14,414</td>
<td>13,623</td>
<td>791</td>
<td>44,920</td>
<td>44,106</td>
<td>733</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>16,085</td>
<td>16,074</td>
<td>11</td>
<td>47,306</td>
<td>48,586</td>
<td>(1,280)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>3</td>
<td>(3)</td>
<td>173</td>
<td>177</td>
<td>(4)</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>6,136</td>
<td>6,192</td>
<td>(56)</td>
<td>18,416</td>
<td>18,416</td>
<td>-</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>131</td>
<td>117</td>
<td>14</td>
<td>440</td>
<td>440</td>
<td>-</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(0)</td>
<td>-</td>
<td>(0)</td>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td>36,767</td>
<td>36,009</td>
<td>757</td>
<td>111,265</td>
<td>111,815</td>
<td>(550)</td>
</tr>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td>8,821</td>
<td>12,446</td>
<td>3,625</td>
<td>21,720</td>
<td>22,498</td>
<td>777</td>
</tr>
</tbody>
</table>
2. Statement of Capital Works

<table>
<thead>
<tr>
<th>CAPITAL in $'000's</th>
<th>2018/19</th>
<th>2018/19</th>
<th>2018/19</th>
<th>Year End Forecast 2018/19</th>
<th>Adjusted Budget less Forecast Balance to 2019/20</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YTD</td>
<td>YTD</td>
<td>Variance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>2,480</td>
<td>1,824</td>
<td>656</td>
<td>14,910</td>
<td>10,881</td>
</tr>
<tr>
<td>Building Improvements</td>
<td>311</td>
<td>202</td>
<td>109</td>
<td>3,241</td>
<td>3,316</td>
</tr>
<tr>
<td>Plant &amp; Equipment Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixtures, Fittings and Furniture</td>
<td>46</td>
<td>84</td>
<td>(38)</td>
<td>320</td>
<td>320</td>
</tr>
<tr>
<td>Arts and Culture</td>
<td>16</td>
<td>16</td>
<td>(0)</td>
<td>130</td>
<td>130</td>
</tr>
<tr>
<td>IT Systems, Network, Servers and Communication</td>
<td>406</td>
<td>593</td>
<td>(127)</td>
<td>2,060</td>
<td>2,300</td>
</tr>
<tr>
<td>Library Assets</td>
<td>132</td>
<td>133</td>
<td>(1)</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Infrastructure Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreshore and Conservation</td>
<td>150</td>
<td>96</td>
<td>54</td>
<td>2,700</td>
<td>2,500</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>1,528</td>
<td>1,483</td>
<td>65</td>
<td>8,840</td>
<td>6,904</td>
</tr>
<tr>
<td>Off-Street Car Parks</td>
<td>212</td>
<td>94</td>
<td>119</td>
<td>2,818</td>
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<td>(14,035)</td>
<td>(13,629)</td>
<td>2,584</td>
<td>(42,172)</td>
<td>(36,774)</td>
<td>3,343</td>
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<tr>
<td><strong>Cash flows from financing activities</strong></td>
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<td>(1,956)</td>
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<td>4,185</td>
<td>2,832</td>
<td>1,553</td>
<td>2,771</td>
<td>2,422</td>
<td>(349)</td>
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<td><strong>Term Deposits</strong></td>
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<td>94,527</td>
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<td>58,026</td>
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<tr>
<td>Total cash and cash equivalents at the end of the period</td>
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<td>98,712</td>
<td>82,858</td>
<td>16,054</td>
<td>60,797</td>
<td>87,948</td>
<td>27,151</td>
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<td><strong>Total cash and cash equivalents at the end of the period</strong></td>
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<td>16,054</td>
<td>60,797</td>
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### 4. Balance Sheet

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<th>Adjusted Budget</th>
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<tr>
<td>Cash and cash equivalents</td>
<td>1,721</td>
<td>4,185</td>
<td>2,632</td>
<td>1,553</td>
<td>2,771</td>
<td>2,422</td>
<td>(349)</td>
<td></td>
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<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>795</td>
<td>828</td>
<td>1,266</td>
<td>(438)</td>
<td>1,424</td>
<td>1,021</td>
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<tr>
<td><strong>Equity</strong></td>
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<tr>
<td>Accumulated surplus</td>
<td>875,870</td>
<td>889,544</td>
<td>890,331</td>
<td>(387)</td>
<td>912,420</td>
<td>900,319</td>
<td>(12,110)</td>
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<tr>
<td>Asset revaluation reserve</td>
<td>2,884,594</td>
<td>2,884,596</td>
<td>2,544,521</td>
<td>340,075</td>
<td>2,544,521</td>
<td>2,864,594</td>
<td>340,673</td>
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<tr>
<td>Other reserves</td>
<td>49,410</td>
<td>47,780</td>
<td>40,841</td>
<td>9,939</td>
<td>32,325</td>
<td>47,450</td>
<td>15,134</td>
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<tr>
<td><strong>Total equity</strong></td>
<td>3,809,874</td>
<td>3,822,320</td>
<td>3,475,693</td>
<td>346,627</td>
<td>3,489,275</td>
<td>3,832,372</td>
<td>343,697</td>
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10.20 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/300009

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 18 December 2018.

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
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
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<th>COMMENTS/STATUS</th>
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<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>DCP&amp;A</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>DERI</td>
<td>A future report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site.&lt;br&gt;The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.1</td>
<td><strong>Amendment C151 – Hampton East (Moorabbin) Structure Plan</strong>&lt;br&gt;That Council following the Minister for Planning decision in relation to the above receives a report that outlines the scope for an additional study for precincts 3, 5 and 6 including costs, funding options and timing.</td>
<td>DCP&amp;A</td>
<td>A report was submitted to the Minister on 2 May 2018. Council is currently awaiting the Minister’s decision.</td>
</tr>
</tbody>
</table>

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**Ordinary Council Meeting - 18 December 2018**

**Attachment 1**

**Item 10.20 – Reports by the Organisation**

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**Council Action Awaiting Report Attachment**
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
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</tr>
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<tbody>
<tr>
<td>24/10/17</td>
<td>10.16</td>
<td>HMVS Cerberus – Heritage Works Permit Update</td>
<td>DERI</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>19/12/17</td>
<td>10.15</td>
<td>Bayside Film Festival</td>
<td>DC&amp;CE</td>
<td>A report will be submitted to Council at the February 2019 meeting.</td>
</tr>
<tr>
<td>19/6/18</td>
<td>10.6</td>
<td>Seasonal Sports Infrastructure Contributions Framework</td>
<td>DERI</td>
<td>A report will be submitted to Council at the February 2019 meeting.</td>
</tr>
<tr>
<td>19/6/18</td>
<td>10.17</td>
<td>Building Inclusive Communities Funding Update</td>
<td>DERI</td>
<td>A report will be submitted to Council at the May 2019 meeting.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
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<tr>
<td>24/7/18</td>
<td>10.2</td>
<td>Elsternwick Park Golf Course Decommissioning Plan&lt;br&gt;That Council:&lt;br&gt;1. postpones a decision of the future of the buildings on the site of the old Elsternwick Park Golf Course pending the evaluation of potential community use and consultation with community groups and the Elsternwick Park Association;&lt;br&gt;2. adopts four key priorities for the site: i) environment, ii) public amenity, iii) flood mitigation, and iv) water quality;&lt;br&gt;3. continues to work with Melbourne Water, City of Port Phillip and City of Glen Eira on the development of a plan to implement a passive open space/environmentally focussed reserve and negotiate funding arrangements and partnerships regarding planning, capital works improvements, ongoing site management and maintenance;&lt;br&gt;4. establishes a community reference panel including representatives from the Elsternwick Park Association to:&lt;br&gt;   a. provide input into the development of the park and to consider future management models; and&lt;br&gt;   b. develop a project plan for the park;&lt;br&gt;5. continues to maintain the area of the former golf course at Elsternwick Park North as an area of publicly accessible open space while the planning work and consultation for the future design and management of the site is being completed;&lt;br&gt;6. develops, as a matter of priority, an action plan to address the impact of dogs off lead in the park; and&lt;br&gt;7. that a report on the progress and update is provided to the December 2018 Ordinary Meeting of Council.</td>
<td>DERI</td>
<td>A report is included on the 18 December 2018 Council Agenda.</td>
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<tr>
<td>ITEM</td>
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<td>10.5</td>
<td>2/18/18</td>
<td>Hamilton Street Activity Centre Social Infrastructure Needs Assessment / Hamilton Hub</td>
<td>DCP&amp;A</td>
<td>A report is included on the 18 December 2018 Council Agenda.</td>
</tr>
<tr>
<td>10.7</td>
<td>2/18/18</td>
<td>Early Year's Infrastructure Plan</td>
<td>DC&amp;CE</td>
<td>A further report will be provided to Council on the completion of the development works.</td>
</tr>
<tr>
<td>10.10</td>
<td>2/18/18</td>
<td>Ceasing the Bright &amp; Sandy Food and Wine Festival and Establish a Local Festivals and Events Fund</td>
<td>DERI</td>
<td>A report will be submitted to the June 2019 Council Meeting.</td>
</tr>
<tr>
<td>10.12</td>
<td>2/18/18</td>
<td>Response to Notice of Motion - 266 - Commuter Shuttle Bus Service</td>
<td>DERI</td>
<td>A report will be submitted to the February 2019 Council Meeting.</td>
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</tbody>
</table>

**Item 10.20 – Reports by the Organisation**
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
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<tbody>
<tr>
<td>21/8/18</td>
<td>10.13</td>
<td><strong>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financial Update</strong>&lt;br&gt;That Council receives a further report no later than August 2019 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td>DERI</td>
<td>A report will be submitted to the August 2019 Council Meeting.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.15</td>
<td><strong>Statutory Planning - Service, Performance and Delegations</strong>&lt;br&gt;That Council:&lt;br&gt;c) receives a further report in August 2019 on the success of the trial; and&lt;br&gt;d) reviews Statutory Planning performance KPIs during the preparation of the 2019/20 Council Plan</td>
<td>DCP&amp;A</td>
<td>That Council receives a report in August 2019 and reviews KPIs in April 2019 as part of the Council Plan review.</td>
</tr>
<tr>
<td>18/8/18</td>
<td>7.1</td>
<td><strong>Petition – Requesting a Hydrotherapy Pool Accessible to all residents</strong>&lt;br&gt;That the petition be received and a report be submitted to the December Ordinary Meeting of Council on this matter.</td>
<td>DERI</td>
<td>A report is included on the 18 December 2018 Council Agenda.</td>
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<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
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<td>That Council:</td>
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<td>1. Notes the revised timeframes for the proposed nomination process stages as:</td>
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<td>• Stage 1 Nominations for Heritage Listing: November 2018 – March 2019</td>
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<td>• Stage 2 Assessing Heritage Properties: March 2019 – May 2019</td>
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<td>• Stage 3 Planning Scheme Amendment: June 2019 – September 2019:</td>
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<td>2. Develops a communication strategy to assist in the implementation of Stage 1;</td>
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<td>and</td>
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<td>3. Receives a report at the June 2019 Ordinary Meeting of Council on which mid-</td>
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<td>century modern properties to pursue a planning scheme amendment deemed to be of</td>
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<td>heritage significance through the voluntary expression of interest process.</td>
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<tr>
<td>23/10/18</td>
<td>10.2</td>
<td><strong>Black and Well Street Brighton Car Park Redevelopment</strong></td>
<td>DCorp</td>
<td>A report will be submitted to Council in February 2019.</td>
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<td>That Council:</td>
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<td>1. defers consideration of the Black and Well Street car parking proposal;</td>
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<td>2. investigates maximising the use of existing parking capacity in streets within</td>
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<td>a short walk to the Church Street activity centre using an electronic parking</td>
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<td>data collection system integrated with real-time parking availability signage and</td>
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<td>app-based driver assistance and receives a further report on the options and</td>
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<td>costs of proceeding with this technology in February 2019; and</td>
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<td>3. undertakes further community consultation on options to improve car parking</td>
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<td>availability including the use of the technology options outlined in part 2 of</td>
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<td></td>
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<td>the resolution.</td>
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<td>DATE OF MEETING</td>
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<tr>
<td>23/10/18</td>
<td>13.1</td>
<td>Nom 276 – Review and identification of operational protocols as they relate to tree retention and landscape implementation</td>
<td>DCP&amp;A</td>
<td>A report is included on the 18 December 2018 Council Agenda.</td>
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<td>That Council receives a report, at the December 2018 Ordinary Meeting of Council, that:</td>
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<td>• provides a review of existing operational protocols and methods used in the issuing and management of Planning Permits in Bayside as they relate to tree retention and landscape implementation; and</td>
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<td>• identifies potential additional protocols that result in tree retention and landscape implementation, and explores their feasibility.</td>
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<tr>
<td>20/11/18</td>
<td>7.1</td>
<td>Petition - To cease the trial of the Bayside Commuter Bus Service</td>
<td>DERI</td>
<td>A report will be submitted to the February 2019 Ordinary Council Meeting.</td>
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<tr>
<td></td>
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<td>That the petition be received and a report be submitted to the February 2019 Ordinary Council Meeting in conjunction with the substantive report on the Commuter Bus Service as per Council’s previous resolution.</td>
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</tr>
<tr>
<td>20/11/18</td>
<td>10.6</td>
<td>CSIRO - Legal Agreements Update</td>
<td>DCorp</td>
<td>A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.</td>
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<tr>
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<td>That Council:</td>
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<td>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>
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<tr>
<td>20/11/18</td>
<td>10.12</td>
<td>Open Space Management - Service Review</td>
<td>A report will be submitted to the March 2019 Ordinary Council Meeting.</td>
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</tbody>
</table>

- **4.2.1**: Develop specialist contract specifications for the Community Nursery and Bushland Maintenance functions and provide a report to Council in March 2019 on the Nursery Management and Bushland Maintenance model following further consultation with the Community Nursery Steering Committee.
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** – The Mayor Cr Michael Heffernen
6. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin

12. **Urgent Business**

13. **Notices of Motion**

   Nil