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
   7.1 Petition - Not to sell part of Council car park at the rear of 37-39 Melrose Street, Sandringham
8. Minutes of Advisory Committees
   8.1 Assembly of Councillors Record
9. Reports by Special Committees
   9.1 Minutes of the Special Committee of Council held on 5 February 2020 to Hear Submissions in relation to the Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham.
10. Reports by the Organisation
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14. Confidential Business

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1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

   We acknowledge that the original inhabitants of this land that we call Bayside were the Boon wurrung people of the Kulin nation.  
   
   They loved this land, they cared for it and considered themselves to be part of it.  
   
   We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 17 December 2019.

6. **Public Question Time**
7. Petitions to Council

7.1 PETITION - NOT TO SELL PART OF COUNCIL CAR PARK AT THE REAR OF 37-39 MELROSE STREET, SANDRINGHAM

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/37739

A petition has been received from 367 signatories objecting to the proposed sale of part of a Council car park at the rear of 37-39 Melrose Street, Sandringham.

“We the undersigned hereby petition Bayside City Council to not sell part of the Council car park at the rear of 37-39 Melrose Street, Sandringham.”

Petition Requirements
The petition submitted meets the requirements of the Governance Local Law 1 Section 65.

Recommendation
That the petition be received and dealt with in conjunction with item 10.12 on the agenda.

Support Attachments
Nil
Executive summary

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

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

Recommendation
That Council notes the Assembly of Councillor records submitted as required by the Local Government Act 1989:
- 4 February 2020 CEO and Councillor only Briefing; and
- 4 February 2020 Councillor Briefing.

Support Attachments
1. Record of Assembly of Councillors - CEO and Councillor only meeting - Tuesday 4 February 2020
2. Record of Assembly of Councillors - 4 February 2020 Councillor Briefing
Record in accordance with section 80A(1) of the Local Government Act 1989

<table>
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<th>Meeting Information</th>
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<tr>
<th>Staff</th>
<th>Mick Cummins</th>
<th>Chief Executive Officer</th>
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<tr>
<td>Nil</td>
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<td>Cr James Long</td>
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<tr>
<td><strong>Matter No</strong></td>
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Reviewed June 2012
### Record of Assembly of Councillors

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

#### Meeting Information

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<td>4.1 North Road Cafe Tenant’s Presentation</td>
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<td>4.2 Sandringham Golf Links Management request for rent relief and lease amendments</td>
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<td>4.3 Proposed Sale of Land at the rear of 58 Station Street and 37-39 Melrose Street, Sandringham</td>
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<td>4.4 Planning Scheme Amendment G165 - 5 &amp; 7 Well Street</td>
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<td>4.5 Hampton Community Infrastructure Feasibility and Masterplan - Stage 2</td>
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<td>4.6 Assessment of the Heritage value of the Beaumaris Memorial Community Centre</td>
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<td>4.7 Long term parking of trailers, caravans and boats on Council land</td>
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<td>4.8 Feasibility study - Dogs and off-leash spaces in Bayside</td>
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<td>4.9 Governance Policies</td>
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<td>4.10 Bayside 2050 Community Vision project update</td>
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#### Attendees

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<td>Mayor, Cr Clarke Martin</td>
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<td>Cr Sonia Castelli</td>
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<td>Cr Alex del Porto</td>
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<td>Cr Laurence Evans</td>
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<td>Cr Rob Grinner</td>
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<td>Cr Michael Heffernan</td>
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| Staff              | Mick Cummins | Chief Executive Officer |

#### Apologies

| Councillors | Cr James Long |

#### Conflict of Interest disclosures

<table>
<thead>
<tr>
<th>Matter No</th>
<th>Councillor making disclosure</th>
<th>Councillor left meeting</th>
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<tbody>
<tr>
<td>Item 5.10 Proposed Discontinuance and Sale of Land adjoining 173 Bluff Road, Black Rock (Stage 2)</td>
<td>Cr Laurence Evans</td>
<td>N/A (Item not for discussion)</td>
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</table>
9. Reports by Special Committees

9.1 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 5 FEBRUARY 2020 TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSAL TO ENTER INTO A LEASE OF THE MINI GOLF FACILITY AT 20 WANGARA ROAD, SANDRINGHAM.

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/32999

Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham.

Council, at its meeting on 19 November 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council Minutes of the meeting held on 5 February 2020. It is proposed that Council considers the submissions received in conjunction with the report to be submitted to the March 2020 Ordinary Meeting of Council.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 5 February 2020 to hear submissions in relation to the Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham.

Support Attachments

1. 5 February 2020 Special Committee of Council Minutes
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

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

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

To hear submissions in relation to the:

Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham

Council Chambers, Civic Centre,
Boxhall Street Brighton

Wednesday 5 February 2020
at 6:30pm
PRESENT:

Chairperson: Cr Clarke Martin (Mayor)

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

Officers: Jill Colson Director Corporate Services
Newton Gatoff Acting Property Coordinator
Robert Lamb Governance Officer
Bayside City Council Special Committee of Council Meeting - 5 February 2020

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5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.
   1. Mr George Reynolds (on behalf of Bayside Ratepayers’ Group - Ratepayers Victoria Inc.)
1. Welcome and opening of the meeting

The Mayor declared the meeting open at 6:30pm and welcomed Councillors, Council Officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham.

2. Apologies

There were no apologies submitted to the meeting.

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received one (1) written submission in relation to the Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham One (1) submitter requested to be heard in support of their written submission:

1. Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.)

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

A copy of the submission received has been circulated to all councillors for their consideration prior to the meeting.
4.1 SUBMISSION - MR GEORGE REYNOLDS (ON BEHALF OF BAYSIDE RATEPAYERS' GROUP - RATEPAYERS VICTORIA INC.)

Corporate Services - Commercial Services
File No: PSF/20/727 – Doc No: DOC/20/21663

It is recorded that Mr George Reynolds (on behalf of Bayside Ratepayers' Group - Ratepayers Victoria Inc.) spoke for five minutes and fifteen seconds in support of this submission.

Moved: Cr del Porto  
Seconded: Cr Evans

That the submission received in relation to the Proposal to enter into a lease of the Mini Golf facility at 20 Wangara Road, Sandringham be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 24 March 2020.

CARRIED

Following consideration all Submissions the Chairperson declared the meeting closed at 6:38pm.
10. Reports by the Organisation

10.1 ASSESSMENT OF THE POTENTIAL HERITAGE SIGNIFICANCE OF THE BEAUMARIS MEMORIAL COMMUNITY CENTRE

City Planning & Amenity - Urban Strategy
File No: PSF/20/17 – Doc No: DOC/20/30214

Executive summary

Purpose and background
To present Council with an approach to considering the heritage significance of the Beaumaris Memorial Community Centre, and the impact of a heritage listing on the current projects to redevelop the Pavilion and Arts Group Building at the site.

The site was considered as part of the mid-century modern voluntary nomination process, where a number of Council buildings have been put forward for inclusion in the Heritage Overlay. The Arts Group building and Frank Reade Pavilion were omitted from heritage assessment due to the existing Council decision to demolish the buildings, whilst the other buildings on the site were individually assessed by Council’s consultant for their potential heritage significance. It was ultimately determined that the individual buildings assessed were not significant individually, but for their collective heritage significance as a ‘precinct’, due to the master planned nature of the reserve.

At its 19 November 2019 Ordinary Meeting, Council resolved to (inter alia):

3. Receives a report at its February 2020 Council meeting in relation to potential heritage protection at Beaumaris Reserve but not the Beaumaris Soccer pavilion.

4. Excise the Beaumaris Soccer Pavilion from the potential heritage Precinct, and continues with the detailed design of the Soccer Pavilion, with the design to be sympathetic with the broader precinct.

At this meeting, Council also received a petition signed by 980 petitioners which provided for:

“We the undersigned hereby petition Bayside City Council to:

a) include the Beaumaris Art Group Studios building for heritage assessment in its current Mid-Century Modern Voluntary Heritage Nomination scheme;

b) include the Beaumaris Memorial Community Centre precinct (incorporating all the buildings, open space & RSL Cenotaph) for assessment as a precinct or significant place in its current Mid-Century Modern Voluntary Heritage Nomination scheme; and

c) consider a less wasteful, less expensive adaptive reuse approach then demolition, and upgrade the existing building with a western extension that incorporates a gallery / new storage areas / further kiln space and additional classroom area.”

Key issues

Council resolution
Point 4 of the 19 November 2019 resolution relates to progressing the heritage assessment of the site excluding the soccer pavilion.
In exploring the resolution it has been identified that by removing the pavilion from the precinct the heritage value would be undermined and justification to introduce a Heritage Overlay would be unlikely. Therefore, it would be recommended to either introduce a Heritage precinct over the entire site or abandon this completely.

By removing the pavilion or another building from the precinct would compromises its significance. Furthermore, the opportunity to alter the heritage citation to reflect Council’s position on the pavilion is unlikely as it compromises the independent consultants’ advice and technical credibility of the heritage assessment.

Heritage significance
The heritage significance of the area is based on the following criteria:

- Criterion A: Importance to the course or pattern of the City of Bayside’s cultural or natural history (historical significance);
- Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness); and
- Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

The heritage citation which outlines the Statement of Significance for the site is attached.

Implications on the redevelopment of the Frank Reade Pavilion
The Frank Reade pavilion (soccer pavilion) redevelopment is at a stage where the concept design has almost been completed and it is expected that a planning permit for the works will be applied for in the coming weeks.

Whilst Council has resolved to demolish the building, the concept design has been reviewed by Council’s heritage advisor to ensure that the proposed pavilion is consistent with the significant heritage features of the site, without resulting in any major delays or modifications.

Based on preliminary advice, it is anticipated that the use of particular building materials and architectural elements will be sufficient to ensure that the building can be supported under any potential precinct heritage overlay. If modifications to the design are required, these are expected to be minor and should not significantly delay or compromise the sporting benefits of the project or undermine the precinct.

Response to Petition
Given Council’s standing resolution to demolish the Arts Group Building an assessment has not been undertaken by Council to determine its heritage significance, as sought by the petition. Parts A and C of the petition sought Council to reconsider its view on the demolition of the building which would require a formal resolution of Council.

If Council does resolve to assess the heritage value of the Arts Group Building, it is possible that the building may have an increased level of heritage significance compared with other buildings on the site. It is unclear what this will mean for the redevelopment project as there are significant site constraints that may limit the ability of the building to be extended to meet future needs. Before decisions can be made moving forward, Council may wish to determine the heritage value of the building so that subsequent decisions about renovations/demolition and design can progress.

Part B of the petition has already been completed with the preparation of the citation and no further action is required.
Implications on the redevelopment of the Arts Group building

Whilst Council has resolved to demolish the Arts Group building, Council may now consider it appropriate to review the individual heritage significance of the building to ensure that the project can progress.

The potential heritage significance of the building is constraining debate to a point that it will not be possible to prepare a new design for a building without having an understanding of the significant elements of the current building.

It is expected that consideration of the Arts Group Building will require additional time and budget to complete, however the assessment itself is not anticipated to take more than a few weeks.

Following any heritage assessment undertaken on the Arts Group Building, Council would then need to make a decision on how to proceed with any further works on the site, including any potential for adaptive reuse of elements of the building.

Implications for wider Beaumaris Memorial Community Centre

Implications of heritage listing for the reserve on the built form is limited, in that the significant elements of the site as outlined in the draft Statement of Significance relates primarily to the master planned approach to the precinct.

In relation to:

- the building design;
- the implications in relation to vegetation and landscape;
- the parking and traffic; and
- other design matters

full consideration and assessment will be given as part of the planning permit application and assessment process.

Whilst not of heritage significance, the landscape elements of the site are recognised as being of value to the community and there is an opportunity to review the landscape aspects of the reserve in the area immediately adjacent to the arts group building, the sports pavilion and the village green area to ensure that the ‘Beaumaris feel’ of the reserve is maintained.

Next steps

Regardless of whether Council applies heritage controls to the reserve or not, there will not be any impact on the design or timelines for the redevelopment of the Frank Reade Pavilion.

Council is not required to determine whether to apply the Heritage Overlay to the place at this time, as it is considered that this process will be assisted by an understanding of the potential significance of the Arts Group Building.

It is recommended that Council receives a report following the receipt of heritage advice to inform how Council proceeds with the Arts Group Building and the potential Heritage Overlay for the Beaumaris Memorial Community Centre.
Recommendation

That Council:

1. Does not excise the Frank Reade Pavilion from the draft heritage citation for the Beaumaris Memorial Community Centre, and immediately proceeds with the design process and construction for the new building in a manner that is sympathetic with the broader precinct.

2. Does not proceed with demolition of the Arts Group Building.

3. Undertakes an assessment of the Arts Group Building to understand the potential heritage significance of the building.

4. Proceeds with a new design for the Arts Group Building that is sympathetic to any identified heritage characteristics of the building and the precinct, and considers the protection of significant elements identified, whilst providing a facility that is fit for purpose and meets future user group needs.

5. Undertakes a review of the landscape elements of the reserve in the area adjacent to the arts group building, the sports pavilion and the village green.

6. Receives a further report on the potential heritage listing of the Beaumaris Memorial Community Centre following the completion of the heritage assessment of the Arts Group Building.

Support Attachments

1. Draft Citation for Beaumaris Memorial Community Centre
Considerations and implications of recommendation

Liveable community

Social
The inclusion of the properties within the heritage overlay will enable Council to protect Bayside’s liveability, character and community cohesion. This is consistent with the Bayside community’s desire to see neighbourhood and amenity protected.

The development of improved community art and sporting facilities provides positive benefits for young people and adults, particularly through their participation and engagement in sport and art activities at Beaumaris Memorial Community Centre.

Natural Environment
There are unlikely to be any impacts on the natural environment as a result of the application of heritage controls, beyond quite general character and amenity matters. There are two trees identified as having heritage significance which will be protected if Council applies the Heritage Overlay to the site.

Detailed design of the buildings and any impacts on the natural environment will be considered as part of the planning permit process for each building.

Built Environment
The current arts and sporting buildings are no longer fit for purpose and it is proposed to design and construct two separate buildings replacing the existing arts centre and pavilion. It is also proposed to locate each building in its current location of the existing buildings to be replaced.

Detailed design of the buildings and any impacts on the natural environment will be considered as part of the planning permit process for each building.

Customer Service and Community Engagement
A Project Reference Group was established including representatives from Beaumaris Art Group, Beaumaris Community Centre Tennis Club, Beaumaris Soccer Club and Council. Separate consultation with stakeholders including Beaumaris Arts Group and Beaumaris Soccer Club will continue as new standalone concept designs are developed for each proposed facility.

On site community consultation sessions were held at Beaumaris Reserve in late November/early December 2018. Feedback at these sessions indicated strong community support for the improvement of arts and sports facilities at the site.

Information sessions were held for members of the Arts Group and a separate session for the general public in November and December 2019. Approximately 80 people attended the sessions. The purpose was to provide an update to the community on the process for the improvements for the Arts Group Building. Key questions and topics covered included:

- How the future needs for the Art Group Building has been established – being, in consultation with the Committee as the elected representatives of the group;
- What are the options regarding refurbishment, extension or rebuild – different options have been considered, however prioritisation won’t occur until all constraints, including heritage, are known;

- Why Council is not undertaking community consultation on the building design, which will occur once options for a design have been considered.

Council will continue to provide updates on the project as it progresses.

**Human Rights**

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

**Legal**

Council has a responsibility for heritage preservation, consistent with the objective identified in Section 4(1)(d) of the *Planning and Environment Act 1987* to ‘conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value’. The inclusion of the Beaumaris Memorial Community Centre within the Heritage Overlay will contribute to the achievement of this objective, given the site has been identified as having heritage significance.

**Finance**

Any assessment of the heritage significance of the Art Group Building can be accommodated within the 2019/20 operating budget.

Council has allocated budget to progress the design for the Arts Group and Pavilion projects within the 2019/20 Budget.

**Links to Council policy and strategy**

**The Heritage Action Plan**

Initiative H2 identifies that a mid-century modern heritage study should be completed to assist in closing gaps in Council’s knowledge of this era and to ensure that significant properties are protected. Inclusion of the site within the Heritage Overlay will ensure that the significant features and elements of the site, identified as part of Council’s voluntary nomination process, are protected.

**Sportsground Pavilion Improvement Plan April 2013**

The Sportsground Pavilion Improvement Plan provides the strategic approach to the renewal and upgrade of Council’s allocated sportsground pavilions. The Plan includes principles, design standards and assessment criteria that inform the costed and prioritised program of works. Extensive community engagement occurred as part of the preparation of the Plan. The Plan nominates $350,000 for the renewal of the pavilion to include four change rooms for soccer/cricket and DDA compliance works.
Council Plan 2017-21

Strategy 1.1.4 if the Council Plan is to ‘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.’

 Whilst the redevelopment of the Arts Group Buildings is not specifically referenced in a strategy, it is a result of Council's previous resolutions to split the Beaumaris hub project into the redevelopment of the pavilion and the Arts Group Building. A social needs assessment has been undertaken which confirms that the Arts Group building is no longer fit for purpose.

**Options considered**

**Option 1**

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<tr>
<th><strong>Summary</strong></th>
<th>Proceed with a sympathetic design for the Pavilion and undertake an assessment of the heritage significance of the Arts Group Building.</th>
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| **Benefits** | This approach does not impact the timing or design of the new pavilion.  
This will allow Council to properly understand any potential heritage significance of the Art Group Building, before deciding how to proceed with a new design at the site.  
The understanding of the heritage elements of the Arts Group Building will provide certainty in relation to the redevelopment of that building.  
The pavilion redevelopment is expected to proceed without delay as a result of a respecting the heritage significance of the place.  
The application of heritage controls will ensure Council meets its statutory obligations in the *Planning and Environment Act 1987*. |
| **Issues** | This is expected to delay the redevelopment of the Arts Group Building whilst a heritage assessment is undertaken, however future stages may be run more efficiently by reduced community angst and added certainty.  
Council may be required to reconsider its position to demolish the building if the Arts Group Building is determined to be of individual heritage significance.  
There is a risk that the building may be identified as having greater heritage significance than expected, which may constrain the ability to ensure the building is fit for purpose.  
Due to the current nominations to the Victorian Heritage Register, Heritage Victoria may determine the Arts Group Building to be of State significance, and the property may be included in the Victorian Heritage Register. |
### Option 2

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Proceed with a sympathetic design for the Pavilion, but do not undertake an assessment of the individual heritage significance of the Arts Group Building.</th>
</tr>
</thead>
</table>
| **Benefits** | This approach does not impact the timing or design of the new pavilion.  
This is consistent with Council's existing resolution to demolish the Arts Group Building. |
| **Issues** | There is significant community interest in the heritage significance of the Arts Group Building and this is expected to continue during the design of the new building.  
Not undertaking an individual assessment of the Arts Group Building may be considered to be a failure to meet Council's statutory obligations in the *Planning and Environment Act* 1987.  
Due to the current nominations to the Victorian Heritage Register, Heritage Victoria may determine the Arts Group Building to be of State significance, and the property may be included in the Victorian Heritage Register. |

### Option 3

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Abandon the potential application of heritage controls for the Beaumaris Memorial Community Centre.</th>
</tr>
</thead>
</table>
| **Benefits** | This approach does not impact the timing or design of the new pavilion.  
This will allow the redevelopment to proceed without the design constraints of the significant features of the place. |
| **Issues** | There is significant community interest in the heritage significance of the Arts Group Building and this is expected to continue during the design of the new building.  
Council has expert advice that confirms the Beaumaris Memorial Community Centre meets the criteria to be considered as having heritage significance. Failure to act on this advice may result in reputational risk to Council.  
Failure to apply heritage controls to Council owned land may result in Council not complying with its obligations in the *Planning and Environment Act* 1987.  
This would result in the historical elements of the site not being protected and could be subject to demolition or removal.  
Due to the current nominations to the Victorian Heritage Register, Heritage Victoria may determine the Arts Group Building to be of State significance, and the property may be included in the Victorian Heritage Register. |
Beaumaris Memorial Community Centre

Prepared by: Context

Address: 84-96 Reserve Road, Beaumaris

<table>
<thead>
<tr>
<th>Name: Beaumaris Memorial Community Centre</th>
<th>Survey Date: September 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place Type: Community</td>
<td>Architect: Bates Smart McCutcheon (hall), Charles Bricknell (art centre), John Thompson (extension to art centre), Charles Dentry (senior citizens club), Graham Gilchrist &amp; Associates (extension to senior citizens club), Nicholas &amp; Alexander (additions to front of hall and library).</td>
</tr>
<tr>
<td>Grading: Significant</td>
<td>Builder: McGinley &amp; Partners (additions to front of hall and library).</td>
</tr>
<tr>
<td>Extent of Overlay: To title boundaries</td>
<td>Construction Date: c.1963-69 (main construction period)</td>
</tr>
</tbody>
</table>

Figure 1. A view of the eastern elevation of the hall at the Beaumaris Memorial Community Centre. (Source: Context, 2019)

Historical Context

Community buildings and civic upgrades
From the late 1950s many local councils around Victoria were expanding their civic facilities. Rapid population growth in the postwar period prompted demands for services
and infrastructure, and while numerous new municipal offices cropped up throughout the metropolitan area, local councils across Victoria also took the opportunity to establish new community facilities such as public halls, libraries, art galleries and kindergartens. The new interest in contemporary architecture during this period saw councils engaging prominent architectural firms, often commissioning the same architects to design multiple buildings throughout their municipalities (Heritage Alliance 2010:24).

The former cities of Brighton and Sandringham (amalgamated into the City of Bayside in 1994 with other city councils) engaged Oakley & Parkes and Bates, Smart & McCutcheon, respectively, to design a range of buildings within their boundaries. At one point, the City of Sandringham adopted a policy to engage only local architects, including Seabrook & Fildes and David Godsell (Heritage Alliance 2008:24). The City of Sandringham commenced a series of improvements to the municipality in this period, including the construction of a new library in Sandringham (1959 – since demolished), public halls at Beaumaris (1961) and Black Rock (1962), and new municipal offices in Sandringham (1965); all of which were completed to designs by council’s preferred architects Bates, Smart & McCutcheon (Age 1 November 1961:21; Age 3 March 1962:57; Heritage Alliance 2010:8).

A ‘useful memorial’ for Beaumaris

After World War I hundreds of statues, cenotaphs and plaques were erected across the nation to commemorate the service and immense sacrifice of Australian soldiers. Many of these stand-alone memorials were met with criticism; even the construction of the Shrine of Remembrance, Australia’s most significant state war memorial at Melbourne, was challenged, with alternate plans for a memorial hospital gaining stronger support. There was some disagreement with traditional monuments altogether, while others felt that the little resources that were available should instead be used to erect community facilities. ‘Useful’ memorials were proposed, and memorial halls were constructed, often serving multiple communal functions, for instance as a hall for dances or a picture theatre (Darian-Smith, Nichols & Willis 2010:206-213).

The focus shifted from nationalistic sentiments towards conscious renewal and community-building in the post-World War II period, and there was a boom in constructing amenities that would be of benefit to local communities. This innovation in planning encouraged the construction of multi-purpose community facilities that included a hall and library or cultural centre, carefully sited around a public garden or courtyard with statues or other landscape elements, and which incorporated space for recreation (Darian-Smith, Nichols & Willis 2010:206-213).

History

The site was originally part of Crown Allotment 48 at Parish of Moorabbin, County of Bourke. Lot 48 was approximately 289 acres in size and was under the ownership of F. G. Dalgety in 1884 (DCLS 1884).

Dunlop Rubber Australia Ltd acquired much of the undeveloped areas of Beaumaris by the 1940s, with plans for a new factory and accommodation for more than 2000 staff in a garden village (Argus 2 December 1944:8). The plans were postponed during World War II. From 1950, when the garden village plans proved unrealistic under the postwar circumstances, the Dunlop Rubber Australia Ltd progressively sold the land (Herald 29 September 1950:10).

Planning for a community centre in Beaumaris began in 1952 by the Beaumaris Parents’ and Citizens’ Association (Monument Australia 2014). The group was established in the early 1950s as locals took a strong interest in the rapidly expanding community of Beaumaris (Marian 1982).
By July 1960 a subcommittee led by local architect Eric Lyon was formed to assist in the planning of the Beaumaris Memorial Community Centre, and fourteen and a half acres of land off Reserve Road and £6000 was allocated by the City of Sandringham for its construction. Designs for the site were described in the *Age* as combining the 'features of a Roman forum and an English village green,' and were considered the first of their kind in Australian planning, gaining acclaim from architectural and planning critics both in Australia and abroad (*Age* 12 July 1960:7; *Age* 14 September 1960:20; *Age* 1 February 1963:2).

Figure 2. A photograph taken in 1957 from the house at 93 Reserve Road looks toward the future site for the Beaumaris Community Centre and library, which appears to be largely undeveloped bushland. (Source: Glaskin 1957, Bayside Library Service)
Figure 3. An early plan for the Beaumaris Memorial Community Centre. Whilst the tennis courts were relocated south and the building footprints changed, the general scheme of built form surrounding a forecourt and cenotaph remained true. (Source: *Age* 14 September 1960:20).

The plans for the Community Centre were based on a central courtyard with the principal buildings arranged to form the edges of the courtyard space (*Age* 14 September 1960:20). Approaches to providing co-located community services in the 1950s and 60s aimed to comprehensively cater to all sectors of a local community (Darian-Smith, Nichols & Willis 2010:191). In line with this ethos, included in the initial scheme of buildings were a hall with stage and dressing rooms, an arts building, sports pavilion and oval, six tennis courts, an infant welfare centre and a building for senior citizens. A focal point in the central courtyard was a memorial cenotaph (*Age* 14 September 1960:20). The design was conceived holistically, with each building to ‘fit harmoniously into the whole development’ (*Age* 14 December 1960:20).
Later in 1960, the Council granted the scheme a loan totalling £24,000, including the £6000 already set aside. The art studio was funded in part by the Beaumaris Art Group, while the Beaumaris Players, a local theatre group, also contributed funds to the construction of the hall (Age 14 December 1960:20). Further money was raised through a large public subscription program, where members of the Beaumaris community made regular donations to the building fund (Age 11 June 1961:2). This approach was characteristic of the era.

Designed by notable firm Bates, Smart & McCutcheon, the hall and library building was the first of the complex to be completed. At its opening in March 1963 a plaque was unveiled to commemorate the vision of the Parents’ and Citizens’ Association in planning for the site (Monument Australia 2014). The oval was also completed by this time, and the art centre had been given approval for construction (Age 1 February 1963:2).

Opened in 1965 by Dr Eric Westbrook, then director of the National Gallery of Victoria, the art centre was designed as a purpose-built studio and gallery for the Beaumaris Art Group (BAG), by the group’s president and prominent local architect Charles Bricknell. Until this time, Bricknell’s work had mostly consisted of small-scale residential commissions throughout Beaumaris; he designed his own home in Scott Street in 1951. Between 1975 and 1977 an extension to the art building was built to a design of another group member and architect, John Thompson (Built Heritage Pty Ltd 2019).

The senior citizens centre was designed by architect Charles Dentry in 1966, and was opened in the same year. In the early 1960s, Dentry worked briefly as a named partner in the firm of Bolteau, Henderson & Lodge (Built Heritage Pty Ltd 2019). An addition, designed by local architect Graham Glickrist & Associates, was constructed in 1976 (PROV VPRS 7882/P1 unit 338).

The Beaumaris Community Centre Tennis Club was established in 1963, after being initially discussed in 1962. The first courts had been constructed by 1964, with the clubhouse built later in 1966. Following the growing popularity of the club, courts were
successively added in 1972 and 1982, bringing the total to seven courts. In 2005 six of these tennis courts were completely replaced (BCCTC 2019).

Between 1968 and 1970 a sports pavilion adjacent to the oval was constructed (‘Melbourne 1968 Project’).

A large addition to the Reserve Road frontage of the hall and library building was completed to house the expanded library in 2005. The works were constructed by builders McGinley & Partners Pty Ltd, to a design by Nicholas & Alexander Architects.

Figure 5. An aerial view of the site with each individual building date noted. (Source: Nearmap 2019)

_**Bates Smart McCutcheon, architects**_

By the 1950s, Bates Smart McCutcheon had become Australia’s ‘expert’ in high-rise office buildings. Much of their work at this time were large structures with glass curtain walls, and in Melbourne this was exemplified by ICI House constructed in 1955, breaking the city’s height limits. This work was considered to have ‘changed the skyline [of Melbourne] forever’ (Goad 2012:73).

Although the firm was known for their largescale work, they were less active in civic building schemes. The firm completed additions to the Moorabbin Town Hall in 1961, however most of their civic work was completed for the City of Sandringham (Heritage Alliance 2010: 8). Much of the firm’s work in the former City of Sandringham has either been demolished or severely altered.
Description and Integrity
The Beaumaris Memorial Community Centre is situated on a parcel of land bounded to the north by Cloris Avenue, the south by Victor Street and the west by Reserve Road. The eastern boundary of the site is delineated by Hugo Street.

Figure 6. An aerial view of the site showing the extent of the boundaries and layout of site.

The site is planned around a central grassed forecourt with a war memorial cenotaph as the predominant anchoring feature of the space. The landscape is characterised by largely open lawn with specimen trees, many of them Australian native trees. The forecourt runs on an east-west axis, with the cenotaph positioned centrally towards the eastern end. The principal buildings of the community centre are arranged around three sides of the forecourt to create the feeling of a semi-enclosed piazza, and there are paths around the forecourt to allow pedestrian access and define the central grassed space. The individual buildings around the forecourt are all constructed in similar materials and exhibit characteristics of Modernist design, which heightens the visual sense of order in the forecourt. Key unifying design elements across the collection of buildings include the simple box-like forms with flat or skillion roofs and the large expanses of unadorned brick walls delineated at the roof line with horizontal strips of ribbon windows.
To the east of the forecourt is the oval, and to the north east is the sports pavilion, built in cream brick with a skillion roof. The cenotaph itself is a simple rectangular structure which has been rendered with rough-cast concrete and lettering with the quote 'Lest we forget' applied to the portion facing the forecourt. The cenotaph sits on a rectangular brick base. The forecourt is planted with mature native trees, two of which, a mature Angophora costata and Banksia integrifolia appear to have been planted to frame the principal façade of the Hall and library building. The placement of these two trees suggests they may have been part of an original or early landscape planting. The decorative effect of the shadows cast by their leafy canopies onto the large expanse of unadorned brick wall is characteristic of Modernist architecture and landscape design.

The car park is situated to the south, between the hall and the tennis club and courts, which stretches to Reserve Road. The tennis courts and tennis club structure are located south of this. The carpark is gravel, and has its segments defined by orderly planting of native trees such as lemon scented gums and tea trees. The trees are underplanted with native shrubbery which further define the segments of the car park. The tennis club is a simple brown brick rectangular structure with ribbon windows around some of the wall surfaces. The building has a narrow verandah across the southern elevation which protects floor-to-ceiling glazing which looks directly onto the courts. The building has its name marked on the western facade in original or early white cursive mild steel lettering, some words have clearly been removed. The courts are predominantly finished in clay.
Figure 9. A view of the hall (left) and senior citizens centre (right) from the forecourt. (Source: Context 2019)

The Hall and library (1963, addition 2005)
The Bates Smart McCutcheon Hall and side wing form the western boundary of the forecourt. The hall is arranged on an east-west axis, like the forecourt itself. The hall is designed to relate to the cenotaph, with the central glass doors on the western elevation of the hall directly aligning with the memorial, allowing a clear line of sight directly from the cenotaph through to the stage. The hall is a steel frame and cream brick flat roof structure with ribbon windows around the top portions of the wall. Original or early metal lettering noting the site’s name as the ‘Beaumaris Memorial Community Centre’ are applied to the western elevation of the hall. To the north of the hall is the original wing associated with the hall, this most likely contained multipurpose committee rooms and the original library space. This portion is modest in its form and scale and is of similar metal frame, cream brick and flat roof construction. There is a central roof lantern over a portion of the building. Parts of the walls to the eastern elevation are dressed in prefabricated concrete panels rather than bricks. The western elevation has been altered due to extensive renovations undertaken to the site in 2005. The original western elevation of the hall portion remains legible from the car park; however, the western elevation of the original wing has been encased in a modern steel frame structure that forms a new library. The west elevation of the new library is characterised by a large-scale, curved cream brick colonnade to its entry. The front façade of the building follows a concave curve similar to the entry colonnade and is punctuated with large windows.
Senior citizens centre (1966, addition 1976)
The senior citizens centre forms the northern boundary of the forecourt. The building is single-storey, has a simple square form, and constructed of cream brick with a flat roof. The front verandah is inset into the southern elevation of the building. The inset portion is primarily faced with floor-to-ceiling glazing. The eastern elevation of the building makes interesting use of prefabricated concrete panels similar to those used for the wing adjoining the hall. These panels are applied to the elevation horizontally (as opposed to the vertical application on the hall structure) and inserted above the band of glazing. Below the glazing on this elevation is cream brick. To the north of the building, a sympathetic later addition has been built in a similar cream brick. This portion has a roof lantern. An undercover area was added later to the northeast corner of the building.
Art studio (1966, addition 1975-77)
The art studio forms the southern boundary of the forecourt. The building is a single-storey steel framed cream and concrete brick structure. The original portion of the building is of a simple elongated rectangular form with flat roof and decorative concrete block screen wall extending the full length of the northern elevation.

The 1975-77 addition designed by John Thompson extends the rectangular form of the building to the west. This portion is in keeping with the original Charles Bricknell section, however it provides a clear visual break with its contrasting skillion roof form. This addition is sympathetic in materials and scale, and highlights the continuing use and expansion of the studios. The building has a barrel-vaulted skylight along the centre of the roof line, potentially added as part of the 1975-77 works.

The Beaumaris Memorial Community Centre is largely intact with limited changes to the original or early planning and fabric of the site. For the most part, the buildings on the site retain their original built form and scale, materials, stylistic details and continue to be used in accordance with the original intentions for the place.

The addition to the western elevation of the hall structure in the form of the extended library, has impacted the hall building individually by obscuring the original wing structure. While noting that this is a change to the site, on balance it does not diminish the integrity of the site as a whole. The library function is in keeping with its longstanding use of the place for a range of community and civic purposes. The forecourt and the general spatial relationships of the buildings that surround it remain intact. The forecourt therefore has a high level of integrity, and from this vantage point the original scheme for the site is clearly legible and undiminished. The relationships of the surrounding buildings with the forecourt, including sightlines to the cenotaph, remain clear and unimpeded.
Alterations and additions to the senior citizens centre and art studio have been sympathetically implemented and do not diminish these buildings' contributory nature within the precinct.

The site maintains its continued mixed community use as originally intended in the early plans for the site. This includes the use of the tennis courts, oval, arts studio, senior citizens centre, courtyard and the war memorial cenotaph. Further, the library continues its original function, whilst other rooms are maintained for use by Council for community programs and services such as inoculations.

Other elements of the original site planning remain clearly legible including the landscaped carpark which makes use of trees and other vegetation to distinguish segments. The oval and tennis courts, part of the original scheme, also contribute to the continuing use of the site.

**Comparative Analysis**

The City of Bayside has a diverse range of community buildings and recreation facilities located within its suburbs. However few of them were conceived or developed as a whole complex in the same manner as the Beaumaris Memorial Community Centre.

Public halls, senior citizens centres and sporting pavilions and grounds are common typologies around suburbs and towns in Victoria, and their construction often follows the welfare trends that emerged in the postwar period. This is especially true of many of the community buildings within the City of Bayside.

![Figure 12. Brighton Town Hall, HO93; H1292, built in 1959. (Source: VHD)](image)

As a public building constructed at a similar time to the Beaumaris Memorial Community Centre, the Brighton Town Hall (HO93; H1292) is the only building currently on the Bayside Heritage Overlay to which comparisons may be drawn. The Town Hall was built in 1959 to a design by Kevin Knight of Oakley & Parkes with interiors by Grant Featherston. As a civic building, though, the Town Hall serves a civic function rather than the community function of the subject site. The Town Hall sits within a wider precinct (HO764) that includes a broad range of buildings with former or continuing civic uses. Like the Beaumaris Memorial Community Centre, the Town Hall precinct constitutes a group of civic buildings and spaces. However, unlike the subject site, which was conceived and constructed as a
complex of community buildings and external spaces, the Town Hall precinct evolved over time, with buildings and spaces dating from various periods.

Given the lack of comparable examples currently on the Heritage Overlay, it is necessary to compare the subject site with examples from outside of the City of Bayside, as well as examples within the municipality that are not on the Heritage Overlay.

In the City of Bayside

Figure 13. The Black Rock Public Hall built 1962, assessed as part of this study. (Source: Context 2019)

The Black Rock Public Hall, designed by Bates Smart McCutcheon, comprises a cream brick hall and annexe structure of similar design to the hall and associated rooms at the Beaumaris Memorial Community Centre. The structure is a more intact and refined example of Bates Smart McCutcheon’s work. This is particularly evident in the use of a red clinker brick foundation level with the above blond brick projecting slightly over it, giving a sense that the building floating, and refined brick work detailing and finishes. Although it was also built to serve a community function, the site does not encompass the range of community uses or broad site planning evidenced by the Beaumaris Memorial Community Centre. While the Black Rock Hall is a better architectural example of Bates Smart McCutcheon’s work, the Beaumaris Memorial Community Centre stands as a better example of a complex of community buildings and spaces that centralised a broad range of community functions into one place.
Built in 1955, the East Beaumaris Hall is a slightly earlier example of a grouping of community buildings on a reserve, including a kindergarten building and senior citizens centre. The East Beaumaris Hall and surrounding buildings do not exhibit the same level of whole of site planning as the Beaumaris Memorial Community Centre, and do not form the same purposeful clustering around a central forecourt. The Beaumaris Memorial Community Centre is a more refined and considered example of a master-planned community precinct.

Civic and community centres in other municipalities

The Nunawading Community Centre was built slightly later than the subject site, between 1968 and 1969 to designs by Gerd and Renate Block. Located in a similar reserve setting and arranged around a garden space, the Civic Centre performs similar functions to the Beaumaris Memorial Community Centre. The Nunawading Civic Centre diverges from the Beaumaris Memorial Community Centre by its inclusion of civic functions (being home to the Council offices), as opposed to the subject site’s sole community use. This reflects the later movement towards ‘rational’ consolidated public spaces incorporating the necessities of both civic and community functions in the one place (Darian-Smith, Nichols & Willis 2010:193). As such, the Beaumaris Memorial Community Centre is distinguished as an unusual example of the public owned, master-planned precincts with a sole focus on community use.
The Altona Civic Centre was built between 1962 and 1963 to designs by architect Robert Warren. Like the Nunawading Community Centre, the site combines community and civic uses; however, precedence is given to the civic functions of the site, which distinguishes it from the Beaumaris Memorial Community Centre. Like the subject site, the Altona Civic Centre displays a planned arrangement of buildings and spatial relationships, with a focus on a war memorial feature in the landscape. The Altona Civic Centre presents a more symbolic form of architecture, which confirms the site’s status as a place of civic administration and aligns with a traditional trend of town hall architecture aspiring to express confidence, permanence and social importance. Comparatively, the Beaumaris Memorial Community Centre is more architecturally restrained. The Beaumaris Memorial Community Centre demonstrates less concern with establishing a unique civic identity, inherent in its inception, funding and use by community groups.
Assessment Against Criteria

Criteria referred to in Practice Note 1: Applying the Heritage Overlay, Department of Planning and Community Development, revised August 2018, modified for the local context.

**CRITERION A: Importance to the course or pattern of the City of Bayside’s cultural or natural history (historical significance).**

The Beaumaris Memorial Community Centre is historically significant as one of relatively few community facilities in Bayside designed to incorporate a range of communal and recreational uses and demonstrating the concept of ‘useful’ memorialisation. Developed in the early 1960s, it is distinguished from later 1960s models for community-centred facilities which began to combine community facilities with civic functions and municipal administration. It continues to be used for its original purpose. As a memorial community centre, it also demonstrates the innovation in planning that occurred in the interwar and postwar years, that encouraged the construction of multi-purpose community facilities that included a hall and library or cultural centre, recreational space, carefully sited around a public garden or courtyard with statues or other landscape elements, and which incorporated space for recreation. Its name provides tangible evidence of the additional function of the place as a memorial. The combined communal and memorial functions of the Beaumaris Memorial Community Centre demonstrates efficient use of limited resources, an ethos which reflected wider popular sentiment in interwar and postwar Australia that encouraged pragmatic use of meagre resources for development of community facilities.

**CRITERION B: Possession of uncommon, rare or endangered aspects of the City of Bayside’s cultural or natural history (rarity).**

N/A

**CRITERION C: Potential to yield information that will contribute to an understanding of the City of Bayside’s cultural or natural history (research potential).**

N/A

**CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).**

The collection of structures comprising the Beaumaris Memorial Community Centre are largely intact, highly representative examples of Modernist architect-designed community buildings. Key design elements across the collection of buildings include the overall simplicity of the built form and landscape design, with simple box-like built forms with flat or skillion roofs, large expanses of brick wall delineated at the roof line with strips of ribbon windows, and the layout of the buildings around and with larger windows facing a central forecourt, providing integration of internal spaces with the landscape. The decorative effect of the shadows cast by the leafy canopies of the mature *Angophora costata* and *Banksia integrifolia* onto the large expanse of unadorned brick wall of the Hall and library building is also characteristic of Modernist architecture and landscape design. The placement of these two trees suggests they may have been part of an original or early landscape planting.

**CRITERION E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).**

N/A
CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

N/A

CRITERION G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

The Beaumaris Memorial Community Centre is of social significance for its long and continuing associations with the local Beaumaris community, and specific local groups within the broader community, including the Beaumaris Art Group and the Beaumaris Community Centre Tennis Club. The site as a whole has played an ongoing role in the social life of the local Beaumaris community since 1963, when the first hall and library building was opened on the site. The hall has served the community for over 50 years for various functions and activities, including concerts and meetings of local groups. The Beaumaris Art Group have gathered at the art studios since their construction in 1965.

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in the City of Bayside’s history (associative significance).

N/A
Statement of Significance

What is Significant?
The Beaumaris Memorial Community Centre, comprising buildings and landscape elements constructed between 1963 and 1969, is significant.

The following features are significant:
- Beaumaris Library and Community Centre building (1963);
- former senior citizens centre building (now USA centre) (1966);
- Beaumaris Art Group art studio (1965) and 1975-77 additions;
- Beaumaris Community Centre Tennis Club building (1966);
- sports pavilion building (c.1969) and oval;
- forecourt, original layout of pathways and Beaumaris War Memorial cenotaph;
- Angophora costata and Banksia integrifolia located at the eastern (principal) elevation of the Community Centre building.

Additions to the Reserve Road frontage of the library building constructed in 2005 are not significant.

How is it significant?
The Beaumaris Memorial Community Centre is of local historic, architectural (representative) and social significance to the City of Bayside.

Why is it significant?
The Beaumaris Memorial Community Centre is historically significant as one of relatively few community facilities in Bayside designed to incorporate a range of communal and recreational uses and demonstrating the concept of 'useful' memorialisation. Developed in the early 1960s, it is distinguished from later 1960s models for community-centred facilities which began to combine community facilities with civic functions and municipal administration. It continues to be used for its original purpose. As a memorial community centre, it also demonstrates the innovation in planning that occurred in the interwar and postwar years, that encouraged the construction of multi-purpose community facilities that included a hall and library or cultural centre, recreational space, carefully sited around a public garden or courtyard with statues or other landscape elements, and which incorporated space for recreation. Its name provides tangible evidence of the additional function of the place as a memorial. The combined communal and memorial functions of the Beaumaris Memorial Community Centre demonstrates efficient use of limited resources, an ethos which reflected wider popular sentiment in interwar and postwar Australia that encouraged pragmatic use of meagre resources for development of community facilities. (Criterion A)

The collection of structures comprising the Beaumaris Memorial Community Centre are largely intact, highly representative examples of Modernist architect-designed community buildings. Key design elements across the collection of buildings include the overall simplicity of the built form and landscape design, with simple box-like built forms with flat or skillion roofs, large expanses of brick wall delineated at the roof line with strips of ribbon windows, and the layout of the buildings around and with larger windows facing a central forecourt, providing integration of internal spaces with the landscape. The decorative effect of the shadows cast by the leafy canopies of the mature Angophora costata and Banksia integrifolia onto the large expanse of unadorned brick wall of the Hall and library building is also characteristic of Modernist architecture and landscape design. The placement of these two trees suggests they may have been part of an original or early landscape planting. (Criterion D)
The Beaumaris Memorial Community Centre is of social significance for its long and continuing associations with the local Beaumaris community, and specific local groups within the broader community, including the Beaumaris Art Group and the Beaumaris Community Centre Tennis Club. The site as a whole has played an ongoing role in the social life of the local Beaumaris community since 1963, when the first hall and library building was opened on the site. The hall has served the community for over 50 years for various functions and activities, including concerts and meetings of local groups. The Beaumaris Art Group have gathered at the art studios since their construction in 1965.
(Criterion G)

**Grading and Recommendations**

Recommended for inclusion in the Schedule to the Heritage Overlay of the Bayside Planning Scheme as an individually Significant place.

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Bayside Planning Scheme:

<table>
<thead>
<tr>
<th>External Paint Colours</th>
<th>Is a permit required to paint an already painted surface?</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>Internal Alteration Controls</td>
<td>Is a permit required for internal alterations?</td>
<td>No</td>
</tr>
<tr>
<td>Tree Controls</td>
<td>Is a permit required to remove a tree?</td>
<td>Yes - <em>Angophora costata</em> and <em>Banksia integrifolia</em></td>
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<tr>
<td>Victorian Heritage Register</td>
<td>Is the place included on the Victorian Heritage Register?</td>
<td>No</td>
</tr>
<tr>
<td>Incorporated Plan</td>
<td>Does an incorporated Plan apply to the site?</td>
<td>No</td>
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<tr>
<td>Outbuildings and fences exemptions</td>
<td>Are there outbuildings and fences which are not exempt from notice and review?</td>
<td>No</td>
</tr>
<tr>
<td>Prohibited uses may be permitted</td>
<td>Can a permit be granted to use the place for a use which would otherwise be prohibited?</td>
<td>No</td>
</tr>
<tr>
<td>Aboriginal Heritage Place</td>
<td>Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?</td>
<td>No</td>
</tr>
</tbody>
</table>

**Identified By**

Bayside City Council.

**References**

Age, as cited.

Argus, as cited.


Darian-Smith, Kate; Nichols, David and Willis, Julie ‘The community can do it! Planning for the new civic centre’ in Lewl, Hannah and Nichols, David (eds.) 2010, *Community: Building Modern Australia*, UNSW Press, Sydney.


Herald, as cited.


Public Record Office Victoria (PROV). Public building plans and files, VPRS 7882.
Executive summary

Purpose and background

To provide Council with a proposed action plan informed by a recent research report commissioned to investigate potential viable solutions to achieve community objectives for the management of dogs, off-leash spaces and improving the effective control of dogs.

Background

Dog off-leash issues in public open space has been an ongoing contentious issue within the community due to long-standing and diverse community views and interests.

Providing open space for dogs to exercise off leash and encouraging responsible pet ownership is complex in Bayside due to finite open spaces, growing population density and competing interests and priorities for limited public open space.

Various Council strategies and plans highlight the positive health, wellbeing, social benefits of dog ownership. They also recognise the need for access to open space whilst balancing competing interests and meeting community exceptions of safety and amenity.

Council has a strong focus on dog owners maintaining effective control of their dog to ensure appropriate dog behaviour and safety.

Council’s Domestic Animal Management Plan (DAMP) 2017-2021 includes year two and three activities to investigate the feasibility of a secure dog park and investigate extending dog off-leash times along the foreshore.

These initiatives have been explored and expanded to consider all relevant dog off-leash management aspects (for example, dog parks, secure areas, off-leash areas, enhanced facilities, training, education and enforcement).

As a result, the off-leash feasibility project approach was adjusted to a broader scope to gain an objective, robust and evidence based understanding of the issues and potential viable solutions to the question:

“What types of facilities, infrastructure, education and enforcement best achieve communities objectives, including improving the effective control of dogs?”

Specialist consultants developed a research and options report which presents robust evidence based information drawn from Council, academic and industry research, local government benchmarking and significant field observations within Bayside. Refer to Attachment 1.

Several actions have been identified to enhance Council’s existing approach to educations, enforcement and incentives to support dog owners and others in the community to share the
use and access of open space respectfully whilst maintaining priority around safety, amenity and conservation imperatives.

Key findings of the research

- Bayside has a very high level of dog ownership and the combination of its geographic area and housing density results in an average municipal density of 322.48 dogs per square kilometre.

- As part of the Research Report, a three (3) week park surveys was undertaken by experienced and independent dog management experts. Based on the survey there was an overall compliance rate with expect behaviours and legal requirements of 89%. However, the independent observations noted lower dog behaviour compliance levels at Ricketts Point.

- Bayside’s off-leash areas are shared spaces with competing uses and priorities impacting accessibility for dog use, with the exception of its two (2) secured off leash areas (in Sandown Beach and Wishart Reserve). Foreshore restrictions from November to March each year reduces accessible space.

- The research has identified several “levers” which Council can consider in relation to the issues and possible solutions; however there is no single lever to resolve the complex and competing community objectives and issues. It is noted these are not unique to Bayside. These are summarised as
  - Education;
  - Enforcement;
  - Incentives;
  - Off Leash and Secure Off Leash Open Space;
  - Policy and Local Laws;
  - Application of Dog Restrictions; and
  - Community Engagement.

- The research has considered the pros and cons associated with providing new secure dog parks in the municipality. It is considered that the provision of such facilities is not a priority solution that would achieve the broad objectives of improved dog ownership and management in our public open spaces.

Feasibility of a secure dog park (DAMP action)

As per the Domestic Animal Management Plan, this work has given consideration to the need for secure dog off leash requirements in Bayside.

As stated above, the research has indicated that creating a new secured dog park is not a priority solution. Additionally, Council has a strong focus on dog owners maintaining
effective control of their dog to ensure appropriate dog behaviour and safety (as opposed to the need to provide multiple secure dog off-leash spaces).

Dedicated secure dog off-leash spaces do have benefits for dogs and owners; however, they can also cause a range of other issues like poor supervision and animal control by owners resulting in safety and amenity issues.

Benchmarked Council’s offer very few secure off-leash areas and report mixed views on their necessity.

Furthermore, since gates have been removed from sportsgrounds safety and amenity issues previously identified have reduced as owners are forced to provide closer supervision of their dog when using Council Open Spaces and Reserves.

**Education, Enforcement and Incentives**

Bayside’s approach to education, incentives and enforcement resourcing is relatively consistent with other benchmarked Councils; however opportunities for improvements have been identified which could be readily implemented.

**Foreshore off-leash restrictions**

Bayside’s foreshore off-leash restrictions are similarly structured to neighbouring municipalities Kingston and Port Phillip; including daytime prohibitions of dogs on many beaches between 10am to 7:30pm from November to March each year.

**Extending practical access to targeted off-leash sportsgrounds**

Officers are currently investigating the opportunities to utilise existing sportsground lighting through a pilot at targeted dog off-leash sportsgrounds. This would provide practical access for dog off-leash use and access during winter evenings.

Additionally, Council officers are working to expand digital information on when sportsgrounds are/aren’t available due to sports clubs use. This will help dog owners better plan when to attend these grounds and help to reduce conflict between sports clubs and dog owners.

**Recommendation**

That Council:

1. Note the research paper.
2. Commence an education, enforcement and incentives campaign consisting of:
   a. a targeted communication plan for key issues on Responsible Pet Ownership and Effective Animal Control;
   b. implementation of several free third-party dog education/socialisation training sessions in known hot spots for dog owners by accredited trainers;
   c. development of an enforcement approach that addresses priority areas/parks, service standards, and enforcement rationale; and
   d. a review Council’s incentives program to reward positive dog behaviour and responsible pet ownership.
3. Investigate utilising existing sportsground lighting through a pilot/trial at targeted dog off-leash sportsgrounds, subject to availability and sports club usage needs, to extend practical access for dog off-leash use during winter evenings.

Support Attachments

1. Attachment 1 - Dogs and off-leash spaces in Bayside issues and options
Considerations and implications of recommendation

Liveable community

Social

Pets are an important part of the Bayside community and bring significant health, wellbeing and social benefits to owners.

Natural Environment

In managing pets, local government has responsibility to manage activities and environmental factors associated with pets and their impacts.

Built Environment

There are no built environment impacts as a result of this report.

Customer Service and Community Engagement

The findings of the report provide Council with the opportunity to look at several issues related to potential viable solutions which are of significant interest and impact to the community, interest groups and stakeholders.

Human Rights

The implications of this report 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 as a result of this report.

Finance

Costs associated with implementing changes to education, enforcement can be funded through existing resources. Incentives and proposed trials/pilots are currently unfunded and would require funding in the order of $30,000.

Links to Council policy and strategy

In presenting this report, Council is delivering on Council Plan

Strategic objective: 7.1 We want a Bayside where the community is healthy, active and feels safe

Strategy 7.1.1 Improve public health and wellbeing in the areas of; an engaged and supportive community; and safe and healthy environment where people can live, work and play

Action 7.1.1.4 Complete actions within the Domestic Animal Management Plan with specific focus on developing a feasibility study for additional Dog Off leash park

Key considerations align with other Council strategies as follows:
1. **Community Plan**: Recognises that a priority for the entire Bayside community is to encourage and support people to lead healthier lives.

2. **Health and Wellbeing Plan**: Recognises the benefits of pets to social cohesion and expanding community networks.

3. **Recreation Strategy**: Recognises the contribution of pets to an active lifestyle.

4. **Ageing Well in Bayside**: Recognises the role pets play in keeping older adults in their home and active.

5. **Open Space Strategy**: There are challenges in providing space for dog owners alongside the recreation needs of other members of the community. This strategy recognises the benefits associated with pets and the benefits of accommodating dog walking and exercise within open space.
Dogs and off-leash spaces in Bayside

Research and options

13 December 2019

Submitted by:
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ACTIVATE CONSULTING

in partnership with
Dr. Robyn Cochrane
COCHRANE RESEARCH SOLUTIONS
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Disclaimer: The sole purpose of this report is to present robust evidence-based information drawn from Bayside City Council provided records, datasets, policies, plans, strategies, local laws and consultation datasets as well as academic and industry research, and local government benchmarking. In preparing this report, Activate Consulting and Cochrane Research Solutions have relied on information provided by Council. This report has been prepared for the exclusive use of Bayside City Council. Council may share and distribute this report as it sees fit. Activate Consulting and Cochrane Research Solutions accept no liability or responsibility whatsoever for, or in respect of, any use of or reliance upon this report by any third party.
Research overview

Background

As at 30 June 2018, there were 11,874 registered dogs in the City of Bayside. It is estimated that one in three households in Bayside has a dog (either registered or unregistered). Dog off-leash areas, dog parks and responsible dog ownership have been contentious topics due to a long-standing and wide range of competing stakeholder interests.

These interests include: exercising dogs (particularly off-leash), organised sports, passive recreation, environmental conservation, foreshore/coastal management and the interaction between dogs and humans in public (particularly children and the elderly). Further, Bayside's open spaces are also popular with non-Bayside residents.

The recent history of this situation includes:

- Prior to 2017, many sports clubs consistently raised concerns to Council about issues regarding sports grounds, in particular safety concerns arising from dogs on grounds during training and matches, uncollected faeces on the grounds and holes in the playing surface caused by dogs digging.
- Early 2017, Council removed gates from sports grounds in an attempt to encourage dog owners to effectively supervise their dogs and practise responsible dog ownership. Many dog owners were upset at the loss of secure off-leash space.
- Residents near Bayside’s two remaining secure off-leash areas (Wishart Oval and Sandown Beach) have become increasingly concerned about wear and tear and amenity impacts (parking, congestion, uncollected faeces) as a result of increased usage. Dog owners are also concerned about the higher concentration of dogs.
- Mid-2018, strong opposition to a proposal to restrict dog off-leash access at George Street Reserve for conservation reasons meant it did not proceed.
- Mid-2018, officers conducted an enforcement blitz in a newly created nature reserve at Elsternwick Park North due to owners not obeying on-leash requirements.

Council has a strong focus on dog owners maintaining 'effective control' as the way to ensure appropriate dog behaviour and safety (as opposed to the need to provide multiple secure dog off-leash spaces). Effective control means that an owner maintains visual contact with the dog, they can recall their dog promptly and place it back on a leash quickly if required, and the dog must not in any way interfere with other people or dogs.

However, in recognition of the importance of dogs to the health and wellbeing of the local community, and the growing stakeholder concerns regarding the availability of off-leash spaces, BCC’s Domestic Animal Management Plan 2017-2021 includes initiatives to:

- investigate the feasibility of a secure dog park; and
- review timing restrictions on dog off-leash areas.

To progress these initiatives, Council commissioned the development of this research and options report to gain an objective, robust and evidence-based understanding of the issues and potential viable solutions to the question: "What types of facilities, infrastructure, education and enforcement best achieve the community’s objectives, including improving the effective control of dogs?"
Purpose

This research and options report presents robust evidence-based information drawn from BCC (records/datasets, policies, plans, strategies, local laws and consultation datasets), academic and industry research, and local government benchmarking.

It seeks to help Council identify and understand the potentially viable ‘levers’ or strategies to address the following research question in relation to dogs and dog ownership in Bayside:

“What types of facilities, infrastructure, education and enforcement best achieve the community’s objectives, including improving the effective control of dogs?”

Intent and scope

The intent of this report is to identify possible viable options for Council to consider and invite community feedback to address long-standing competing interests over the use of finite open space in Bayside. These interests include: exercising dogs (particularly off-leash), organised sports, passive recreation, environmental conservation, foreshore/coastal management and the interaction between dogs and humans in public (particularly children and the elderly).

To achieve this, the scope includes investigation of:

- The current situation regarding dogs and open space in Bayside;
- Contemporary practice and research around animal management and open space (and related topics);
- How similar issues have been approached/addressed by other councils and the outcomes; and
- The approaches and options that BCC might consider to address the current situation.

Methodology

The research methodology is summarised in the diagram and explained in detail below:
Contextual insights

Insights were garnered to produce a factual description of the current Bayside context in relation to dogs and open space. Council officers collated and provided a range of documents and information to the authors for review and analysis. Insights were generated through:

- Analysing data, fees, expenditure, related activities and resourcing
- Reviewing Council’s relevant policies, plans, strategies and local laws; and
- Understanding community input received through relevant previous consultation activities.

In addition, independent dog behaviour observation audits were undertaken at seven selected open spaces across Bayside. Sites were selected to reflect a diverse range of circumstances and factors relating to dogs, and key areas where potential conflicts arise. As shown in the below table, these open spaces have multiple uses and users.

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Name of park/reserve</th>
<th>Primary function of the open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaumaris</td>
<td>Donald McDonald Reserve - West</td>
<td>Sportground, playground, dog off leash 24/7</td>
</tr>
<tr>
<td>Beaumaris</td>
<td>Ricketts Point - Beaumaris Yacht Club to Beaumaris Life Saving Club</td>
<td>Beach-based recreation, declared marine sanctuary, playground, dog off leash at specific dates. Dogs prohibited on all inter-tidal rock platforms within Marine Sanctuary at all times</td>
</tr>
<tr>
<td>Brighton</td>
<td>Sandown Street Beach</td>
<td>Beach-based recreation, playground, dog off leash 24/7</td>
</tr>
<tr>
<td>Brighton</td>
<td>William Street Reserve</td>
<td>Sportground, playground, dog off leash 24/7</td>
</tr>
<tr>
<td>Brighton East</td>
<td>Dendy Park - Cummins Road end</td>
<td>Regional park - sportground, playground, dog off leash 24/7</td>
</tr>
<tr>
<td>Hampton East</td>
<td>Wishart Reserve</td>
<td>Social/family/recreation (no organised sport), playground, dog off leash area</td>
</tr>
<tr>
<td>Sandringham</td>
<td>George Street Reserve (heathland sanctuary)</td>
<td>Conservation reserve, no playground - dog off leash unfenced areas only, dogs prohibited in fenced areas</td>
</tr>
</tbody>
</table>

Audits were undertaken by plain-clothed, independent contractors who are experienced in animal management and followed a detailed audit plan. Multiple audits were undertaken at each site on varying days and times between 7am and 7pm from 13 to 26 August 2019.

Practice insights

Insights were generated to add further context to the Bayside scenario and explore levers or strategies that other councils have used to addressed similar situations, and their outcomes.

Benchmarking was undertaken by the authors with five councils, labelled Council A to Council E for anonymity purposes. Councils were purposefully selected as shared one or more of the following attributes:
- similar community demographics;
- extensive foreshore/environmental considerations;
- use of innovative approaches; and/or
- neighbouring council.

The benchmarking involved a three step approach:

1. Initial desktop review to gather existing publicly available data for each council;
2. Completion of a quantitative evidence-based template by each council; and
3. In-depth telephone interview with key identified staff from each council to explore different approaches and lessons learnt.

Research insights

Insights were generated to present the foundational knowledge on the topics of interest and were drawn from reputable research, industry and expert sources.

Sources examined in the literature review included:

- Reports generally published within the past 10 years
- Australian research and relatable, best practice international examples
- Academic peer-reviewed publications, including longitudinal and robust research
- Industry reports and Government reports

Sports clubs, environmental groups and the Bayside Dog Association (BDA) were invited to submit third-party literature to be considered as part of this process. The BDA provided a detailed list of independent publications and reports, which were reviewed and some have been incorporated within the research section of this report. One sports club provided feedback on its experience and observations, and feedback and observations from ‘friends of’ environmental and foreshore groups were provided through council officers. These experiences and observations have been reflected in the ‘Known community views and interests’ section of this report.
### Glossary of Key Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorised Officer</td>
<td>Person authorised by Council under section 224 of the Local Government Act to administer/enforce any Act</td>
</tr>
<tr>
<td>AMOs</td>
<td>(Council) Animal Management Officers</td>
</tr>
<tr>
<td>BCC/Council</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>DAA</td>
<td>Domestic Animals Act, 1994</td>
</tr>
<tr>
<td>DAMP</td>
<td>Domestic Animal Management Plan</td>
</tr>
<tr>
<td>Dog litter</td>
<td>Dog poo, excrement, droppings or faeces</td>
</tr>
<tr>
<td>Dog park or dog secure area</td>
<td>Dog off-leash areas that are fully enclosed or fenced</td>
</tr>
<tr>
<td>Dog walker</td>
<td>Person responsible for the actions of a dog when it is in a park, reserve or other public place</td>
</tr>
<tr>
<td>DPI</td>
<td>Department of Primary Industries</td>
</tr>
<tr>
<td>Effective control</td>
<td>A dog returning to its walker immediately upon voice command ... In dog off-leash areas dogs must be under effective control of their carer and must not in any way interfere with other people or dogs (BCC DAMP 2017-2021, pp. 20 &amp; 33):</td>
</tr>
<tr>
<td>LG Act</td>
<td>Local Government Act</td>
</tr>
<tr>
<td>Microchip</td>
<td>A tiny computer chip about the size of a grain of rice, which has an identification number programmed into it. The microchip is inert, has no battery and uses no energy, and will last for the life of the animal. The microchip is injected under the animal’s skin between the shoulder blades (or into the nuchal ligament for horses) and is a simple procedure, which causes no side effects. To identify the animal, a scanner that reads microchip numbers is passed over the animal’s skin. The scanned number can then be checked against a register, which provides details of the animal’s ownership.</td>
</tr>
<tr>
<td>Off-leash area</td>
<td>Areas where dogs are permitted to be off-leash provided they are under the effective control of their walker</td>
</tr>
<tr>
<td>On-leash areas</td>
<td>Areas where dogs have to be on a leash or lead at all times</td>
</tr>
<tr>
<td>Open space</td>
<td>Any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public</td>
</tr>
<tr>
<td>Parks/reserves</td>
<td>Areas that include open parkland, play spaces, sporting areas, trails and natural environments</td>
</tr>
</tbody>
</table>
How to read this report

This report is structured in three sections:

- Part 1: Understanding dogs and open space in Bayside
- Part 2: Exploring issues and options
- Part 3: Testing the viability of options and recommendations

The diagram below presents an overview of the report:

- Part 1: Understanding dogs and open space in Bayside
  - Review of facts about dogs and open spaces in Bayside
  - Bayside’s position about dogs in its existing approved plans and strategies
  - Known community views gathered through previous consultations
  - Review of evidence of dog behaviour from independent open space audits

- Part 2: Exploring issues and options
  - Exploring and understanding the issues
  - Identifying possible ‘levers’ or strategies
  - Learning from the experience of other councils

- Part 3: Testing the viability of options and recommendations
  - Identifying and assessing options for the Bayside context
  - Recommendations of viable options for further exploration
Part 1: Understanding dogs and open space in Bayside

Before considering options available to Council to best achieve the community’s objectives, including improving the effective control of dogs, it is necessary to have a clear understanding of the current Bayside context.

This section draws on evidence, statistics, published Council plans, strategies and local laws, and previous consultation data to present:

- An accurate, current snapshot of key statistics in relation to animal management in Bayside alongside comparisons with other councils where informative.
- An outline of Council’s statements and commitments in relation to dogs, pet ownership and dogs in public spaces.
- An overview of what community and stakeholder groups have said in previous, relevant Council consultations.
- An evidence-based assessment of dog behaviour observed in seven key Council open spaces.
A factual snapshot and benchmarking comparisons

Dog registration and statistics

There are 11,932 dogs registered in the City of Bayside, an increase of 60 over the previous two years (from 2016-17). In addition, an average of 200 unregistered dogs are uncovered each year through door knocks. This equates to 0.32 registered dogs per household (ABS 2016 household data).

Dog ownership is evident in all types of households. Of 700 residents surveyed in the 2019 Annual Community Satisfaction Survey, dogs were owned by:

- 59% of families with children 13-18 years
- 41% of other households (group, extended)
- 38% of families with children under 13 years
- 32% of couple households
- 26% of sole person households

Comparatively, the City of Bayside has a high proportion of dog ownership per household. As shown in the table below, given the high rate of dog ownership and small geographic size, Bayside also has a very high concentration of dogs, with an average of 322 dogs per square kilometre.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of dog registrations per annum (18-19)</td>
<td>11,932</td>
<td>65,974</td>
<td>20,101</td>
<td>24,825</td>
<td>6,656</td>
<td>9,614</td>
</tr>
<tr>
<td>No. of households (ABS 2016)</td>
<td>36,784</td>
<td>215,641</td>
<td>58,782</td>
<td>57,789</td>
<td>50,618</td>
<td>41,541</td>
</tr>
<tr>
<td>Ratio of dogs per household</td>
<td>0.32</td>
<td>0.31</td>
<td>0.34</td>
<td>0.43</td>
<td>0.13</td>
<td>0.23</td>
</tr>
<tr>
<td>No. of dogs per km² of municipality (average)</td>
<td>322.48</td>
<td>48.58</td>
<td>220.89</td>
<td>79.93</td>
<td>322.79</td>
<td>84.33</td>
</tr>
</tbody>
</table>

In Bayside, two dogs are allowed per property without requiring the owner to have a permit. This is consistent with the Council A and Council E. However in Councils B, C and D the limit for occupants of units, townhouses and flats is one dog before requiring a permit. This point is relevant to an examination of dogs per household and the concentration of dogs across Bayside.

As shown in the table below, the highest ratio of dogs per household is in Beaumaris and the lowest in Hampton East. However Hampton and Highett have the highest concentration of dogs per square kilometre, and Cheltenham the lowest.
<table>
<thead>
<tr>
<th>Suburb</th>
<th>Ratio of dogs per household</th>
<th>No. of dogs per km² (average)</th>
<th>Registered dogs (18-19)</th>
<th>Households (ABS 2016)</th>
<th>Geographic size of suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaumaris</td>
<td>0.37</td>
<td>374.07</td>
<td>1,904</td>
<td>5,209</td>
<td>5.09 km²</td>
</tr>
<tr>
<td>Black Rock</td>
<td>0.31</td>
<td>258.85</td>
<td>863</td>
<td>2,742</td>
<td>3.21 km²</td>
</tr>
<tr>
<td>Hampton</td>
<td>0.31</td>
<td><strong>389.39</strong></td>
<td>1,651</td>
<td>5,366</td>
<td>4.24 km²</td>
</tr>
<tr>
<td>Brighton East (part)</td>
<td>0.29</td>
<td>320.75</td>
<td>1,793</td>
<td>6,122</td>
<td>5.59 km²</td>
</tr>
<tr>
<td>Sandringham</td>
<td>0.29</td>
<td>343.09</td>
<td>1,266</td>
<td>4,395</td>
<td>3.69 km²</td>
</tr>
<tr>
<td>Cheltenham (part)</td>
<td>0.28</td>
<td>126.53</td>
<td>434</td>
<td>1,538</td>
<td>3.43 km²</td>
</tr>
<tr>
<td>Brighton</td>
<td>0.27</td>
<td>331.50</td>
<td>2,778</td>
<td>10,410</td>
<td>8.38 km²</td>
</tr>
<tr>
<td>Highett (part)</td>
<td>0.27</td>
<td><strong>389.10</strong></td>
<td>821</td>
<td>2,986</td>
<td>2.11 km²</td>
</tr>
<tr>
<td>Hampton East</td>
<td>0.24</td>
<td>372.92</td>
<td>537</td>
<td>2,284</td>
<td>1.44 km²</td>
</tr>
</tbody>
</table>

Bayside is the only benchmarked municipality to have no declared dangerous or restricted breed dogs registered.

**Dog-related complaints**

Over the last two years there has been 98 fewer dog-related complaints made to Council (7% reduction). Complaints have reduced to 1,318 in 2018-19 and there have been 23 (11%) fewer dogs impounded, reducing to 179.

As shown in the table below, the complaint numbers at Bayside are comparatively low to benchmarked councils, with a ratio of 0.11 complaints per registered dog.

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of dog-related complaints to council</td>
<td>1,318</td>
<td>N/A 11,000 animal complaints</td>
<td>1,429</td>
<td>3,886</td>
<td>2,566</td>
<td>1,484</td>
</tr>
<tr>
<td>Ratio of complaints per registered dog</td>
<td>0.11</td>
<td>0.17</td>
<td>0.07</td>
<td>0.16</td>
<td>0.38</td>
<td>0.15</td>
</tr>
<tr>
<td>*Dog attack complaints</td>
<td>7.2% (95)</td>
<td>7.4% (816) domestic animal attacks</td>
<td>10% (143)</td>
<td>6.27% (244)</td>
<td>3.4% (89)</td>
<td>3.6% (54)</td>
</tr>
<tr>
<td>Year</td>
<td>Bayside</td>
<td>Council A</td>
<td>Council B</td>
<td>Council C</td>
<td>Council D</td>
<td>Council E</td>
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<tr>
<td>2018-19</td>
<td>Barking dog complaints</td>
<td>23.8% (314)</td>
<td>32.5% (3,578) animal noise nuisance</td>
<td>6.7% (96)</td>
<td>11.04% (429)</td>
<td>18.5% (475)</td>
</tr>
<tr>
<td></td>
<td>*Dog rush complaints</td>
<td>1.3% (18)</td>
<td>N/A</td>
<td>2.8% (41)</td>
<td>N/A</td>
<td>0.5% (14)</td>
</tr>
<tr>
<td></td>
<td>Dog litter (faeces) complaints</td>
<td>1.4% (19)</td>
<td>N/A</td>
<td>2.3% (34)</td>
<td>N/A</td>
<td>6.2% (161)</td>
</tr>
<tr>
<td></td>
<td>Animals at large complaints</td>
<td>8.8% (119)</td>
<td>7.1% (788) roaming animal</td>
<td>12.7% (182)</td>
<td>57.15% (2,221)</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>No. of impounded dogs</td>
<td>179</td>
<td>1,549</td>
<td>516</td>
<td>931</td>
<td>98</td>
</tr>
</tbody>
</table>

*Note: Complaint numbers are not verified numbers*

The high concentration of dogs in Bayside may have contributed to the high level of ‘barking dogs’ complaints. Although the number of barking dog complaints has reduced over the last two years by 48 (13%).

Conversely, the number of complaints regarding dogs being off-leash outside of permitted areas in Bayside has increased over the last two years by 73% to 199, accounting for 15% of all complaints in 2018-19.

Dog attack and dog rush complaint numbers* have remained steady. There has been a small increase over the last two years with 95 attack complaints and 16 dog rush complaints in 2018-19. In 2017-18 a total of 56 people in Bayside presented to the emergency department with an injury where the cause was dog related (Department of Health and Human Services, 2019).

**Dog-related service provision**

In Bayside, dog-related service provision includes responding to animal management requests, impounded dogs being returned or reclaimed and dog poo bag provision. On average, Council responses to animal management requests within 2.5 days, which is longer than most benchmarked councils.

In 2018-19 Council returned 175 lost dogs to their owners. Comparatively, more lost animals were returned to their owners in Bayside than other benchmarked councils. As shown in the below table, figures from 2017-18 indicate Bayside reported the highest level of animals reclaimed (81.53%).

BCC also provides a free poo bag service, with 34 dispensers spread across the municipality, and spends approximately $32,500 on biodegradable poo bags each year. Not all councils provide a poo bag service. Council B has free poo bags available via customer service centres, however does not have dispensers in open spaces (although at the time this report was produced, a six-month trial was underway at five reserves).
--- | --- | --- | --- | --- | --- | ---
No. of animals reclaimed (Know Your Council website 2017-18) | 81.53% | 75.15% | 60.98% | 61.81% | 47.92% | 68.22%
Time taken to action animal management request (Know Your Council website 2017-18) | 2.5 days | N/A | 1.73 days | 2.56 days | 1 day | 1 day
No. of bags and cost of dog poo bag service per annum | 34 poo bag dispensers, $30.5k p/a on bags (ex. installation etc) | 190 bag dispensers, $2k p/a per dispenser, $406K p/a | Annual budget of $5,300, currently trialling at five reserves | Do not issue poo bags | Do not issue poo bags | Do not issue poo bags, pouches only

**Enforcement activities**

Around 80% of AMO time at Bayside is spent responding to complaints, issues or legislatively required activity, with the remaining 20% used for proactive patrols. In 2018-19, there was an average of 10 hours of patrols each day.

Over the last two years, the number of infringements issued by Council has reduced by 18% from 587 in 2016-17 to 481 in 2018-19. Of the 481 infringements, 74% (355) were for unregistered animals (dog/cat), 12% (59) for dog at large (day/night), and 10% (50) for dogs off-leash in a prohibited space.

A noticeable change in infringements over the last two years is the 50% increase in the number of infringements for dogs off-leash in a prohibited space (25 in 2016-17 to 50 in 2018-19). This is commensurate with the increase in complaints about dogs off-leash and increased proactive patrols of Council open space.

As shown in the table below, Council’s infringement activity is higher than many benchmarked councils, with a ratio of 0.04 infringements per registered dog. This may in part reflect Council’s level of patrol presence and will be affected by each council’s approach to enforcement. At Bayside, AMOs follow approved guidelines for issuing warnings and infringements that consider whether the dog is registered, whether it is a first offence, and the nature of the offence.
### 2018-19

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<tbody>
<tr>
<td><strong>No. of dog infringements issued</strong></td>
<td>481</td>
<td>462</td>
<td>1,205</td>
<td>2,639 (cats and dogs)</td>
<td>141 (inc. very small number of cat-related)</td>
<td>87</td>
</tr>
<tr>
<td><strong>Ratio of infringements per registered dog</strong></td>
<td>0.04</td>
<td>0.01</td>
<td>0.06</td>
<td>0.08 (per cat/dog)</td>
<td>0.02</td>
<td>0.01</td>
</tr>
<tr>
<td><strong>No. of prosecutions for non-infringeable breaches (those that go straight to court) (Know Your Council website 2017-18)</strong></td>
<td>10</td>
<td>N/A</td>
<td>13</td>
<td>43</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Proportion of officer time spent on education vs enforcement</strong></td>
<td>20% Proactive and 80% Reactive Owner history dictates whether enforcement or education. 10 hrs of proactive patrols per day</td>
<td>306 hours per month/ approx 10hrs per day on proactive patrols</td>
<td>Approx. 50% Proactive and 50% Reactive per week</td>
<td>N/A</td>
<td>Enforcement focus 6 hours (3x 2hr) proactive patrols per week.</td>
<td>20% Proactive and 80% Reactive/ enforcement</td>
</tr>
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</table>

The number of prosecutions for offences in Bayside that go directly to court (for example, serious dog attack or serial offender) is consistent with benchmarked councils considering dog populations.

Prosecutions for infringeable offences have increased to 102 in 2018-19 (from 90 in 2016-17 and 59 in 2017-18), of which 88 related to owners failing to register dogs. In all cases Council’s prosecution was successful.

**Education and incentives**

BCC undertakes a range of activities to educate the community about responsible dog ownership, appropriate dog behaviour and local regulations. This includes:

- An annual Pet Expo – attended by approximately 2,000 people each year
• An annual registration and microchipping day – attended by 120 people each year
• A welcome pack – provided to new animal owners
• Responsible pet ownership information – via Council’s website, fact sheets and social media.

In addition, Council provides incentives including: discounted microchipping (at the registration day), discounted registration for newly registered pets, and rewards (poo pouches) for dog owners observed to be doing the right thing when out on patrols.

Compared to benchmarked councils, Bayside’s approach to education and incentives is relatively consistent. Council A* delivers a range of other activities, including:
• A school education program and stage show at events – reaching approximately 5,500 students each year, using mascots
• Community dog walking program – free group dog walking activities in local parks with a dog behaviouralist and council’s AMOs participate with their dogs.
• Community dog education and training sessions – free dog training sessions in parks
• Targeted media campaigns focussing on prevention of roaming dogs and dog attacks

* Council A is significantly larger than Bayside and has significantly more AMO resources (see next Section)

One neighbouring council is investigating running animal education programs in partnership with the Lost Dogs Home, noting that people can be reluctant to participate in programs run by council directly.

As outlined in the City of Bayside Domestic Animal Management Plan 2017-21, Council will be exploring the use of a smartphone app to report animal complaints and for pop-up education/information sessions in the community.

Animal management income and resourcing

In 2018-19, BCC spent $684,056 on the delivery of its animal management service. This includes the Annual pet expo event, annual microchipping day and education programs, and the animal management service: responding to nuisance complaints, collecting and returning lost animals, patrols, investigation/prosecution of dog attacks, provision of dog friendly open spaces, free poo bags across 34 sites, monitoring domestic animal businesses, and responsible pet ownership education.

As shown in the table below, the cost of the animal management service per registered animal in BCC is relatively comparative to benchmarked councils at $43.40 per animal.

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<tbody>
<tr>
<td>$78 for 1 year</td>
<td>$60 for 1 year or $120 for 3 years</td>
<td>$55 for 1 year</td>
<td>$41.50</td>
<td>$70 for 1 year</td>
<td>$53 for 1 year</td>
<td></td>
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</table>

| Dog registration fee (non-desexed)         | $246 - all other dogs | $121 for 1 year, $242 for 3 years | $166 for 1 year | $192.00 | $210 for 1 year | $158 for 1 year |
### Cost of Animal Management Service per Registered Cat/Dog (Know Your Council website 2017-18)

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<tbody>
<tr>
<td>$43.40</td>
<td>$48.44</td>
<td>$44.21</td>
<td>$79.41</td>
<td>$69.52</td>
<td>$30.82</td>
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### No. of AMOs (EFT)

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<tbody>
<tr>
<td>4 EFT (6 general officers, 2/3rds of time spent on animal matters)</td>
<td>28 EFT (1 Coord, 3 T/Ls, 9 inspectors, 12 officers, 3 pound admin (all animal only officers))</td>
<td>5.4 EFT (9 general local laws officers, 60% of their time) plus 0.75 EFT (across 2 support roles)</td>
<td>2.8 EFT</td>
<td>2.65 EFT (8 general officers (0.3EFT each on animal matters) + 0.25 Team Leader)</td>
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### Number of Registered Dogs per Full-time AMO Resource

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<tbody>
<tr>
<td>2,983</td>
<td>2,356</td>
<td>3,722</td>
<td>2,377</td>
<td>3,627</td>
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</table>

In 2018-19 Council’s local laws team structure shifted from 4 EFT dedicated AMOs and 2 EFT dedicated Local Laws Officers (excluding animal management), to a combined team of 6 EFT all with local laws and animal management responsibilities.

As shown in the table above, Bayside’s AMO resources are on par with other benchmarked council’s considering their size and registered dog population.

Dog registration fees in Bayside are higher than other benchmarked councils, starting at $78 per dog.

Council’s animal management service is fully-funded through animal registration income and not subsidised through rate revenue.
Dog access to open space

The Bayside Open Space Strategy 2012 reports that ‘Bayside has a good allocation of open space per capita of population compared with other middle and inner ring suburbs’ (see page 63 and table here).

Bayside has a total of 4.1621 km² of public open space (which includes 1.0498 km² of public golf courses). This represents 11.25% of the total area of the municipality.

Off-leash space

There are 18 dedicated dog off-leash spaces in Bayside (three beaches and 15 parks) of which two are fully secure (Wishart Reserve and Sandown Beach).

A further 8 spaces are accessible off-leash during set times. Dogs are allowed off-leash in all but three sections of beach in Bayside from April to October, however from November to March dogs are not permitted at these beaches from 10am to 7.30pm. Some beaches have further prohibitions and on-leash restrictions outside of these times.

The physical amount of off-leash space available in Bayside is consistent all year round, however the use of this space for off-leash activity is time restricted during summer months as shown in the table below.

<table>
<thead>
<tr>
<th>Apr – Oct</th>
<th>Nov – Mar*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total designated off-leash area (24/7)</td>
<td>1.51 km²</td>
</tr>
<tr>
<td>Proportion of total open space in Bayside</td>
<td>36.30%</td>
</tr>
</tbody>
</table>

* Note: 0.6763 km² of additional off-leash space is available in early AM and late PM during these months, representing an additional 16.25% of total open space.

Prohibited and on-leash spaces

A total of 18.08% of Bayside’s open space area is designated as a ‘conservation’ area (BCC Open Space Strategy 2012). There are seven inland conservation reserves which are managed to protect indigenous vegetation. Dogs are prohibited within the fenced areas of these reserves and permitted on-leash in other areas.
During November to March, there is one beach where dogs are prohibited at all times, and a further 11 sections of beach where dogs are prohibited between 10am – 7.30pm.

In addition, there are 12 sports grounds. Dogs are prohibited on the ground and must be on-leash within 20m of the ground during organised sport. During other times dogs are permitted on/off-leash on these grounds according to the restrictions that apply at each location.

There are also 61 playgrounds where dogs are prohibited and must be on-leash within 20m. All dogs must be on-leash in any car park.

Dogs are allowed on-leash in all other areas.

**Foreshore restrictions**

Bayside’s seasonal beach restrictions are similarly structured to neighbouring municipalities Kingston and Port Phillip. Across all three councils, dogs are prohibited on many beaches from November to March between 10am and 7.30pm, however Kingston also restricts the majority of its beaches to dogs on-leash from 11am and 3pm from April to October. There are some variations as to whether dogs are permitted on the beach in evenings from November to March after 7.30pm (some are prohibited, some on-leash and some off-leash).

Bayside is similar to Port Phillip in its availability of dedicated 24/7 dog off-leash areas. During April to October, 24/7 dog off-leash areas increase significantly in these municipalities due to the majority of beaches also being off-leash. Kingston restricts off-leash times on beaches during April to October also, and has one dedicated 24/7 dog off-leash beach area all year round.

**Benchmarking**

Benchmarking the provision of dog friendly open space is difficult due to the limited availability of complete information. Each council differs in size, landscape and approach and the number of spaces does not reflect the size or quality of open spaces. Nevertheless, the below table presents an indicative overview of dog access to open spaces.

<table>
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</thead>
<tbody>
<tr>
<td>No. of Dog on leash at all times</td>
<td>All other areas</td>
<td>All other areas</td>
<td>3 beaches (April - October)</td>
<td>All other areas</td>
<td>164 locations with on lead areas</td>
</tr>
<tr>
<td>No. of Dog on or off-leash (varying)</td>
<td>8 beaches</td>
<td>3 beaches</td>
<td>11 beaches, 2 reserves</td>
<td>1 park (varied restrictions all year round)</td>
<td>8 beaches (Varied Nov-Mar/Apr-Oct)</td>
</tr>
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</tr>
<tr>
<td>No. of Dog off-leash at all times (non-secure)</td>
<td>2 beaches and 14 parks</td>
<td>128 (inc. 4 foreshores, 3 beaches)</td>
<td>29 parks and 1 beach</td>
<td>6 beaches, 40 parks/reserves</td>
<td>81 locations with off lead areas, inc. 28 of 29 sports grounds</td>
</tr>
<tr>
<td>No. of Dog off-leash at all times (secure)</td>
<td>1 beach and 1 park</td>
<td>26 fenced parks</td>
<td>4 parks</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Most sports grounds (when not in use) – some gated, some not.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>No. of Dogs prohibited at all times</td>
<td>7 Marine Sanctuary rock platforms / fenced areas</td>
<td>84 areas Inc. playgrounds, flagged bathing areas, conservation areas, reserves, bathing reserves</td>
<td>1 beach, 1 park (owned by Parks Vic), 3 beaches (seasonal: 10am – 7.30pm Nov-Mar)</td>
<td>75 parks and reserves, 3 beaches (Nov - Mar)</td>
<td>2 beach areas</td>
</tr>
<tr>
<td>No. of Dog parks with agility equipment</td>
<td>N/A</td>
<td>23</td>
<td>5 expensive and not convinced they are a drawcard</td>
<td>3 work well</td>
<td>0 fenced dog activity park</td>
</tr>
</tbody>
</table>

Across similar benchmarked councils (excluding Council A which is a large regional city council), there are few secure (fully fenced) dedicated dog off-leash areas. Several councils have some fully fenced and gated sports grounds that effectively serve as secure off-leash areas when not in use for organised sports. Bayside has many fenced sports grounds (without gates) that are dog off-leash areas when they are not in use for organised sports.

Some benchmarked councils have dog agility equipment in some parks. Feedback was mixed in terms of whether or not agility equipment is a drawcard or adds particular value to a dog area.
Council’s policies, laws, plans and strategies relating to dogs

Legislative context

BCC has the authority to make locals laws and policies relating to domestic animals through the:
- Local Government Act 1989; and
- Domestic Animals Act 1994 (see Appendices 1 and 2).

Under this legislation, Council currently has:
- Three clauses in its Neighbourhood Amenity Local Law relevant to dogs:
  - Clause 39: Keeping animals
  - Clause 40: Animal accommodation
  - Clause 41: Animal excrement
- A responsibility to produce a four-year Domestic Animal Management Plan
- Order number 4 under section 26 of the Domestic Animals Act which designates areas where dogs can be off-leash and where dogs are prohibited.
- Authority to enforce the Domestic Animals Act in the municipality.

Overview of regulations regarding dogs in Bayside

Through local and state legislation, the following regulations apply to dogs in the City of Bayside:
- All dogs must be registered with Council
- A permit is required to keep more than two dogs per property
- Dogs may only be exercised off-leash in designated off-leash areas and must be on-leash when in public at all other times
- Owners must not allow their dog to be in any area designated ‘dogs prohibited’, including any playground or sports ground during organised sport
- When exercising a dog off-leash, owners must have the dog under effective control, meaning they can recall their dog promptly and place it back on a leash quickly if required, and the dog must not in any way interfere with other people or dogs
- Owners are required to carry dog litter devices at all times when walking their dog and must remove dog excrement from public land
- Dogs must be on-leash within:
  - 20m of any sportsground when organised sport is taking place
  - 20m of any playground or picnic area

Council’s strategic position in relation to dogs and open space

The Bayside Community Plan 2025 recognises that the use of finite open space is open to debate. It acknowledges the conflicting priorities of dog owners seeking more off-leash space, parents wanting fenced playgrounds, and beach users having expectations around maintenance. Overall, it aspires to a place where ‘all users are respectful of other users (responsible pet ownership, removing rubbish and sharing facilities)’ (p. 18).

Giving effect to the Community Plan, the Council Plan 2017-21 states Council’s intention to ‘protect, enhance and increase quality open space to meet the needs of our community’ (p. 7). This includes: securing an additional four hectares of open space at the former CSIRO site in Highett, protecting the biodiversity and vegetation within marine reserves, bushland and foreshore, and balancing competing interests in open spaces.
A further eight strategies and plans make reference to dogs and these have been sorted by theme below:

- Active by the Bay Recreation Strategy 2013-2022
- Biodiversity Action Plan 2018-2027
- Coastal Management Plan 2014
- Domestic Animal Management Plan (DAMP) 2017-2021
- Open Space Strategy 2012
- Playground Improvement Strategy 2016-2025

Recognising the benefits of pet ownership

Council recognises that pets are an important member of the Bayside community and bring health, wellbeing and social benefits to owners. In turn, owners also have a responsibility to keep pets safe and healthy, and in compliance with local regulations to protect community amenity. It is noted that some residents do not wish to have contact with cats or dogs (DAMP, p.9).

Responsible pet ownership and registration

Animal registration is an important (and mandatory) requirement which helps Council plan local services, programs and infrastructure, and supports the quick return of pets to owners if lost (DAMP, p.18).

Council will promote the benefits of pet ownership and responsible pet ownership while managing the impact on other members of the community, wildlife and the natural environment (DAMP, p. 9). This includes the imperative to educate the community about ‘effective control’.

Dogs and community safety

Council supports the broader community to educate themselves about appropriate behaviour around dogs. Council encourages dogs rehomed from the pound to be temperament tested (DAMP, p.25).

Compliance and enforcement

Council recognises there are divergent expectations in relation to dogs. Council officers use robust criteria and are trained to apply best practice technical skills and customer service (DAMP, p.12)

Council recognises that meeting community expectations with regards to proactive patrols of dog off-leash parks is a key challenge (DAMP, p.18).

Dogs in parks, reserves and sportgrounds

‘Bayside’s approach is to support multi-use of as much of its open spaces as possible’. Each space in the open space network is allocated a ‘prime function’ for management purposes but the general approach is to optimise activities in open space if they can be accommodated without undermining or conflicting with the prime function (Open Space Strategy).

Council recognises that the need to accommodate the growing demand for organised sport activities, and the need to keep some activity separate for safety reasons are two key challenges for the provision of dog off-leash space (DAMP, p.18).

Council acknowledges that children have the right to use playgrounds without the interference of dogs (Playground Improvement Strategy). Further, it recognises its responsibility to plan the open
space network to minimise the conflicts and tensions between dog-owners and other users, and work with all groups to build common ground and shared appreciation for the multiple roles of open space in Bayside (Open Space Strategy).

There are increasing pressures on sports grounds for casual use and dog exercise, however given their primary role in supporting organised sport, Council recognises the need to offer alternate opportunities for these other uses to minimise conflict (Active by the Bay Recreation Strategy).

Council also acknowledges that dog owners have expressed concern about the lack of available dog off-leash areas and that off-leash regulations and boundaries can be confusing and are not well defined (Open Space Strategy). Council’s Open Space Strategy, Active by the Bay Strategy and DAMP consistently acknowledge the need to explore additional off-leash exercise opportunities for dogs and their owners, and the potential provision of a gated environment for dogs and owners to learn and test effective control (DAMP, p. 20).

Dogs and environmentally sensitive areas

There are longstanding points of difference that have been expressed in the community between the need to protect indigenous plant species and the need to exercise dogs. Council acknowledges that both needs are valid and important but inherently mutually exclusive on the same site (Open Space Strategy). The need to restrict access to some natural habitat locations to preserve ecosystems is recognised as a key challenge to the provision of off-leash areas (DAMP, p. 18).

Within Bayside, several larger inland and foreshore conservation reserves have a Strategic Biodiversity Score of over 90% (score model developed by Department of Environment, Land, Water and Planning) and management actions include restricting dogs from high biodiversity areas such as heathland reserves and Ricketts Point foreshore (Biodiversity Action Plan). The Plan recommends a review of dog restrictions in key areas to protect significant biodiversity values from wildlife predation and disturbance, and nutrient enrichment of vegetation (from faeces). According to Parks Victoria (2005), the Ricketts Point Marine Sanctuary has important natural, cultural, recreational and tourism values, is significant in the state-wide system and must be protected. Reviewing dog regulations at Ricketts Point Marine Sanctuary is a high-priority action (action #37) in the Biodiversity Action Plan.

Dogs and the foreshore

Foreshore areas are popular for dog exercise and recreation. Council has five designated levels of dog restrictions along the 17kms of foreshore that range in regulations, times and seasons and are based on extensive consultation and environmental considerations (DAMP, p. 21). Council acknowledges that the complexity of local laws and effectiveness of signage can make enforcement difficult (Coastal Management Plan).

Dog exercise and socialisation has been nominated as a priority activity at eight foreshore locations (Coastal Management Plan).

Dogs on paths and roadways

It is recognised that conflict also arises between pedestrians, cyclists and dog walkers causing safety issues, particularly if dogs are being walked off-leash (Coastal Management Plan, Walking Strategy). Council acknowledges the need for education for all road and shared path users (Bicycle Action Plan, Walking Strategy).

It is also acknowledged that older people and children may feel safer walking with dogs than on their own but there are few facilities for dog walkers (Walking Strategy).
Known community views and interests in relation to dogs

Providing space for dogs to exercise off-leash and encouraging responsible dog ownership is complex in Bayside due to finite open spaces, growing population density and competing interests as to how public space is used.

These tensions have been frequently raised in feedback gathered through past Council consultations around particular topics or places. Publicly stated views and interests are summarised below, and have been drawn from feedback provided in the following previous consultations:

- 2019 Annual Community Satisfaction Survey
- Brighton Recreation Centre and Wilson Reserve Consultation 2019
- Dogs, People and Parks – A Review of Dog Off-Leash Areas 2012-2013
- Domestic Animal Management Plan 2012-2016
- Domestic Animal Management Plan 2017-2021
- Enhancing Brighton Foreshore – North Road and Sandown Street Dog Beach consultation 2016-2019
- Parkscape Report 2016-2017
- Sharing Elsternwick Park (People, Pets and Play) 2011
- Sports Clubs Reviews (post summer 2016-2017, post winter 2018)

General Bayside Community (dog owner and non-dog owner residents)

Respondents to the 2019 Annual Community Satisfaction Survey 2019 (N=700, statistically representative sample) report a high satisfaction with City of Bayside parks (around 8.1/10) and high satisfaction with the appearance of the foreshore and bushland (7.9/10). Sports and recreation facilities are raised as more of an issue in Bayside than more broadly across Melbourne.

In terms of animal management, respondents consider it highly important, and satisfaction with animal management has increased since 2018 to 7.65/10. Animal management is nominated in the ‘top three’ issues for approximately 1.9% of the respondents and raised less frequently than more broadly across Melbourne.

Respondents to the DAMP Survey 2017 (N=795, statistically representative sample) listed the top five most important services for dogs/animals as:

1. Responding to report of nuisance dog/cats
2. Provide dog poo bags at parks
3. Collect stray dogs/cats and try to find their owners
4. Provision and maintenance of dog off-leash areas
5. Provide pensioner discount for desexing dogs/cats.

Dog owners in Bayside

In 2017, Council removed gates from its 12 sport grounds with the intent of encouraging better supervision and responsible pet ownership. This reduced the number of secure (fully fenced) off-leash exercise areas from 14 to two.

In a general community survey conducted in 2017 to inform the DAMP, just over 50% of the 810 dog owner respondents said they noticed the change. Of those, 42% reported it was to encourage dog owners to have effective control and 42% reported it was to reduce the numbers of dog owners exercising their dogs in the sports ground.

Overall 71% of the estimated 410 dog owners that noticed the gate removal disagreed with the approach. Many expressed concern about the reduction in secure off-leash space to exercise their
dogs citing safety fears due to the proximity of sports grounds to roads. They also reported fenced areas are important for training ‘effective control’ and that puppies and some dogs, such as rescue dogs, are easily distracted and need to be exercised in safe spaces. Secure dog off-leash spaces are also seen as important for the elderly and other people with mobility constraints (people with a disability, parents with prams etc) to enable them to provide appropriate exercise for their dogs.

Of the dog owners that disagreed with the gate removal, 247 recommended alternative actions. These actions included the provision of more/improved fenced and gated areas, dog owner education, Officer patrols, fines/enforcement and dog training (DAMP 2017).

According to the 2019 Annual Community Satisfaction Survey (N=700, statistically representative sample), households with dogs report less satisfaction with Council’s decision making, consultation and responsiveness to community needs than households without dogs.

Dog owners have suggested the health and wellbeing aspects of dog ownership should be recognised and considered as part of decision-making. In a survey of pet owners undertaken in 2017 to inform the DAMP (N=1,250), over 90% of respondents said they and their family exercise more and talk to more people because they have a dog. Over two-thirds of dog owners reported walking their dog off-leash every day in Bayside and 17% up to two times per week.

Of the 906 dog/cat owners in a general community survey to inform the DAMP, 43% wanted extended off-leash times, and of those 64% wanted additional off-leash locations.

In the Domestic Animal Management Plan Survey 2017 (N=795, statistically representative sample), 315 dog owners reported the top four most important animal services as:
1. Provision and maintenance of dog off-leash areas (91%)
2. Provide dog poo bags at parks where people walk their dogs (90%)
3. Respond to reports of nuisance dogs/cats (85%)
4. Collect stray dogs/cats and try to find their owner (86%).

Non-dog owners in Bayside

In a representative survey of 795 residents to inform the 2017 DAMP, 51% of respondents indicated that they do not own a dog, but like them, and 8% of respondents indicated they do not want any contact and/or are allergic to dogs.

Of the 1,110 non-dog owners surveyed in 2017 to inform the DAMP, almost two-thirds nominated extra patrols at the beach when on-leash rules apply, and half nominated extra patrols on weekends as a priority focus for Council. Further, 14 of 75 respondents commenting about the draft DAMP in 2017 (non-dog-owners), cited concerns about the prevalence of dogs in parks and sports grounds and the risk they pose to children and sports players. Similarly, non-dog owners have expressed concerns that the prevalence of dogs in the street can be intimidating for children and the elderly.

Generally non-dog owners indicated that there are many responsible dog owners in Bayside, but it is the ‘irresponsible owners’ that are causing problems. They advocated for improved enforcement to address these owner behaviours, rather than ‘education’.

In the Domestic Animal Management Plan Survey 2017 (N=795, statistically representative sample) the 415 non dog or cat owners reported the top four most important animal services as:
1. Respond to reports of nuisance dogs/cats (89%)
2. Educate the community about responsible pet ownership (89%)
3. Provide dog poo bags at parks where people walk their dogs (81%)
4. Collect stray dogs/cats and try to find their owner (76%).
Sports clubs

As at 2018-19 there are 608 teams and 8,945 players that use Bayside's 12 sports grounds each year (winter and summer seasons) for games and training.

Some sports clubs have raised concerns with Council about residents using the grounds to exercise dogs without having effective control or proper supervision. Anecdotal feedback to Council from several sport clubs includes common complaints about: dogs being on the ground during training and matches, dogs posing safety threats (rushing, knocking over etc) to players (particularly juniors), damage to the ground from dogs digging, and dog litter being left on the ground (and players slipping, falling into it). At the time of this report, these complaints could not be quantified. Generally sports clubs report most dog walkers do the right thing and it is the minority that cause most of the issues.

In 2017, when Council removed the gates from 12 sports grounds, interviewed clubs did positively acknowledge the gate removal initiative through the post summer sports clubs review 2016-17 (interview with four clubs). That said, feedback through the post winter sports clubs review 2018 (interview with six clubs) indicates dog-related issues relating to ground maintenance remain an issue. Interviewees reported needing to spend time checking the ground, filling holes and removing dog litter before training and games.

As at 2018-19, two contractors spend one day per week (Friday) filling holes on Council's sports grounds. Council also supplies sports clubs with sand to fill holes over the weekend.

Prior to the gates being removed, Council spent $144,000 each year repairing damage caused by dogs at these 12 grounds (Bayside City Council media release February 2017). As at 2018-19, Council spends approximately $56,000 each year repairing damage to grounds caused by dogs (this includes labour, sand, seed, replacement plants and garden beds).

Environmental and foreshore groups/ advocates

Each of Bayside’s seven inland conservation reserves has an active ‘Friends of’ group whose members weed and plant throughout the site regularly. Anecdotal feedback provided to Council by these volunteers include common complaints about dogs being off-leash in on-leash areas, trampling newly planted vegetation or regenerating species, and dog litter either not picked up or picked up in plastic bags then thrown into the bushes. At the time of this report, these complaints could not be quantified. Friends of groups have sought Council support for more active enforcement of on-leash regulations over a continued education approach.

Council reports similar anecdotal feedback being provided by environmental groups along the foreshore areas and around Ricketts Point Marine Sanctuary where complaints have also been received regarding off-leash dogs running onto inter-tidal platforms and disturbing roosting birds.

In the general community survey to inform the DAMP 2017 (N=1,187), 140 comments were received relating to actions that Council could take to preserve natural/sensitive environmental areas from the impact of dogs. Actions suggested include: more patrols/enforcement on weekends and during off-leash times, improved signage which also explains the potential damage to area/wildlife from dogs, improved fencing and restricting sensitive areas to on-leash only.

Residents around Bayside’s two secure off-leash areas

Residents living close to Wishart Reserve (Hampton East) and Sandown Street Beach (Brighton) have expressed concerns about amenity impacts as a result of the popularity of these secure off-leash parks. These include: illegally parked cars blocking driveways and crowding streets, dog poo
and rubbish in the streets, dogs off-leash outside of the park/beach. At the time of this report, these complaints could not be quantified.

Some cyclists using the shared paths have also expressed concerns about dogs being off-leash and posing a safety threat to cyclists and other path users (Enhancing Brighton Foreshore, 2018-19).
Dog and owner behaviour observations in open spaces

To produce a current and accurate snapshot of dog and owner behaviours, an independent audit was undertaken across seven Bayside open space areas in August 2019. The purpose of the audit was to gather data which would complement the recorded complaints and infringements and anecdotal feedback. The audit data furthers understanding about the concentration of dogs using open spaces, proportion of compliant versus non-compliant dog and owner behaviours and the nature of interactions between dogs and other open space users.

These audits were undertaken by plain-clothed, independent contractors who are experienced in animal management and followed a detailed audit plan (refer to the Research Overview section for more detail on the audit methodology).

The table below presents a summary of the overall findings for each of the locations with regard to dog and dog owner behaviours.

At the time of the observations, it was apparent that:

- Across six sites (with the exception of Ricketts Point), there was a very high level of compliance observed, with between 83.7% and 93.8% of dogs/owners demonstrating ‘good/responsible’ behaviour.
- **George Street Reserve** had the largest proportion of good or compliant dog and dog owner usage (93.8%) closely followed by **Sandown Street Beach** (93.7%).
- **Ricketts Point** had the lowest proportion of good or compliant dog and dog owner usage (72.5%). It is noteworthy that this site is a popular tourist attraction and thus draws many visitors who are not Bayside residents.
- **Dogs being off-leash when they should not be** was the most frequently observed non-compliance area, accounting for 49% of all observed non-compliance.
- On average, across all observation periods, **Dendy Park** was used by the highest number of dogs per hour (91 per hour) and **George Street Reserve** was used by the lowest number of dogs per hour (10 per hour).
- Throughout the 63.5 hours of observation across all seven sites, there were **no observed dog rush incidents**.

Summary of observed behaviours in selected open space areas in Bayside

<table>
<thead>
<tr>
<th>Location</th>
<th>1. Dog not under effective control</th>
<th>2. Uncollected poop</th>
<th>3. Dog off-leash non-compliance</th>
<th>4. Dog rushes</th>
<th>5. Dog digging or trampling vegetation</th>
<th>6. Owner failing to supervise</th>
<th>7. On &amp; off-leash &lt; 20m play equipment</th>
<th>8. Total undesirable or non-compliant behaviour</th>
<th>9. Total dogs observed over time (day and evening)</th>
<th>10. % good behaviours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dendy Park</td>
<td>16</td>
<td>2</td>
<td>18</td>
<td>0</td>
<td>2</td>
<td>11</td>
<td>19</td>
<td>68</td>
<td>775 in 9.6 hrs (81/hr)</td>
<td>91.2%</td>
</tr>
<tr>
<td>Donald McDonald Reserve</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>6</td>
<td>19</td>
<td>164 in 6.5 hrs (25/hr)</td>
<td>88.4%</td>
</tr>
<tr>
<td></td>
<td>1: Dog not under effective control</td>
<td>2: Uncollected poo</td>
<td>3: Dog off-leash non-compliance</td>
<td>4: Dog rushes</td>
<td>5: Dog digging or trampling vegetation</td>
<td>6: Owner failing to supervise</td>
<td>7: On/off-leash &lt; 20m play equipment</td>
<td>6: Total undesirable or non-compliant behaviour</td>
<td>6: Total dogs observed over time (per hour)</td>
<td>Average dogs per hour</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>--------------</td>
<td>---------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>George Street Reserve</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>98 in 10 hrs (10/hr)</td>
<td>93.8%</td>
</tr>
<tr>
<td>Ricketts Point</td>
<td>6</td>
<td>15</td>
<td>41</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>65</td>
<td>235 in 10.5 hrs (22/hr)</td>
<td>72.5%</td>
</tr>
<tr>
<td>Sandown Street Beach</td>
<td>2</td>
<td>2</td>
<td>28</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>34</td>
<td>540 in 14 hrs (39/hr)</td>
<td>93.7%</td>
</tr>
<tr>
<td>Williams Street Reserve</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>7</td>
<td>18</td>
<td>138 in 6.5 hrs (21/hr)</td>
<td>87.0%</td>
</tr>
<tr>
<td>Wishart Reserve</td>
<td>2</td>
<td>1</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>21</td>
<td>166 in 6.5 hrs (26/hr)</td>
<td>83.7%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>31</strong></td>
<td><strong>29</strong></td>
<td><strong>114</strong></td>
<td><strong>0</strong></td>
<td><strong>4</strong></td>
<td><strong>19</strong></td>
<td><strong>34</strong></td>
<td><strong>231</strong></td>
<td><strong>2,118 dogs, 63.5 hrs</strong></td>
<td></td>
</tr>
</tbody>
</table>

* Refers to within open space, sport and car park/paths

The following steps were taken to calculate the results presented in the above table:

- **Tally values in columns 1 to 7 to determine value for column 8 (total undesirable or non-compliant behaviours)**
- **Determine % poor behaviour by dividing value in column 8 (total undesirable or non-compliant behaviours) by value in column 9 (total dogs observed) and deduct from 100% to determine value for column 10 (% good behaviours)**

In relation to the nature and extent of non-compliant behaviours, findings from the analysis show:

- **Dog off-leash non-compliance** accounted for a particularly high proportion of non-compliance at Ricketts Point (63%), Wishart Reserve (76%) and Sandown Street Beach (82%).
- **Uncollected poo** accounted for more than 20% of all non-compliance at Donald McDonald Reserve (21%), Ricketts Point (23%) and George Street Reserve (50%, noting there were only 6 total non-compliances witnessed at this site).
- Non-compliance observed around **playgrounds** accounted for more than 20% of all non-compliance at Dendy Park (27.9%), Donald McDonald Reserve (31.5%) and Williams Street Reserve (38%).
Bayside City Council

Ordinary Council Meeting - 18 February 2020

Attachment 1

- **Dendy Park** was the only site at which a measurable proportion (16.1%) of breaches were observed where owners were **failing to supervise** their dogs.

- **Dogs were observed digging or trampling vegetation at Dendy Park** (less than 1% of non-compliances observed) and **George Street Reserve** (33%, noting there were only 6 total non-compliances witnessed at this site), and not at any other sites.

**Dendy Park, Brighton East**

Overall 91.2% of all dogs observed were compliant.

At the time of observations, (each observation duration was 30 minutes), tally counts show an average of 162 persons, 41 dogs and 34 dog owners were in attendance. An average of eight children were consistently using the playground.

The majority of off-leash behaviours observed were compliant (70 of 88 counts). On two occasions several non-compliant off-leash dogs were observed (six of 26 dogs and five of 36 dogs). Both occasions were sunny **Saturday mornings** (10am to 10.30am) and when the space was being heavily used by children, adults, children/teens training or playing sport, sports spectators/volunteers, adults playing sport and children using the playground.

Of the 11 owners observed failing to supervise, most occurrences were at dusk.

In terms of neighbourhood amenity impacts, there were 10 observations of poo left in a bag (mainly on sunny **Sundays**) and three instances of excessive barking.

There were no observations of dogs digging, dogs not under effective control in the car park or professional dog walkers.

Observations also noted seemingly regular gatherings of a large group of dogs and their owners, all under effective control and supervision, and located away from where soccer training was taking place.

**Donald McDonald Reserve, Beaumaris**

Overall 88.4% of all dogs observed were compliant.

At the time of observations (each observation duration was 30 minutes), tally counts show an average of 48 persons, 13 dogs and 11 dog owners were always in attendance. An average of four children were consistently using the playground.

The majority of off-leash behaviours observed were compliant (10 of 16 counts). On two occasions several non-compliant off-leash dogs were observed (two of three dogs and four of 11 dogs). These occasions took place on a sunny **Saturday morning** and sunny **Sunday morning** when space was being used by children, teens, sports players and spectators.

Of the two owners observed failing to supervise, both were at dusk.

In terms of neighbourhood amenity impacts, there were five observations of poo left in a bag (mainly on sunny **Saturdays**) and one instance of excessive barking.

There were no observations of dogs not under effective control in a sports area or open space, dogs digging or trampling vegetation, dogs making contact with others or professional dog walkers.

Observations also noted some uncollected poo on the oval, and some dogs playing off lead at the opposite end of the oval to the football training.
George Street Reserve, Sandringham

Overall 93.8% of all dogs observed were compliant.

At the time of observations (each observation duration was 30 minutes), tally counts show an average of six persons were always in attendance. An average of five dogs with four dog owners were consistently in attendance.

All off-leash behaviours observed were compliant (14 of 14 counts).

In terms of neighbourhood amenity impacts there was one instance of excessive barking.

There were no observations of dogs digging, poo discarded in bags, owners failing to supervise, dogs not under effective control in car parks, or professional dog walkers.

Observations noted many instances of children and adults walking dogs on or off-leash around the path (compliant).

Ricketts Point – Beaumaris Yacht Club to Beaumaris Life Saving Club

Overall 72.5% of all dogs observed were compliant.

At the time of observations (each observation duration was 10 minutes), tally counts show children and adults were consistently in attendance and dogs and dog owners were often using the space:

- persons (children and adults) in attendance at 72 of 80 observations, average 13 per observation, 39 per half hour, and
- dogs and dog owners in attendance at 63 of 80 observations, average of four dogs and three dog owners per observation, 12 dogs and 9 owners per half hour.

Around 80% of off-leash behaviours observed were compliant (58 of 99 counts). On nine occasions, two to four non-compliant off-leash dogs were observed in the morning of a variety of days, commonly around 7am and 9.30am, in a mix of weather conditions. The non-compliant off-leash dogs were observed at the site location south of Yacht Club (total of 24 dogs across 14 different occasions), location in front of carpark (total of 14 dogs across 11 different occasions) and site location near playground and Lifesaving Club (total of 3 dogs across 3 different occasions when there were no children using the playground).

There were two owners observed failing to supervise, three dogs each not under effective control in the car park and open space, and two dogs on rock platforms. There were 15 observations of uncollected poo in open space, with one instance of 10 observations at the site location near playground and Lifesaving Club.

In terms of neighbourhood amenity, there were four instances of poo discarded in bags and one dog excessively barking.

There were no observations of dogs off-leash within 20m of play equipment, dogs making contact with others, dogs digging or trampling vegetation, or professional dog walkers.

Observations noted many instances of dogs off-leash in on-leash sections of the beach and walking from the car park, and observations of uncollected poo either not seen (as owner on phone) or seen but ignored by owner.

It is noteworthy that this site is a popular tourist attraction and thus draws many visitors who are not Bayside residents. It is also noteworthy that signage at Ricketts Point has recently been reviewed.
and updated in conjunction with Parks Victoria and local environmental groups, and in consultation with the community.

**Sandown Street Beach, Brighton**

Overall 93.7% of all dogs observed were compliant.

At the time of observations (each observation duration was 10 minutes), tally counts show children and adults were consistently in attendance and dogs and dog owners were often using the space:
- persons (children and adults) in attendance at all observations, average 28 per observation, 81 per half hour;
- dogs were in attendance at 84 of 87 observations, average six per observation, 18 per half hour;
- dog owners were in attendance at 81 of 87 observations, average six per observation, 18 per half hour; and
- nine professional dog walkers (some with 5+ dogs) were observed.

The majority of off-leash behaviours observed were compliant (280 of 308 counts). On four occasions, two or three non-compliant off-leash dogs were observed in the morning of a variety of days, in a mix of weather conditions. The non-compliant off-leash dogs were observed at the site location south of Bay Street (total of 14 dogs across 11 different occasions), Brighton Gardens (total of four dogs across three different occasions, once while three children using the playground) and north of Royal Brighton Yacht Club (total of 10 dogs across eight different occasions).

There were two owners observed failing to supervise and two dogs not under effective control.

In relation to neighbourhood amenity, there were 15 instances of poo discarded in bags and one observation of other litter.

There were no observations of excessive barking, dogs making contact with others, dog digging or trampling vegetation.

Observations noted lots of plastic and rubbish on the beach. There were some instances of dogs off-leash on the path, but most on-lead and compliant. One non-compliant dog was observed in Sandown Street.

**William Street Reserve, Brighton**

Overall 87% of all dogs observed were compliant.

At the time of observations (each observation duration was 30 minutes), tally counts show an average of 36 persons, 10 dogs and nine dog owners were always in attendance.

The majority of off-leash behaviours observed were compliant (15 of 20 counts). On two occasions there were two non-compliant off-leash dogs observed (two of seven dogs and two of 25 dogs). These occasions took place on a sunny **Saturday afternoon** and a cloudy **Sunday morning**.

Seven dogs were observed off-leash within 20m of play equipment while children were using the playground, all on Saturday or Sunday afternoons. Two dogs were not under effective control near the sports area mid-week in the evening.

In relation to neighbourhood amenity, there were nine instances of poo discarded in bags mainly on Saturday morning and Sundays.

There were no observations of dogs not under effective control in the car park, excessive barking, dogs digging, trampling vegetation or professional dog walkers.
Observations noted a couple of instances of dogs approaching sports training and a few uncollected poos outside the sports ground.

Wishart Reserve, Hampton East

Overall 83.7% of all dogs observed were compliant.

At the time of observations (each observation duration was 30 minutes), tally counts show an average of 19 persons, 13 dogs and 10 dog owners were always in attendance. An average of eight children were consistently using the playground.

The majority of off-leash behaviours observed were compliant (39 of 55 counts). On eight occasions, one or more non-compliant off-leash dogs were observed. Three non-compliant off-leash dogs were observed on a sunny Sunday morning, Sunday afternoon and a Friday afternoon.

Two dogs were seen off-leash within 20m of the playground on a Saturday and Monday afternoon. Two dogs were not under effective control at dusk, mid-week and one was not properly supervised.

In relation to neighbourhood amenity, two incidents of poo discarded in bags was witnessed mid-week at dusk.

There were no observations of dogs not under effective control in car parks, dogs making contact with others, dogs digging or trampling vegetation, excessive barking, illegal parking/congestion, or professional dog walkers.

Observations noted some owners letting their dogs walk off-leash before entering the off-leash area, and one owner leaving dogs in the off-leash area while going to their car. Many dogs were observed either on-leash or under effective control in the park as permitted.
Part 1 – Summary and insights

This section seeks to address key contextual questions based on the data and information presented in Part 1 of this report.

Does Bayside have a high level of dog ownership?
Yes, benchmarking shows that dog ownership in Bayside is very high. Dog concentration is particularly high in Hampton and Highett.

Bayside has a ratio of 0.32 dogs per household which, combined with its small geographical size and high density, equates to an average of 322.48 dogs per square kilometre, up to 389 per square kilometre in some suburbs.

How much off-leash open space is there for dogs in Bayside?
Bayside has a total of 4,162 km² of public open space (including its public golf courses). This represents 11.25% of the total area of the municipality. The Bayside Open Space Strategy 2012 reports that ‘Bayside has a good allocation of open space per capita of population compared with other middle and inner ring suburbs’ (page 63).

From April to October, there is 1,510.7 km² of dedicated off-leash space available 24/7. This accounts for 39.30% of all open space in Bayside.

From November to March, restrictions apply on most beaches during the day and reduce the overall dedicated 24/7 off-leash space to 0.7648 km² or 18.38% of all open space. The availability of off-leash space is higher in the early morning and late evening, with an extra 16.26% (or 0.8763 km²) of Bayside’s open space available during limited times.

Comparatively, 0.7525 km² or 18.08% of open space in Bayside is allocated primarily for conservation (in many of these areas dogs are prohibited within the fenced sections and permitted on-leash elsewhere).

Dogs are permitted on-leash in all other open space areas excluding sports grounds when organised games or training is underway and playgrounds.

What are the key issues/conflicts regarding dogs in open space?
There are several different stakeholder groups with varying desires, needs and views when it comes to the sharing of open space. A high-level summary is provided in the table below.

<table>
<thead>
<tr>
<th>Stakeholder group</th>
<th>Desires, needs and views</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Bayside community (dog owners and non-dog owners)</td>
<td>Consider animal management highly important, particularly responding to nuisance dogs/cats, providing poo bags at parks, collecting and returning stray/wandering dog/cats.</td>
</tr>
<tr>
<td>Dog owners in Bayside</td>
<td>Want to be able to safely exercise their dogs off-leash. Some desire more off-leash space and times, some desire more secure (fully fenced) off-leash spaces. Many believe that dog ownership and exercising dogs has significant health and wellbeing impacts</td>
</tr>
</tbody>
</table>
for dogs and owners, and believe this should be recognised and supported.

Non dog-owners in Bayside
While they do not own a dog, many like them. However there is a proportion that are allergic or want no contact with dogs. Some express concerns about dog behaviour in public open space and potential risks or intimidation for children and the elderly. Many advocate for improved enforcement particularly on the beach and on weekends.

Sports clubs
Are concerned about the impact and safety risk posed by dogs that are not effectively supervised. This includes damage to playing surfaces from digging, safety concerns from dogs being on grounds during training or matches, and uncollected dog poo. Many report having to spend time repairing grounds and clearing dog litter before using sports grounds.

Environment/Foreshore groups and advocates
Concerned about the impact of dogs breaching regulations in conservation areas and biodiversity through trampling vegetation, uncollected poo and disrupting wildlife. Many advocate for greater enforcement and further restricting dog access to sensitive areas.

Residents surrounding Bayside’s two existing secure off-leash areas
Some report amenity impacts from a large number of dog walkers using the off-leash areas. These include: illegal parking and congestion, dog off-leash outside of the permitted area, and dog poo/rubbish.

Is dog/owner behaviour in Bayside particularly good or bad?
Evidence suggests that dog/owner behaviour in Bayside is mostly very good.

Dog-related complaints to Council have decreased by 7% over the last two years to 1,318 in 2018-19, and the number of dogs impounded has decreased by 11% to 179.

Benchmarking shows that dog related complaints range from a ratio of 0.07 to 0.38 complaints per registered dog. Comparatively, Bayside’s complaints are low, with a ratio of 0.11 complaints per registered dog in 2018-19.

Over the last two years, the number of infringements issued by Council has decreased by 18% to 481 in 2018-19. Comparatively, Bayside’s infringement levels are high, with a ratio of 0.04 infringements per registered dog in 2018-19. It is difficult to draw firm conclusions from this finding as several factors influence infringement numbers such as level of AMO resourcing and each council’s approach to enforcement (zero tolerance or warnings).

Independent audits across seven key sites showed that:
- Across six sites (with the exception of Ricketts Point), there was a very high level of **compliance**, with between 83.7% and 93.8% of dogs/owners demonstrating ‘good/responsible’ behaviour.

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• **Ricketts Point** had the lowest proportion of good or compliant dog and dog owner usage (72.5%). It is noteworthy that this site is a popular tourist attraction and thus draws many visitors who are not Bayside residents.

• **Dogs being off-leash when they should not be** was the most frequently observed non-compliance area, accounting for 49% of all observed non-compliance.

• Throughout the 63.5 hours of observation across all seven sites, there were **no observed dog rush incidents**.

**Does Council have appropriate resourcing for animal management?**

The evidence is mixed, but in the most part suggests resources are appropriate.

In 2017-18, BCC actioned animal management complaints within 2.5 days on average, which is longer than most benchmarked councils (Know Your Council website data).

In 2018-19 Council’s local laws team structure shifted from 4 EFT dedicated AMOs and 2 EFT dedicated Local Laws Officers (excluding animal management), to a combined team of 6 EFT all with local laws and animal management responsibilities.

Bayside’s AMO resources are on par with other benchmarked council’s considering their size and registered dog population. Compared with councils that have similar high density of dogs in open space (a contributing factor to conflict of use issues, wear and tear), Bayside’s AMO resources are slightly lower.

In 2018-19 BCC returned 175 lost dogs to their owners. More lost animals are returned to their owners in Bayside than any of the benchmarked councils, with 81.53% reclaimed.

In 2018-19, there was an average of 10 hours of patrols each day. Benchmarking shows Bayside has a high level of proactive patrolling. Benchmarking also shows that Bayside’s infringement levels are high, with a ratio of 0.04 infringements per registered dog in 2018-19 (note: several other factors influence this statistic such as enforcement approach and presence of poor dog/owner behaviour so it is difficult to draw conclusions from this statistic).

**How much does Council spend on its animal management service each year? And what is the cost to ratepayers?**

In 2018-19, BCC spent $684,055 on the delivery of its animal management service (including officer costs). Council’s animal management service is self-funded through animal registration fees and is not subsidised through rate income, unlike some benchmarked councils.

In relation to income, dog registration fees for benchmarked councils started from between $41.50 to $78 per dog. Bayside’s fees are the highest starting at $78 per dog. The cost of the animal management service per registered animal is generally comparable to benchmarked councils, at $43.40 per animal (Know Your Council website, 2017-18 data).
Part 2: Exploring issues and options

This section presents the findings from an in-depth examination of dog ownership, the benefits and responsibilities. It investigates the challenges of providing suitable off-leash space for dogs in the context of other open space uses as well as environmental and foreshore considerations.

Using insights from the review of the literature and local government benchmarking it explores the various ‘levers’ or strategies and their potential impacts.
2.1 Benefits of pet and dog ownership

Dog ownership is popular in Australia and there is a body of Australian and international research including industry opinion pieces which highlights the many potential positive health, wellbeing and social impacts for humans associated with pet and dog ownership.

What the research shows

As companion animals, dogs are found in many households and play an important role in “more-than-human” families. Companion animals are found in many households or families and their role and status has shifted quite profoundly in recent times. Franklin (2006) reports companion animals in Australia are widely regarded as, and act as, family members. Therefore, as dog ownership is popular, with around 39% of Australian households owning a dog (Carter, 2016a), dogs play an important role in many households. Power (2007) reports dogs are increasingly drawn into the home as family members as ‘furry children’ that broaden a family beyond biological relations to include more-than-human relationships forged through cohabitation and interaction.

Dog ownership is associated with many positive health, social and physiological impacts for humans. In an extensive review of the literature, Carter (2016b) examines the impact of dog ownership on human health and social relationships, revealing positive physiological, therapeutic, social and mental health impacts. Carter (2016b) concludes there is broad agreement that dogs do provide some health and social benefits, whatever the nature and extent of benefits might be, and consequently dog ownership has intrinsic value to urban communities. Further, dogs generally adjust easily to captivity and interact well with humans and have widespread use in therapeutic and service situations in both institutionalised settings (e.g. hospitals, nursing homes and prisons) and the private home (Wells, 2007).

Christian, Westgarth and Vedova (2018) argue that given the evidence showing dog ownership and dog walking is associated with increased physical activity in adults and children, dog-facilitated physical activity may be an effective way to reduce sedentary behaviour and decrease child obesity levels. Based on self-reported data from 1187 adult and 755 child users of two parks in Melbourne, Veitch et al. (2019) concluded adults and children who visit parks with a dog are more frequent users therefore park access, design and amenity should support dog walkers and engagement in physical activity. Overall, the relationship between dog ownership and physical activity levels may be important for preventing declining levels of physical activity and the associated detrimental health effects in Australia (Cutt et al., 2007).

In their investigation of companion animals as a conduit for social interactions and support, Wood et al., (2015) found pet owners in Perth were significantly more likely to get to know people in their neighbourhood than non-pet owners. This finding suggests companion animals can be a catalyst for several dimensions of human social relationships in neighbourhood settings, ranging from incidental social interaction and getting to know people, through to formation of new friendships. Given growing evidence for social isolation as a risk factor for mental health, and, conversely, friendships and social support as protective factors for individual and community well-being, pets may be an important factor in developing healthy neighbourhoods. This finding was reinforced in subsequent research undertaken by Wood et al. (2017). The authors found pet ownership was significantly associated with higher levels of social capital in the United States and Australia with pets being an under-recognized channel for building social capital.

In an Australian study examining health benefits and health cost savings due to pets, Headey (1999) showed dog and cat owners in Australia make fewer annual doctor visits and are less likely to be on medication for heart problems and sleeping difficulties than non-owners. The author
concludes an important public policy implication is that pet ownership probably reduces national health expenditure.

According to the Australian Companion Animal Council (2009), a pet can play an important role, it can be a companion, social enabler or helper. Pets can help improve a person's mental and physical health, reduce the effects of stress, facilitate social interaction between people and build a sense of community. Research has shown that pets provide owners with both psychological and physiological benefits and the majority of these owners are healthier than those without pets. Studies have also shown positive relationships between pet ownership and general human health. Pets have been shown to greatly increase quality of life for the elderly including reduced tension, fatigue and confusion and increased feelings of enthusiasm, interest and inspiration. It has been shown that growing up with a dog (and other pets to a lesser extent) during infancy helps to strengthen the immune system and reduces the risk of allergies linked to asthma.

Pet Positives (2019) refer to an existing research body that shows pets have a positive impact on general health; create a valuable connection with people; are more than a simple playmate or confidante for children and can aid childhood development; play a positive role in later in life and is particularly significant for those living in nursing homes; encourage owners to exercise; can impact cardiovascular health and the presence of cats and dogs in the home from an early age may acclimatise the immune system so that it is less sensitive to allergens in later life.

What the benchmarking uncovered

As outlined in Part 1, benchmarking showed that Bayside has a relatively high density of dogs per household, yet is a geographically small municipality.

In conclusion:

- Dog ownership is popular in Australia and dogs play an important role in “more-than-human” families.
- Dog ownership is associated with many positive health, social and physiological impacts for humans.
- Bayside has a relatively high density of dogs per household, yet is a geographically small municipality.

Implications/potential levers for local government authorities:

- Open space planners need to consider park access, design and amenity supporting dog walkers and providing options for dogs and dog owners to engage in physical activity.
- Providing spaces for dog owner social interaction is an important factor in developing healthy neighbourhoods and building sense of community.
- The needs of dogs and dog owners should be considered alongside other open space users and uses, which may be passive or recreational in nature, involve organised sports activities or age-specific play such as playgrounds.
- For Bayside, given the ratio of dogs per household is .32, the need to plan for and accommodate the needs of dogs and dog owners is an important consideration.
2.2 Responsible dog ownership, effective control, education programs, trainers and dog welfare

There is an expectation that owners have their dogs under effective control yet the concept of effective control is not clearly defined and problematic in terms of enforcement. Dog owners also hold a responsibility regarding dog welfare and wellbeing. A variety of government and privately provided dog owner education and training services encourage dog awareness and responsible pet ownership, yet, the effectiveness of these services is not yet clearly understood.

What the research shows

As previously stated, dog ownership is popular in Australia. Thus, it is increasingly being recognised that dogs have both a private and public life and their needs ought to be recognised in the public realm. As a consequence, dogs then are increasingly mixing, and in some cases conflicting, with human society which necessitates a form of regulation (Carter, 2015a), as well as clarity around dog owner rights and responsibilities.

There is a variety of online resources intended to assist dog owners to understand their rights and responsibilities in the private and public realms. Victorian Law Foundation (2018) presents a guide to the laws about owning a dog or cat in Victoria and reports a dog or cat that is properly trained, exercised and cared for will be happier, healthier and less likely to cause problems for owners and their neighbours. Further, the State of Victoria (2019) presents a Code of Practice for the private keeping of dogs.

Effective control is a fundamental principle of responsible dog ownership, yet as a concept, it is difficult to define and interpret and problematic to enforce. Carter (2016b) refers to the Domestic Animals Act (DAA) 1994 (Vic.) and council local laws which introduce the concept of ‘effective control’ which, the author argues, is difficult to interpret and enforce in a consistent way. The concept of ‘effective control’ relates to the owner’s control over their dog yet councils specify how that concept is defined for their communities through various local laws. Effective control is a fundamental principle of responsible dog ownership, contributing to community harmony and the avoidance of serious grievances such as dog at-large, dog attack and dog rushing incidents often attributed to an owner lacking effective control of their dog. The lack of enforceability of effective control regulations in and of themselves fosters an inconsistency of expectations between a council and the community, often damaging the community perception of dogs. Some in the community believe that any dog can use an off-leash park regardless of a state of control and others believe it safe to walk a dog off-leash in public based on a self-assessment that the dog is well-behaved or harmless.

Carter (2016b) advises a uniform definition of effective control would make it easier for councils to communicate to the community what effective control means and why it is important, reducing the range of expectations in the community and aligning those expectations with that of the council’s and reducing conflict. In practice where effective control is lacking and a related offence takes place, it is this offence that is prosecuted, e.g. dog attack, rushing, menacing and dog at-large, rather than the offence of lacking effective control. Along similar lines, Harlock Jackson Pty Ltd (2011) describes the concept of effective control as problematic and difficult to interpret and enforce in a consistent way. The author recommends councils continue to encourage dog owners to obedience train their dogs and develop a Code of Conduct which describes the types of behaviour sought in off-leash parks with an emphasis on respect, tolerance and understanding the needs of all park users. The author stresses the importance of developing a Code of Conduct for all park users which includes the message that dog owners have a right to exercise their dog off-leash in an off-leash area. Carter (2016b) adds in practice, council
expectations of effective control range from instant recall to recognising innate instinctive behaviour of dogs. Some council officers acknowledge that ‘dogs will be dogs’ and have a comparatively more animal-oriented definition of ‘effective control’ that accounts for instinctive behaviour. If the lack of definition reduces the practical ability to enforce effective control, then a more robust, uniform definition may make effective control simpler to enforce in practice.

Education programs are a key risk management tool of government to encourage responsible pet ownership and ensure that community safety and animal welfare messages are communicated. According to Carter (2016b) education activities provide context to assist community members to understand what the regulation is, why it is in place and, perhaps, what happens if the regulation is contravened. Passive educational approaches perform an ‘informing’ function and does not necessarily target a particular segment of the community nor does it necessarily compel anybody to act in a particular way. In contrast, active educational approaches perform an ‘advising’ function, these educational messages being sensitive to cultural or other local contexts and therefore typically target specific groups with relevant messages, therefore arguably able to better influence particular compliance outcomes. Further, Carter (2016b) adds community education programs which focus on dog bite prevention have proven effective in reducing the incidence of dog bite over time, particularly with children. However there remains a need to ensure education programs target both adults and children to ensure messages are communicated effectively.

There is a variety of online resources available to inform prospective dog owners when choosing a dog or puppy such as the RSPCA Smart Puppy Buyer’s Guide (see https://www.rspca.org.au/adopt-pet/adopting-dog/puppy/select-dog). There are government-provided educational programs which aim to support responsible dog ownership and safety around dogs. By way of examples, Animal Welfare Victoria/Agriculture Victoria (2018) refers to the Living Safely with Dogs Program as an educational initiative which promotes positive and safe interactions with dogs and that could be used for animal welfare education in schools. Agriculture Victoria (2019a) promotes a Responsible Dog Ownership Course intended to provide basic information about legal responsibilities as a dog owner. This Course covers rights and responsibilities; dog welfare and management; dog behaviours and dog training. The Dog and Cat Board (2019) also provides responses to frequently asked questions and facts sheets for dog owners.

In relation to the role of dog training and dog trainers, dog training establishments must register as a Domestic Animal Business with the local council of the municipality in which they reside (Agriculture Victoria 2019b). Some dog training establishments are also “Approved Training Organisations”, under the Domestic Animals Regulations 2015. Dogs who achieve an obedience training certificate from an Approved Training Organisation are eligible for a reduced council registration fee. There is also a mandatory Code of Practice for the Operation of Dog Training Establishments for all registered Domestic Animal Businesses – Training Establishments.

Despite dogs playing an important role in many more-than-human families, some dogs are subjected to poor treatment by owners. Each year across Victoria, there are thousands of unwanted animals and cruelty complaints. According to the RSPCA (2017) a total of 9,470 dogs were received in the 2016-17 financial year. Of those, 57.6% were reclaimed and 24.5% were re-homed while 7.9% (or 744 dogs) were euthanized. Recent research shows the most common neglect-related complaints received by the RSPCA include dogs receiving inadequate exercise (Shih, Paterson, & Phillips, 2019). Further, Bennett, Momment and Howell (2013) proposed five key animal welfare needs: Environment: The need for a suitable environment (place to live); Diet: The need for a suitable diet; Behaviour: The need to express normal behaviour; Companionship: The need for to live with, or apart from, other animals; and Health: The need to be protected from
pain, suffering, injury and disease. The authors also report key welfare worries for dogs include: Loneliness: dogs are highly social animals, yet eight per cent of dogs are regularly left alone for more than 12 hours at a time; Lack of exercise and socialisation: dogs need daily walks outside the property, and regular socialisation with people and other animals; Obesity: up to 40% of dogs are overweight; Lack of preventative vet care: 15% of dogs are not vaccinated against common diseases, six per cent aren’t treated for fleas and seven per cent aren’t wormed; and Toxic treats. Bennett et al. (2013) recommend dog owners make a commitment to walk their dog often and daily walks should be the ultimate goal. Dogs have an evolutionary need to walk and need to be walked outside the property to bond with owners, meet other people and dogs, and experience the sights and smells of their territory. Thus there is a need for dogs and dog owners to have access to suitable public open space for walking and exercise.

What the benchmarking uncovered

Benchmarked councils are generally similar in their approaches to Responsible Pet/Dog Ownership education and training. Nearly all councils provided responsible pet ownership education material through:

- Print: brochures, fact sheets
- Online/digital: website, social media, socialisation e-books, CDs
- Information kits/packs: new resident/animal education kit
- Collaboration with external stakeholders: vets, animal businesses, RSCPA, Neighbourhood Watch, Lost Dogs Home and pet shops
- Events: Annual Pet Expo’s, information at events
- Patrols: Verbal education while patrolling and rewards for positive dog/owner behaviour (i.e. free poo pouches, leads or toys)

One council also took a more proactive, face-to-face approach to education including:

- Community dog walking program: free organised events in neighbourhood parks where local residents are invited to bring their dogs and walk together while talking with a dog behaviouralist. AMOs also attend as participants with their dogs. The aim is to build relationship and explain/show etiquette. This method is used in areas with high levels of complaints.
- Pet education and training sessions: Free local education and training sessions for residents with a dog behaviouralist.
- A school education program: Using mascots, this program delivers pet education to school students. The mascots are also used in stage shows at events and are tied into a broad promotional campaign.

This council also had a web-based app for locating dog parks nearby that could be accessed through handheld devices.

Consistent feedback from the benchmarked councils was that for the majority of pet owners, these education approaches were effective, however they did not engage the small minority who appear to blatantly ignore the regulations. Several suggested that a balance needs to be struck between education and incentives, and enforcement to minimise complacency.

Councils noted the effectiveness of face-to-face activities and events in building positive relationships between animal management officers and the community. However, some councils suggested that direct face-to-face education/training initiatives may be better attended and more effective if delivered in conjunction with a third-party.
Three benchmarked councils reported that education information campaigns delivered online, though social media and the media were an important opportunity to reach people with key education messages. One cited the opportunity of social media in particular given many dog owners and dog walkers are already organised in online groups.

Measuring the effectiveness of the education and incentives is a challenge for all councils. All noted that infringement and complaint numbers are unreliable measures as they can be easily triggered by something like a social media post.

The council delivering the community dog walking program said that there had been improvements in complaint levels in the targeted areas over time. They also measured the effectiveness of the program by how many and who attended each event and gathered participant evaluations.

**In conclusion:**

- There is an opportunity to increase general awareness and understanding around dog ownership rules and responsibilities including those relating to dog welfare and wellbeing.
- Effective control is a fundamental principle of responsible dog ownership but it is difficult to define, interpret and enforce. A uniform definition would make it easier for councils to communicate to the community what effective control means and why it is important.
- A code of conduct for all park users could be useful and reinforce dog owners’ rights to use a space just like other users.
- Dogs need to be walked and exercised outside of private property for their wellbeing and for dog owners to experience health and social benefits potentially associated with dog ownership.
- Councils provide dog-related education in a variety of formats and should continue to encourage and promote dog obedience training and community participation in dog education programs. This includes coordinated campaigns online and offline, and using social media.
- Education should be delivered for children and adults.
- Mechanisms for measuring the effectiveness of council dog education and training is currently limited, though face-to-face education methods are generally considered to be quite effective.

**Implications/potential levers for local government authorities:**

- Collaboratively develop a definition of effective control nuisance and why effective control is important.
- Support prospective dog owners to make informed decisions regarding dog/puppy selection.
- Offer incentives to encourage new dog owners to register their puppies and existing dog owners to undertake recognised dog obedience training.
- Encourage dog owners to consider obedience training and incorporating dog trainers or behaviourists within council pet events.
- Acknowledge that dog owners have a responsibility to exercise their dog often and outside of their private yard, which necessitates the need for access to suitable public space.
- Collaboratively develop a Code of Conduct which describes the types of behaviour sought in off-leash parks with an emphasis on respect, tolerance and understanding the needs of all park users and which includes the message that dog owners have a right to exercise their dog off-leash in an off-leash area. Providing clear instructions about dogs in relation to environmentally sensitive areas, including foreshore and coastal areas.
- Implement active rather than passive educational approaches and messages which support responsible pet ownership and target specific locations and groups to better influence particular compliance outcomes. Promoting other dog awareness and educational programs offered to residents.
- Undertake planned, strategic information and education campaigns, leveraging traditional, offline and online communication mediums, including social media.
2.3 Local laws compliance and enforcement, domestic dog businesses and dog-related incidents

This section examines animal management responsibilities in Victoria before exploring the ways dogs are regulated in public urban environments. Key areas considered include emerging technology to assist with enforcement, domestic animal businesses, dog-related incidents (injuries and attacks) and dog owner non-compliance.

What the research shows

Animal management responsibilities are split between state and local government in Victoria, with the Victorian government establishing a broad legislative and policy framework and local government enacting that framework in their communities. According to Carter (2016a), the Domestic Animals Act 1984 (Vic.) (the Act) prescribes that certain processes be undertaken in the event of a limited number of particular infractions such as dog attacks. Outside of these specific provisions however, the Act affords each council substantial freedoms to manage and regulate dogs as they see fit. Some councils choose to regulate more than others. Every four years, each council prepares a Domestic Animal Management Plan which comprehensively describes its strategic priorities and planned actions in relation to the management of domesticated dogs and cats, including an evaluation of its past performance and a self-assessment of its capabilities to undertake its responsibilities under the Act.

Domestic Animal Management Plans have a strong foundation of compliance due to their statutory role in the Act. According to Carter (2016a), regulations enshrine community expectations and values, the nature of these being subjective to the community however compliance with those regulations is objective and absolute. In practice, compliance is effected by councils through a combination of education and enforcement actions which respectively describe the reasons for regulation and the consequences of infraction. Active text is often used to describe the doing of animal management, generally comprising educative, compliance and enforcement activities.

Regulating dogs in urban environments is a complex task. Carter (2016b) reports enforcement approaches focus on the consequences of actions or inactions, of what happens to the dog owner or the dog on transgression of regulations. As with all transgressions, there is a scale of seriousness of enforcement action, ranging from verbal or written warnings, to issuing infringements, notices to comply or penalties, to prosecution at tribunals or in court, and, in extreme cases, incarceration of the owner or destruction of the dog. Two particularly common yet contentious regulatory dilemmas are the regulation of effective control and the regulation of barking dogs.

There is limited research examining how the ‘public dog’ is regulated and any nuisance managed. Similar to barking dog nuisance, research examining how the ‘public dog’ is regulated in public open space is limited (Brown, 2014). In terms of dogs interacting physically with the public realm, a number of studies focus on the effect which dogs have on the natural environment and suggest regulation within the narrow confines of that context. Other studies emphasise a need to consider ecological values when designing regulations for dogs. Flint et al. (2014) describe a strong linkage between regulation and community education, whereas others delineate ‘management’ from ‘enforcement’ and propose a softer approach may be more effective in treating nuisance.

Digital technologies are increasingly being used for surveillance, information gathering, improving safety and to assist with enforcement. Starting with the practical and affordable end of technology to support dog management, pet microchip scanners are durable and versatile radio
frequency identification (RFID) reader modes suitable for vets, pet rescue shelters and low-volume manual scanning operations. The scanner can serve as an effective backup for animal identification and tracking management and read ISO11784/5 FDX-B compliant microchips. Simple, portable and lightweight, scanners can be purchased online (see https://www.minimicrochips.com.au/pet-microchip-scanners/microchip-scanner-detail.html). Moving to more sophisticated technologies, according to Deloitte (2019), advances in areas such as 5G communication, electronics miniaturisation, and augmented reality allow people to see, hear, and act in ways that were previously impossible. In the context of enforcement, an officer arriving at an unfamiliar situation could use augmented reality glasses to see pertinent information about prior calls for service from this location. This prior information permits officers to take precautions to protect themselves and enables them to be more aware of and responsive to the needs of the community. Many communities are using apps where citizens report minor issues to provide real time awareness, dynamic prioritization of calls, and the freedom to focus on the most pressing challenges. By using technology and training in enforcement, community members are able to support public safety and the community-law enforcement relationships can be healthier and more productive.

Domestic animal businesses are an important stakeholder with regard to local law compliance and enforcement. According to Agriculture Victoria (2019c), domestic animal businesses include council pounds; dog and/or cat breeding businesses; dog training establishments; pet shops; animal shelters; and establishments that board or rear dogs or cats. All domestic animal businesses must be registered annually with their local council and comply with the appropriate mandatory Code of Practice.

Two main types of dog-related injury are identifiable in hospital data, dog bites and being struck by a dog. The large majority of attacks happen on private property. According to the Australian Institute of Health and Welfare (2017), in 2013-14, 3,972 people were hospitalised as a result of a dog-related injury, with males (2,003 cases) and females (1,969 cases) hospitalised in similar numbers. Males and females had similar rates of injury and the highest rate of injury occurred in children aged 0 to 4 years. Below the age of 40 years, larger numbers of males than females were hospitalised for dog-related injuries, while more females than males were hospitalised in the older age groups. Two main types of dog-related injury are identifiable in hospital data: dog bites and being struck by a dog, with hospitalisations due to dog bites (resulting in open wounds) far more common. While the place of occurrence was not recorded for a large proportion of dog-related injury hospitalisations, in instances where the place of occurrence was listed, the ‘home’ was the most common location (74%). It is not possible to tell whether ‘home’ referred to the patient’s home or another person’s home. More recently, Minear (2019) reported more than 1,300 Victorians have been injured by dogs at home over the past five years with new figures showing the large majority of attacks happen on private property. The author refers to a statement from the RSPCA that several factors can influence aggression in otherwise healthy dogs and it can be a range of things such as genetics, its learning experiences and training and its environment.

In relation to dog bite injuries, responsible dog ownership including: separating young children from dogs, avoiding high risk dogs, neutering, regulatory enforcement, and standardized monitoring of bite rates, are recommended. In their research examining Australian dog bite injury data, Ozanne-Smith, Ashby, Stathakis (2001) made international comparisons and reviewed risk and protective factors relating to the dog, injured person, and environment. Although this research was conducted over a decade ago, the information to risk factors and interventions may be of some relevance today. Risk factors included: child, males, households with dogs, certain breeds, male dogs, home location, and leashed dog. Responsible dog ownership, including separating young children from dogs, avoiding high risk dogs, neutering, regulatory enforcement,
and standardized monitoring of bite rates are recommended as preventative interventions for dog bite injuries.

Given the complexities surrounding dog management, compliance and enforcement, there is strong need for councils to apply a robust and consistent process to local law making. The Department of Planning and Community Development (2010) presents guidelines for preparing for local laws, creating local laws, implementing and enforcing local laws. The guidelines indicate: councils need to be clear about and clearly articulate what it is trying to achieve when it uses mechanisms such as notices to comply, cautions and warnings; clear about the intended consequences of these mechanisms – particularly whether failure to comply creates another offence; and extremely clear about whether it is creating its own procedures or using procedures – such as official warnings – under the Infringements Act 2006.

For these regulations to be effective, compliance must be achieved. According to Rohlf (2010), non-compliant pet owners are often assumed to be irresponsible owners. Accordingly, achieving compliance appears to be relatively straightforward - punish the bad owners and reward the good owners. Evidence shows, however, that there is no simple dichotomy between irresponsible and responsible owners. There are many responsible owners who sometimes do the wrong thing and non-compliant behaviours may be inadvertent or deliberate acts of non-compliance. According to the traditional view of regulatory compliance, people weigh up the costs and benefits of their actions, based on the likelihood of detection (frequency of inspection) and certainty and size of the sanctions imposed. Adding a psychology perspective, Rohlf (2010) contends there are several additional considerations underlying compliance with regulation:

- **Knowledge**: people are more likely to obey regulations if they have a clear idea of exactly what the regulations are. However, variations in dog management between states and local government results in a great deal of variation between local governments. Such variation may create confusion amongst well-meaning pet owners as to their civil responsibilities, which may especially be the case for pet owners who frequently move between localities. Some pet owners may therefore do the wrong thing simply because they do not know what the right thing is.

  **Ensuring pet owners are equipped with appropriate and clear guidelines** as to what the regulations are within their municipality is therefore an important means to addressing issues with noncompliance. This may include erecting signs or the production and distribution of responsible pet ownership brochures.

- **Skills**: Even if pet owners know what the right thing to do is, they may still be unable to comply if they lack the necessary skills. Consider nuisance barking for example which is a major management issue. Barking can be equally frustrating for owners who may have the desire and motivation to address the problem but lack the skills required to do so. Effective management of barking requires an in-depth investigation of the underlying causes of the behaviour. Such investigative skills are often beyond the capabilities of dog owners and professional services may be needed to address the issue.

- **Social influence**: For many people, there is an inherent desire to earn the approval of others. People do this by conforming to norms, the behavioural expectations of a social group. Norms have been found to influence a variety of civic behaviours and regulatory behaviour in a number of ways. The degree to which people will comply with regulations depends on whether people think others comply, whether they see others comply and whether they believe others approve of their compliance. Depending on the social group pet owners subscribe to, norms can either induce compliance or obstruct it. These norms may govern a range of behaviours, such as dog registrations, when it is appropriate to have a dog off lead and picking
up after one's dog. Informing owners that the majority of people comply with regulations may be useful in informing owners that compliance is the norm. Encouraging pet owner social interactions may also communicate compliance norms among individuals.

- **Legitimate authority**: If pet owners perceive the governing authority as legitimate they are more likely to comply with the regulations imposed on them, for they believe that they ought to follow all of them, regardless of the potential for punishment. Important factors determining the degree to which people view an authority as legitimate are the extent to which they believe the authority treats people respectfully, is trustworthy and neutral. Pet owners may be less likely to comply with animal management regulations if they have had negative experiences with local laws officers in the past and if they view the regulations or the regulatory process as unfair. Engaging pet owners in the regulatory process through the creation of pet owner reference groups and involving animal management officers in community events in a positive manner may communicate legitimate authority.

- **Personal morality**: If animal management policies are consistent with pet owners' underlying moral obligations to their pet then they are also more likely to comply. Dog owners will confine their pet because they believe that by doing so they will prevent their dog from being a nuisance to others and from being harmed. However, sometimes animal management legislation conflicts with pet owners' obligations towards their pet. For example, some dog owners may disobey leash laws because they believe that their dogs should be exercised off lead. Ensuring urban animal management regulations are made with pet owners' obligations towards their pets' welfare in mind may therefore represent another important means of improving compliance.

Rohlf (2010) concludes establishing compliance with pet owner regulations may not necessarily require enforcement. Much regulatory behaviour may be controlled through other means so that pet owners are induced to comply voluntarily.

**What the benchmarking uncovered**

As outlined in Part 1, the highest complaint category in Bayside is ‘barking dogs’ (although, the number of barking dog complaints has reduced over the past two years by 13% or 48). Barking dog complaints are also the highest category for Council D, which is also smaller in size geographically than other benchmarked councils.

In terms of enforcement approach, all councils use a matrix or standard operating procedure to guide the application of warnings or infringements, though Officer discretion is still applied depending on the situation.

Some councils take a more educative approach, whereas others demonstrate less tolerance. Three of the councils also apply a **zero tolerance** (no warnings) approach during busy periods and locations (e.g. Summer on the beach).

Interestingly, two of the benchmarked councils have changed their focus and **stepped up their enforcement activity over the last six months**, noting that the previous direction to follow a more educative approach was not achieving the desired impacts. As a result one council reported a significant reduction in dog attack complaints immediately from the time the enforcement was stepped up and a 75% reduction on dog off-leash complaints. The other **increased patrols and enforcement, along with improved signage and social media education.** Both councils reported experiencing backlash from the community as a result of the increased enforcement approach and this reaction needed to be managed.
Education and incentives remain a key component in the approach for these councils, with one also increasing its incentivising by also focussing on rewarding good dog/owner behaviour with free gifts such as leads, toys and poo pouches. The intent is to maintain relationships with the community and encourage positive social norms among dog owners.

Several benchmarked councils referred to the positive impact of visibility in achieving voluntary compliance, whether by use of buggies to patrol the beach, placing portable ‘patrolling in progress’ signage out, or using decals on paths. The visibility of enforcement action is also communicated through dog owner networks (via social media and word of mouth).

The rise of professional dog walking businesses has presented challenges for some councils in ensuring adequate supervision and responsible dog ownership. Two councils have had a few issues which they have dealt with by engaging with the walkers and issuing infringements where needed. However, two councils have experienced professional dog walkers with between 10 and 15 dogs at a time running rampant in a secure off-leash area. A strong enforcement approach has been taken in these instances to discourage this behaviour. One council issued an infringement for each dog in the one instance. Some councils have considered the idea of limiting the number of dogs a person can walk at any one time, but none have implemented this practice as yet.

The resourcing model differs between councils. Some councils have dedicated Animal Management Officers while others have multidisciplinary Local Laws officers that cover animal management among other responsibilities. As outlined in Part 1, Bayside’s Animal Management Officer resources are on par with Council B, and higher than other similar councils.

Two councils cited the importance of the recruitment and training of animal officers in the effectiveness of education and enforcement activities. It was suggested the following skills are critically important to today’s modern Animal Management Officer role: communication skills, understanding people’s behaviour, positive approach to community engagement and customer service, mediation and negotiation skills, and confidence in decision making.

Overall, most councils spend approximately 80% officer time responding to animal issues or complaints, and 20% on proactive patrolling and education activities. In terms of proactive patrol hours, Bayside’s 10 hours of patrols per day is one of the highest of benchmarked councils.

Regarding the use of technology to assist with enforcement, all councils are using microchip scanners in the field. Some councils issue on-the-spot infringement notices while others issue infringement notices via the mail. One council is in the process of implementing e-infringements.

As with education and incentives, measuring the effectiveness of enforcement was a challenge for councils.

Benchmarking summary table – description of approach, enforcement process and effectiveness

<table>
<thead>
<tr>
<th>Bayside</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement process</strong></td>
</tr>
</tbody>
</table>
| Officer EFT and time allocation | 6x Animal Management Officers  
Education and enforcement: 80% reactive, 20% proactive. Approach depends on history of animal/owner  
On average, 10 hours of patrols per day. |
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Views on effectiveness</td>
<td>Improved processes in animal registrations, impoundment procedures (infrastructure) has seen a continued decline in the number of dogs impounded over the last five years. Increased patrols, along with increased visibility has seen in increase in official warnings, which encourages other dog owners to comply - by way of word of mouth.</td>
</tr>
<tr>
<td><strong>Council A</strong></td>
<td></td>
</tr>
<tr>
<td>Enforcement process</td>
<td>Officer discretion on appropriate and proportionate response, can educate, issue warnings or go straight to enforcement. Infringements mainly issued on the spot, officers are paired up. Police patrol beaches with officers on weekend - less tolerance is shown on beaches as they are so popular.</td>
</tr>
</tbody>
</table>
| Officer EFT and time allocation | 28 EFT - 1 Coord, 3 T/Ls, 9 inspectors, 12 officers, 3 pound admin (all animal only officers)  
306 hours per month on proactive patrol |
| Views on effectiveness | Visibility of side by side ATV on beaches with police is effective in self compliance, having police also helps address people who will withhold ID etc. |
| **Council B** | |
| Enforcement process | Proactive and reactive patrols. Official Warning Notices issued to registered dog owners for first time offences. Convene Panel Reviews (consisting of senior Officers) to determine outcomes for serious dog attacks. |
| Officer EFT and time allocation | 5.4 EFT (9 general local laws officers, 60% of their time) plus 0.75 EFT (across 2 support roles)  
Education and enforcement: approximately 50:50 per week |
<p>| Views on effectiveness | Have a dedicated officer that patrols Foreshore during summer restrictions, using a buggy - good visual presence on the beach. Visual presence encourages people to comply themselves pretty quickly. |
| <strong>Council C</strong> | |
| Enforcement process | Proactive patrols (handing out poo bags), reactive patrols to complaints. Past practice preferred education, in response to complaints officers would educate and increase signage in the area – ended up with lots of signs in parks but not sure if the behaviour changed. Officers now follow introduced standard operational procedure to enforce provisions under Section 26 DA 1994. Now issuing infringements – community were a bit outraged when they started getting fines not warnings, Introduced new standard procedures for incentives too – spare leads, hand out poo bags, bought dog toys (ball on ropes), people doing the right thing get rewarded – really good positive feedback about that. Don’t issue fines on spot, if you have history you’ll be getting it for XYZ, if not just for X. |</p>
<table>
<thead>
<tr>
<th>Officer EFT and time allocation</th>
<th>Summer scheduled proactive patrols, winter when we can.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Views on effectiveness</td>
<td>Attack statistics were really high, dog attack stats dropped instantly as soon as stepped up enforcement. Dog off leash complaints down 75% since high enforcement. As soon as you issue an infringement, people talk to others and then compliance is higher.</td>
</tr>
</tbody>
</table>

**Council D**

<table>
<thead>
<tr>
<th>Enforcement process</th>
<th>Changed in last 6 months. Dependant on situation. Review of best outcome, warnings may be issued where appropriate. No warnings over summer, straight to infringements, increased signage everywhere (footpaths etc), more social media education, increased patrolling and recording of patrolling (to respond to complaints about lack of enforcement). Six hours of off-lease patrols per week – this has led to increased number of infringements. Previously had a very clear direction to take an educative approach, and weren't getting out there as often, weren't recording warnings etc. Have a buggy that is used along the beach – city amenity will go and monitor backpackers and then do beach patrols – around 50% of people make life difficult for them by leaving or refusing to cooperate. Have upped the off-lease patrols, the focus for this summer will be also checking if owners have poo bags on them.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer EFT and time allocation</td>
<td>2.8 EFT Education and enforcement: 6 hours per week foot patrols, (3 x 2 hours), enforcement role</td>
</tr>
<tr>
<td>Views on effectiveness</td>
<td>It's a really difficult, emotive thing to issue infringements to dog walkers in person – so the new approach has resulted in an increase of complaints about staff behaviour to coordinator and councillors. Needed to brief councillors regularly to keep them informed.</td>
</tr>
</tbody>
</table>

**Council E**

<table>
<thead>
<tr>
<th>Enforcement process</th>
<th>About to introduce a matrix which will guide this process (e.g. failure to register infringements will be prioritised along with use of cautions for other offences). Following up on FTR penalties will occur through the courts if registration is not paid by owner. Where infringements don't address behaviour of animal owner then infringements will be withdrawn and summons issued. Despite having the matrix, officers will have discretion to, with good reason and documentation, step sideways of matrix as justified.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer EFT and time allocation</td>
<td>2.65 EFT total: 8 general officers (0.3EFT each on animal matters) + 0.25 Team Leader Education and enforcement: 20% Proactive v 80% enforcement</td>
</tr>
<tr>
<td>Views on effectiveness</td>
<td>Because most people want to do the right thing, just having a presence can help. People get used to and don't see formal fixed signage. Made up some core flute signs with metal braces ('rangers patrol this area – is your dog registered?'). Use portable signage to make people think there is a presence everywhere – don't</td>
</tr>
</tbody>
</table>
In conclusion:

- Animal management responsibilities are split between state and local government in Victoria and regulating dogs in urban environments is a complex task.
- Technologies to support surveillance and enforcement are emerging.
- Domestic animal businesses are an important stakeholder for councils to work with regard to local law compliance and enforcement.
- Dog-related injuries identifiable in hospital data are dog bites and being struck by a dog and available records indicate the large majority of attacks happen on private property.
- Establishing why pet owners do not comply with local laws is complex.
- While dog-related complaints vary, barking dog complaints are reported the most frequently across councils.
- Given the complexities surrounding dog management, compliance and enforcement, there is a strong need for councils to apply a robust and consistent process to local law making.
- There is no clear line between irresponsible and responsible dog owners, some responsible dog owners do not comply with regulations sometimes.
- There are a range of factors that influence compliance beyond just cost vs benefit, such as knowledge, skills, social influence, legitimate authority and personal morality.
- Councils vary in their staffing allocation and approach to enforcement.
- Current understanding is limited regarding the effectiveness of enforcement approaches, however two councils have recently increased their enforcement focus to address issues that were not being resolved through education alone.
- Visibility is considered an effective strategy by several councils to help improve voluntary compliance.
- AMO recruitment and training was cited as a critical element in the overall success of a council in achieving compliance.

Implications/potential levers for local government authorities:

- Councils have some discretion around managing and regulating animal management responsibilities and need to apply a robust and consistent process to local law making. The approach could be developed collaboratively with community and neighbouring councils may induce compliance.
- Support prospective dog owners to make informed decisions regarding dog/puppy selection. Continuing to encourage dog owners to consider obedience training and gaining techniques to deal with dog barking. Encouraging resident participation in dog awareness programs to reduce the number of dog-related injuries occurring mostly on private property.
- An education and compliance approach which focuses on knowledge, skills, social influence and personal morality may induce dog owners to comply voluntarily.
- Zero tolerance approaches to enforcement may be appropriate to address high-frequency issues in key locations, and professional dog walkers breaching the regulations.
- Increasing the visibility of council’s enforcement activities may help achieve voluntary compliance.
- Use of rewards and incentives may help influence positive social norms among animal owners.
2.4 Public open space tensions: competing interests of dogs and other park/sportsground users

This section briefly examines the benefits and importance of access to public open space before considering the tensions that often arise when open space user groups have competing interests. These tensions may relate to public health concerns, low compliance and dogs accessing sportsgrounds leased for organised sporting activities. It explores ways to accommodate off-leash activity in parks.

What the research shows

A growing body of literature has assessed the community benefits associated with access to public green open space in urban areas (e.g. physical health, mental health and wellbeing, social and environment), however, open space is limited in urban areas (Davern et al., 2016). The authors propose given the benefits of public open space for communities, as population density increases and private open space declines, more land will need to be allocated to public open space. There needs to be careful consideration given to the design and types of public open space to meet the needs of multiple users across the life course, while at the same time maintaining biodiversity given loss of green space generally across cities. In addition, longer terms plans to accommodate Melbourne’s future growth are guided by the principle of 20-minute neighbourhoods (State of Victoria Department of Environment, Land, Water and Planning, 2019). These neighbourhoods include features (and often community expectations) of local playgrounds and parks, green streets and spaces, sport and recreation facilities and walkability. Consequently it is not surprising that conflict arises when the amount of public open space in urban areas is limited and a variety of community members are using the same space for different purposes.

Conflict arises when open space user groups have competing interests and tensions arise between dogs or dog owners and the community from time-to-time. According to Carter (2016a), a substantial majority of local government Domestic Animal Management Plans describe a notional and broad goal of balancing the needs of dog owners with those of the broader community, commonly using terminology such as ‘harmonious living’ or ‘achieving a balance’ to indicate as such. Discussions of harmony are usually presented in contrast with community conflict and urban space contest. Harmony becomes particularly difficult to achieve in environments where the perception of dogs is already poor.

As previously outlined, it is important for dog owners to provide opportunities for their dogs to socialise and exercise outside of private properties. Activating open spaces with dog owners can potentially contribute to community safety. According to the City of Greater Dandenong (2011), while there are concerns regarding the perceived risk of dogs in the public realm, encouraging greater use of council’s parks has the potential to contribute overall to community safety. Crime prevention through environmental design principles adopt a ‘safety in numbers’ approach. That is, ‘activating’ a public space (by introducing an activity / use, increased lighting etc) may encourage a greater number of people to use that space that, in turn, can result in increased passive surveillance and, consequently, reduce the potential for crime. In this context, attracting dog owners to an underutilised area of a park could contribute to improved community safety, particularly as dog owners tend to take their dogs to the park at non peak times (such as early morning or late afternoon/evening).

The presence of domestic dogs in public open spaces is increasingly controversial. In their literature review, Weston et al. (2014) located 133 publications of various types (such as papers and reports) that examined some aspect of dogs in parks and open spaces (50 % focussed solely on
dogs) and many described problems associated with dogs and reports of low compliance. The authors found there is limited research on dogs in parks, sectors of societies hold different views over the desirability of dogs in parks and that the benefits and risks of dogs to humans and park values are poorly documented and known.

When dog owners seek to exercise their dog off-leash in a public open space, there is a likelihood of conflict and possibility for injury when the open space involves organised sporting activities. Harlock Jackson Pty Ltd (2011) reports sports grounds are good for use by off-leash dogs as they are large, open and used on a part-time basis for sporting purposes. However, it should be noted that sportsgrounds are susceptible to hazards and rubbish which have the potential to cause injuries to humans and dogs. Swan et al. (2009) report that sport safety (and by default dog and community safety), is influenced by the presence of sports ground environmental hazards such as ground hardness, poorly maintained playing fields, surface irregularities and the presence of debris/rubbish. The authors propose to reduce injury risk, sporting clubs such as Australian football, cricket, soccer and hockey need to ensure regular assessment of grounds safety and the removal of identified hazards, especially at the community sport or junior sport level. There was a general presumption that identified hazards on community grounds would be corrected by local councils or clubs before anyone played on them, but this was rarely monitored.

Shifting to the sporting club’s perspective, Harlock Jackson Pty Ltd (2011) reports there are five main issues associated the use of sports grounds as dog off-leash spaces:

- Limited availability of these grounds for dog owners given the high number of permanent sports bookings
- The fact that an off-leash sports ground will be unavailable to dog owners while it is being used for sport while another oval in the same park that is not in use is also unavailable to dog owners because it is on-leash
- Damage to the sports grounds – including damage to turf wickets and holes created from dogs using the sport ground
- Dog faeces that are not removed by dog owners and
- Dogs being exercised off-leash during training or matches.

Further, Agriculture Victoria (2019a) reports Toxocara Canis can be found in the faeces of infected puppies/dogs and passed onto humans. Children, people with compromised immune systems and field sports players are most at risk of infection.

Therefore, in specific situations, such as where there are dog owners and sporting groups using the same space, councils play an important role in open space planning, education and enforcement. According to Carter (2016b), public open spaces are where previously unacquainted dogs and humans often meet. The extent of this meeting and its ramifications are governed largely by animal management which establishes, among other things, off-leash and on-leash areas, dog exclusion zones around sensitive environments, regulations prescribing how dogs are supposed to interact through effective control requirements imposed on owners, and requirements around dog litter collection and disposal. Whereas the interaction of humans and dogs is largely governed by animal management, often the places where these interactions take place are predominantly planned by open space planners. Harlock Jackson Pty Ltd (2011) suggests councils continue to educate and enforce:

- Effective control requirement
- Compliance with leash requirements where they apply and
- Requirement to remove dog faeces.
User groups using parks with off-leash spaces need to be educated about the rights and responsibilities of people exercising their dog off-leash, including sports clubs being advised of the spatial extent of their bookings.

It appears desirable for councils to adopt a policy approach and strategies which aim to direct leash-free exercise to the most appropriate locations within the existing public open space network where possible. By way of example, the City of Greater Dandenong (2011) reported through design and the appropriate selection of sites, off-leash use can have minimal impact on incompatible park activities such as playgrounds, conservation areas or organised sports. Designating certain sites as off-leash enables council to target the provision of ancillary infrastructure (such as bins, signage, walking paths, drinking fountains etc) to support leash free activity, rather than having to supply such infrastructure across the entire open space network.

Providing a sufficient number of equitably distributed designated off-leash areas can encourage greater compliance with relevant local laws and orders. This can reduce non-compliance at nearby on-leash parks as dog owners do not feel that they are lacking opportunities to walk their dog off-leash locally. Reducing the incidence of non-compliance, will also benefit other park users as this assists in restricting off-leash activity to a limited number of designated areas rather than spread, uncontrolled, across the whole open space network.

Local government policy approaches and strategies for accommodating off-leash activity in public open space and minimise conflict between dogs/dog owners and other park users include:

- No dogs allowed: No dog is allowed at any time (either on or off-leash).
- Dogs permitted only on-leash: Dogs are permitted only while on a leash.
- Time share: Dogs are permitted off-leash only at certain times.
- Separate zone: Dogs are permitted off-leash within a certain exclusive area.
- Multi-zone: Dogs are permitted off-leash within a certain area in which other activities may also occur.
- Off-leash Park: Dogs are allowed off-leash throughout the entire park.

What the benchmarking uncovered

As shown in table below, all benchmarked councils reported challenges arising regarding the use of sports grounds for organised sport and dog exercise. All councils permit dogs on sports grounds on-leash or off-leash as per regulations (other than by exception where prohibitions exist). In some municipalities, sports grounds are fully fenced and gated, effectively making them secure dog exercise areas, in other municipalities there is a mix of fenced and gated and non-gated sports grounds.

The issues experienced by all councils were the same although they varied by degrees including:

- sports clubs raising concerns about uncollected dog poo, damage to the playing surface, and dogs being on the ground during training and games; and
- dog owners being concerned about strapping tape and other debris left on the ground and generally wanting to access the ground/being confused about when training is held.

One council with fenced and gated sports grounds (secure spaces) specifically mentioned that a small minority of dog owners leave their dogs unsupervised on the sports ground while they go and buy a coffee or sit in the car. Other councils also mentioned this point in relation to secure dog areas more generally.
Three of the five benchmarked councils reported that *dog owners and sports clubs work cooperatively* to manage the issues, with both parties doing sweeps of the ground to proactively address any issues. One council also noted that tensions can also arise between responsible dog owners and non-compliant dog owners, with responsible dog owners trying to ensure everyone does the right thing.

Overall three of the five benchmarked councils indicated the issues regarding use of sports grounds were being managed through:

- **goodwill and common sense** between users;
- interventions by council including **targeted patrols and education** by Animal Management Officers; and
- **proactive education and training** ‘events’ for dogs and their owners in particular hot spots.

However, two councils reported further intervention may be needed. One council (where all sports grounds are fenced and gated) is currently reviewing dog access to sports ovals across the municipality. The other council (where there is a mix of gated and non-gated sports grounds) indicated that it may be necessary to put in place formal off-leash time restrictions at key locations.

**Benchmarking summary table – approaches to managing competing uses of sports grounds**

<table>
<thead>
<tr>
<th>Council A</th>
<th>Where both dog owners and sports ground users exist, we have seen a cohesive relationship and a general common sense approach taken. If issues arise, proactive patrols have been undertaken by our dedicated officers, as well as ‘hot spot’ areas being targeted for community engagement initiatives ie. Walk with me program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council B</td>
<td>Generally dogs are allowed off-leash unless sports ground — some gated, some not.</td>
</tr>
<tr>
<td>Council C</td>
<td>Currently yes dogs can be on sports ovals – this is up for review. We see huge issues with poo, people being blasé about supervision and responsibilities. Sports grounds are fenced and gated at present. Get many complaints about dogs being dropped into ovals and left while the owner goes to buy coffee or sits in the car.</td>
</tr>
<tr>
<td>Council D</td>
<td>Generally, dog owners and sports persons share the space well. Issues are: allegations of owners not picking after their dogs, but mainly defiance of dog owners refusing to move off the ground. Dog owners complain of sports persons leaving strapping tape and other rubbish on grounds. If we know there is a pattern, we will send officers down to talk to dog owners to educate and engage the community. Unfortunately, it seems to be heading in direction where we may have to change the council order and put in specific times where off-leash access is allowed at some key sites.</td>
</tr>
<tr>
<td>Council E</td>
<td>There are always issues where sporting grounds are utilised for dog walking: not picking up of litter, and constant challenges between responsible dog walkers and those who don’t show interest in picking up their dog litter create conflict between parties. One heavily used sports ground where there are issues – sporting club key people said it wasn’t too bad, they will do a sweep of the ground before games. There is also a very large dog walking group, they will often go and pick up other people’s dog poo – proactive in trying to do the right thing.</td>
</tr>
</tbody>
</table>
In conclusion:

- There are many community health, wellbeing and environmental benefits associated with access to public green open space. There is a community expectation to have access to public open space which is often limited in urban areas.
- It is not surprising that conflict arises from time-to-time when public open space is limited and a variety of community members have competing interests and are using the same space for different purposes.
- Dog owners are required to provide opportunities for their dogs to socialise and exercise outside of private properties.
- The presence of dog owners at parks can contribute to community safety.
- However, the presence of domestic dogs in public open spaces is increasingly controversial. Councils have adopted various policy approaches and strategies to accommodate off-leash activity in public open space and minimise conflict between dogs/dog owners and other park users. In situations where dog owners and sporting groups are using the same space, councils play an important role in open space planning, education and enforcement.
- There are a number of policy approaches and strategies available to councils to accommodate off-leash activity within the existing open space network in an attempt to minimise conflict between dogs/dog owners and other park users.
- Sportsgrounds are good for use by off-leash dogs as they are large, open and used on a part-time basis for sporting purposes. However, the grounds are susceptible to hazards and rubbish.
- Councils permit dogs on sports grounds on-leash or off-leash (except where prohibitions apply). All councils reported challenges arising regarding the use of sports grounds for organised sport and dog exercise including: sports clubs raising concerns about uncollected dog poo, damage to the playing surface, and dogs being on the ground during training and games; and dog owners being concerned about strapping tape and other debris left on the ground and generally wanting to access the ground/being confused about when training is held. None of the benchmarked councils have found a clear solution to this challenge and many rely on the cooperative nature of dog owners and sports clubs.

Implications/potential levers for local government authorities:

- Open space planners consider the needs of dogs and dog owners as a key user alongside other open space users and uses, which may be passive or recreational in nature, involve organised sports activities or age-specific play such as playgrounds.
- Consideration be given to activating open spaces with dog owners at non-peak times as a way to contribute to community safety.
- Collaboratively review the policy approaches and leases with sports clubs to accommodate increased and safe off-leash activity within the existing open space network (for example, set days/times for secure/gated dog access, extended lighting periods).
- Enhanced education at sports grounds through targeted patrols, clear signage (ie ‘training in progress, please no dogs on the ground. dogs and organised sports don’t mix’), clear publication of sports match and training times, proactive education and training events at key hot spots.
- Initiatives to build positive/cooperative relationships between various local open space users to improve understand and collaboration.
2.5 Public open space tensions: presence of dogs in environmentally sensitive and foreshore areas

This section examines the effect that the presence of domestic dogs has on environmentally sensitive and coastal areas, birdlife, marine/small mammals and native wildlife. The research generally supports the view that the presence of humans with domestic dogs (on-leash and off-leash) has a negative effect on environmentally sensitive and coastal areas. Dog owner non-compliance with regulations appears to be a key contributing factor.

What the research shows

The topic of free-ranging dogs and wildlife conservation has attracted great interest internationally (see Gropper, 2013), generally reporting the presence of domestic dogs has a negative effect on birdlife, marine/small mammals and native wildlife. In Tasmania, the presence of domestic dogs has been found to have an effect on native wildlife, particularly in urban and suburban areas and on beaches. Holderness-Roddam (2011) assessed the impact of domestic dogs on the natural environment and investigated disturbance and the consequences for native wildlife, particularly vertebrate species. The author analysed data provided by the Tasmanian Department of Department of Primary Industries, Parks, Water and Environment regarding native wildlife presenting for care to determine the principal reported causes of death and injury to native wildlife. In addition to the effects of killing, maiming and orphaning of wildlife, disturbance can contribute to energy loss through premature flight or reduced feed intake and reproductive disruption due to nest disturbance. Dogs have been implicated in disease transmission to native wildlife; with faecal contamination of waterways having potential negative effects for marine mammal health. The author concluded local councils must accept they have the principal role for preventing disturbance to native wildlife by domestic dogs within urban natural areas reserves and on beaches, and recommends:

- Considering the location of recreational facilities such as BBQs, tracks and trails when establishing new natural areas reserves, as a response to suburban encroachment upon former bushland areas. These facilities should possibly be located in a buffer zone, outside the reserve proper.
- Recognising some areas may not be appropriate for dog walking, either on or off leash; including some beaches and urban natural areas in council reserves. If these are be set aside for wildlife habitat, it may not be appropriate to develop trails through them which will attract dog walkers, mountain bikers and trail bikes. Councils should review all such areas from the perspective of environmental management and biodiversity maintenance, rather than for recreational use.
- Having a buffer zone between new residential developments, with appropriate anti-predator fencing in particularly sensitive areas
- Having covenants to prevent keeping of cats, dogs and ferrets in new residential areas within specified distances of sensitive wildlife areas.
- Adequately monitoring dog exercising in areas where this is not permitted, including outside normal council office hours, and being prepared to issue infringement notices to non-compliant dog guardians.
- Providing alternative dog exercise areas, with dog gym equipment such as pipes, and jumps, fresh water and bags for collecting faeces. Such areas should be away from stormwater channels and waterways to reduce faecal contamination of estuarine and marine environments.
- Providing adequate interpretive signs to explain what dog exercise regimes, on leash or off leash, are permitted and why. Signage also needs to indicate the location of appropriate on
leash and off leash dog exercise areas, possibly with a map and indicating distance from the current location.

In New South Wales, further evidence has been reported that dog walking has a negative impact on bird diversity and ecological abundance in public open spaces. According to Banks and Bryant (2007), conservation managers often ban dog walking from natural areas fearing that wildlife will see dogs as potential predators and abandon their natural habitats, resulting in outcry at the restricted access to public land. Arguments are passionate on both sides and debate has remained subjective and unresolved. The authors show dog walking in woodland leads to a 35% reduction in bird diversity and 41% reduction in abundance, both in areas where dog walking is common and where dogs are prohibited. These results argue against access by dog walkers to sensitive conservation areas and reveal even dogs restrained on leads can disturb birds sufficiently to induce displacement and cause a lack of local bird fauna. These effects were in excess of significant impacts caused by human disturbance, which also caused to decline in diversity and abundance. No net difference was found in bird diversity or abundance between areas with and without regular dog walking receiving the same treatment, suggesting that long-term impacts in this area may be small. That the effects of dogs occurred even where dog walking was frequent suggests further that local wildlife does not become habituated to continued disturbance. The authors conclude the results support the long-term prohibition of dog walking from sensitive conservation areas.

In addition, international research from Canada by Forrest and St. Clair (2008), found the function of leasing bylaws (designation of sites for dogs to be on- or off-leash) unexpectedly had no measurable effect on the diversity or abundance of birds and small mammals within the urban park sites surveyed. The authors compared the diversity and abundance of songbird and small mammal communities between areas with bylaws that require, or do not require, dogs to be leashed. The authors found among both birds and small mammals, there was no difference as a function of leasing bylaws. The designation of sites for dogs to be on- or off-leash had no measurable effect on the diversity or abundance of birds and small mammals within the sites surveyed.

In Australia, research shows high levels of dog owner non-compliance with beach regulations. Royall (2018) reports on a study that surveyed 69 beaches from Mallacoota to Portland over three years. The study was conducted with BirdLife Australia and analysed compliance with four regulations: no-dog zones, seasonal leash access, time-restricted leash access, and dogs on-leash at all times. Dog owners who walked their dogs in on-leash at all times zones were the worst offenders with a 79% non-compliance record, endangering wildlife such as nesting birds.

Schneider et al. (2019) argue the management of domestic dogs in natural areas is controversial. The authors examined the occurrence and space use by 161 dogs on southern Australian sandy beaches in different dog-leashing zones. People, dogs and compliance with regulations was observed. GPS loggers determined the space use by dogs. Existing dog-leashing zones had no influence on the space use by dogs and this related to poor compliance with dog-leashing rules (70% of dogs observed at “on-leash” beaches were “off-leash”). Dogs moved up to 33 km during beach visits with larger dogs occupying slightly more space. Overall, off-leash dogs were frequent and current regulations appear ineffective. Alternatives such as “no-dog” zones replacing “leash-only” zones warrant future investigation.

Moving to Victoria, the State of Victoria and Victorian Coastal Council (2018) reports a range of human activities affect Victoria’s coast, including population growth, overuse and competing
demands on resources, climate change, ageing infrastructure, input of nutrients and toxins, introduction of exotic species, and habitat change. Having a better understanding of the relative importance of these impacts along Victoria’s coast including the influence of human activities involving dogs, would provide a clearer basis for refining catchment management priorities to promote ecological resilience under climate change scenarios. Further, dog litter may contain harmful bacteria and nutrients and can be washed through the stormwater system into natural waterways and Port Phillip Bay, which may contribute to excessive E. coli pollution readings on beaches following heavy rainfalls (Agriculture Victoria, 2019e).

Maguire, Miller and Weston (2019) propose domestic dogs occur on coasts in many countries and may co-occur with, and pose a threat to, coastal wildlife such as threatened shorebirds. The authors argue dogs on beaches fit the ecological definition of invasive species and is controversial. The authors examined the levels of compliance with dog regulations (3516 checks, 69 ocean beaches) under six prevailing management regimes in Victoria, Australia. Compliance was low to moderate across all dog management ‘types’, but varied significantly. The highest compliance rates were associated with ‘no dog’ areas. Despite poor overall compliance, dog regulations appeared to be associated with different rates of occurrence and relative abundances of dogs, suggesting either they effectively displaced dog walkers or that dog area designations reflect usage patterns, or both.

According to Birdlife Australia (2018), dogs have been identified as a major threat to beach-nesting shorebirds. Domestic dogs are known to chase adult beach-nesting birds which can lead to prolonged absences from the nest or brood. Chasing and the unpredictable movement, proximity and speed of unrestrained dogs are traits that do not promote habituation. Walkers accompanied by dogs often evoke greater responses from ground-dwelling birds than people alone. The highest frequencies of shorebird nest absences were in response to people accompanied by unleashed dogs, and this was more than double that of people approaching alone or with a leashed dog. These disturbances are lethal to eggs and chicks when a dog is in proximity for an extended period or there are multiple disturbances over a day.

Birdlife Australia (2018) reports as population and companion dogs increase, so does the demand for dog access to shared open spaces. Desire for increased access and poor compliance with some management restrictions becomes a major challenge for decision makers seeking to balance the needs of multiple users of public open spaces, as well as the potential for environmental impacts. Dog owners may not leash their dogs because they consider dog exercise important, because leashimg is not expected by their peers (social norms), and if they interpret no harm in their dog roaming. The author recommends the use of the designations of No dog, On-leash and Off-leash beaches to instil desirable on-site behaviour or displace undesirable behaviour to a more appropriate location; having no dog areas as they are most effective at protecting shorebirds; and ensuring adequate provision of alternative off-leash areas to divert users away from environmentally sensitive areas.

What the benchmarking uncovered

As shown in the table below, benchmarked councils have had varying experiences with regard to managing sensitive environmental environments.

One non-coastal benchmarked council reported that they did not experience major issues in relation to the impact of dogs in environmentally sensitive areas, however it was mentioned that AMOs consider the environmental risk in these areas when deciding the appropriate application of warnings/infringements.
Four benchmarked councils have foreshore areas and use restrictions (some seasonal) to manage potential environmental impacts. One council noted that restrictions are effective but can polarise the public.

Three councils specifically cited the importance of signage, education and enforcement to protect designated foreshore areas. Although one council noted that inconsistency across foreshore areas managed by different agencies/councils leads to confusion among the community and visitors.

Foreshore areas attract visitors from beyond council boundaries. One council noted that non-compliance with foreshore restrictions is heavily weighted towards visitors not local residents. Another council reported that during a recently proposed new dog off-leash area on the foreshore, the main objection from residents were environmental reasons. This may suggest that education with local residents has a role in achieving voluntary compliance.

Regarding areas which attract large numbers of visitors (particularly to the foreshore), one council referred to the effectiveness of large signs that are informative and pictorial showing the various areas and restrictions and why. This approach is coupled with an increased Animal Management Officer presence.

Regular internal collaboration between animal management and environmental areas is cited as an effective method to monitor environmental restrictions and develop targeted education materials and activities in the community.

Benchmarking summary table – approaches to managing environmentally sensitive and foreshore areas

| Council A | Animal Management work with other council areas to ensure compliance, inc signs, proactive/reactive patrols, education, targeted community days, factsheets/brochures. An internal working group (Animal Management, Pest Management, Vulnerable Species team, Natural Areas Management Unit, Water Catchment and Environmental Management) in place and extremely beneficial. This forum addresses any concerns, brainstorm and review educational resources, as well as coordinate respective tasks in the area. |
| Council B | Restrictions are effective but can polarise the public. Foreshore team are concerned about impact on vegetation and animals – dogs on dunes etc. Don’t have that much pressure from environmental groups. Explored creating another 24/7 off-leash area on foreshore – community were highly vocal against it, and a lot of environmental groups opposed it. |
| Council C | Mix of restrictions on foreshore – some are seasonal, some aren’t. DSE and volunteer foreshore committees control 19 beaches. DSE controls seven reserve areas. There is an inconsistency of approach - signage, enforcement etc. Leads to confusion amongst the community and visitors. Some negotiation underway to enable council to enforce regulations in these areas. |
| Council D | The dog issue on the foreshore is typically the difference between residents and visitors – we have been doing a lot around dogs being off-leash when they shouldn’t be, but we haven’t done enough around dog poo and not having bags – need to do better education and enforcement around waste side of things. Have upped the off-leash patrols, need to also check if they have bags on them. This will be a focus for us this summer. |
| Council E | Not a big issue for us. Enforcement officers would differ their approach based on the circumstances, risk-based approach. |
In conclusion:

- The presence of humans with dogs has been shown to have a negative effect on birdlife, marine/small mammals, native wildlife and coastal areas. Dogs on-leash and off-leash can impact bird and wildlife through their presence and scent, not just through undesired behaviours (e.g. chasing, digging, faeces). Accordingly, researchers point to the worthiness of dog prohibition to minimise negative impacts.
- Research shows high levels of dog owner non-compliance with beach regulations, but highest compliance rates with ‘no dog’ areas as opposed to other types of restrictions (for example, ‘on-leash’ areas).
- Councils are using a variety of mechanisms for managing the presence of dogs in environmentally sensitive areas, including foreshore and coastal areas, including the use of Working Groups and a combination of education, patrols and enforcement and signage.

Implications/potential levers for local government authorities:

- Ensure recreational facilities such as BBQs, tracks and trails around new and existing natural areas reserves are located in a buffer zone, outside the reserve proper and away from stormwater channels and waterways to reduce faecal contamination of estuarine and marine environments.
- Review beaches and urban natural areas in council reserves from the perspective of environmental management and biodiversity maintenance, rather than for recreational use. Recognise some areas may not be appropriate for dog walking, either on-leash or off-leash.
- Continue to monitor dog exercising in areas where this is not permitted, including outside normal council office hours, and adopt a zero tolerance approach when issuing infringement notices to non-compliant dog owners.
- Provide clear instructions about dogs in relation to environmentally sensitive areas, including foreshore and coastal areas. Providing adequate interpretive signage to explain what dog exercise regimes, on-leash or off-leash, are permitted and why, using visual maps, not just text.
- Consider the location of dog off-leash areas nearby (but not close to) sensitive environmental and coastal areas to give dog-owners a viable, alternative option.
2.6 Public open space tensions: presence of dogs in/near Ricketts Point Marine Sanctuary

This section examines the presence and impact of dogs in National and State parks, specifically marine parks. Dogs are generally not allowed in National and State parks but they can visit some parks and reserves. The Ricketts Point Marine Sanctuary is significant in the state-wide system and the long-term protection of the Sanctuary relies on the support and goodwill of the community, together with the help of coastal managers and government agencies.

What the research shows

Dogs are generally not allowed in National and State parks but they can visit some parks and reserves. For example, in relation to coastal parks, Parks Victoria (2019a, 2019b) reports dogs and other pets are not permitted at Point Cook Coastal Park however, they are permitted and must be controlled on a leash at all times at Cape Conran Coastal Park. According to the Department of Environment, Land, Water and Planning (2019), marine national parks and marine sanctuaries legally protect Victoria’s diverse marine plants and animals, and their habitats. Marine national parks and sanctuaries cover over 5% of Victoria’s marine waters and complement the land-based parks and reserves system. Knowledge gathered by marine scientists over decades has helped to identify the areas that are included in the marine national parks and sanctuaries and the knowledge base continues to grow.

According to the Ricketts Point Marine Sanctuary Management Plan (Parks Victoria, 2005), this Sanctuary is significant in the state-wide system for its contribution to representation of the eastern shoreline environments of Port Phillip Bay, and its potential for public education and enjoyment of marine environments. The differences and connections in the marine environment mean that Victoria’s Marine National Parks and Marine Sanctuaries must be managed somewhat differently from land environments. Natural, recreational and cultural values may be affected by the use of both land and marine areas some distance away, over which sanctuary managers have no direct control or influence. Impacts on one marine habitat can quickly affect another, and human activities and natural events on land and in the atmosphere can have widespread consequences for the marine environment. Boundaries in the ocean can be difficult to define, and the effects of human activities can be hidden from view. Like the atmosphere, but in contrast to land, the marine environment is a common resource rarely in private ownership and with few natural or artificial barriers to movement or ways to concentrate the impacts of recreational activities.

Conserving cultural places is also a challenge because it is difficult to identify an underwater place or monitor activities that take place on the open sea or under water. Sea Country, and cultural associations to, or past use of, underwater places which were exposed before the sea level rose must also be considered. The long-term protection of the Marine National Parks and Marine Sanctuaries relies on the support and goodwill of the community, together with the help of coastal managers and government agencies. The Ricketts Point Marine Sanctuary Management Plan (Parks Victoria, 2005) seeks to foster a strong sense of custodianship of the sanctuary and to strengthen its protection while respecting cultural and community associations with the area. **Ricketts Point has important natural, cultural, recreational and tourism values.**

Maintaining a clean and intact sanctuary is a priority for Parks Victoria (2005), Parks Victoria liaises with BCC to:
- Minimise litter within the sanctuary to ensure public safety and to protect sanctuary values
- Encourage the participation of community groups in litter investigation and collection programs in the sanctuary, subject to safety considerations

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- Manage visitor activities, including dog walking, boating activities and shore based activities, to minimise impacts on flora and fauna and communities, particularly in relation to impacts from trampling and compliance with no-take provisions.
- Maintain migratory and shore bird roosting and feeding habitat and sensitive seagrass habitat by prohibiting dogs from the intertidal reefs and seagrass beds and managing visitor impacts, particularly from education and other groups.
- Minimise disturbance to sea and shore birds by encouraging visitors to avoid sea bird and shore bird roosting and feeding habitats.
- Encourage visitor compliance with legislated provisions will be ensured though education, information, ranger patrols and community support.

Dogs have limited on and off-leash access to the beach area in the vicinity of Ricketts Point Marine Sanctuary. According to Parks Victoria (2005), dog walking (both on and off-leash) is permitted on beaches in the sanctuary in specified areas at specified times prior to the proclamation of the sanctuary. Dogs can have serious impacts on bird populations and other wildlife. Their presence, scent and noise may disturb birds and prevent roosting and feeding, leading to reduced species numbers, lower numbers of returning birds and low weight in migratory birds. Access through seagrass beds by dogs and walkers at low tide can lead to visible damage. Some visitors, particularly small children, may be impacted by unrestrained dogs. Dog litter is a potential source of pollution. Dogs are considered incompatible with the aims and objectives of areas managed under the National Parks Act such as the sanctuary. On the foreshore adjoining the sanctuary, which is managed by BCC, dogs are allowed on the beach area above high tide only as follows:

- Off-lead on all sand and rock areas from 1 April to 31 October
- On-lead on all sand and rock areas between the hours of 7.30pm and 10.00am from 1 November to 31 March, except between Haydens Road and Quiet Corner and between Ricketts Point South and Dalgety Road, where dogs are permitted off-lead from 7.30pm to 10.00am.

Dogs on-lead are permitted on other local beaches managed by BCC from 7.30pm to 10.00am in summer. There are several nearby areas where dogs can be exercised off-lead. Parks Victoria (2005) proposes that opportunities be provided for walking dogs in the sanctuary where compatible with the protection of natural values and to minimise conflicts with other visitors and impacts on sanctuary values from dogs, as follows:

- Continue to permit walking and exercising of dogs in the sanctuary from 1 April to 31 October, and from 7.30pm to 10.00am from 1 November to 31 March, provided they are on a lead; on sandy intertidal beach areas, including adjacent sandy areas with shallow waters.
- Allow dogs in the sanctuary if confined to a vessel.
- Exclude dogs from the sanctuary (except those confined to a vessel): from 10.00am to 7.30pm from 1 November to 31 March (as for existing adjacent foreshore dog access arrangements); from the intertidal reef and seagrass beds at all times to protect roosting and feeding migratory and resident shore bird and sensitive nursery habitats.
- Require people in charge of dogs to remove faeces left by their dog from the sanctuary.
- Provide information to visitors regarding dog access and regulations through Marine Notes, information signs and ranger patrols.
- Liaise with BCC to encourage an integrated approach to dog management in the adjacent foreshore reserve.

Signage at Ricketts Point was reviewed and updated in 2018 in conjunction with Parks Victoria and local environmental groups, and in consultation with the community.
What the dog and dog owner observations showed

As reported in Part 1, across seven sites audited in Bayside, the lowest level of compliance with dog restrictions was observed at Ricketts Point, with a 72.5% compliance rate.

Over a third of off-leash behaviours observed were outside of permitted off-leash areas (41 of 99 counts), and there were 15 observations of uncollected poo in open space over 10 hours of observations.

In conclusion:

- Dogs are generally not allowed in National and State parks.
- The Ricketts Point Marine Sanctuary is significant in the state-wide system and maintaining a clean and intact sanctuary is a priority. The long-term protection of the Sanctuary relies on the support and goodwill of the community, together with the help of coastal managers and government agencies.
- Human activities and natural events on land and in the atmosphere can have widespread consequences for the marine environment.
- Independent observations note lower dog behaviour compliance levels at Ricketts Point, than the other six open spaces audited.

Implications/potential levers for local government authorities:

- Liaise with Parks Victoria to review the Ricketts Point dog restrictions (noting the current management plan was produced in 2005) and acknowledge some areas may now not be appropriate for dogs or humans.
- Consider targeted education and incentive initiatives at Ricketts Point to influence positive social norms and conduct targeted enforcement patrols, with a zero tolerance approach to areas on environmental sensitivity.
2.7 A closer look at dogs and access to public places and open spaces

This section examines council adopted approaches to accommodate dog access to public places and open spaces (prohibited, permitted on-leash and permitted off-leash). It outlines considerations regarding the use of fencing to provide secure dog spaces.

Council approaches to dogs in public places and open spaces

<table>
<thead>
<tr>
<th>Dogs prohibited</th>
<th>Permitted on-leash</th>
<th>Permitted off-leash</th>
</tr>
</thead>
</table>
| No dogs allowed at any time (either on or off-leash) | Dogs permitted only while on a leash. Time and zone restrictions may apply | • Time share: Dogs permitted off-leash only at certain times  
• Separate zone: Dogs permitted off-leash within a certain exclusive area  
• Multi-zone: Dogs permitted off-leash within a certain area in which other activities may also occur  
• Off-leash park: Dogs are permitted off-leash throughout the entire park in which other activities may also occur  
• Off-leash secure park or dog park: Dogs are permitted off-leash throughout the entire park and the primary use is for dog play and exercise. |

What the research shows

Prohibiting dogs in places. Dogs are banned from many National and State parks (Parks Victoria, 2019a, 2019b) and councils can designate areas where a person is prohibited from bringing a dog at all or during specified hours on specified days.

Dogs permitted on-leash. Dogs should be kept on a leash at all times when off private property unless in a designated off-lead area (Agriculture Victoria, 2019d). According to Clark (2016), there are many good reasons why dogs need to be on-leash including: people may be scared of dogs; easy to monitor litter/poo; dog could cause an accident, be in an accident or get lost or stolen; dogs can be unpredictable; dogs may disturb wildlife or eat plants or anything left on the ground which may make them unwell. When a dog is on-leash, its movement and activity level is often restricted. Consequently, there are several situations where it is not ideal, and may be dangerous, for dogs to be on-leash in public. By way of example, a friendly dog running at a nervous or fearful dog will cause long-term side effects for the unsuspecting dog. When a dog is on lead, they cannot ‘flight’, and dogs will often revert straight away to ‘fight’ as a dog running at them is a perceived threat (RSPCA Queensland, 2019).

Dogs permitted off-leash. Due to shrinking private back yards and public on-leash law restrictions, public off-leash spaces are necessary for dog owners to socialise and exercise their dog. Hazel, Van Hout and Luxton (2010) report Australia has one of the highest rates of dog ownership in the world but as back yards have become smaller and leash laws enforced in many areas, it has become more difficult to exercise dogs safely off-leash while still keeping them under effective control. Dogs need some exercise to stay fit and healthy. Exercise is likely good for mental health as well, and may help with some behaviour problems such as boredom-caused destruction. Therefore, access to space for off-leash, free-running time is desirable as dogs that exercise strenuously, running with other dogs, catching a ball are less prone to excessive barking, destroying property and biting.
Dogs are permitted off-leash in secure or fenced parks. Hazel et al. (2010) examined observations from 12 fenced dog spaces in South Australia and concluded off-leash spaces are good for dogs, their guardians and the whole community as they: promote good canine physical health and socialization, reducing nuisance behaviours and making dogs better canine citizens; encourage people to exercise and stimulate social interaction with other people; accommodate senior citizens and the disabled, who cannot always walk their dogs on-leash; build a community of people committed to parks, community involvement and the environment; encourage compliance with local leash laws and reduce the number of dogs likely to end up in shelters.

There are mixed views about introducing fencing in public open spaces to separate user groups. According to Carter (2016b), public open space is contested by a number of different user groups, some of which are inherently conflicted such as managing the interaction of dogs and children. Fencing of public open spaces is a common solution used by councils, however, there is a lack of consensus on whether fencing improves or detracts from amenity, whether that be fencing for the benefit of children or dog owners and dogs. The author argues fencing introduces dual interpretations of open space:

- **Inclusive-exclusive dualism**: On the one hand, fences may make open space more inclusive as they allow a number of otherwise conflicting activities to take place simultaneously. On the other hand, fences may make open space feel exclusionary as they segregate particular spaces for certain activities to the actual or perceived exclusion of all other activities.

- **Accessibility dualism**: Fencing demarks nature from the urban and affects the flow of open space. Fencing can make a park more desirable, improving the accessibility of the park. However, fencing can be perceived as artificially cluttering the natural environment, making the space less desirable and consequently less accessible.

- **Compliance dualism**: Fencing increases the amenity of a space for dog owners that desire fenced areas to exercise their dogs with fencing being seen as a reward for responsible dog ownership. Fencing also encourages some dog owners to become less vigilant in compliance, in particular relaxing the requirement to keep their dog under effective control, thereby encouraging irresponsible dog ownership.

Carter (2016b) reports fencing is seen as enabling the sharing of space to take place where activities would otherwise conflict, the role of fencing in this context being to partition rather than exclude. The stance on partitioning open space depends on both the extent of harmony between contesting users and uses and the desired accommodation or exclusion of conflicting activities. Fencing is also very expensive relative to other (imperfect) substitutes such as vegetation installations, rock formations and buffer space. Fencing of public open space (whether it is for dogs or not) may be interpreted by the community as a reward to compliant dog owners and, conversely, fencing can provide an incentive for dog owners to become less responsible as they may perceive that effective control and surveillance of their dog is no longer necessary. The provision of fencing for dogs is often dependent on the planner’s perception of how providing fencing for dogs will affect future levels of responsible dog ownership. Carter (2016b) concludes effective control inadequately mitigates the risk of harm to the dog and the community should the owner lose control of their dog. Enforcing effective control in this context is after-the-fact and reactive, whereas fencing for dogs anticipates and manages the risk that any owner will occasionally lose control of their dog.

What the benchmarking uncovered

All municipalities have areas where dogs are prohibited at all times. As mentioned in Part 1, these open spaces are declared dog prohibited for conservation or safety reasons. For all
benchmarked councils, the total of dog prohibited open spaces are few compared to the overall number of open spaces. Some councils also have foreshore areas where dogs are prohibited from 10.00am to 7.30pm from November to March. All councils share the following dog prohibited areas:

- Children's playgrounds; and
- Sports grounds when being used for organised sports matches or training.

In one council area where relevant, dogs are also prohibited within 200m of flagged bathing areas on the beach.

In many municipalities, dogs are permitted on-leash at all times at most council reserves and open spaces. Dogs must be on-leash in public places at all times including parks, reserves, streets, paths and walkways. Even when in a dog off-leash designated area, dogs must be put on-leash if they are or are likely to be within 20 metres of:

- A sports ground being used for organised sport matches or training
- A children's play equipment area
- An organised public meeting or event
- A barbecue or picnic area.

As shown in the table below, in many municipalities, there are varying restrictions around areas where dogs are permitted on-leash or off-leash. As stated in Part 1, in comparison to its neighbours, Bayside is similar to Council D in its availability of dedicated dog off-leash areas. During April to October dog off-leash areas increase significantly in these municipalities due to the majority of the beach also being off-leash. Council B has a higher number of dedicated off-leash parks, but restricts off-leash times on beaches during April to October. Council B is also significantly bigger in larger of geography, households and registered animals.

In terms of determining when to provide off-leash space, one benchmarked council adopted a Dog Off-Leash Area Guideline in 2018, which states where off-leash areas are needed based on the density of dogs in an area. It stipulates the catchment area (in kms) of each dog park based on the dog population density (% of households that own a dog). It also sets out criteria for selecting appropriate off-leash areas and development standards for fenced and unfenced off-leash areas. Other councils determine the allocation of off-leash spaces through their DAMP or Open Space Strategy or ad hoc in response to community or Council requests.

Councils vary regarding their approach to providing secure areas for dog off-leash access at all times. One benchmarked council provides 26 fenced dog off-leash areas (this municipality is significantly larger than others benchmarked). Other councils provide few areas (ranging from zero to four). Comments and feedback from councils about secure versus non-secure off-leash areas varied significantly as shown below.

Benchmarking summary table – experiences with secure versus non-secure off-leash areas

<table>
<thead>
<tr>
<th>Council A</th>
<th>Where a site is considered appropriate for dogs off-leash but is located on a main road the off-leash area is suitably fenced to reduce public risk. Some areas are fenced off for small dogs only.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cons - dog owners become complacent; dogs behaviour, untrained dogs, under socialised (meaning they do not cope in the environment, which has increased aggressive behaviour or attacks).</td>
</tr>
<tr>
<td></td>
<td>Pros - positive experiences for dogs/owners who are well socialised and respectful of other park users. Friendships, groups formed and arranged meetings to enjoy social interaction for both people and dogs.</td>
</tr>
<tr>
<td>Council B</td>
<td>Recent consultation over a proposal for a secure off-leash area received negative feedback from neighbours during consultation because they didn’t want to support the creation of a space that encourage commercial dog walkers and/or higher concentration of dogs that would damage the reserve.</td>
</tr>
<tr>
<td>Council C</td>
<td>Our experiences with dedicated fenced areas for dogs is good – they are segregated in smaller areas so people can separate their dogs from others. We get non-compliant people in all areas – if we enforce effectively, people’s attitudes change straight away.</td>
</tr>
<tr>
<td>Council D</td>
<td>We only have one secure fenced area – the upkeep for a dedicated dog off-leash area is so much more (5 x higher). Have had to put synthetic turf in because the grass just can’t keep up with the stress. Definitely not as easy as just putting up a fence. Brings a whole additional set of costs and management.</td>
</tr>
<tr>
<td>Council E</td>
<td>Our practice is to define an area with partial fence, but not completely secure it. Not of the belief fully secure areas are critical, they are good when trying to train dogs – but plenty of people not interested in training. Positives secure of lease space – provides control of roaming dogs / defines a clear space for the activity creating clear definition for other users of communal areas. Challenges – creates an exclusive zone, some dog owner relinquish their responsibility to maintain effective control over their dogs.</td>
</tr>
</tbody>
</table>

In conclusion:

- In public places and open spaces, dogs are prohibited, permitted on-leash or permitted off-leash although time and zone restrictions may apply.
- There are mixed views about introducing fencing in public open spaces to separate user groups. Fencing of public open spaces is a common solution used by councils, however, there is a lack of consensus on whether fencing improves or detracts from amenity, whether that be for the benefit of children or dog owners and dogs. The author argues fencing introduces dual interpretations of open space (inclusive-exclusive dualism, accessibility dualism and compliance dualism).
- Fencing can enable the sharing of space to take place where activities would otherwise conflict and partition rather than exclude. Fencing for dogs anticipates and manages the risk that any owner will occasionally lose control of their dog.
- Councils vary with regard to their approaches to the extent of dog access to public places and open spaces (prohibited, permitted on-leash and permitted off-leash).
- Overall councils prohibit dogs from few places based on environmental or safety reasons.
- Most councils offer very few secure (fenced) off-leash areas and report mixed views about whether they are necessary. They also report positive and negative owner behaviour within fenced areas.

Implications/potential levers for local government authorities:

- Explore opportunities to increase off-leash space availability during daylight savings when significant off-leash space on the foreshore is not available.
- If council considers increasing the provision of secure off-leash space, this will need to be coupled with targeted education and enforcement to address potential negative impacts.
- If council considers increasing the provision of secure off-leash space, this may require additional budget allocation to maintain the condition of the space.
- The use of fencing should be considered carefully so as to not exclude other users, and opportunities for natural boundaries explored.
- Council’s open space planners could adopt dog ownership density analysis to determine areas where off-leash space is required.
2.8 Enclosed dog parks – site, design and infrastructure considerations

This section examines secure, enclosed dog parks which are increasingly attracting interest and being established or increased by councils throughout Australia, most likely in response to demand and higher density lifestyles. For councils, there are many considerations when it comes to establishing or creating a new dog park. Decision making regarding site selection and site design can impact the experience of dogs and dog owners. Good planning, design and management can help reduce some of the risks and increase the benefits while poor park design and management can exacerbate the risks.

What the research shows

Although dog ownership is common in Australia, it is becoming more difficult for people to own and exercise dogs in urban areas. The urban density increase in Australia implies a decrease in private outdoor space available for exercising dogs within private backyards. In an urban setting, therefore, we can expect that there will be a growing trend to exercise dogs outside of the home. There is an expectation therefore that, as urban areas increase in density, there will be an increased requirement within the community for dog-friendly spaces and places, including dog parks (Dog and Cat Management Board 2014).

Local authorities are responding to this need to exercise dogs in public places by developing enclosed dog parks. A dog park is a park for dogs to exercise and play off-leash in a controlled environment under the supervision of their owner/s. It is generally a fenced area that may contain a number of activity areas including open ball play areas and, natural rammaging environments such as rock scramble areas or grassed areas as well as educational or agility equipment for developing social and physical skills and confidence in dogs. (Paws4Play, 2011a).

In the absence of a state-wide consensus or priority, most planning for dogs takes place outside of the planning scheme and therefore suffers from a lack of control, consistency and oversight which would otherwise be offered by the formal planning scheme (Carter, 2016b). Therefore, dog parks provide the dog owning community with an important outlet for socialising and exercising. Dog parks have been established state-wide, interstate and overseas as a means of introducing space for exercising and socialising dogs in a secure environment. Dog parks are a relatively new concept in Australia although they have been operating for over 30 years in the United States. Off-leash dog parks are growing in popularity and demand (Dog and Cat Management Board 2014).

There are different types of dog parks. According to the Dog and Cat Management Board (2014), there are: dog parks for all dogs; dog parks with separate areas for large and small dogs; and dog parks for puppies (caters for dogs under 12 months). These dog parks are developed by local councils with a small number created by property developers are part of a large scale development. Some dog parks are co-located with other community facilities, skate parks, outdoor gyms, children’s playgrounds; walking trails; off street parking and public toilets.

Good planning and design increases the likelihood of new dog park being successful and reduces potential risks and disadvantages or challenges. There is limited information on how to design dog parks in a way that takes into account the behaviour of both dogs and humans and addresses safety, amenity and enjoyment. The Dog and Cat Management Board (2014) provides a guide intended to assist local government, developers, state government agencies and consultants to effectively develop and manage successful dog parks, namely, parks which are safe and enjoyable for both people and dogs. The guide provides practical advice on the planning, design and management of enclosed, off-leash dog parks for both the development of new dog parks and
the upgrade of existing dog parks. It also recognises that each dog park is unique and needs to be developed to meet the needs of the community, allocated budget and site conditions.

Key site selection criteria include anticipated geographical reach (neighbourhood, sub-district, district or regional), location, size and shape of land parcel. Key site selection considerations for each of the criteria are presented in the table below.

**Dog park key site selection criteria – geographical reach, location, size and shape**

<table>
<thead>
<tr>
<th>Key site selection criteria</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location of a dog park:</strong> The site for a dog park is often dictated by the location of available land; however, this may not always be the most appropriate location. A good location should: • Be easily accessible by road • Have adequate space for off-street parking • Have connections to existing pedestrian paths and trails • Be within walking distance of residential areas • Have good surveillance from public areas (not an isolated site). Other considerations include: • Proximity to compatible uses/activities or other community facilities • Some natural vegetation and topography • Good drainage.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>Size:</strong> Larger sized parks</td>
<td></td>
</tr>
<tr>
<td><strong>Advantages</strong> include: • Less wear and tear of ground surfaces • Reduced overcrowding of dogs • Less stressful for dogs • Cater for more park users • Provides a destination park, particularly if co-located with compatible activities • Provides opportunities to create different activity zones within the dog park.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>Disadvantages</strong> include: • Increased costs for core infrastructure (e.g. perimeter fencing, ground surfaces) • More maintenance required • High visitation and overuse encouraged • Greater demands on parking • Traffic issues in surrounding streets • Generation of community resistance by using significant sections of open space.</td>
<td></td>
</tr>
<tr>
<td><strong>Size:</strong> smaller sized parks</td>
<td></td>
</tr>
<tr>
<td><strong>Advantages</strong> include: • Provide a local community focus • Provide off-leash opportunities in inner city locations • Cost less to construct • Address specific needs e.g. a dog park for the travelling community.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>Disadvantages</strong> include: • Lead to overcrowding and potential dog to dog conflict • Be overused, leading to deterioration of ground surfaces • Inattentive owner behaviour.</td>
<td></td>
</tr>
<tr>
<td><strong>Shape:</strong> Usually determined by the site availability, topography, vegetation, site boundaries and adjacent land uses and activities. The shape can have a significant influence on the layout and circulation patterns within the park. Linear and non-rectangular shapes should be considered as they offer more opportunities to encourage park users to move and be more active through the park. Linear shapes encourage people to move through a space and promote exercise by walking rather than standing in one spot. This has the additional benefit of reducing the concentration of dogs in one location by dispersing dogs and people throughout the park. Irregular (odd) shapes work better than rectangles. They provide more opportunities to create spaces for dogs to get out.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
</tbody>
</table>
of the main flow of traffic and ways to take a break from or avoid high-energy body-slamming canines.

**Enclosures**: Single area; separate small dog area; time out area; and dog training area

Paws4Play (2011a)

When designing a dog park, it may be important to consider infrastructure and amenities for dog owners and other people who may visit the dog park. **Key design criteria include core and ancillary infrastructure, amenities, activity areas, landscaping and localised matters.** Key design considerations for each of the criteria are presented in the table below.

**Dog park key design criteria – infrastructure, amenities, activity areas, landscaping and localised matters**

<table>
<thead>
<tr>
<th>Key design considerations</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Core infrastructure</strong>: Perimeter fencing (this is likely to be the biggest single cost); Entry gates/ doggy airlock (2 gates per entry); Service (maintenance) gates; Pathways (approach, internal and external); Ground surfaces (e.g. grass, mulch, gravel, sand, concrete); Landscaping (e.g. vegetation, screen planting, mounding). Activity areas: open ball play areas, natural rummaging environments such as rock scramble areas or grassed areas as well as educational or agility equipment for developing social and physical skills and confidence in dogs</td>
<td>Dog and Cat Management Board (2014), Paws4Play (2011a)</td>
</tr>
<tr>
<td><strong>Park infrastructure</strong>: Residents and park users supported the provision of a range of other infrastructure to improve amenity and comfort of the City’s off-leash areas (including walking paths, drinking fountains, dog drinking bowls and seating), all of which further supports the use of these areas for off-leash activity as well as general exercise / physical activity. However, there are significant capital and ongoing maintenance costs associated with providing such infrastructure, which must be balanced against other priorities in council’s City Improvement Program. The designation of off-leash areas does not necessarily preclude other park users from using these areas. If council provides additional infrastructure (such as walking paths, drinking fountains etc), their provision should be planned and designed to enable multiple user groups to use these facilities, thus providing the most efficient and equitable distribution of resources. Accordingly, these matters should be addressed through council’s broader Open Space Strategy.</td>
<td>City of Greater Dandenong (2011)</td>
</tr>
<tr>
<td><strong>Ancillary infrastructure</strong>: Providing ancillary infrastructure to support off-leash activity is likely to encourage higher levels of compliance in on leash parks as dog owners are more likely to prefer frequenting off-leash areas than on-leash parks which lack these facilities. Moreover, infrastructure (such as signage and fencing) can be used to clearly define the boundaries of an off-leash area, which is likely to address many community concerns regarding the management and control of dogs in public open space, thus, improving the recreational experience of all park users. Effective signage in parks is the most direct way of advising park users, dog owners and “visiting dog owners” of the location, boundaries and rules of off leash areas. Well located, easy to read effective signage can encourage greater compliance with local leash laws and assist council officers to promote.</td>
<td>City of Greater Dandenong (2011)</td>
</tr>
</tbody>
</table>
There are many benefits and advantages, risks and challenges potentially associated with dog parks. Good planning, design and management can help reduce some of the risks and maximise the benefits. Some of the potential benefits and advantages are presented in the table below.
Summary of potential benefits and advantages associated with dog parks

<table>
<thead>
<tr>
<th>Potential benefits and advantages</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dogs and their owners can be separate from other people who don’t want to interact with dogs while visiting the park</td>
<td>Paws4Play (2011a, 2011b)</td>
</tr>
<tr>
<td>Keep dogs out of sensitive environments such as waterways or bushland areas but still allow them access to parkland</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Provide a meeting place or activity hub for people and families</td>
<td>Paws4Play (2011a, 2011b)</td>
</tr>
<tr>
<td>Encourage people to exercise more vigorously with their dogs</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Provide older people and people with disabilities with an accessible and safe place to exercise their animal companions</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Allow apartment dwellers or people living on small allotments to have canine companions</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Provide a venue that encourages dog to dog socialisation</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Provide an environment where advice is exchanged on dog management and where responsible dog ownership is encouraged</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Provide for the travelling community in areas where there are limited opportunities for dogs e.g. roadside stops</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Provide a focal point for community education and training programs as well as outdoor canine events and fairs</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Assist to avoid potential conflict between dogs and other activities in parks</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td><strong>For dogs:</strong> physical and mental exercise for dogs. Dog parks can provide opportunities where dogs can get physical and mental exercise. Well exercised dogs are less likely to behave in a destructive or annoying way such as excessive barking. Socialisation for dogs. Dog parks can provide opportunities for dogs to have frequent interaction with other dogs and people. Safe environment for dogs to play. Off-leash dog parks can provide a secure environment where dog owners can exercise their dog off-leash and not encounter cars, bikes and other obstacles.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>For owners:</strong> Outlet for dog owners to socialise; Seniors and disabled owners have an accessible place to exercise their dogs. Social wellbeing and mental health.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>For community:</strong> Responsible dog ownership. Dog parks can reduce the likelihood of dog owners letting their dog’s off-leash in other recreational areas and infringing on the rights of other community residents and park users. They can also provide opportunities to educate dog owners about animal health</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
</tbody>
</table>
and welfare and dog park etiquette. Affordable recreation option. A trip to the dog park is a free, outdoor activity where the family can take both their children and their pet (provided they are both under supervision by adults). Resting place for travelling community.

Poor park design and management can exacerbate the risks. Some of the potential risks, disadvantages and challenges are presented in the table below.

Summary of potential risks, disadvantages or challenges associated with dog parks

<table>
<thead>
<tr>
<th>Potential risks, disadvantages or challenges</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog owners / walkers not picking up after their dogs</td>
<td>Paws4Play (2011a, 2011b)</td>
</tr>
<tr>
<td>Too many dogs brought to the dog park by the one person</td>
<td>Paws4Play (2011a, 2011b)</td>
</tr>
<tr>
<td>Inappropriate dogs being brought to the dog park (e.g., entire dogs, restricted breeds, dogs that are too young, and unvaccinated dogs)</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Young children being taken into the dog park and children being left unattended</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>People leaving their dog unattended in the dog park</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Domination of the dog park by commercial or community activity groups</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td>Concerns about an increase in dog rushing incidents and dog-to-human and dog-to-dog biting</td>
<td>Paws4Play (2011a)</td>
</tr>
<tr>
<td><strong>Animal and human safety</strong>: A key concern in dealing with dogs parks. Research shows that injuries to people and dogs from dog bites at dog parks are rare however, the perception of risk remains significant and must be considered throughout all stages of developing a dog park.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>Children and dogs</strong>: Uncontrolled and unsupervised children can be an issue in off-leash dog parks. Dog parks can be attractive to young children, especially if they contain dog equipment that looks like play equipment which can be mistaken for a playground. Good design and management of a dog park can play an important role in managing the interactions between children and dogs. To promote public safety, children must be closely supervised by a responsible adult at all times and must not play on equipment dedicated for dogs. There should also be clearly stated park rules and programs in place to educate park users on good park etiquette and staying safe.</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
<tr>
<td><strong>Health risks</strong>: Dogs have the potential to carry and spread certain infections to other dogs, and to humans (known as zoonoses). Infections generally spread to humans via exposure to contaminated faecal matter, although being in close proximity to dogs may also aid transmission. In Australia,</td>
<td>Dog and Cat Management Board (2014)</td>
</tr>
</tbody>
</table>
dogs can transmit any number of infectious agents to humans including: Hookworm, Hydatid disease, Diarrhoea, Leptospirosis and Q Fever (Hayward 2004). Viruses are not usually added to the list as viral infections are not likely to be contracted by humans from dog faeces (Hayward 2004). The provision of adequate bins and faeces collection bags is essential in all dog parks.

**Local impacts:** Communities may fear impact on the local amenity or character of their neighbourhood including: Potential noise and odour problems; Parking congestion in residential streets; Dogs off-leash when walking to and from the dog park; Potential environmental and wildlife impacts.

**Dog and Cat Management Board (2014)**

It is important that people using a dog park understand they do not abdicate their responsibilities as a dog owner because they are in an enclosed area. Local laws relating to dogs in public spaces and off-leash areas still apply. There are educational resources available to inform dog owners about dog park rules and responsibilities. By way of example, Transport Canberra and City Services (2019), outlines “Fenced Dog Park Rules and Responsibilities” which includes dog park etiquette, park do’s and park don’ts.

**What the benchmarking uncovered**

In terms of **dog park design**, one benchmarked council adopted a Dog Off Leash Area Guideline in 2018, which sets out where off-leash areas are needed, criteria for selecting appropriate off-leash areas and development standards for fenced and unfenced off-leash areas. The intent was to ensure consistent provision and quality of dog parks for residents. The development standards cover the following elements: Fencing or natural barriers, signage, facilities (mandatory and optional), landscape and foliage, parking, and separate small dog areas.

As shown in the table below, benchmarked councils vary with regard to the provision of secure dog parks with agility equipment. One larger council has 23 fenced dog parks, and neighbouring councils have five, two or one dog park/s. The feedback from these councils suggests that agility equipment may not be a drawcard or add particular value to a dog area unless specifically requested by users.

**Benchmarking summary table – experiences with the provision of dog parks with agility equipment**

| Council A | Some of our really popular parks (locations) have agility equipment – have generally been put in at the request of surrounding residents (not proactively by council). These are well used because of existing demand. Council does not put agility equipment in proactively as a drawcard. If the density of people and dogs is high enough, suggest a park as a premier park and try it as an option. Full agility equipment cost $10k-15k. |
| Council B | Don’t get specific requests for agility equipment. Super expensive to put in and maintain – not convinced it is a huge drawcard/used a lot. |
| Council C | Our dog parks with agility equipment work well |
| Council D | Doing a public park and open space strategy at the moment – have directed requests for agility equipment into that strategic process. |
Council E  Our one park with agility equipment was the result of a community group who got funding and put it in. The park is also fully secure. Don’t think that people will drive to that particular park just because it’s got the agility equipment though.

In conclusion:

- Local authorities are responding to the need to exercise dogs in public places by developing enclosed dog parks where dogs can exercise and play off-leash in a controlled environment under the supervision of their owner/s.
- Site selection criteria such as anticipated geographical reach (neighbourhood, sub-district, district or regional), location, size and shape of land parcel and Design selection criteria (infrastructure, amenities, activity areas, landscaping and localised matters) are key considerations.
- Good planning and design increases the likelihood of new dog park being successful and reduces potential risks and disadvantages or challenges.
- It is important that people using a dog park understand they do not abdicate their responsibilities as a dog owner because they are in an enclosed area.
- Benchmarked councils vary with regard to the provision of secure dog parks and agility equipment being used as a draw card is not widely supported through their experience.

Implications/potential levers for local government authorities:

- A dog off-leash guideline that considers dog population density may be a useful tool to inform council’s open space planning.
- Develop a set of design standards in collaboration with various open space users to provide consistent experiences and facilities across dog parks, discourage some being favoured over others, and ensure dog parks meet the needs of dog owners with particular needs (ie older people).
- The creation of a dedicated secure dog off-leash facility may be beneficial particularly during daylight savings when foreshore off-leash activity is heavily restricted. However, the benefits must be carefully considered on balance with limited open space availability and costs related to the creation and maintenance of such a facility.
Part 3: Testing the viability of options and recommendations

The purpose of this research and options report is to identify and understand the potentially viable ‘levers’ or strategies to address the question: “What types of facilities, infrastructure, education and enforcement best achieve the community’s objectives, including improving the effective control of dogs?”.

Following an examination of contextual insights, practice insights and research insights, it is apparent that there are a total of eight levers available for Council to consider. Each lever may be considered in isolation or in conjunction with other related or complementary levers.

A commentary is provided for each lever, its strengths and weaknesses and any co-dependence identified with other levers. Following this, relevant levers are identified to address community objectives and desired outcomes.
3.1 Summary of identified levers

A total of eight levers have been identified for Council to consider. The tables below provide a list of potential applications for each lever as well as associated strengths and weaknesses.

As previously shown through the research and practice insights, there is no single lever that will resolve the issues and wishes of dog owners and other open space users (to best achieve the community’s competing objectives). Most levers are dependent on the effective application of other levers to achieve desired outcomes. Levers regarded as co-dependent are also identified in the tables below.

**Lever 1: Education**

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Dog-related education materials and resources in multiple formats for adults and children</td>
<td>A variety of online resources already exist to draw upon. Builds knowledge in the community about what responsible dog ownership is, the desired behaviours in Bayside, how to interact with dogs, and how to choose and register the most suitable dog. Knowledge and skills are two critical components to compliance and community safety.</td>
<td>Limited ability to address the small minority who display poor dog/owner behaviour and are disengaged/unreceptive.</td>
<td>Enforcement, Incentives, Policy and Local Laws, Community Engagement</td>
</tr>
<tr>
<td>b) Targeted, strategic communication campaigns around key issues</td>
<td>Leverages Council’s established communication channels (social media, newsletter etc) to deliver strategic messages/information to a broad audience. Encourages positive social compliance norms. Can be targeted to reach visitors who are non-Bayside residents.</td>
<td>Limited ability to address the small minority who display poor dog/owner behaviour and are disengaged/unreceptive.</td>
<td>Enforcement</td>
</tr>
<tr>
<td>c) Third-party dog education/socialisation/training sessions in key non-compliance hotspots</td>
<td>Active educational approach that can be tailored to the local context, target specific groups with relevant messages and skill development, build respectful relationships between stakeholders and council officers. Encourages positive social compliance norms. Delivery by a third-party at peak times may be more appealing to intercept those who are otherwise disengaged from Council messages. Proven effective for other councils.</td>
<td>Resource intensive and may reach limited numbers of people.</td>
<td>Enforcement, Incentives, Community Engagement</td>
</tr>
<tr>
<td>d) Informative, educative, visual signage</td>
<td>Signage that goes beyond listing regulations to explain the rationale may increase community knowledge and compliance.</td>
<td>Cost to review/replace existing signage. Visual impact of increased signage.</td>
<td>Enforcement</td>
</tr>
</tbody>
</table>

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### Potential Actions

<table>
<thead>
<tr>
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<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>e) Clear, accessible online/off-line resources to locate on/off-leash areas</td>
<td>Assists dog owners to easily locate appropriate off-leash areas, and reduce tensions at sports grounds by providing clarity around availability. Provides a mechanism for informing non-Bayside resident visitors (especially if linked to external websites recommending dog areas). Could also be used to promote Council’s educational activities.</td>
<td>Resources would need to be updated seasonally. Costs associated with producing and distributing printed materials.</td>
<td>Enforcement</td>
</tr>
<tr>
<td>(including sports ground seasonal availability)</td>
<td></td>
<td></td>
<td>Community Engagement</td>
</tr>
<tr>
<td></td>
<td>Communicates relevant regulations at immediate time/place of dog exercise.</td>
<td>may impact amenity.</td>
<td></td>
</tr>
</tbody>
</table>

**Lever 2: Enforcement**

<table>
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<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Increase visibility of patrols</td>
<td>May positively impact voluntary compliance by increasing perceived risk of getting caught if non-compliant. Instigates word of mouth through physical and online communities which further extends voluntary compliance. Proven effective for other councils.</td>
<td>Will deter instances of non-compliance but impact on long-term behaviour change is unclear. PatROLS need to also include positive reinforcement or risk creating community perception of ‘over enforcement’ which delegitimises council’s authority.</td>
<td>Education Incentives</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Community Engagement</td>
</tr>
<tr>
<td>b) PatROLS at key non-compliance hotspots/times</td>
<td>Targets enforcement resources in areas where greatest conflicts/issues occur. Coupled with other levers can provide a focussed and high impact approach. Encourages positive social norms in key areas.</td>
<td>May require more out of business hours resourcing and reduce patrol hours/frequency at other locations. Risk of community backlash of increased enforcement in these areas.</td>
<td>Education Incentives</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Community Engagement</td>
</tr>
<tr>
<td>c) PatROLS at weekends</td>
<td>Responds to key community feedback. Targets enforcement resources at times/place when highest usage occurs. Greater opportunity to educate and interact with visitors who</td>
<td>Requires more out of business hours resourcing and may reduce patrol hours/frequency at other locations.</td>
<td>Education Incentives</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>d) Apply zero tolerance approach at key hotspots/times/types of non-compliance</td>
<td>High impact enforcement for maximum deterrence. Targets enforcement effort in areas where greatest conflict/impact occurs. Proven effective for other councils.</td>
<td>Clear criteria will need to be determined as to when/why zero tolerance is applied. Will need to be heavily promoted prior to and during patrol times. Risk of community backlash.</td>
<td>Education Enforcement (visibility)</td>
</tr>
<tr>
<td>e) Continue to upskill AMOs and upgrade communication systems</td>
<td>Ensures AMOs have the necessary technical and interpersonal skills to handle complex or difficult interactions. Increases the likelihood of consistent advice and enforcement approaches. Using technology may assist with information sharing during interactions. Seen as a critical element in achieving compliance by other councils.</td>
<td>Requires resourcing in terms of AMO time, training costs and system upgrades.</td>
<td>Education</td>
</tr>
<tr>
<td>f) Prioritise and fast-track AMO response to selected non-compliance complaints and queries</td>
<td>Permits AMOs to manage complaints and queries in line with community priorities (ie responding to nuisance dog/cat, collecting stray animals and attempting to locate owners).</td>
<td>May require resourcing or system changes to respond to animal management requests within less than 2.5 days.</td>
<td>Community engagement</td>
</tr>
</tbody>
</table>

**Lever 3: Incentives**

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Reward positive dog behaviour</td>
<td>Encourages positive social compliance norms. Builds respectful, legitimate relationships between Council and community which enhances compliance.</td>
<td>Not a deterrent for established non-compliant behaviour.</td>
<td>Enforcement</td>
</tr>
<tr>
<td>b) Incentivise participation in dog obedience training</td>
<td>Increase the likelihood that pet owners undertake obedience training, therefore improving ‘effective control’ and</td>
<td>Incentive may have budget implications for Council (ie discount)</td>
<td>Education</td>
</tr>
</tbody>
</table>
## Potential Actions | Strengths | Weaknesses | Co-dependent levers
---|---|---|---
| Compliance in dog off-leash areas. May reduce reliance on ‘secure’ off-leash areas. | Registration, vouchers for new dog owners. Will need to verify training providers and certificate attainment | |
| c) Incentivise dog-friendly sports clubs/grounds | Encourages sports clubs to implement dog-friendly activities/processes (i.e. cleaning/sweping grounds, replacing gates at key times/days). Incentive acknowledges efforts of sports clubs to manage impacts of dogs and therefore may reduce tensions/conflicts. | Incentive may have budget implications for Council (i.e. discount lease income). Will need to implement other levers to ensure to continue to discourage non-compliant dog behaviour. May inadvertently shift responsibility of dog owners onto sports clubs. | Enforcement
| | | | Education
| | | | Community engagement

### Lever 4: Provision of off-leash open space

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Extend lighting at sports grounds in winter</td>
<td>Provides additional dog exercise time in winter evenings by keeping lighting on after training/matches, or having lighting on in evenings when sports grounds are not being used. May reduce conflict for ground use if dog owners know there will be dedicated lit time for dog exercise. May improve perceptions of safety in these areas in the evening by increasing lighting and passive surveillance.</td>
<td>Demand for late evening dog walking in winter is unclear, may need to be tested. Cost implications for Council due to extra lighting.</td>
<td>Education</td>
</tr>
</tbody>
</table>
| b) Increase off-leash hours on Foreshore in summer | Increases the amount of dog off-leash space availability in summer which may reduce demand on other parks/reserves or 24/7 off-leash beach areas. | Changing foreshore restrictions in a way that is less consistent with neighbouring councils will cause greater confusion and likely non-compliance. Limited opportunities exist to increase off-leash availability without making restrictions less consistent with neighbouring councils. | Education
<p>| | | | Enforcement |</p>
<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>c) Increase the amount of 24/7 dog off-leash space</td>
<td>Due to Bayside’s very high concentration of dogs, increasing the provision of 24/7 off-leash space may reduce concentration of dogs in other areas and potential conflicts. More off-leash space will support owners to appropriately care for their dogs exercise needs and may reduce negative behaviour (i.e., barking, digging, destroying property). Action is consistent with published Council Plans and Strategies.</td>
<td>Additional off-leash space needs to be strategically located in high-demand areas and within walking distance to have maximum impact. Council’s ability to do this may be restricted due to limited availability/ opportunities for new open space and existing lease arrangements. More off-leash space may impact provision of open space for other purposes/users.</td>
<td>Education, Enforcement, Policy and local laws</td>
</tr>
<tr>
<td>d) Carefully consider the use of fencing to enhance the safety/shared use of off-leash space for all users</td>
<td>Fencing can help reduce conflict of different open space users, improve the flow of open space and be seen as a positive reward incentive for dog owners. It can also manage risks associated with loss of effective control. Action is consistent with published Council Plans and Strategies. Natural partitioning is an alternative option.</td>
<td>Fencing is expensive. Fencing can be seen as exclusionary of other users, adding clutter to an open space. May encourage dog owners to become less vigilant in supervision and ensuring compliant dog behaviour.</td>
<td>Community engagement</td>
</tr>
</tbody>
</table>

**Lever 5: Provision of secure off-leash open space**

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a dedicated, fenced dog park</td>
<td>Provides a safe, controlled environment for off-leash exercise. Provides an opportunity for the elderly and people of all abilities to exercise their dog off-leash in safe/ secure space. An additional secure off-leash area/s may alleviate some demand</td>
<td>Dedicated, fenced dog parks can encourage dog owners to become less vigilant in supervision and ensuring compliant dog behaviour. Will need to implement other levers to continue discouraging non-compliant dog behaviour. Budget and resourcing implications associated with cost to purchase and/or establish. Popularity of dedicated, fenced dog parks can lead to high wear and tear, requiring significant</td>
<td>Education, Enforcement</td>
</tr>
</tbody>
</table>
### Potential Actions and Analysis

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>on Bayside’s other two secure off-leash areas. It can also assist to manage risks associated with loss of effective control. Can be designed and constructed specifically for use by dogs/dog walkers without having to cater for other uses and users.</td>
<td>maintenance costs, as well as higher amenity impacts on neighbouring properties. Will be best located away from residential as much as possible to limit amenity impacts. Limited availability of open space means that establishing a dedicated dog park may impact provision of open space for other purposes/users.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>b) Gates at sports grounds</strong></td>
<td>Re-instating gates at sportgrounds (either permanently or at set days/times) will increase the availability of secure dog off-leash space with minimal cost to council. Provides multiple opportunities for the elderly or disabled to exercise their dog off-leash in safe/secure space. Additional secure off-leash area(s) may alleviate some demand on Bayside’s other two secure off-leash areas.</td>
<td>May encourage dog owners to become less vigilant in supervision and ensuring compliant dog behaviour. Will need to implement other levers to ensure to continue to discourage non-compliant dog behaviour. May lead to higher wear and tear on sports grounds (which are dedicated playing surfaces), requiring increased maintenance costs and activity. May increase demand on enforcement resources. May require engagement with local stakeholders to manage potential conflicts and establish positive social norms.</td>
<td>Education Enforcement Community Engagement</td>
</tr>
</tbody>
</table>

**Lever 6: Policy and local laws**

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a) Recognise and plan for the health and wellbeing benefits of dog ownership in council policy development</strong></td>
<td>Given Bayside’s high density of dog ownership, there are significant health and wellbeing benefits to be achieved through recognising and planning for dog ownership as a key stakeholder group in council plans and policies (eg open space strategy, recreation plans, health and wellbeing plans) Urban animal management regulations made with pet owners’</td>
<td>Historically the needs of other open space users (ie sports players, golfers, beachgoers) may have been given higher priority than dogs/dog ownership so any change may be met with resistance from</td>
<td>Education</td>
</tr>
<tr>
<td>Potential Actions</td>
<td>Strengths</td>
<td>Weaknesses</td>
<td>Co-dependent levers</td>
</tr>
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</tr>
<tr>
<td>b) Develop a dog off-leash guideline to inform open-space planning</td>
<td>Provides a consistent approach to considering the dog off-leash network in Bayside, setting out where dog facilities should be ideally located based on surrounding dog ownership density, and optimum design standards for dog off-leash areas.</td>
<td>There is limited opportunity to create additional open space in Bayside.</td>
<td>Provision of off-leash open space</td>
</tr>
<tr>
<td>c) Manage or influence the density of dogs through local law</td>
<td>Reduce the number of dogs allowed without a permit to one in smaller lots (units, apartments and flats). Provides an opportunity for Council to educate the community about appropriate selection of dogs. May assist to manage a potential increase in density of dogs as Bayside accommodates more dwellings and population into the future. This action would be consistent with some other benchmarked councils.</td>
<td>May potentially create a deterrent for people registering their dogs. It is unknown how the community will respond. Considerations will need to be made for existing residents with multiple dogs.</td>
<td>Education</td>
</tr>
</tbody>
</table>

**Lever 7: Application of dog restrictions**

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Seek maximum consistency with foreshore restrictions</td>
<td>Attempts to reduce confusion in the community which may increase compliance provided that off-leash provisions are at a minimum maintained.</td>
<td>May impact/restrict provisions for other foreshore users. Consistency with neighbouring council restrictions is also desirable, but any change to the proposed restrictions in other municipalities is difficult for Council to influence.</td>
<td>Education</td>
</tr>
<tr>
<td>b) Apply 'no dogs' at sensitive conservation sites</td>
<td>Research shows higher compliance with dog prohibited restrictions than dog on-leash restrictions in environmental areas. As such prohibiting dogs will be more effective in conserving sensitive environmental areas.</td>
<td>Community will not support a reduction in dog off-leash and on-leash open space, hence alternative dog permitted space would need to be identified, ideally close to areas where prohibitions are applied.</td>
<td>Education, Enforcement, Provision of dog off-leash open space</td>
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</table>
### Lever 8: Community engagement

<table>
<thead>
<tr>
<th>Potential Actions</th>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Co-dependent levers</th>
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</thead>
<tbody>
<tr>
<td>a) Establish Open Space Advisory Group</td>
<td>An opportunity for representatives of key open space user groups to inform Council's policy and planning, open space design standards, and promote shared understanding and cooperation among user groups. Group can work together with Council to identify opportunities to improve shared use of space and promote understanding within their communities.</td>
<td>Can be a challenge to ensure that members selected or appointed members are representative of the majority of their user group. Resource implications to support.</td>
<td>Education Policy and Local Laws</td>
</tr>
<tr>
<td>b) Develop shared, clear definition of 'effective control' with dog owners</td>
<td>Creating clarity with the community about what 'effective control' means and looks like may increase awareness and compliance. Developing a definition in partnership with the dog owner community may increase buy-in and understanding.</td>
<td>Can be a challenge to reach consensus. Resource implications to support.</td>
<td>Education</td>
</tr>
<tr>
<td>c) Develop shared code of conduct at sports grounds</td>
<td>Creates a shared understanding of roles, rights and responsibilities of each key user group and encourages positive social norms. Developed together by stakeholders may increase buy-in and shared commitment. Raises awareness of desired behaviours for anyone visiting the area.</td>
<td>Code of conduct is unenforceable, unless it constitutes a breach of a local law. Relies on positive social norms. Requires involvement of identified key representatives from each open space user groups, which may not be evident at each site.</td>
<td>Education Enforcement</td>
</tr>
<tr>
<td>d) Establish open space user reference groups at key open space locations</td>
<td>An opportunity for representatives of key open space user groups to inform local initiatives and activities in specific open space areas. Promotes shared understanding and cooperation among user groups. Group can work together with council to identify opportunities to improve shared use of space and promote understanding within their communities.</td>
<td>Can be a challenge to identify participants that are representative of their local cohort, and willing to volunteer their time to participate Resource implications to support</td>
<td>Education</td>
</tr>
</tbody>
</table>
3.2 Assessment of key levers to address identified issues and desired outcomes

The below table lists key identified issues and desired outcomes and the levers available to address them. These are discussed in further detail on the following pages.

<table>
<thead>
<tr>
<th>Identified issues/desired outcomes</th>
<th>Levers to consider</th>
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</thead>
<tbody>
<tr>
<td>1. Acknowledge and raise awareness about the prevalence, benefits and needs and management of dogs in Bayside</td>
<td>✔</td>
</tr>
<tr>
<td>2. Encourage responsible dog ownership and effective control</td>
<td>✔</td>
</tr>
<tr>
<td>3. Reduce open space tensions: dogs and other park/sports ground users</td>
<td>✔</td>
</tr>
<tr>
<td>4. Reduce open space tensions: dogs in environmentally sensitive and foreshore areas</td>
<td>✔</td>
</tr>
<tr>
<td>5. Reduce open space tensions: dogs in/near Ricketts Point Marine Sanctuary</td>
<td>✔</td>
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<tr>
<td>6. Reduce open space tensions: demand for secure dog areas</td>
<td>✔</td>
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</tbody>
</table>
1. Acknowledge and raise awareness about the prevalence, benefits, needs and management of dogs in Bayside

BCC has a high proportion of dog ownership per household. Given the high rate of dog ownership and small geographic size, BCC also has a very high concentration of dogs. There are 0.32 registered dogs per household (ABS 2016 household data) and dogs are evident in all types of households. In Bayside, two dogs are allowed per property without requiring the owner to have a permit. Some benchmarked councils limit the occupants of units, townhouses and flats to one dog before requiring a permit.

Over two-thirds of surveyed dog owners reported walking their dog off-leash every day in Bayside. The practice and research insights show as companion animals, dogs play an important role in “more-than-human” families. Dogs need to be walked and exercised outside of private property for their wellbeing and for dog owners to experience positive health, social and physiological impacts associated with dog ownership. Adults and children who visit parks with a dog are more frequent users therefore park access, design and amenity should support dog walkers and engagement in physical activity. Companion animals can be a catalyst for several dimensions of human social relationships in neighbourhood settings. Given growing evidence for social isolation as a risk factor for mental health, and, conversely, friendships and social support as protective factors for individual and community well-being, pets may be an important factor in developing healthy neighbourhoods.

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<tr>
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<tbody>
<tr>
<td>• Education</td>
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<tr>
<td>• Policy and local laws</td>
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<tr>
<td>• Community engagement</td>
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<table>
<thead>
<tr>
<th>Potential enablers</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Producing and sharing factual information about the prevalence and profile, benefits and needs of dogs in Bayside.</td>
</tr>
<tr>
<td>• Continuing to provide dog-related education in a variety of formats, encouraging and promoting dog obedience training and community participation in dog education programs. Educating children and adults.</td>
</tr>
<tr>
<td>• Recognising and planning for dog ownership, walking and exercise as a legitimate user group in Council’s open space strategy to acknowledge the health and wellbeing benefits of dog ownership in council policy.</td>
</tr>
<tr>
<td>• Developing a dog off-leash guideline to inform open-space planners to plan the dog off-leash network based on dog ownership density.</td>
</tr>
<tr>
<td>• Reviewing the number of dogs allowed in different types of housing before a permit is required to create opportunities for community education and consideration of the needs of dogs.</td>
</tr>
<tr>
<td>• Delivering planned, strategic information and education campaigns, leveraging traditional, offline and online communication mediums, including social media.</td>
</tr>
<tr>
<td>• Establishing an open space advisory/reference group including representatives from each key open space user groups to build understanding and identify opportunities to improve shared use of space.</td>
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<thead>
<tr>
<th>Potential challenges</th>
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<tbody>
<tr>
<td>• Sourcing accurate information as some datasets may be incomplete.</td>
</tr>
<tr>
<td>• Reaching the small minority that are disengaged/unreceptive to council messages around dogs</td>
</tr>
<tr>
<td>• Balancing the needs of dogs/dog owners with, sometimes conflicting, needs of other open space users.</td>
</tr>
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</table>
2. Encourage responsible dog ownership and effective control

BCC provides a range of activities to educate the community about responsible dog ownership, appropriate dog behaviour and local regulations. BCC promotes the benefits of pet ownership and responsible pet ownership, aims to educate the community about 'effective control' and provides incentives to encourage and recognise dog owners doing the right thing when out on patrols. BCC provides signage in public places and a free poo bag service with 34 dispensers spread across the municipality.

In terms of enforcement, around 80% of BCC Animal Management Officers' time is spent responding to complaints, issues or legislatively required activity, with the remaining 20% used for proactive patrols. In 2018-19, there was an average of 10 hours of patrols each day.

Practice and research insights show there is an expectation that owners have their dogs under effective control yet the concept of effective control is not clearly defined and problematic in terms of enforcement. Dog owners also hold a responsibility regarding dog welfare and wellbeing. One benchmarked council is investigating running animal education programs in partnership with the Lost Dogs Home as residents can be reluctant to participate in programs run by council directly.

Council's infringement activity is higher than many benchmarked councils, which may in part reflect Council's level of patrol presence and will be affected by each council's approach to enforcement. The number of complaints regarding dogs being off-leash outside of permitted areas in Bayside has increased over the last two years. The number of prosecutions for offences in Bayside that go directly to court is consistent with benchmarked councils considering dog populations. The cost of the animal management service per registered animal in BCC is relatively comparative to benchmarked councils at $43.40 per animal.

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<tbody>
<tr>
<td>Continuing to provide dog-related education in a variety of formats, encouraging and promoting dog obedience training and community participation in dog education and dog awareness programs. Educating children and adults.</td>
</tr>
<tr>
<td>Continuing to encourage dog owners to develop techniques to deal with effective control and dog barking nuisance.</td>
</tr>
<tr>
<td>Creating a uniform definition of effective control which makes it easier to communicate to the community what effective control means and why it is important.</td>
</tr>
<tr>
<td>Open space planners considering park access, design and amenity to support dog and dog owner compliance.</td>
</tr>
<tr>
<td>Reviewing the number of dogs allowed in different types of housing before a permit is required to create opportunities for community education and consideration of the needs of dogs.</td>
</tr>
<tr>
<td>Delivering planned, strategic information and education campaigns, leveraging traditional, offline and online communication mediums, including social media to build understanding and encourage improved compliance.</td>
</tr>
<tr>
<td>Using an education and compliance approach which focuses on knowledge, skills, social influence and personal morality may induce dog owners to comply voluntarily.</td>
</tr>
</tbody>
</table>
- Use of incentives to encourage dog obedience training, influence compliant social norms and encourage greater cooperation at key hotspots.
- Developing a code of conduct for all park users to reinforce dog owners’ rights to use a space just like other users.
- Using a third party, dog groups, trainers and/or dog behaviourists to deliver targeted in-person education programs.
- Developing a communications plan which explains and increases the visibility of Councils’ (revised) enforcement program.
- Preparing a targeted, place-based education and enforcement strategy to encourage responsible pet ownership in/near problematic parks’ sports ground, environmentally sensitive and foreshore areas and in/near Ricketts Point Marine Sanctuary.
- Reconsidering the patrol schedule to permit targeted patrols in key hotspots and timeslots such as dusk and on weekends and to increase the visibility of patrols to encourage voluntary compliance.
- Considering zero tolerance approaches to enforcement to address high-frequency issues in key locations and professional dog walkers breaching regulations.
- Supporting Animal Management Officers with skill development if required.

### Potential challenges

- Dog registration fees may be prohibitive to some residents.
- Council has limited ability to support prospective dog owners to make informed decisions regarding dog/puppy selection. Difficult to access prospective dog owners.
- Some dog owners are unlikely to engage in programs or comply despite signage and knowledge of local laws.
- Council has limited ability to encourage dog owners to consider obedience training or attend Council pet events.
- Reaching agreement on a definition of effective control that can be consistently implemented.
- Additional/reallocation of resourcing may be required for targeted patrols to enforce compliant behaviours.
- Possibility of community backlash if there is a perception of increased/excessive enforcement.
- Heavy promotion would need to complement a change to ‘zero tolerance’ approach.
- Tighter requirements requiring permits for multiple dog ownership may deter residents from registering dogs.

### 3. Reduce open space tensions: dogs and other park/sports ground users

Bayside’s approach is to support multi-use of as much of its open spaces as possible. Council recognises its responsibility to plan the open space network to minimise the conflicts and tensions between dog-owners and other users, and work with all groups to build common ground and shared appreciation for the multiple roles of open space in Bayside. Council acknowledges the increasing pressures on sports grounds for casual use and dog exercise, however given their primary role in supporting organised sport. Council recognises the need to offer alternate opportunities for these other uses to minimise conflict. Further, children have the right to use playgrounds without the interference of dogs.

In Bayside, the ratio of dogs per household is .32, the need to plan for and accommodate the needs of dogs and dog owners when there are multiple open space users with competing needs, is an important consideration. There are 12 fenced sports grounds in Bayside (without gates). Dogs are prohibited on the ground and must be on-leash within 20m of the ground in times of organised sport.
During other times dogs are permitted on/off-leash on these grounds according to the restrictions that apply at each location. There are also 61 playgrounds where dogs are prohibited and must be on-leash within 20m. All dogs must be on-leash in any car park. Recent audits at six key sites showed a very high level of overall compliance, however dogs being off-leash when they should not be was the highest observed level of non-compliance. Audits also showed some evidence of uncollected poo and non-compliance around playgrounds to varying degrees.

Practice and research insights show the needs of dogs and dog owners should be considered alongside other open space user groups and uses. Dog owners have a responsibility to exercise their dog often and outside of their private yard, which necessitates the need for access to suitable public space. However the exercising of dogs in open space, particularly if coupled with uncompliant behaviour, impacts the safety and enjoyment of open space for other users. These tensions were evident in all benchmarked councils particularly in relation to the shared use of sports ovals by sports clubs/players and dog walkers. In some benchmarked municipalities,sports grounds are fully fenced and gated, effectively making the area secure for dog exercise, in other municipalities there is a mix of gated and non-gated sports grounds.

### Levers
- Education
- Enforcement
- Incentives
- Off-leash space
- Secure off-leash space
- Community engagement

### Potential enablers
- Open space planners considering park access, design, amenity and use of fencing to support the physical separation of dogs and dog owners from playgrounds.
- Recognising and planning for dog ownership, walking and exercise as a legitimate user group in Council’s open space strategy to acknowledge the health and wellbeing benefits of dog ownership in council policy.
- Increasing the amount of 24/7 off-leash space
- Collaboratively reviewing the policy approaches, incentives and leases with sports clubs to accommodate increased and safe off-leash activity within the existing open space network (for example, set days/times for secure/gated dog access, extended lighting periods).
- Encouraging greater awareness and compliance at sports grounds through targeted patrols, clear signage (i.e. ‘Training in progress, please no dogs on the ground, dogs and organised sports don’t mix’) and the publication of game and training times.
- Developing a communications plan which explains and increases the visibility of Councils (revised) enforcement program.
- Review signage at open spaces to ensure it is informative, educational and visual to aid understanding and support effective enforcement.
- Preparing a targeted, place-based education and enforcement strategy to encourage responsible pet ownership in/near problematic parks/ sports grounds.
- Establish open space user reference groups at key multi-use locations to promote understanding, cooperation and identify potential local solutions to conflicts.
- Developing a code of conduct for all park users to reinforce dog owners’ rights to use a space just like other users.
- Use of incentives to encourage influence compliant social norms.
- Reconsidering the patrol schedule to permit targeted patrols in key hotspots and timeslots such as dusk and on weekends and to increase the visibility of patrols to encourage voluntary compliance.
4. Reduce open space tensions: dogs in environmentally sensitive and foreshore areas

In Bayside, there have been longstanding points of difference been expressed in the community between the need to protect indigenous plant species and the need to exercise dogs. Friends of groups have requested Council support for more active enforcement of on-leash regulations including more patrols/enforcement on weekends and during off-leash times, improved signage and fencing and restricting sensitive areas to on-leash only. Council acknowledges the need to restrict access to some natural habitat locations to preserve ecosystems is a key challenge to the provision of off-leash areas. There are seven inland conservation reserves which are managed to protect indigenous vegetation. Dogs are prohibited within the fenced areas of these reserves and permitted on-leash in other areas. Recent audits revealed a very high level of compliance observed for George Street Reserve (heathland sanctuary).

Practice and research insights show the presence of domestic dogs has a negative effect on birdlife, marine/small mammals and native wildlife. Research recommends support for the long-term prohibition of dog walking from sensitive conservation areas and consideration of “no-dog” zones replacing “leash-only” zones. Other research shows high levels of dog owner non-compliance with beach regulations. Benchmarking showed Council’s seasonal beach restrictions are similarly structured to neighbours Kingston and Port Phillip. Benchmarked councils use a variety of mechanisms for managing the presence of dogs in environmentally sensitive and foreshore areas such as Working Groups and a combination of education, patrols and enforcement and signage.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Education</td>
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<tr>
<td>Enforcement</td>
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<tr>
<td>Incentives</td>
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<tr>
<td>Off-leash space</td>
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</tbody>
</table>

Potential challenges

- There have been long-standing tensions regarding the use of finite open space in Bayside. Continuing population growth and increasing sports participation may add further pressure.
- Possibility of community backlash if there is a perception of increased/excessive enforcement and/or increase in non-compliant behaviour and safety/enjoyment impacts.
- Additional resourcing may be required for targeted educational programs to encourage and enforce compliant behaviours.
- Incentives and options to increase available off-leash space will have cost implications for council.
- A small minority of dog owners are unlikely to comply with local laws and local code of conducts despite all efforts by council and local community.
- There is limited opportunity to create open space in Bayside where it does not already exist. Increasing off-leash space may mean reduction of open space for other uses.
- Care must be taken to not inadvertently shift responsibility from dog owners for effective control and responsible dog ownership onto council or other user groups.

- Considering zero tolerance approaches to enforcement to address high-frequency issues in key locations and professional dog walkers breaching regulations.
- Producing clear, accessible online/off-line resources to locate dog on/off-leash areas (including when sports grounds are available for dog exercise).
- Activating open spaces with dog owners at non-peak times as a way to contribute to community safety.
- Proactive education and training ‘events’ for dogs and their owners in particular locations.
• Community engagement

<table>
<thead>
<tr>
<th>Potential enablers</th>
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</thead>
<tbody>
<tr>
<td>Open space planners considering park access, design, amenity and use of fencing to support the physical separation and containment of dogs in particularly environmentally sensitive areas.</td>
</tr>
<tr>
<td>Positioning recreational facilities such as BBQs, tracks and trails in a buffer zone away from natural areas reserves, outside the reserve proper and away from stormwater channels and waterways to reduce faecal contamination of estuarine and marine environments.</td>
</tr>
<tr>
<td>Seek maximum consistency with foreshore regulations, including with neighbouring councils.</td>
</tr>
<tr>
<td>Increase off-leash hours on the foreshore in summer.</td>
</tr>
<tr>
<td>Collaboratively review the local laws and restrictions with “Friends of” and Foreshore groups.</td>
</tr>
<tr>
<td>Developing a communications plan which explains and promotes Council’s approach and enforcement of dogs in environmentally sensitive and foreshore areas, and the reasons why.</td>
</tr>
<tr>
<td>Considering targeted education and incentive initiatives to influence positive social norms and conduct targeted enforcement patrols, with a zero tolerance approach to areas on environmental sensitivity.</td>
</tr>
<tr>
<td>Provide clear instructions about dogs in relation to environmentally sensitive areas, including foreshore and coastal areas. Providing adequate interpretive signage to explain what dog exercise regimes, on-leash or off-leash, are permitted and why, using visual maps, not just text.</td>
</tr>
<tr>
<td>Apply “no-dog” zones in particularly sensitive conservation areas instead of “leash-only” zones.</td>
</tr>
<tr>
<td>Proactive education and training ‘events’ for dogs and their owners in particular locations.</td>
</tr>
<tr>
<td>Reconsidering the patrol schedule to permit targeted patrols in key hotspots and timeslots such as dusk and on weekends and to increase the visibility of patrols to encourage voluntary compliance.</td>
</tr>
<tr>
<td>Producing clear, accessible online/off-line resources to locate dog on/off-leash areas (including when sports grounds are available for dog exercise)</td>
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<tbody>
<tr>
<td>There have been long-standing tensions regarding dogs in or near environmentally sensitive and foreshore areas in Bayside. Continuing population growth and increasing visitation and increasing visitation may add further pressure.</td>
</tr>
<tr>
<td>Possibility of community backlash if there is a perception of increased/excessive enforcement.</td>
</tr>
<tr>
<td>Additional resourcing may be required for targeted educational and enforcement programs to encourage and enforce compliant behaviours.</td>
</tr>
<tr>
<td>A small minority of dog owners are unlikely to comply with local laws and local code of conducts despite all efforts by council and local community.</td>
</tr>
<tr>
<td>Prohibiting dogs will reduce access to open space and this deficit may need to be replaced elsewhere.</td>
</tr>
<tr>
<td>Consultation, signage and enforcement may be required to achieve the desired behaviour change.</td>
</tr>
<tr>
<td>There are limited opportunities to educate visitors to Bayside.</td>
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</tbody>
</table>
5. Reduce open space tensions: dogs in/near Ricketts Point Marine Sanctuary

The Ricketts Point Marine Sanctuary has important natural, cultural, recreational and tourism values, is significant in the state-wide system and must be protected. Impacts on one marine habitat can quickly affect another, and human activities and natural events on land and in the atmosphere can have widespread consequences for the marine environment. Maintaining a clean and intact sanctuary is a priority according for Parks Victoria and Council.

Although dogs are generally not allowed in National and State parks, dogs currently have limited on and off-leash access to the beach area in the vicinity of Ricketts Point Marine Sanctuary. Recent audits revealed Ricketts Point had the lowest proportion of good or compliant dog and dog owner usage (72.5%). It is noteworthy that this site is a popular tourist attraction and thus draws many visitors outside of Bayside. Benchmarked councils are using a variety of mechanisms for managing the presence of dogs in environmentally sensitive and foreshore areas such as Working Groups and a combination of education, patrols and enforcement and signage.

<table>
<thead>
<tr>
<th>Levers</th>
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<tbody>
<tr>
<td>- Education</td>
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<td>- Enforcement</td>
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<td>- Incentives</td>
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<td>- Application of dog restrictions</td>
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<tr>
<td>- Community engagement</td>
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<th>Potential enablers</th>
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<tbody>
<tr>
<td>- Open space planners considering access and use of fencing to support the physical separation and containment of dogs.</td>
</tr>
<tr>
<td>- Apply “no-dog” zones in particularly sensitive conservation areas instead of “leash-only” zones.</td>
</tr>
<tr>
<td>- Collaboratively reviewing the local laws and restrictions with “Friends of” groups, Foreshore groups and Parks Victoria</td>
</tr>
<tr>
<td>- Developing a communications plan which explains and promotes Council’s approach to dogs in/near Ricketts Point.</td>
</tr>
<tr>
<td>- Considering targeted education and incentive initiatives at Ricketts Point to influence positive social norms and conduct targeted enforcement patrols, with a zero tolerance approach to areas on environmental sensitivity.</td>
</tr>
<tr>
<td>- Reconsidering the patrol schedule to permit targeted patrols in key hotspots and timeslots such as dusk and on weekends and to increase the visibility of patrols to encourage voluntary compliance.</td>
</tr>
<tr>
<td>- Producing clear, accessible online/off-line resources to locate dog on/off-leash areas (including when sports grounds are available for dog exercise)</td>
</tr>
<tr>
<td>- Liaising with Parks Victoria to review the Ricketts Point Marine Sanctuary Management Plan and current restrictions (noting the Plan is now 14 years old), recognising some areas may now not be appropriate for dogs or humans.</td>
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<tbody>
<tr>
<td>- There have been long-standing tensions regarding dogs in or near environmentally sensitive and foreshore areas in Bayside.</td>
</tr>
<tr>
<td>- Additional resourcing may be required for targeted educational and enforcement programs to encourage and enforce compliant behaviours.</td>
</tr>
<tr>
<td>- A small minority of dog owners are unlikely to comply with local laws and local code of conducts despite all efforts by council and local community.</td>
</tr>
</tbody>
</table>
• Prohibiting dogs would reduce the amount of open space available which may need to replaced elsewhere.
• Consultation, signage and enforcement may be required to achieve the desired behaviour change.
• There are limited opportunities to educate visitors to Bayside.

6. Reduce open space tensions: demand for secure dog areas in public parks

In Bayside, there are 18 dedicated dog off-leash spaces (three beaches and 15 parks) of which two are fully secure (Wishart Reserve and Sandown Beach). A further 14 spaces are accessible off-leash during set times. The physical amount of off-leash space available in Bayside is consistent all year round, however the use of this space for off-leash activity is time restricted during summer months.

Practice and research insights show the provision of secure or fenced parks where dogs are permitted off-leash are beneficial for dogs, their guardians and the whole community. There are mixed views about introducing fencing in public open spaces to separate user groups. Fencing may be seen as enabling the sharing of space to take place where activities would otherwise conflict and interpreted by the community as a reward to compliant dog owners. Conversely, fencing can provide an incentive for dog owners to become less responsible as they may perceive that effective control and surveillance of their dog is no longer necessary. Fencing for dogs anticipates and manages the risk that any owner will occasionally lose control of their dog.

Many of the benchmarking councils permit on-leash dogs to access most council reserves and open spaces at all times. In terms of determining when to provide off-leash space, one benchmarked council adopted a Dog Off-Leash Area Guideline in 2018, which states where off-leash areas are needed based on the density of dogs in an area. Other councils determine the allocation of off-leash spaces through their DAMP, Open Space Strategy or ad hoc in response to community or Council requests. Councils vary regarding their approach to providing secure areas for dog off-leash access at all times.

<table>
<thead>
<tr>
<th>Levers</th>
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<tr>
<td>Education</td>
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<td>Secure off-leash space</td>
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<td>Policy and local laws</td>
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<table>
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<tr>
<th>Potential enablers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognising and planning for dog ownership, walking and exercise as a legitimate user group in Council’s open space strategy to acknowledge the health and wellbeing benefits of dog ownership in council policy.</td>
</tr>
<tr>
<td>Developing a dog off-leash guideline to inform open-space planners to plan the dog off-leash network, and standard design, based on dog ownership density</td>
</tr>
<tr>
<td>Exploring opportunities to increase off-leash space availability during daylight savings when significant off-leash space is not available on the foreshore</td>
</tr>
<tr>
<td>Exploring opportunities for natural boundaries and carefully considering the use of fencing to minimise impact on, and exclusion of, other users.</td>
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<tr>
<td>Managing tensions via interventions including targeted patrols and education by Animal Management Officers.</td>
</tr>
<tr>
<td>Collaboratively reviewing existing and potential spaces for secure dog areas with BDA, sports clubs, “Friends of” groups, Foreshore groups and other relevant stakeholders</td>
</tr>
</tbody>
</table>
• Use of incentives to encourage owners to undertake dog obedience training and improve dog recall skills.
• Using a third party, dog groups, trainers and/or dog behaviourists to deliver targeted in-person education programs.
• Collaboratively reviewing the policy approaches, incentives and leases with sports clubs to accommodate increased and safe off-leash activity within the existing open space network (for example, set days/times for secure/gated dog access, extended lighting periods).

**Potential challenges**

• Increasing the provision of secure off-leash space may need to be supported by targeted education and enforcement to address potential negative impacts.
• Popularity of dedicated, fenced dogs parks can lead to high wear and tear, requiring significant maintenance costs.
• A small minority of dog owners are unlikely to comply with local laws and local code of conducts despite all efforts by council and local community.
• Full secure off-leash spaces may attract high numbers of users (and visitors) impacting neighbourhood amenity.
• Limited availability of open space may mean that a secure dog park is unable to be located in the most desired or appropriate location.
Reference list and acknowledgements

Bayside City Council publications and internal documents

Bayside City Council (2011). Sharing Elsternwick Park (People, Pets and Play).
Bayside City Council (2013). Bayside Sportsground Pavilion Improvement Plan.

Publications and websites


Paws4Play (2011b). *Shire of Melton – People Dogs and Parks Strategy (Dog off-lease strategy)*.


Appendices

Appendix 1: Domestic Animal Act, Section 68A

The following is section 68A of the Domestic Animals Act. This section requires every council in Victoria to prepare a Domestic Animal Management Plan, to show how the council intends to address the Act.

68A Councils to prepare domestic animal management plans

(1) Every Council must, in consultation with the Secretary (of the Department of Primary Industries), prepare at 4 year intervals a domestic animal management plan.

(2) A domestic animal management plan prepared by a Council must—

(a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and

(b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council’s municipal district; and

(c) outline programs, services and strategies which the Council intends to pursue in its municipal district—

(i) to promote and encourage the responsible ownership of dogs and cats; and

(ii) to ensure that people comply with this Act, the regulations and any related legislation; and

(iii) to minimise the risk of attacks by dogs on people and animals; and

(iv) to address any over-population and high euthanasia rates for dogs and cats; and

(v) to encourage the registration and identification of dogs and cats; and

(vi) to minimise the potential for dogs and cats to create a nuisance; and

(vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and

(d) provide for the review of existing orders made under this Act and local laws that relate to the Council’s municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and

(e) provide for the review of any other matters related to the management of dogs and cats in the Council’s municipal district that it thinks necessary; and

(f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

(3) Every Council must—

(a) review its domestic animal management plan annually and, if appropriate, amend the plan; and

(b) provide the Secretary with a copy of the plan and any amendments to the plan; and
(c) publish an evaluation of its implementation of the plan in its annual report.
Appendix 2: Local Laws and Orders

Section 68A of the Domestic Animals Act provides council with the authority to make policies (‘orders in council’) in relation to:

- the number of dogs or cats that may be kept on any premises in the municipality
- prohibiting or regulating the keeping of dogs or cats in areas where they may be a threat to native fauna
- the requirement for dog owners to dispose appropriately their dogs faces when in public places.

In addition, the Local Government Act provides council with the authority to make policies (‘local laws’).

The following provides a summary of Bayside City Council local laws and orders relating to the management of domestic animals.

**Order No. 4 made under Section 26 of the DAA** (Effective 8/2/2012)

Key requirements under the order:

- Dogs are allowed off-leash in ‘designated areas’ and in all other areas dogs must be on a leash. This is other than ‘prohibited areas’ where dogs are not allowed at all.
- In dog off-leash areas they must be under effective control of their carer and must not in any way interfere with other people or dogs
- Dogs must be on a leash when within 20 metres of a playground, sporting game, picnic area, and the boundary with an on leash area

The order provides a schedule of designated off-leash areas and hours of access that apply to these areas. Details of the order are available from council and in the Victorian Government Gazette.

**Order No. 25 made under Section 25 of the DAA** (Effective 8/12/11)

Key requirements under the order:

- Cats must be confined to their property between the hours of 9.00 pm and 6.00 am and between 6.00 pm and 6.00 am at other times of the year.

**Order No. 10A made under Section 10A of the DAA** (Effective 8/11/11)

Key requirements under the order:

- Any cat being registered for the first time must be desexed.

**Bayside Local Law No. 2, sections 39-41 made under Section 111 of the Victorian LGA** (Effective 8/11/11)

Key requirements under the local law:

- Section 39 (Keeping of Animals) stipulates the number and type of animals that can reside at any one household without the need for a permit.
- Section 40 (Accommodation of Animals) stipulates the requirement to adhere to accommodation requirements associated with keeping ‘excess animals’ accommodation requirements.
- Section 41 (Animal Excrement) stipulates that people in charge of animals must remove their animal’s litter and must carry a device for doing this.
10.3 PLANNING SCHEME AMENDMENT C165 - 5 & 7 WELL STREET

Executive summary

Purpose and background
To present Council with the Planning Panel Report in relation to Amendment C165, which seeks to rezone Council land at 5 & 7 Well Street, Brighton to the Public Use Zone Schedule 6 in order to facilitate the construction of a public car park at 7 Well Street, Brighton.

Amendment C165 was publicly exhibited between 6 June and 8 July 2019 and received 20 submissions. Five submissions were in support of the Amendment and 14 were in objection, with 1 petition received.

Council considered the submissions at its 20 August 2019 Ordinary Meeting, and resolved to request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received.

The Planning Panel hearing took place on 11 and 12 November 2019 and was chaired by Mr Lester Townsend. Several of the submitters took the opportunity to present to the Panel.

The Planning Panel’s Report was provided to Council on Tuesday 17 December 2019 and became publicly available on 14 January 2020. Overall, the Panel concluded that Planning Scheme Amendment C165 be abandoned.

Key issues
In coming to its position the Panel noted that providing car parking in accordance with the current suite of Bayside City Council policies and strategies is a complex issue. The Panel was of the view that the proposal itself is not in accordance with Council’s strategies and policies for the following reasons:

- The intended use of the subject land is inconsistent with any broader strategy or specific structure plan policies on how parking will be addressed in the Church Street MAC;

- The intended use of the subject land is inconsistent with the Bayside Integrated Transport Strategy 2018-2028 (ITS). The amendment seeks to expand an existing car park which is contrary to Council’s adopted strategic direction in the ITS.

The Panel also commented that:

- The Council submission clearly presented arguments in favour of the proposal but ultimately, these arguments must fail against the clear strategic and policy position set out in the Planning Scheme;

- Whilst the current proposal is relatively minor, once rezoned there would be few planning controls prohibiting a more intense car park use. A rezoning that had the potential to allow for such development should have strategic justification;

- As the amendment is not strategically justified, it is not supported by the Panel. In the Panel’s view, this is a proposal that should not have progressed to a planning scheme amendment.

In addition to the strategic justification, the Panel also made comments in relation to the issues raised by submitters:
**Amenity Impacts**

- In this case given the nature of the existing zoning opposite, the lack of policy support for an expanded car park on the site, the residents’ legitimate expectations might be that higher density residential development would occur on the site (due to the strategic planning framework), not an at-grade car park;

- The car park will have adverse amenity impacts on the surrounding area in Well Street. Whilst these impacts are not so great as to rule out such car parks in any situation, the proposal is contrary to residents legitimate amenity expectations for this section of Well Street in the absence of stronger positive policy support for the car park.

**Traffic and Pedestrian Impacts**

- The Panel noted that Well Street is a designated Collector Road and considers that this is a suitable level of road for a car park.

**Request for open space at the site instead of a car park**

- The Panel considered it is not the Panel’s role to recommend whether or not the site should be used for public open space. The Panel’s role is to advise whether it is appropriate to rezone the land based on Council’s proposed use for the site, being an at-grade car park.

**Design of the car parking spaces**

- The Panel considered it is not the Panel’s role to assess the design of the car park, beyond noting that the site can deliver car spaces.

**Officer Response to the Panel’s Recommendation**

There are no implications of the Panel’s recommendation on the existing car park at 5 Well Street, as this site has a planning permit and continues to operate in accordance with the conditions of that permit.

In relation to 7 Well Street, Council has three options to move forward. Council may:

1. Seek Ministerial approval to postpone consideration of, or abandon, the amendment to enable additional strategic justification to be provided as part of the Parking Strategy currently under development;

2. Adopt the Amendment regardless of the Panel recommendation, and advocate to the Minister for Planning to approve the amendment; or

3. Abandon the Amendment, and explore alternative opportunities for 7 Well Street, Brighton, including the potential sale of the site or other land use opportunities.

As the site is Council owned, it is considered preferable to ensure that the site is zoned to recognise the future public purpose of the land.

The purchase of 7 Well Street in 2005 for the purpose of a car park is consistent with the Planning Policy Framework, as the identified need for additional parking is a longstanding issue in the Church Street MAC. The purchase of the site and now, its transition from a residential building to a car park, delivers on the community need for additional car parking and Council should continue to aim to deliver this.

Facilitating additional car parking within the centre will ensure that the centre remains viable to access via private motor vehicle for those that may not be able to utilise other, more sustainable methods of travel.
With an aging population and increase percentages of residents in all age ranges over 60 years old, it is envisaged that there will be a greater number of lone person households and couples without dependents households in the suburb more than other household types. This population growth and the demographics will indicate a greater reliance on private cars in the short to medium term than other more accessible areas, and the provision of publicly accessible car parking should be prioritised.

Council may continue to liaise with nearby property owners to ensure that amenity issues can be appropriately managed, however it is considered that the amendment is strategically justified and that a case can be made to the Minister for Planning to approve the amendment, despite the recommendation of the Panel.

Next steps

It is recommended that Council adopt Amendment C165 and continue to pursue the application of the Public Use Zone Schedule 6 to the site.

Whilst there is a risk that the Minister for Planning may not approve the amendment, it is considered that Council can advocate to the Minister to ensure its position is clearly articulated and responds to the Planning Panel's concerns.

**Recommendation**

That Council:

1. Notes the recommendation of the Planning Panel appointed to consider submissions to Amendment C165.

2. Adopts Amendment C165 in accordance with Section 29 of the Planning and Environment Act 1987.

3. Advocates to the Minister for Planning for the approval of Amendment C165.

4. Notifies submitters and interested parties of its decision.

**Support Attachments**

1. Attachment 1 - C165 Panel Report
Considerations and implications of recommendation

Liveable community

Social
The rezoning of 5 & 7 Well Street, Brighton would result in the facilitation of additional car parking spaces within the Church Street Major Activity Centre.

Natural Environment
There are no immediate impacts to the natural environment as a result of the planning scheme amendment process. If Council is to abandon the amendment process, the site will remain vacant until Council determines what to do with the site.

Built Environment
If the Minister for Planning does not approve the amendment, and Council is to abandon the amendment process, the site will remain vacant until Council determines what to do with the site. Future built form outcomes for the site will need to be considered once the Minister for Planning has notified Council of his decision.

Customer Service and Community Engagement
Public exhibition of Amendment C165 commenced on 6 June and was finalised on 8 July 2019. The process was in accordance with that prescribed under the Planning and Environment Act 1987. Letters were sent to affected property owners and occupiers on 29 May 2019 with notices provided in the Bayside Leader on Tuesday 4 June and the Government Gazette on Thursday 6 June 2019. A total of 20 submissions, including 1 petition and 1 late submission, were received.

At Council’s Ordinary Meeting on 20 August 2019, it was resolved to request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received to Amendment C165. The Panel hearing occurred on 11 & 12 November and several submitters appeared or were represented at the Hearing.

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

Legal
In accordance with Section 27(1) of the Planning and Environment Act 1987, the planning authority must consider the Panel’s Report before deciding whether or not to adopt the Amendment. The planning authority must tell the Minister for Planning in writing if it decides to abandon an amendment.
Finance
The statutory fees associated with adopting Amendment C165 can be accommodated within Council’s 2019/20 Budget.

Links to Council policy and strategy
The Council Plan 2017-2021 outlines the strategy to ‘facilitate transport options to meet community needs.’ There is an action specified to ‘update and implement the Integrated Transport Strategy to reflect the new Council’s priorities, including (inter alia) opportunities for increased parking capacity in activity centres and private car park sharing for residents.’
**Options considered**

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<thead>
<tr>
<th>Option</th>
<th>Summary</th>
<th>Benefits</th>
<th>Issues</th>
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<tr>
<td><strong>Option 1</strong></td>
<td>To seek Ministerial approval to postpone consideration or abandon Amendment C165 to enable the development/preparation of additional strategic justification as part of the Parking Strategy.</td>
<td>Council can reconsider the proposal once a more strategic approach to providing car parking in Bayside has been adopted. This will allow Council time to develop further strategic justification to support the construction of future off-street car parks.</td>
<td>This is likely to cause continued angst for residents who have fought against the construction of the car park, and will further prolong the uncertainty as to the future outcome of the site. This option has the potential to provide a limited period of time for the additional strategic work to be undertaken and completed.</td>
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| **Option 2** | Council adopts the Amendment and requests the Minister for Planning to approve Amendment C165. | The Minister for Planning may agree with Council’s decision, and adopt the Amendment. If approved, this will result in the provision of additional off-street car parking within the Church Street MAC. | The Panel’s recommendation to abandon the amendment may result in the Minister for Planning not approving the amendment. |

| **Option 3** | Abandon the amendment, and consider possible alternative uses for 7 Well Street, including the potential sale of the site. | This will allow Council to ensure that any future uses for the site are appropriately justified and considered in relation to Council’s strategic framework. If justifiable, possible future uses may include open space, affordable housing, a community facility or other use. | A social needs assessment will be required before Council determines the appropriate future use of the site. This has not been budgeted within the 2019/20 financial year and would be required to be considered as part of a future Budget process. This may result in the site remaining vacant until such a time as the future of the site is determined. |
Planning and Environment Act 1987

Panel Report

Bayside Planning Scheme Amendment C165
Well Street car park

17 December 2019
Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Bayside Planning Scheme Amendment C165
Well Street car park
17 December 2019

Lester Townsend
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# Glossary and abbreviations

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<tr>
<td>Council</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>DDO11</td>
<td>Design and Development Overlay Schedule 11</td>
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<td>GRZ</td>
<td>General Residential Zone</td>
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<td>ITS</td>
<td>Integrated Transport Strategy</td>
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<td>MAC</td>
<td>Major Activity Centre</td>
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<td>NRZ</td>
<td>Neighbourhood Residential Zone</td>
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<td>planning scheme</td>
<td>Bayside Planning Scheme</td>
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<td>PPF</td>
<td>Planning Policy Framework</td>
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<td>PUZ</td>
<td>Public Use Zone</td>
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<td>VCAT</td>
<td>Victorian Civil and Administrative Tribunal</td>
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Overview

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<td>The Amendment</td>
<td>Bayside Planning Scheme Amendment C165</td>
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<tr>
<td>Common name</td>
<td>Well Street car park</td>
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<tr>
<td>Brief description</td>
<td>Rezone land at from General Residential Zone to Public Use Zone (Schedule 6) to facilitate the development of an at-grade car park</td>
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<td>Subject land</td>
<td>5 to 7 Well Street, Brighton</td>
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<td>Planning Authority</td>
<td>Bayside City Council</td>
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<td>Authorisation</td>
<td>4 April 2019</td>
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<tr>
<td>Exhibition</td>
<td>Thursday 6 June to Monday 8 July 2019</td>
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<td>Submissions</td>
<td>A total of 20 submissions were received to the Amendment (including 1 petition and 1 late submission), five of which were in support of the amendment – see Appendix A</td>
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<td>Directions Hearing</td>
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<td>Appearances</td>
<td>See Appendix B</td>
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<tr>
<td>Citation</td>
<td>Bayside PSA C165 [2019] PPV</td>
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<tr>
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<td>17 December 2019</td>
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Executive summary

Bayside Planning Scheme Amendment C165 (the Amendment) seeks to rezone Council owned land at 5 and 7 Well Street to allow for the extension of a car park. 5 Well Street is occupied by an existing at-grade car park; 7 Well Street is vacant.

Key issues raised in submissions included:
- a misunderstanding that a public car park could proceed with a planning permit
- that the proposal was contrary to Council and planning scheme policies
- a potential loss of residential amenity to the street including visual and noise impacts on amenity resulting from a car park use
- increase in traffic and congestion to Well Street
- request for Council to provide public open space at the site instead of car parking
- personal concern that the rezoning of land would negatively affect property values
- support for the inclusion of cyclist parking and infrastructure
- concerns about the detailed design of the car park.

A car park was established on 5 Well Street in about 1994. Since it purchased 7 Well Street in 2005 Council has developed a sophisticated planning regime for the Church Street Major Activity Centre, and more recently a carefully crafted and thoughtful Integrated Transport Strategy (ITS).

The Council submission clearly presented arguments in favour of the proposal but ultimately these arguments must fail against the clear strategic and policy position set out in the planning scheme.

Council submitted that its response to community concerns around parking and transport was appropriate, and that parking is a complex problem that requires a range of actions to be considered, one of which is maximising opportunities for parking supply within the existing network.

The Panel agrees that parking is a complex issue that requires a range of actions and Council’s strategic plans have developed those actions.

The proposal simply does not accord with Council’s strategies and policies. Strategies and policies that could have addressed this proposal did not. Extending the Well Street car park does not feature as an action in any recent strategy.

According to Bayside ITS “Providing additional capacity through more road space and parking is not a sustainable solution” and yet this is precisely what this Amendment seeks to do.

While the current proposal is relatively minor, once rezoned there would be few planning controls prohibiting a more intense car park use. A rezoning that had the potential to allow for such development should have strategic justification.

The Amendment is not strategically justified and is not supported by the Panel. This is a proposal that, in the Panel’s view, should not have progressed to an Amendment.
Recommendation

Based on the reasons set out in this Report, the Panel recommends that Bayside Planning Scheme Amendment C165 be abandoned.
1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to rezone land from the General Residential Zone to Public Use Zone (Schedule 6) to allow for the extension of a public car park by 22 spaces.

(ii) The subject land

The properties at 5 and 7 Well Street are located on the northern side of Well Street, between St Andrews and Carpenter Streets, and are both Council owned.

Both sites are rectangular and together provide a 27 metres street frontage to Well Street along the southwestern boundary.

Council has owned 5 Well Street since at least 1994 when a planning permit was issued to develop and use land as a public car park. The existing car park at 5 Well Street is 683 square metres in area, and contains 28 car parking spaces. It appears the constructed car park extends over the western boundary of 5 Well Street. This is not a critical issue for the Amendment.

Council purchased 7 Well Street in 2005 with the intent to construct a car park at the site. At the time of purchase Council continued to allow tenants to lease the property, under a tenancy agreement with Council until Council was ready to construct the car park.

7 Well Street is currently vacant and is 686.34 square metres in area. The site previously contained a dwelling which was demolished in 2017.

Figure 1: Subject land
(iii) Is an amendment needed

There was some confusion as to whether a rezoning was required to allow for the expansion of the car park. This confusion flows from Council's response to submissions presented as part of its 20 August 2019 Council meeting which states:

Whilst Council can apply for a car park to be developed upon the site within its existing zoning designation, it would be a section 2 use and would require a permit to be obtained. This process was considered, however it was overruled as the undertaking of a planning scheme amendment is more transparent

This is not correct. Council acknowledged at the Hearing that a car park intended to serve the shops in Church Street would be prohibited in the General Residential Zone. Council tendered a revised response to submissions (doc 8) that corrected this error in some instances and then a final response that corrected it in all instances (doc 32).

1.2 Summary of issues raised in submissions

Council received a total of 20 submissions, including 1 late submission and 1 petition. There were submissions supporting and opposing the proposed car park at 7 Well Street.

The issues raised in the submissions include:

- a misunderstanding that a public car park can be accommodated within the existing General Residential Zone
- concern that the proposal was contrary to Council and planning scheme policies
- visual and noise impacts on amenity resulting from a car park use
- increase in traffic and congestion to Well Street, impacting the pedestrian accessibility
- request for Council to provide public open space at the site instead of car parking
- personal concern that the rezoning of land would negatively affect property values of surrounding residential properties
- a potential loss of residential amenity to the street
- support for the inclusion of cyclist parking and infrastructure
- concerns about the detailed design of the car park.

Council advised\(^1\) that it proposes the following changes to design and configuration of the proposed car park in response to submissions:

- the number of car parking spaces has been reduced to 22 additional car parks – seven fewer spaces
- the reduction in the number of spaces allows for additional landscaping to be provided between the parallel parking, softening the overall impact of the car park
- bicycle racks are to be constructed to provide further opportunities for sustainable travel infrastructure to the centre
- construction of screening along the frontage of 7 Well Street car park to limit the impacts of views to the site from nearby properties – the height and design of the screening has not yet been determined

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\(^1\) Council Part B submission, paragraph 40
the planting of vegetation along the frontage to 7 Well Street to soften the impact on the visual amenity of the street

- an additional disabled car parking bay has been included in 5 Well Street.

Council submitted\(^2\) that the issue of inadequate car parking has been repeatedly raised in Council’s *Annual Community Satisfaction Survey*. The survey outlines a range of matters including the community’s satisfaction with Council’s overall performance and change in performance, issues of importance to address in Bayside in the coming year, satisfaction with aspects of traffic and parking and the use of sustainable transport, amongst other topics.

The report on the survey outlines that:

... satisfaction with the availability of parking on both residential streets and main roads was 'poor' but was consistent with the metropolitan Melbourne average. The importance of car parking issues is reinforced by the fact that car parking was the most commonly nominated issue to address in the municipality at the moment, with 21.5 per cent up from 18 per cent raising those issues. This result is higher than the metropolitan Melbourne average of 14.6 per cent ... Unlike many other variables in the survey this year, there was no increase in satisfaction with the availability of car parking recorded.

1.3 The Panel’s approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the planning scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic justification
  - Is there a demand for parking?
  - Is this proposal supported by local policy?
  - Is the proposal supported by state policy?
  - Do recent strategies support the project?

- Other issues
  - Amenity Impacts
  - Does a lack of due diligence justify the amenity impacts?
  - Traffic and Pedestrian Impacts
  - Request for open space at the site instead of car parking
  - The design of the car park
  - Other parking actions.

\(^2\) Council Part B submission, paragraph 41
2 Strategic justification

2.1 Introduction

It may be thought that the provision of 22 car spaces adjacent to an activity centre is so minor as to not warrant strategic justification. The Panel does not take this approach. The VPP has been specifically constructed to prohibit car parks in residential zones that serve uses not permitted in those zones. This provision is clearly intended to apply to the precise situation that is addressed by the Amendment.

Direction No. 11 Strategic Assessment of Amendments states:

3. In preparing an amendment a planning authority must:

   (1) Evaluate and include in the explanatory report a discussion about how the amendment addresses the following strategic considerations [among other things]:
   - How does the amendment implement the objectives of planning in Victoria?
   - How does the amendment address any environmental, social and economic effects?
   - How does the amendment support or implement the Planning Policy Framework and any adopted State policy?
   - Does the amendment address the requirements of the Transport Integration Act 2010?

An Amendment could be strategically justified because it is:

- supported by local planning policy
- supported by state planning policy
- part of a strategic plan that is not yet part of the planning scheme.

This Chapter explores those possible justifications, but first it addresses the issue of the demand for new parking which was raised at the Hearing.

2.2 Is there a demand for parking?

The issue of the demand for car parking was raised at the Hearing and how that could be met by:

- better management of on-street parking suggesting that there was no need for additional car parking in the activity centre
- additional car spaces approved as part of a redevelopment of the 21-27 Well Street and Black Street car parks.

The Church Street Major Activity Centre Car Parking Study carried out by GTA in 2018:

- concluded that, on the basis of the floorspace forecasts of the Retail, Commercial and Employment Strategy 2016, maximum new parking demand would extend to an additional 279 car spaces by 2031\(^3\)
- acknowledged that that figure is likely to reduce by reason of “mode shift aspirations, future technology and continued residential densification”\(^4\)
acknowledged that future parking demand would likely (or at least potentially) be serviced by spaces on development sites\(^3\) but made no adjustment to allow for that.

Mr El Mouallem submitted that:

If the 20 per cent mode shift and the [30 or 33 per cent] onsite parking figures adopted by Maunsell AECOM\(^4\) and Aurecon\(^5\) are applied to the GTA estimates, estimated future demand remains in the vicinity of 150 car spaces. [4.4.4]

As noted above, GTA appears to conclude that even the demand for the maximum 279 car spaces could be satisfied by redevelopment of the 21-27 Well Street and Black Street car parks. [4.4.5]

Ms Basic presented photos of the relatively unused car parking in the Dendy Centre and the Panel’s inspection confirmed available parking spaces.

In his evidence for Mr El Mouallem, Mr Fairlie acknowledged that:

It is apparent that there is insufficient convenient car parking for customers and traders at the centre at peak times and the development and implementation of some strategic opportunities to increase parking supply, whilst seeking to moderate future traffic growth and congestion around the centre is appropriate, particularly if it can incorporate other community benefits such as increased open space, landscaping, and complementary commercial uses. [6.1.3]

Opportunities exist within the centre to create parking to address parking demand consistent with adopted policies, for example the redevelopment potential for large at-grade car park sites at 22-26 Black Street and 21-27 Well Street. [6.1.4]

Council agreed\(^6\) with Mr Fairlie that those sites “present excellent opportunities to significantly increase car parking and other community benefits\(^7\)”, but said that this does not discount the opportunity available at 7 Well Street to provide a more incremental solution.

Council noted that it has not abandoned those opportunities, but that the redevelopment of these sites is still an ongoing discussion with the community. Council resolved to defer the consideration of the Black and Well Street car parking proposals and to instead investigate maximising the use of existing parking capacity within the Church Street activity centre, including introduction of parking sensor technology and signage.

The Panel concludes that there is potentially need for additional parking at the activity centre, notwithstanding there could be better management of existing parking as proposed in Council strategies. The issue is whether the proposal is supported by policy.

2.3 Is this proposal supported by local policy?

[1] The issue

Is this proposal supported by local policy?

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\(^{3}\) Page 15
\(^{4}\) Page 16
\(^{5}\) 2006 Parking Precinct Plan, page 13
\(^{6}\) 2012 Review, pages 46-48
\(^{7}\) Council Part B submission, paragraph 109
(ii) Submissions

Specific references to parking in the Church Street MAC

Council submitted\(^9\) that the Church Street MAC is a location for housing and commercial growth, with the Structure Plan from 2006 informing the current planning scheme controls which provide the overall vision for how the centre will grow.

Policy at Clause 21.11.3 of the scheme implements the 2016 strategy.

Mr El Mouallem submitted\(^10\) that:

Remarkably, Council’s Part A submission makes no mention of the local policy specific to the subject land: Clause 21.11.3.

Clause 21.11.3 sets a specific vision for the Church Street Major Activity Centre (MAC). That vision includes:

- The large at-grade level car parks behind the shops in Well Street will be replaced with a mixed use development which will provide additional car parking, a small public open space and a residential interface with Well Street. ...
- The centre will be easy to walk around, with safe, attractive and direct routes throughout, particularly to the railway station. Attractive spaces around the station will encourage people to use public transport.
- The surrounding residential precinct will retain its spacious and leafy character and new housing will integrate with the existing streetscape and provide additional opportunities for people to live near the centre. The interface of the commercial and residential precincts will be marked by sensitive urban design treatments.

The strategies by which Objective 1 is to be implemented set a specific expectation for the redevelopment of at-grade car parks:

- Encourage redevelopment of larger sites and grade level car parks for residential with basement car parking.

The subject land is in the ‘Residential precinct’ which focuses on the delivery of residential uses.

Many of the submitters were familiar with the Structure Plan and well understood the strategies it proposed to address parking issues.

General policy on parking

Clause 21.02.3 acknowledges the key issues facing Bayside. In relation to the transport and access theme, the following challenges are outlined:

- Bayside is a largely car dependent municipality, with the majority of Bayside residents using a motor vehicle to travel to work.
- A high proportion of short trips are undertaken by car. This increases congestion on the roads and has negative environmental consequences.
- Bayside has a higher proportion of older persons and persons with a disability than the metropolitan average. Appropriate transport options need to be available for all people, including those with specific mobility requirements and those without access to a car.

\(^9\) Council Part B submission, paragraph 18
\(^10\) Paragraph 17
• There are increasing car parking pressures around railway stations, activity centres and the foreshore.
• There are conflicts between different types of street users in activity centres and on major corridors, such as Beach Road.
• The different transport options, for example, bus and train, are often not well integrated which means they are not an attractive alternative to the private car.

Objective 1 at Clause 21.09-1 seeks to:

... integrate transport and land use so that sustainable transport is an attractive and viable alternative to private vehicle use in Bayside.

The first specified strategy to achieve this seeks to:

... ensure new use and development supports the prioritisation of transport modes in the following order:
• Walking.
• Cycling.
• Public transport, community transport including taxis and community run buses and demand responsive transport.
• Private vehicles.
• Commercial vehicles servicing local areas.

Council submitted:

Whilst it has been suggested by some submitters that the creation of additional car park is not consistent with Council’s sustainable transport objectives, it is acknowledged that it is not always feasible for older persons or young families to rely on public transport or walking to get around all the time. By providing additional parking, Council is intending to ensure that choice exists so that in the event that walking or public transport is not an option, the private car may be used. [Part B: 24]

Council said11 that the policy framework is not intending to imply that no private vehicle trips are to be encouraged in any circumstance, rather that priority should be given to walking, cycling and public transport over the private vehicle.

Council went on the say12 Church Street MAC is already well equipped to accommodate walking and cycling visitation to the centre, with Well Street forming part of the municipal bicycle network. Public transport is available via the Middle Brighton Railway Station and bus services through the area, connecting the MAC with other areas of Bayside.

Council said it was seeking to strike the balance between the provision of sustainable transport methods and car parking, consistent with the objective at Clause 21.09-4 which aims:

To provide adequate car parking facilities in and around shopping centres, employment areas and in appropriate locations along the coast.

The strategies to achieve this objective include:
• Improve parking provision and access.
• Improve parking provision within and around Activity Centres.

11 Council Part B submission, paragraph 27
12 Council Part B submission, paragraph 28
Mr El Mouallem submitted\textsuperscript{13} that the reduction of car dependence is a key issue submitting that Clause 21.09 , Transport and Access,: 

- identifies that “the principles of sustainability include a reduced reliance on the private motor vehicle and greater reliance on sustainable transport, specifically, walking, cycling, public transport”
- identifies “significant community benefits” of facilitating the use of streets for walking or cycling
- includes strategies deprioritising private vehicle trips in preference to sustainable transport 
- identifies further strategic work: 
  
  Prepare a Parking Strategy for Bayside, setting out principles for the management of on-street and off-street car parking with a view to supporting an integrated and sustainable transport system. 
  
  Prepare parking precinct plans to identify and address parking issues in key Activity Centres.

Mr El Mouallem submitted\textsuperscript{14} that the Amendment was prepared without the benefit of such work establishing its integrated and sustainable transport outcomes. 

Council submitted\textsuperscript{15} that the municipality faces a common challenge with an ageing population, as many older residents may experience reduced mobility and social isolation when they are no longer able to drive. The needs of older residents will need to be prioritised to ensure that the pedestrian environment in Bayside is safe and accessible. With many forms of public transport, accessibility can be challenging and the private car can be favoured over buses, where older, frailer persons may find such transport potentially hazardous. It said, it is important to ensure that options are provided to ensure transport choice.

(iii) Discussion

The Church Street Centre Framework Plan (Map 1 to Clause 21.11-3) identifies three specific locations for the delivery of car parking.\textsuperscript{16} Those locations do not include the subject land.

Instead, the subject land is dealt with in the Framework Plan as part the “Residential precinct”, and as the location for a “future priority pedestrian link” and a “future laneway connection”.

The issue of car parking in the centre has been addressed in a range of strategies and these are reflected in the planning scheme. In this case where there are specific policies dealing with a proposed use the Panel thinks that those policies ought to be followed. Council has had ample opportunity in developing strategies for the centre to test the proposition of expanding the Well Street car park and embedding that project in policy. It has not done so.

\textsuperscript{13} Paragraph 15
\textsuperscript{14} Paragraph 16
\textsuperscript{15} Council Paper B submission, paragraph 35
\textsuperscript{16} 22-26 Black Street, 23-27 Well Street and at the railway end of Lindsay Street
The Panel accepts that there is some level of demand for additional parking within the MAC – the question is, what is the appropriate, orderly and co-ordinated response to that demand?

The Panel agrees with Mr El Mouallem that the answer is not that new car parking must be provided wherever and in whatever form it might be used.

The Panel does not see anything in local policy that makes it clear that this proposal ought to be supported. Certainly there is support in the strategy that seeks to “Improve parking provision within and around Activity Centres” but this needs to be balanced with other strategies across the scheme and in the overall framework. Importantly the planning scheme makes it clear that this will be through the provision of parking at already identified locations or as part of a future parking precinct plans.

(iv) Conclusions

The intended use of the subject land is inconsistent with specific structure plan policies on how parking will be addressed in the Church Street MAC local policy.

The broader policies on parking do not support the ad hoc creation of more or larger at-grade car parks and call for a planned approach.

2.4 Is the proposal supported by state policy?

(i) The issue

Is the proposal supported by state policy?

(ii) Submissions

Mr El Mouallem submitted that:

The essence of planning policy is that land (the scarcest resource) should be used as efficiently as possible. That is particularly relevant in highest order activity centres like the Church Street MAC, where planning controls encourage intensive and productive development, but impose onerous constraints in relation to built form, transitions and interfaces [8]

The Amendment would be hostile to that principle. It would entrench the underutilisation of rare land within the MAC for the sake of 14 or 15 new car parks [7]

It cannot credibly be said that any policy support can be found, at any level, for developing at-grade car parks within highest order activity centers [9]

Council identified the clauses in the PPF that it said supported the Amendment. Clause 11 of the planning scheme acknowledges that:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. [1]

Council submitted [10] that the purchase of 7 Well Street in 2005 for the purpose of a car park is consistent with this, as the identified need for additional parking is a longstanding issue in

[8] Mr El Mouallem submitted that the site could not deliver the 22 spaces planned by Council.

[9] Council Part B submission, paragraph 18
the Church Street MAC. The purchase of the site and now, its transition from a residential building to a car park, delivers on the community need for additional car parking.

Clause 11.03-1S 'Activity Centres' outlines the objective:

... to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 18.02-4S 'Car parking' says:

**Objective**

To ensure an adequate supply of car parking that is appropriately designed and located.

**Strategies**

Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

Encourage the efficient provision of car parking by consolidating car parking facilities.

Design and locate car parking to:

- Protect the role and function of nearby roads.
- Enable easy and efficient use.
- Enable the movement and delivery of goods.
- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.
- Facilitate the use of public transport.

Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Make adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

Council submitted\(^{19}\) that the Amendment facilitates the rezoning of the property at 5-7 Well Street to facilitate the redevelopment of 7 Well Street for a car park, ensuring that sufficient car parking is provided to meet demand, without resulting in adverse impacts on the road network. The consolidation of the site with the existing car park at 5 Well Street will ensure an efficient layout as the sites will be connected and will share an accessway.

(ii) **Discussion**

The Panel agrees that policy calls on planning authorities to:

... anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.\(^{19}\)

However, it also states, at Clause 11.03-1S, Activity Centres:

- Undertake strategic planning for the use and development of land in and around activity centres.
- Give clear direction on preferred locations for investment.

\(^{19}\) Council Part B submission, paragraph 21
Policy also explicitly calls for structure planning at Clause 11.02-2S, Structure planning:

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Facilitate the preparation of a hierarchy of structure plans ... that:

- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Provide for the development of sustainable and livable urban areas in an integrated manner.
- Assist the development of walkable neighbourhoods.

The broad strategic question is whether state policy supports the creation of new at-grade car parks in major activity centres in existing areas, in the absence of any local strategy to do so. The Panel thinks that a fair reading of the whole of the PPF is that it does not.

State policy contains significant focus on:

- increasing sustainable transport\(^{20}\)
- reducing the number of private motorised trips\(^{21}\)
- allocating land for car parking “subject to existing and potential modes of access including public transport, the demand for off street car parking, road capacity and the potential for demand management of car parking”.\(^{22}\)

In the context of activity centres and residential precincts, high levels of amenity are demanded.\(^{23}\) The Panel agrees with Mr El Mouallem that in these high order activity centres, it is particularly important that land use and development be consistent with reasoned and logical strategic planning.\(^{24}\) As discussed above, the Amendment is not consistent with the adopted strategic plan for the centre.

In the Transport System Objectives, the *Transport Integration Act 2010* similarly enshrines principles of:

- environmental sustainability through promoting forms of transport with the least impact on the natural environment (s. 10(c))
- integration of transport and land use (s. 11(1))
- reduction of private motor vehicle transport (s. 11(2)(c)).

(vi) Conclusion

State policy aspirations are not met by an expansion of an at-grade car park onto activity centre land contrary to explicit local strategies on how parking is to be managed.

2.5 Do recent strategies support the project?

Any number of amendments seek to update a policy position and change zones and overlays to implement a changed position. In these cases the amendment is justified not by existing policy but by strategic planning work being brought into the planning scheme.

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\(^{20}\) See, for example, Clause 11.03-15, 18.02-45

\(^{21}\) See, for example, Clause 11.03-15

\(^{22}\) Clause 18.02-45

\(^{23}\) Clause 11.03-18, 11.03-15, 18.02-45

\(^{24}\) As is required by Clause 11.03-13
The Amendment does not seek to change policy. If the recent strategic work points to a different approach to parking provisions than set out in the planning scheme then the Amendment ought to make those policy changes.

Panels have recommended the abandonment of amendments where the zone or overlay controls are not supported by current policy and no changes to policy are proposed. Panels have also recommended abandonment of amendments where the amendment proposes policy changes to support a specific rezoning without sufficient strategic work.

Mr El Mouallem submitted:

> 24 Since at least 2005, Council has been advised by its expert consultants to manage future car parking demand by controlling that demand and, to the extent that it cannot be controlled, by developing certain key sites for mixed-use, residential and open space uses with additional car parking. [24]
>
> At no time has any document or consultant identified the subject land as appropriate for expansion of at-grade car parking (or parking at all). [25]
>
> Nor has any document or consultant suggested any strategic justification or motivation for the development of an expanded at-grade car park anywhere in the MAC. [26]

This chapter examines whether there is sufficient relevant strategic work (not reflected in planning scheme policy) to justify the amendment.

2.5.1 Does the Integrated Transport Strategy support the Amendment?

(i) The issue

The Explanatory Report says:

> The Integrated Transport Strategy 2018-2028 identifies a range of actions to address the increasing demand for car parking supply by providing additional car parking in suitable locations. Other actions are also being undertaken by Council to increase and promote sustainable transport modes.

The issue is whether Council’s Integrated Transport Strategy 2018-2028 (ITS) provides strategic justification for the Amendment.

(ii) Relevant policies, strategies and studies

Five submissions raised concerns that Council is promoting the use of private vehicles over sustainable transport methods through the preparation of the Amendment. In 2018, Council adopted the ITS. It is not incorporated into the Scheme.

Council submitted that:

> The ITS provides the overarching approach to managing aspects of the transport system, with further detailed direction provided in specific Council transport strategies, including the Bayside Bicycle Action Plan 2019-2026, the Bayside Walking Strategy 2015, the Bayside Road Safety Strategy 2019-2024 and the Public Transport Advocacy Statement 2016.
>
> The primary focus of the ITS ... is to provide and advocate for sustainable travel modes and behaviour change programs to encourage and influence personal travel behaviour. The purpose of each of these strategies is identified below:

25 Council Part A submission, paragraphs 103–102
The ITS identifies six goals with aligned Strategic Objectives. The goals include:

1. Enabling Sustainable Transport Choices
2. Improving Local Accessibility
3. Better Public Transport
4. User Friendly Streets
5. Integrated Transport and Land Use
6. Optimising Parking Opportunities.

The strategic objective for Goal 6 is:

Council will maximise the utilisation of existing parking space and balance the needs of drivers to ensure sufficient parking opportunities are available for those who need it.

Council submitted that the ITS makes specific reference to managing congestion and increasing parking pressure, particularly in activity centres. The ITS acknowledges that there has been an annual growth in private vehicle ownership in Bayside of 1.9 per cent (on average) over recent years and that if this trend is to continue, there will be an additional 20,000 private vehicles competing for road and parking space in Bayside over the next 10 years (2,000 per year, 40 per week).

The ITS indicates that the demand for on-street parking often outweighs the supply, due to the fact that there is not enough room on Bayside’s streets to provide everyone with a parking space. Local congestion can also be generated by parking demand as drivers continue to 'hunt' for a vacant space.

The ITS Action Plan presents specific actions catered to each goal and strategic objective. The actions for Goal 6 have been outlined below: Manage parking for the benefit of the whole community through the use of policy tools:

- ensure that parking in activity centres is managed so available spaces are used more efficiently to enable appropriate turnover
- develop a municipal wide Parking Strategy
- review the provision of parking for drivers with disability permits in Major Activity Centres and Neighbourhood Activity Centres
- develop precinct based parking plans for each of the Major Activity Centres
- apply to the State government for a Parking Overlay which applies the Column B reduced activity centre car parking rates.

Mr El Mouallem submitted:

Nowhere in the ITS is there any support for creating new car parking. [40.3]

Council submitted that:

The ITS acknowledges that appropriate car parking is essential for encouraging access to residential, commercial, recreational and industrial activities, and promoting connections with public transport. To manage parking demands across the municipality, policy tools will be developed to assist Council to manage parking across the municipality in a strategic way for the benefit of the whole community. [Part A.111]

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26 Council Part A submission, paragraph 107
27 ITS, Section 1, Page 5 and 29
Council submitted that its framework for ensuring sustainable travel is a viable option for Bayside residents, should not undermine the fact that the community has a desire for, and an identified need for more car parking which needs to be responded to. It is said that whilst this site provides only a small increase to the number of parking spaces, its role is important in delivering car parking to meet community need.

(iii) Discussion

Council has quoted from ITS to support its case, however a more fulsome consideration of the ITS presents a less supportive picture for new parking. The first references to parking policy in ITS at page 3 of the strategy make it clear that the strategy does not seek to increase parking supply:

Providing additional capacity through more road space and parking is not a sustainable solution ... as the increase in trips arising from a growing population and increasing vehicle ownership will continue to outpace road capacity. Similarly, the provision of additional car parking will also be utilised by the growth in vehicle ownership, potentially leading to a repeat of the dilemma once again.

The Panel is disappointed that Council did address the clear indication that ITS does not consider the proposals of the type proposed by the Amendment to be sustainable. This is particularly relevant where:

- The Planning and Environment Act (1987) says under Objectives at s4(1):
  
  The objectives of planning in Victoria are:
  
  (a) to provide for the fair, orderly, economic and sustainable use, and development of land

- The Transport Integration Act (2010) s6 Vision statement says:
  
  The Parliament recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

It should be stressed that the ITS is Council’s own policy document. It is not the Panel’s assessment that additional parking capacity is not a sustainable solution – it is Council’s. Such strategies are meant to guide day-to-day decision making not simply be undertaken as an exercise in their own right.

Council does have a framework for ensuring sustainable travel and it is important to work towards the implementation of this framework, even though some members of the community seek a different approach to parking.

The ITS promotes the improvement and prioritisation of local accessibility. Walking and cycling are both the most sustainable forms of transport and should be encouraged for short trips to work, school, activity centres and train stations. This is recognised in Strategic Direction 10, of ITS which seeks to “improve the integration of cycling with land use development, public transport and other key amenities”.

The site provides only a small increase to the number of parking spaces, and hence will have negligible impact in delivering car parking to meet community need, if this were supported by policy.

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Council Part B submission, paragraphs 74–75
The development of the car park at 7 Well Street is:

- not a location where additional off-street parking is proposed according to strategies in the planning scheme
- “unstainable” according to Council's own ITS, the strategy that the explanatory report seeks to rely on.

The ITS does recognize that increased supply in activity centres may be warranted, but sets out that this is to be approached by the following actions:²⁹
- Action 61: Develop a municipal wide parking strategy
- Action 64: Develop precinct based parking plans for each Major Activity Centre.

(iv) Conclusions

There is little support for the current proposal in the ITS.

2.5.2 Does any other strategic report support the Amendment?

(i) Parking Precinct Plan

In 2006, Maunsell AECOM produced the Parking Precinct Plan.

On the basis of the future retail and commercial development forecast in the Structure Plan, the Parking Precinct Plan estimated future demand as an additional 144 to 184 spaces.

It recommended that demand be managed by restricting existing on- and off-street parking in the heart of the centre and areas immediately adjacent to it.³⁰

The plan considered it “reasonable” to develop new parking facilities “over the existing parking lots located on the corner of Carpenter and Black Streets and off Well Street between Carpenter Street and the railway line” to provide 120 to 160 spaces.³¹

In relation to 7 Well Street the plan noted³² “Council is committed to provide an additional 29 car parking spaces on the adjacent parcel of land to the Well Street car park.”

The plan was not incorporated into the Scheme, having apparently been abandoned by Council sometime in the years following.

Aurecon “Expert Witness Review” of the Parking Precinct Plan


Aurecon generally agreed with the Maunsell AECOM estimates for parking demand, estimating demand for an additional 132 to 165 parking spaces “depending on whether a modal shift in private car trips can be facilitated in the area”.³³

Notably, Aurecon’s recommendations regarding parking were:
- that new developments should be supplemented by additional parking or measures to reduce demand

²⁹ ITS page 40.
³⁰ Page 14.
³¹ Pages 14 and 15.
³² In a footnote on Page 5 and in Section 5.2.2.
³³ Pages 8, 48.
that certain rates of parking should be required for residential development
that Council should keep its finger on the pulse of car ownership characteristics and
dwelling types to ensure rates remain appropriate “based on sound research into
the characteristics of the area”.

On the basis of parking surveys and estimates of demand, Aurecon considered it likely that
commercial and retail parking would overflow into surrounding residential streets “unless
new developments are designed to accommodate a significant proportion of their own
parking demand on-site”.

Aurecon did not conclude that any additional off-street (public) parking was required, or that
it should be provided at any particular place.

What weight should be given to the Parking Precinct Plan for the Church Street Activity
Centre 2006?

The Panel does not think any weight should be given to the Parking Precinct Plan. At the
time of its preparation parking precinct plans could be incorporated into planning schemes.
This was not done with the plan.

Had it been incorporated or otherwise implemented in the planning scheme it would have
weight and would continue to have weight until it was superseded by new policy, or a
change in circumstances. More recent strategic work (discussed in the next section) has not
carried forward the proposal.

The Panel also notes that the Parking Precinct Plan is silent on whether the proposal is a
good idea or not. It simply notes that Council intends to deliver the additional parking.

(ii) Other plans

Church Street Centre Structure Plan

In 2006, the Church Street Centre Structure Plan was produced. It sets policy expectations
for the MAC in terms of development, access, and transport.

It proposes that the large at-grade level car parks behind the shops in Well Street be
replaced with a mixed use development which will provide additional car parking, a small
public open space and a residential interface with Well Street.

The Structure Plan states:

- The Black Street car park and the 21-27 Well Street car park are specifically
  identified for redevelopment “to a residential development incorporating
  replacement car parking and additional spaces (total of 140-180 additional spaces
to be provided)” together with public open space.
- Within the relevant Precinct 4: Surrounding Residential Areas, the existing at-grade
car park is encouraged to be redeveloped, but not as a slightly larger at-grade car
park:

34 Page 9
35 Page 49
36 Page 16. See also page 18
37 Page 5
Encourage redevelopment of larger sites and grade level car parks for residential with basement car parking.  

There is no suggestion anywhere in the Structure Plan that the subject land should be used for an expanded car park.

The Structure Plan specifically encourages “more intense development” on sites which, like the subject land, are immediately next to the commercial core, and provides for the protection of the amenity of residential areas adjacent to the commercial core.

In August 2016, Council reviewed of the Church Street Centre Structure Plan. A recommendation of that review was the preparation of a Car Parking Plan for the MAC, together with a Community Infrastructure Study.

The Church Street Centre Structure Plan is a reference document to Clause 21.11-3. It remains there, and in identical form, following its 2016 review.

**Bayside Housing Strategy**

In 2012, Council produced the Bayside Housing Strategy. It contains a key objective “that car parking and traffic will not be dominant within activity centres and will have minimal impact on the function and aesthetics of activity centres, particularly at a pedestrian scale.”

The strategy does not support the proposal.

**Bayside Bicycle Strategy 2013 and Bayside Walking Strategy 2015**

In 2013 Council produced the Bayside Bicycle Strategy 2013, and, in 2015, the Bayside Walking Strategy 2015. Both documents aim to increase the number of people using sustainable personal transport rather than private motor vehicle travel.

The strategies do not support the proposal.

**Church Street Activity Centre Car Parking Background Report**

In 2016, Council produced the Church Street Activity Centre Car Parking Background Report. The subject land is identified as a “restricted site”.

It refers to a further survey carried out by Aurecon in 2014, and concludes that:

> The [2014] survey results highlight the importance of better managing parking within the MAC to increase availability and turnover of parking in the ‘core area’ and retail areas at peak times of the year.

Replicating the 2006 recommendations of the Parking Precinct Plan, the Background Report recommended that Council:

- provide shorter term parking in the heart of the centre
- consider the introduction of short-term parking restrictions in unrestricted areas immediately adjacent to Church Street (within 200 to 300 metres).
Among some ten considered measures for reducing demand and changing existing travel habits, the report considers the option of “improvements and extensions to the supply of off-street parking”. In doing so, it identified the potential for use of privately owned land for delivery of parking to service new demand, and otherwise noted the opportunities to increase off-street supply by the redevelopment of the 21-27 Well Street and Black Street car parks.

The report does not support the proposal.

**Bayside Community Plan**

In August 2016, Council adopted the *Bayside Community Plan 2025*. The plan this about parking:

> Car parking is another contentious issue for Bayside residents, especially for those commuters using Bayside streets, and for multi-car families. Suggestions for improvement include removing parking restrictions in the activity centres to support commercial growth, but imposing greater parking restrictions in residential streets near train stations. Others value the higher turnover of parking in activity centres, as it encourages economic trade.

> These dilemmas do not translate into a need for more parking places, but the need to efficiently manage the available parking while encouraging other ways to get around Bayside.  

The report does not support the proposal.

**Future Management of Car Parking in Bayside Discussion Paper**


Having noted that VCAT “has been critical of Bayside’s approach to parking matters and has highlighted the need for Council to prepare a centre based approach, rather than decision making on an individual case by case basis”, the paper notes that:

> Whilst certain actions may result in competing pressures, and others are easily implementable, it is important to ensure that any approach (to car parking) balances the needs of different users and works towards Council’s sustainability objectives.

In recommending “short term actions and quick wins”, the paper suggest that areas for increased car parking supply should be identified.

It then recommends that Council develop:

- a Municipal Parking Strategy
- Precinct Parking Plans for all MACs.

The discussion paper does not mention the subject land but discusses the redevelopment of 21-27 Well Street and Black Street car parks.

The discussion paper does not support the proposal.

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43 Page 43.
44 Page 20.
45 Page 39.
46 Page 41.
47 Pages 42 to 43.
48 Page 45.
Retail, Commercial and Employment Strategy 2016

The strategy does not mention the subject site.

Church Street Major Activity Centre Car Parking Study

In 2018, Council commissioned GTA to produce the Church Street Major Activity Centre Car Parking Study.

GTA was specifically tasked to "establish whether an additional off-street parking facility is warranted from a car parking perspective".\(^5\) Though the conclusions of the GTA report are unclear, it appears that GTA formed the view that additional off-street parking could be warranted, but that the construction of any new parking should be carefully considered.\(^6\)

The GTA report appears to conclude that the redevelopment of the Black Street and 21-27 Well Street car parks would have the capacity to adequately service future demand.

Mr El Mouallem submitted:

> However, GTA expresses its recommendations cautiously. That is appropriate, in light of its work being "through the lens" of the ITS. [41]

The study provides no support for the proposal.

2.6 Overall conclusion

The Panel concludes that there is potentially need for additional parking at the activity centre, notwithstanding there could be better management of existing parking as proposed in Council strategies. Any proposal to address parking need should be strategically justified and accord with adopted plans for the centre.

The intended use of the subject land is inconsistent with specific structure plan policies on how parking will be addressed in the Church Street MAC local policy in the planning scheme. The broader policies on parking do not support the ad hoc creation of more or larger at-grade car parks.

Safe policy aspirations are not met by an expansion of an at-grade car park onto activity centre land contrary to explicit local strategies on how parking is to be managed.

The is no support for the current proposal in the ITS. There is mention of the proposal in the Parking Precinct Plan but this has been superseded by new policy. No new policy supports the proposal.

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\(^5\) Page 1
\(^6\) Page 19
3 Response to submissions

3.1 Amenity impacts

(i) The issue

Concerns were raised about the amenity impacts of the proposal

(ii) Submissions

Is a permit needed?

Council explained\(^{53}\) that Clause 62.02-1 of the planning scheme would exempt the current proposal from requiring a planning permit as the works would be undertaken on behalf of Council and are to cost less than $1 million.

Council submitted\(^{34}\) that it does not currently propose to increase the intensification of the proposed car park layout at 7 Well Street any more than the proposed plan for 22 car parks. However, several submissions raised further concerns that Council will develop car spaces at a greater intensity in the future than the current at-grade plan.

Council pointed out\(^{55}\) that sections of the planning scheme that can ease this concern:

- Any proposal for a multi-deck car park would exceed $1 million and would therefore require a planning permit\(^{56}\).
- The Design and Development Overlay (DDO11) that applies to the land provides the following objectives:
  - to ensure that the height of new development is compatible with the preferred future role and character of the Church Street Major Activity Centre
  - to develop the centre in a way that conserves and enhances its valued urban character and heritage places
  - to ensure that new development contributes to safe and active streets
  - to maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts.
- DDO11 restricts building height on the subject land to a maximum of 11 metres (3 storeys) and seeks to ensure that any development conserves and enhances the valued urban character, and creates safe and active streets.

Council considered that:

... that were the use to change from an at-grade car park to something with more substantial built form, a planning permit is likely to be required. This will allow for a public notice process to ensure that community views are sought. [Part B:53]

Amenity impacts of the proposal

The Traders Association submitted that: “you don’t buy in Well Street because of amenity. You buy in Well Street to financial benefit from being able to take advantage of future

\(^{53}\) Council Part B submission, paragraph 50
\(^{34}\) Council Part B submission, paragraph 49
\(^{55}\) Council Part B submission, paragraphs 49-52
\(^{54}\) It would not be subject to the exemptions under Clause 62.02-1 of the planning scheme
development opportunities...". Submissions from local residents rejected this claim outlining the positive aspects of the street and the wider area.

Mr Goode submitted that "anything other than residential development in a residential zone should be out of the question".

Council submitted\(^\text{57}\) that it will continue to liaise with property owners at 9 Well Street (adjoining the site) to ensure the property boundary interface is appropriately treated. Council observed\(^\text{58}\) that none of those property owners made submissions to the Amendment.

Council submitted\(^\text{58}\) that the amenity impacts resulting from the car park itself are limited and indeed, entirely reasonable for land within a Major Activity Centre:

In relation to traffic impacts and noise associated with vehicle movements, it is important to consider that whilst within a residential precinct, the area is still within a Major Activity Centre. It is commonly accepted by Planning Panels and the Victorian Civil and Administrative Tribunal that residents in or near activity centres cannot expect the same level of amenity as that experienced by residents in the quiet heart of a residential area. The occupiers of properties within a MAC must have regard to their location and base their expectations about amenity on that fact.\(^\text{54}\)

In relation to the proposed expansion of the car park, the amenity impacts resulting from additional cars in the locality is considered to be minor. The use itself will not result in any excessive noise impacts (compared for example if the site were to be used for a commercial use for example), as the additional vehicle and traffic noise is unlikely to be significantly more noticeable than that which presently exists at 5 Wall Street.\(^\text{55}\)

(iii) Discussion

This is not an administrative amendment. It is designed to achieve a particular outcome.

Council does not argue that the proposal will not have adverse amenity impacts. It argues that the impacts will be acceptable.

The VPP are constructed so that car parks serving commercial premises cannot be constructed in the residential streets behind those premises without a rezoning. This is no accident. It means that a rezoning\(^\text{56}\) is required to permit such a car park. Such a rezoning would need to be strategically justified to meet the tests of Ministerial Direction 11.

The Panel acknowledges that VCAT has generally held residents living in or near business and industrial zones cannot expect the same level of amenity as residents living in a wholly residential area. Nonetheless, VCAT has held residents on the border of a residential zone are still entitled to protection of their amenity, but not to the same standard as those whose homes are in the midst of a residential area.

The key consideration is what are the 'legitimate expectations' for amenity in an area.

VCAT has observed that legitimate expectation has long been part of the planning process. Legitimate expectations, however, cannot be formed independently of the planning scheme requirements.

\(^{57}\) Council Part B submission, paragraph 56
\(^{58}\) Council Part B submission, paragraph 57
\(^{54}\) Or site specific exclusion
In this case given the nature of the existing zoning opposite, and the lack of policy support for an expanded car park on the site, the residents’ legitimate expectations might be that higher density residential development would occur on the site, not an at-grade car park.

(iv) Conclusion

The Panel agrees that the car park will have adverse amenity impacts on the surrounding area in Well Street. These impacts are not so great as to rule out such car parks in any situation, but for this proposal would be contrary to residents’ legitimate amenity expectations for this section of Well Street in the absence of stronger positive policy support for the car park.

3.2 Does a lack of due diligence justify the amenity impacts?

(i) The issue

It was submitted that local residents ought to have known that a car park was proposed for the land.

(ii) Submissions

The Traders Association believes a relevant consideration is when objector owners purchased their properties in Well Street and whether they purchased before or after the Council purchased 7 Well Street for car parking. The Association argued that 97 per cent of properties in the area of Well Street were built or purchased after 2005, and that:

The due diligence undertaken by these buyers as part of their purchase would mean that 97 per cent of the current owners should have been aware of the proposed car park extension at Number 7 Well Street prior to them purchasing their property.

Even if the due diligence undertaken by their solicitor as part of the purchase process did not inform them of the plans for 7 Well Street, the information that Council had purchased 7 Well Street for additional parking has been publicly available as early as the 2008 Parking Precinct Plan for Church Street ...

These people are not being ambushed or unfairly disadvantaged by the plan to create a car park at 7 Well Street.

(iii) Discussion

To the extent that ‘due diligence’ is a relevant consideration – and the Panel is not sure that it is – the Panel thinks that a fairer approach to due diligence would be to see what the published strategies and policies for the centre say. The relevant most recent strategy for the centre is silent on this proposal.

Local residents might have known that 7 Well Street had been purchased by Council, but this does not mean people moving into the area from elsewhere would know, or know that Council proposed to turn the site into a car park, given its lack of relevance in planning policy.

If the ‘agent of change’ principle is to apply then the as far as the new car park at 7 Well Street is concerned the Panel considers that Council is the agent of change. The relevant date for this consideration is when the change is proposed, not when a land owner buys land.
(iv) Conclusions

It is not clear to the Panel how any new resident would reasonably be aware of this proposal before the Amendment was advertised. If they were aware it is not clear that this would justify any adverse impact on amenity.

3.3 Traffic and pedestrian impacts

A number of submissions also raised issues in relation to the impact that the proposed car park will have on the function of Well Street by generating additional vehicle movements.

Council advised:40

- Well Street as a Collector Road carries approximately 5,800 vehicles per day (2018 figures).
- Council’s Local Area Traffic Management Policy (2019), states that a Collector Road can carry typically 10,000 vehicles per day. If capacity were to be exceeded, Council will monitor the road and consider vehicle speeds and the number of vehicle crashes to determine the functioning of the road.
- The additional 22 car parks, are proposed to operate with 2-hour parking controls between 8am and 6pm – hence they would generate up to 44 extra traffic movements41 per hour or 264 movements a day.
- The additional traffic movements would bring the total movements to 6064 vehicles per day. This is still 3,936 vehicles below the Collector Road’s capacity.

Council submitted that:

The additional 264 traffic volume is not expected to cause a significant impact upon existing conditions in the surrounding road network. In other words, the creation of the car park would increase the traffic movements by 4.3 per cent. With the creation of the proposed car park, Well Street will continue to operate below its capacity and within a range that is considered appropriate for a collector road within a [Major Activity Centre]. [B 62]

Several submitters also raised concerns regarding vehicle speed, and the danger that additional vehicles may cause to pedestrians, partially arising from the increased number of residents living in the area.

At its 15 October 2019 meeting, Council received a petition signed by 143 people requesting Council install a pedestrian crossing in the area between St Andrews Street and Carpenter Street. It is understood the objective is to ensure there is a safe place to cross Well Street between those streets.

The Panel notes that Well Street is designated as a Collector Road and considers that this is suitable level of road for a car park.

3.4 Request for open space at the site instead of car parking

As part of the submissions Council received a petition to designate 7 Well Street as public open space with Children’s playground facilities.

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40 Council Part B submission, paragraphs 59-61
41 'Movement' includes the accessing and exiting of a vehicle from the car park
One submission in objection to the Amendment suggested that an underground car park would be better suited to the vicinity, with open space encouraged at ground level.

The Bayside Open Space Strategy Suburb Analysis and Action Plan 2012 identifies that parts of the Church Street MAC are not within 400 metres of public open space of larger than 0.9 hectares.

Council submitted:

The Bayside Open Space Strategy 2012 does not identify the subject site as an opportunity for public open space and no assessment has been completed to determine the appropriateness of the site as a location for open space in the centre, given this site was purchased for the express purpose of constructing a car park on the site. [B.79]

It is not the Panel’s role to recommend whether or not the site should be used for public open space. The Panel’s role is to advise whether it is appropriate to rezone the land based on Council’s proposed use for the site, namely an at-grade car park.

3.5 The design of the car park

Section 4.1 of Mr Fairlie’s evidence discusses the proposed car park design. Mr Fairlie outlines that the design of the proposed car park extension fails to meet the dimensional requirements of Clause 52.06-9 of the planning scheme.

As outlined in the Note to Table 2 of Clause 52.09-6 that:

Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off-street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in table 2 are to be used in preference to the Australian Standard AS2891.1-2004 (off-street) except for disabled spaces which must achieve Australian Standard AS2890.6-2000 (disabled).

Other submitters raised concerns about the safety of ingress and egress. Council submitted that the design complies with AS2890.1-2004 and that if the proposed zone is to be applied, compliance with the Australian Standard is sufficient. Council submitted that the number of spaces or the layout of the car park should not be a determining factor in whether the Amendment is approved, and that any potential restriction imposed seeking compliance with the planning scheme provisions is not required.

Council considered that the required Australian Standard has been complied with, and therefore, the design changes referenced by Mr Fairlie which would result in a reduction of five parking spaces are unnecessary.

It is not the Panel’s role to assess the design of the car park, beyond noting that the site can deliver car spaces.

3.6 Other parking options

At paragraph 6.1.6, Mr Fairlie provided recommendations for other sustainable transport related initiatives for Council to consider in conjunction with the increased car parking at Well Street:

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82 Council Part B submission, paragraph 95
• Facilitating the use of car share schemes in Brighton by providing dedicated on-street parking for approved ‘car share’ vehicles in the streets surrounding Church Street.
• Install recharging facilities for electric vehicles.
• Consider the introduction of more short-term (2P) parking restrictions in streets adjacent to the Church Street Activity Centre to increase parking opportunities.
• Consider the introduction of evening Permit Zone parking restrictions in streets that are exposed to strong parking demands during evening periods when off-street parking spaces are available.
• Continue to implement facilities to encourage greater use of walking and bicycle mode to the centre.

These recommendations are not matters that are before this Panel. The Panel concluded in Chapter 2.2 that there is a potential need for additional parking at the activity centre, notwithstanding there could be better management of existing parking as proposed in Council strategies.
### Appendix A: Submitters to the Amendment

<table>
<thead>
<tr>
<th>No.</th>
<th>Submitter</th>
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<tbody>
<tr>
<td>1</td>
<td>Brian Hatswell</td>
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<tr>
<td>2</td>
<td>Phillip and Jane Ellis</td>
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<td>3</td>
<td>Carol and Martin Carter</td>
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<td>4</td>
<td>Jack Librach</td>
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<td>5</td>
<td>Warwick Abbot</td>
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<td>6</td>
<td>Miralem Basic</td>
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<td>7</td>
<td>Graham and Fay Goode</td>
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<td>8</td>
<td>Sam Ikonomou</td>
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<td>9</td>
<td>Hanna El Mouallem</td>
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<td>10</td>
<td>Elizabeth Neal</td>
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<td>11</td>
<td>Trevor Neal</td>
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<td>12</td>
<td>Annabel and Kent Kay</td>
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<td>13</td>
<td>Howard and Margaret Grant</td>
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<td>14</td>
<td>Julian Kardis</td>
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<td>15</td>
<td>Church Street Traders Association</td>
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<td>16</td>
<td>John Kardis</td>
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<td>17</td>
<td>Denise Kinnon</td>
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<td>18</td>
<td>Ken Grenda AM</td>
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<td>19</td>
<td>Geraldine Bagwell</td>
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<tr>
<td>20</td>
<td>Petition by Miralem Basic</td>
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</tbody>
</table>

Planning Panels Victoria received seven pro forma submissions directly from local residents. Two of the pro forma submissions were from people who had previously made a submission to the Amendment. Five were from people who had not previously made a submission.

At the Directions Hearing, the Panel indicated that it would use its powers to inform itself to consider late submissions, or direct submissions to the Panel received up until that point. One of the direct submitters, Ms Reeves, was represented at the Hearing.
### Appendix B: Parties to the Panel Hearing

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Represented by</th>
</tr>
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<tbody>
<tr>
<td>Bayside City Council</td>
<td>Tom Vercoe</td>
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<tr>
<td>Hanna El Mouallem</td>
<td>Robert Forrester of Counsel instructed by DWF, calling the following expert evidence:</td>
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<tr>
<td></td>
<td>traffic from Russell Fairlie of Ratio Consultants</td>
</tr>
<tr>
<td>Elizabeth Neal</td>
<td>Herself and John Quinn</td>
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<tr>
<td>Howard Grant</td>
<td></td>
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<tr>
<td>Miralem Basic</td>
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<td>John Kardis</td>
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<tr>
<td>Julian Kardis</td>
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<tr>
<td>Denise Kinnon</td>
<td>Noelle Pudney</td>
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<td>Janis Reeves</td>
<td>Ken Dunstan</td>
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<td>Graeme Goode</td>
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<td>Church Street Traders Association</td>
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<td></td>
<td>Tim Scully</td>
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</tbody>
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### Appendix C: Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 1994</td>
<td>Approval for a Planning Permit to develop and use land at 5 Well Street, Brighton as a public car park.</td>
</tr>
</tbody>
</table>
| 1998          | Andrew O'Brien and Associates commissioned by Council to undertake a Church Street Car Parking Study and review a 1993 study. This included investigation into the use of on- and off-street car parking serving the Church Street shopping centre. In general, the study identified deficiencies in car parking for the Church Street shopping centre including:  
- limited on- and off-street parking supply to cater for peak parking demands  
- the lack of convenient long term parking for traders/employees  
- parking impacts in surrounding residential streets. |
| December 2001 | Church Street Urban Design Strategy prepared for Council and adopted in December 2001. This action plan outlines actions relating to:  
- urban design  
- transport and circulation  
- planning issues including heritage and car parking  
- retail support.  
The strategy refers to the findings of the Andrew O'Brien and Associates Church Street Car Parking Study. |
<p>| 2005          | A Parking Precinct Plan developed for the Church Street Major Activity centre by Maunsell Australia Pty Ltd.                                                                                           |
| April 2005    | Valuation of the property was undertaken by Matheson Stephen property valuers.                                                                                                                                 |
| August 2005   | Review of Parking Occupancy &amp; Turnover prepared by Maunsell Australia.                                                                                                                                 |
| September 2005| Bayside City Council resolves to purchase 7 Well Street.                                                                                                                                                                                                     |
| September 2005| Council completes a review of all car parking in the Church Street area as part of the Major Activity Centre Structure Plan.                                                                                                                                   |
| October 2005  | Council purchases the property at 7 Well Street for potential use as a car park. The house on the property will continue to be occupied by tenants.                                                                                                               |
| 6 October 2006| A residential tenancy agreement renegotiated for the premises at 7 Well Street, Brighton. This agreement was for a one year.                                                                                                                                     |
| November 2006 | The Structure Plan and the Parking Precinct Plan for the Church Street Centre adopted.                                                                                                                                                                         |
| 2006 onwards  | Various residential tenancy agreements continued upon the property. The final tenancy leasing agreement ends in January 2018.                                                                                                                                   |
| August 2016   | The Church Street Activity Centre Car Parking Background Report finalised.                                                                                                                                                                                   |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>May 2018</td>
<td>Council issued a Request for Quotation to undertake the Demolition of the building at 7 Well Street.</td>
</tr>
<tr>
<td>June 2018</td>
<td>A building approval to demolish the house at 7 Well Street was granted.</td>
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<tr>
<td>June 2018</td>
<td>Letters were distributed to inform the surrounding traders and residents of the demolition of the house at 7 Well Street. Information was also provided on Council’s website about the demolition and that Council will be commencing the process to rezone the land to develop the car park.</td>
</tr>
<tr>
<td>October 2018</td>
<td>Church Street Major Activity Centre Car Parking Study was completed.</td>
</tr>
<tr>
<td>19 February 2019</td>
<td>A request to prepare Amendment C165 presented at Council’s Ordinary Meeting. Council resolved to commence a planning scheme amendment to rezone 5 &amp; 7 Well Street, Brighton from General Residential to the Public Use (Schedule 6) and seek authorisation from the Minister for Planning.</td>
</tr>
<tr>
<td>4 April 2019</td>
<td>Ministerial Authorisation to prepare the Amendment (C165) granted and DELWP provided consent for Council to proceed to the public exhibition stage of the amendment process.</td>
</tr>
<tr>
<td>4 June 2019</td>
<td>Public notice and advertisement of Amendment C165 provided in the Bayside Leader. Letters and flyers were sent out to affected properties and land in close proximity to the activity centres.</td>
</tr>
<tr>
<td>6 June 2019</td>
<td>Notice of Amendment C165 appears in the Government Gazette.</td>
</tr>
<tr>
<td>8 July 2019</td>
<td>Submissions to Amendment C165 are due to be submitted to the responsible authority.</td>
</tr>
<tr>
<td>20 August 2019</td>
<td>Submissions considered by Council. Council resolved to request the appointment of a Panel and also undertake a review of on-street parking restrictions and permit parking opportunities opposite 7 Well Street in accordance with the Managing On-Street Car Parking Demand Policy, if 7 Well Street is rezoned to allow a car park to be constructed.</td>
</tr>
<tr>
<td>26 August 2019</td>
<td>Council formally requested a Planning Panel be appointed to consider submissions received to Amendment C165.</td>
</tr>
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</table>
## Appendix D: Document list

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
<th>Provided by</th>
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<tr>
<td>1</td>
<td>11/11/2019</td>
<td>Part A submission</td>
<td>Council</td>
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<td>Part B submission</td>
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<td>3</td>
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<td>Council residential framework</td>
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<td>4</td>
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<td>Council residential projections</td>
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<td>5</td>
<td></td>
<td>Submitter map</td>
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<td>6</td>
<td></td>
<td>Community survey results</td>
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<td>7</td>
<td></td>
<td>Extract from ITS</td>
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<td>8</td>
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<td>Revised response to submissions</td>
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<td>9</td>
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<td>2009 satisfaction survey</td>
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<td>10</td>
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<td>Council monitoring and review of the Church Street MAC</td>
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<td>11</td>
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<td>Expert evidence Mr Fairlie</td>
<td>Robert Forrester</td>
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<td>12</td>
<td></td>
<td>Church Street Parking draft report</td>
<td></td>
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<td>13</td>
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<td>Submission for Mr El Moullin</td>
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<td>Clause 21.11 of the planning scheme</td>
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<td>15</td>
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<td>Letter from Bayside Council to Mr El Moullin</td>
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<td>16</td>
<td></td>
<td>VCAT decision on 5 Well Street</td>
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<td>17</td>
<td>12/11/2019</td>
<td>Map of parking restrictions</td>
<td>Council</td>
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<td></td>
<td>Plan of 5 Well Street</td>
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<td>Details of parking restrictions</td>
<td>Robert Forrester</td>
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<td>Aerial photo of site</td>
<td>Miralem Basic</td>
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<td>21</td>
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<td>Photos of Dendy car park</td>
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<tr>
<td>22</td>
<td></td>
<td>Submission</td>
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<td>23</td>
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<td>Photos</td>
<td>John Kordis</td>
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<td>Submission on behalf of J Reeves</td>
<td>Ken Dunston</td>
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<td>Title plan</td>
<td>Robert Forrester</td>
</tr>
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Executive summary

Purpose and background

The purpose of this report is to present Councillors with an update on the proposed approach to Stage 2 of the Hampton Community Infrastructure Feasibility and Masterplan assessment.

Key issues

Proposed approach for Stage 2 of the Masterplan

Stage 2 of the process will provide Council with an opportunity to develop a design brief to:

- Determine the future land uses of the Council sites;
- Inform the potential cost associated with the development of the precinct;
- Inform the preparation of a design brief for a new neighbourhood scale community hub;
- Develop an understanding of governance structure options to support the operation of a centralised community hub.

This stage will consider future land uses at the thirteen Council sites which are dispersed within the Hampton Activity Centre, including a disposal program for any Council owned land that is deemed surplus. Importantly, the design brief process will allow Council to gain a greater understanding of the economic feasibility of the project and an approach for funding mechanisms.

In preparing a design brief for a future neighbourhood scale community hub, it is proposed to commence a co-design process with key stakeholders to ensure that the design of the facility considers the detailed needs of future user groups. This process will be led by a community engagement professional with expertise in facilitation and participatory engagement to ensure that the design brief process is informed by past experience, and provides future user groups the opportunity to work together to identify commonalities and inform the building(s) function and operational requirements.

To assist in the assessment of the projects economic feasibility, it is proposed to obtain support from a specialist Property consultant where required. This would assist in the assessment and decision making relevant (but not limited) to:

- Council’s the strategic property portfolio;
- funding opportunities; and
- the governance model/economic feasibility of the proposed hub/building.

It is proposed that the co-design process and economic feasibility process will commence early in 2020.
Recommendation
That Council note the approach to the continued delivery of the Hampton Community Infrastructure Feasibility and Master Plan process.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
Hampton is facing an increasingly ageing population, and growth in the number of families with children.

By the year 2036, there will be a gap in future service provision of the following services/facilities in the Hampton suburb: Three and four-year-old kindergarten places; Playgroups; Long day childcare centres (typically provided by the private sector); Toy library; Neighbourhood house programs; Centre-based libraries; Flexible space for community meetings, events, programs, art and culture; and potential future gap in the provision of youth spaces and an arts and culture centre. How and where to locate these facilities is the key outcome of the Hampton community infrastructure masterplan.

Natural Environment
New buildings associated with the development of any future 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. These measures will be considered in future stages of the project.

The creation of additional public open space in the centre will be considered on conjunction with the future hub location, so that the two can be well integrated.

Built Environment
Council has a number of aging buildings and infrastructure within the Hampton Major Activity Centre in need of significant maintenance and renewal. A functional brief will be developed to inform the future built environment outcomes to be delivered in the implementation of the Master Plan.

Customer Service and Community Engagement
A detailed community engagement plan is being prepared to inform Stage 2 of the project.

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

Legal
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
Council has allocated budget to progress with Stage 2 of the project into 2019/20. It is anticipated that the amount allocated will not be sufficient to complete Stage 2. This will need to be considered once Council has received tenders to complete the work. The cost associated with works needed to deliver the actions identified by this project has not been
included within Council’s long term financial plan. As Council prepares a more refined option for consideration, the financial feasibility will be canvassed in detail.

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.

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.

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 Hampton 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. This is being delivered through the Master Plan process.
Executive summary

Purpose and background
The purpose of this report is to provide an update on Council’s Notice of Motion – 290: Long Term Parking of Caravans, Boats and Trailers on Council Land and the options to address community concerns regarding the long term parking of such vehicles.

Key issues
There are currently no restrictions on registered caravans, boats or trailers which park in unrestricted (no parking restrictions) streets and Council car parks; unless these vehicles are greater than 7.5 metres in length or weigh 4.5 tonnes or more.

Notwithstanding this, under the Local Government Act 1989 Council has the ability to introduce Local Laws to protect public health, safety and amenity. Controls in association with long term parking of Caravans, Boats and Trailers on Council Land of these vehicles that are under 7.5 metres in length or weigh less than 4.5 tonne could be considered and included in the Local Law.

In introducing any new Local Law the controls and the language used is critical. Council would be required to determine its definitions of “long term parking” or alternatively “store” to ensure that future implementation of the Local Law is enforceable. Based on preliminary investigations the Local Law provision would need to relate to the period of occupation opposed to the manner a Caravans, Boats and Trailer is secured (i.e. use of wheel clamps etc.).

Council’s Local Law is due to sunset in April 2022 and the process to fully review and develop a new comprehensive Local Law is scheduled to commence in late 2020 with adoption and implementation planned for late 2021.

Process to create or amend a Local Law
The preparation and introduction of a new Local Law or the addition of a new clause as contemplated, is an extensive and costly process.

The process can take up to 6 months to implement a single additional requirement (in association with long term parking of Caravans, Boats and Trailers on Council Land) or up to 18 months to undertake a comprehensive review of the entire Local Law. The process of introducing a new local law includes:

- The drafting of the relevant local law;
- Community Consultation and hearing of any submissions;
- Regulatory Impact Statement;
- Adoption and gazettal of the local law; and
- Implementation and communication regarding the introduction of the local law.
The process to implement a clause to cover trailers etc. would cost approximately $26,000 (including legal fees, communications, community engagement and notification) while a complete review of the Local Law is estimated to cost $150,000.

Council has not allocated resources for the preparation of a Local Law to address this issue in the 2019/20 budget.

The process to fully review and develop a new comprehensive Local Law is the same as for one new local law provision. This process is anticipated to take approximately 18 months due to the increased complexity and extensive community consultation and engagement.

Data insights

A review of Council’s community requests system has identified we have received a relatively low number of complaints over a six month period (119 complaints received for all abandoned/unregistered, oversized vehicle, overstaying time restrictions and safety concerns related to trailers). This is an average of about 20 per month.

Current restrictions

Victorian Road Rules

There are current restrictions under the Victorian Road Rules, which restrict the parking of long vehicles (over 7.5m) on residential streets for a period longer than one hour.

Local Government Act

Provisions under the Local Government Act Schedule 11 cl.3, provide Council with the power to remove unregistered or abandoned vehicles.

Unregistered trailers are currently investigated and actioned by Council under this provision.

Residential Parking Permit Policy

Council’s current Residential Parking Permit Scheme Policy, does not allow caravans, boats, trailers, or motorhomes to obtain a parking permit. Therefore, residents who are unable to store these vehicles on private property, are utilising the unrestricted neighbouring streets to store the vehicles.

It is recommended that Council bring forward the review of the entire Local Law No.2 “Neighbourhood Amenity”.

Recommendation

That Council:

1. Supports the introduction of a new Local Law to control the long term parking of caravans, boats and trailers on roads and Council Land.

2. Refer the introduction of a new Local Law to control the long term parking of caravans, boats and trailers on roads and Council Land to the scheduled review of the entire Local Law No. 2 ‘Neighbourhood Amenity’.

3. Commence the review of the entire Local Law No. 2 “Neighbourhood Amenity” as a priority.
Considerations and implications of recommendation

Liveable community

Social
The new Local Law clause will have positive social benefits for the community, as it is anticipated to enhance residents’ peaceful enjoyment of their neighbourhood through increased amenity and available parking.

Residents who own boats, trailers and caravans will be required to find alternative locations to store these vehicles.

Natural Environment
There are no Natural Environment implications as a result of this report.

Built Environment
There are no Built Environment implications as a result of this report.

Customer Service and Community Engagement
In accordance with the Local Government Act 1989, a statutory process is required to be undertaken prior to creating or amending any Local Law. This provides the community with an opportunity to make submissions in favour or against proposed provisions of a Local Law.

Human Rights
Council has the power to make Local Laws for or with respect to any Act, matter or thing in response of which the Council has a function or power under the Local Government Act 1989. In doing so, a Local Law must not be inconsistent with any Act or regulation including Human Right considerations.

Legal
A Local Law must not be inconsistent with any Act or regulation and Council must comply with any prescribed details relating to the preparation and content of a local Law in accordance with the Local Government Act 1989.

Proposed changes to the Local Law and progress through the statutory process would involve legal advice.

Finance
There is no current budget allocated to undertake the process to create a new Local Law. The anticipated cost to implement a new Local Law would cost approximately $26,000 (legal fees, Communications and Engagement and notifications) while a complete review of the Local Law is estimated to cost $150,000.
Links to Council policy and strategy
This report has been prepared having regard to *Local Government Act 1989* and Council’s Local Law No. 2 ‘Neighbourhood Amenity’.

**Options considered**

### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Defer the introduction of a Local Law to control the long term parking of caravans, boats and trailers on roads and Council Land to the scheduled review of the Local Law, to commence in late 2020.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There is no allocated budget for this issue, and the deferral would allow this matter to be considered holistically with other Local Law changes.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council’s Local Law is due to sunset in April 2022 and the review of the Local Law will commence in late 2020. Until a Local Law is introduced there will be no controls in place to manage this issue.</td>
</tr>
</tbody>
</table>

### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Immediately commence the process to introduce a Local Law to control the long term parking of caravans, boats and trailers on roads and Council Land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The Local Law may be introduced earlier than waiting for the holistic review of Council’s Local Law; which is currently scheduled to commence in late 2020. Residents who own boats, trailers and caravans will be required to find alternative locations to store these vehicles.</td>
</tr>
<tr>
<td>Issues</td>
<td>The costs are estimated at $26,000 and there is currently no budget allocated to commence the process. This will cover the long term parking of all caravans, boats and trailers throughout the municipality. Council’s Local Law is due to sunset in April 2022 and comprehensive review of the Local Law will commence in late 2020.</td>
</tr>
</tbody>
</table>

### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Bring forward the process to fully review and develop a new comprehensive Local Law including suitable provisions to control the long term parking of caravans, boats and trailers on roads and Council Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Enables this and other issues of community concern to be addressed through the Local Law sooner than waiting for the comprehensive review to commence closer its sunset date in April 2022. Reduced overall costs associated with piecemeal amendments by undertaking a single comprehensive review.</td>
</tr>
<tr>
<td>Issues</td>
<td>The process could be commenced in April 2020 with the process taking up to 18 months. The costs are estimated at $150,000 and budget will need to be provided.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose
The purpose of this report is to update Councillors on current and proposed Council activities that support community members experiencing mental health issues.

Background
Council has a legislative responsibility to develop a Municipal Public Health and Wellbeing Plan within 12 months of a newly elected Council. Council complies with this requirement through the development of the Wellbeing for All Ages and Abilities Strategy (WAAA).

At the 15 October 2019 Ordinary Council Meeting, Council resolved that it:


2. Receives a report on the mental health activities undertaken by Bayside City Council at the February 2020 Ordinary Council Meeting.

Council activities linked to the WAAA aim to improve health and wellbeing outcomes and build community resilience across all ages and abilities. Activities include a combination of embedded practice and new initiatives in response to current and emerging themes and issues. Some activities target people experiencing vulnerability. Council activities primarily focus on early intervention, prevention and advocacy. This is accepted as best practice.

Council activities that respond to and/or support people experiencing mental health conditions include:

- engaging more than 100 sporting leaders and their participants in information sessions that focus on mental health, drugs, alcohol, gambling and domestic violence;
- delivering Mental Health First Aid training to schools, parents and community groups, with up to 20 participants enrolled for each four week program;
- delivering student workshops across multiple year levels that address bullying, stress, anxiety and depression;
- utilising qualified maternal and child health nurses and aged and disability assessment staff to undertake psychosocial assessments and as required, facilitate referrals to counselling and mental health support services; and
- delivering programs on the public housing estates, in individual’s homes and in Council buildings to reduce isolation and loneliness and to support people across all age groups experiencing vulnerability.

In addition, Council delivers a range of practical household assistance to people experiencing mental health conditions to support them to remain living independently in the community.

Council has recently established a 12 month Community Resilience Officer role. This officer will support community members experiencing vulnerability to access appropriate services as and when they are needed. This will include people experiencing homelessness/rough sleeping and/or mental health conditions as well as providing a central point for the coordination of community safety issues.
Key issues

The Royal Commission Interim Report 2019 into Mental Health acknowledges that mental health is shaped by the social, cultural, economic and physical environments in which people live and is a shared responsibility of society. This requires a whole of community approach.

In 2018 there were 720 suicide deaths in Victoria - more than three times the road toll. The way in which the mental health system connects with other systems and services such as housing, disability, education, alcohol and other drugs, family violence, physical health, justice and employment services is crucial to determining how the mental health system can best serve the interests of those who use and work in it.

More than twenty themes are noted in the Royal Commission Interim Report, with some of these focusing on the system itself, and some focusing on people's experiences of trying to navigate within it. These range from stigmatising attitudes and discriminatory behaviour, lack of integrated services, suicide, adverse effects on young people, challenge of families and carers, grossly disproportionate investment in mental health compared with physical health, inequity of access, service gaps and the lack of appropriate community-based care.

The aged care reforms and the implementation of the National Disability Insurance Scheme (NDIS) is impacting Council's ability to engage with some of the more vulnerable members of the community, due to the fragmentation of the service system.

Council has employed youth counsellors for many years. In recent times referrals to Council’s youth counsellors have ceased. The reduction in referrals have occurred simultaneously with the State Government’s expansion of welfare and counselling support to young people within and outside the education system. A recent injection of funds by the state government has resulted in the employment of dedicated mental health workers in schools. Benchmarking of six local Councils identifies all but one have ceased providing 1:1 counselling services.

Council’s youth counselling resources would be better utilised by taking a pro-active and preventative approach to mental health issues by supporting young people and other community members through expanding mental health first aid training and other similar programs, actions and activities.

To meet challenges being experienced by the broader community, the development of a Community Resilience Plan will be submitted for consideration in the 2020/2021 budget cycle. A Community Resilience Plan will provide a framework and actions for how Council and the community partner together to build resilience to respond to issues that impact mental health such as the climate emergency, community safety, people experiencing vulnerability, loneliness and isolation and emergency incidents.

Recommendation

That Council:

1. Reinvests youth counselling resources into activities that take a preventative and pro-active approach to support community members experiencing vulnerability including mental health issues.
2. Develops and strengthens relationships with local and regional services to support the Bayside community to access and receive appropriate assistance as and when required.
Support Attachments
Nil

Considerations and implications of recommendation

Liveable community

Social
Family incidents, homelessness, people with mental health conditions and those experiencing isolation and loneliness have increased in recent years and are now emerging as significant health concerns that will require a whole of community response. These concerns combined with the climate emergency, community safety and the increasing number of emergency incidents will require a coordinated response from Council.

Natural Environment
Not applicable to this report

Built Environment
Not applicable to this report.

Customer Service and Community Engagement
It can take considerable time to engage and work with people experiencing mental health issues. A longer term approach is required where a trusted and safe relationship is developed over time between council staff and the person to be able to connect them to specialised supports. Engagement with specialist services will increase referral pathways and provide insights into the lived experience and the needs of people experiencing mental health issues.

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. Current and proposed actions in this report are aimed at supporting marginalised groups to have equitable access to services.

Legal
Not applicable to this report

Finance
There is no financial impact associated with this report.

Links to Council policy and strategy
- Wellbeing for All Ages and Abilities Strategy (WAAA), 2017-2021
- Bayside Council Plan 2017-2021
- Bayside Community Plan 2025
Executive summary

Purpose and background
To present Council with a paper on the implications of Planning Practice Notes 90 and 91, released by the State government in December 2019.

Planning Practice Notes provide advice about the operation of the Victoria Planning Provisions and planning schemes as well as planning processes and topics.

Planning Practice Note 90: Planning for Housing (PPN90) provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in Planning Schemes.

Planning Practice Note 91: Using the Residential Zones (PPN91) provides instructions to Victorian Councils about how to use the residential zones, schedules, overlays and local policies to implement strategic planning work and to make use of the key features of the residential zones.

Key issues

Planning Practice Note 90 – Planning For Housing
The approach outlined in the Practice Note largely aligns with the approach Council has undertaken in completing both its 2012 and 2019 Housing Strategies. Whilst there is some language differences in relation to the growth areas, these are easily interpreted so as to ensure clarity exists.

To meet the 15 year housing supply threshold required under PPN90, Council is expected to plan for housing needs from 2020 to at least 2035. The Bayside Housing Strategy 2012 provided clear direction on where housing growth should occur to meet population needs to 2031. With the 2019 revisions to the Strategy, Council’s framework provides for housing growth to 2036. Council’s Housing Growth Model indicates that Bayside has sufficient capacity to accommodate the forecast dwelling growth to 2036 and as a result, there is no requirement for Council to review its approach to planning for increased housing growth at this time.

Planning Practice Note 91 – Using the Residential Zones
The General Residential Zone (GRZ)
Bayside’s application of the residential zones followed the Bayside Housing Strategy 2012 which identified the locations for minimal and moderate housing growth. Bayside’s application of the zones generally meets the requirements of PPN91, however there are specific matters that need to be considered.

PPN91 states:
“The General Residential Zone (GRZ) should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate for a Planning Authority to apply the GRZ to areas where the existing single and double storey character is to be respected.”
Therefore, applications for three storey development in the GRZ are to be considered appropriate even if existing housing in the area is only single or double storey as the GRZ is a zone that facilitates change.

In Bayside the GRZ has only been applied near activity centres and train stations where change is encouraged. Therefore, three storey development will be viewed favourably by planning tribunals and panels, despite any neighbouring amenity concerns. Through the Neighbourhood Character Review project, officers will need to ensure that interface between the GRZ and NRZ appropriately reflects Council’s built form outcomes for the different areas.

PPN91 also states that the residential zone that applies to land is to reflect its true development capacity. If land is impacted by special attributes identified in local policy this should be reflected in the residential zone that applies to it. In Bayside there are some neighbourhood character, heritage and vegetation protection precincts located in the General Residential Zone (GRZ) which may need to be reviewed as the GRZ is a zone of change that may not respect these special attributes. For example:

- There are three residential neighbourhoods in Brighton (NCO1, NCO2 and NCO8) under Neighbourhood Character Overlays located in a General Residential Zone (GRZ). These would be inconsistent with the PPN91.
- There are also Preferred Future Character Precincts identified under Local Planning Policy 22.06 Neighbourhood Character located in the GRZ which is also inconsistent with the instructions of PPN91.

To achieve compliance with PPN91 Bayside should review NCO1, NCO2 and NCO8 areas and consider removing GRZ areas from the Preferred Future Character Precincts identified under Local Planning Policy 22.06 Neighbourhood Character. This would reduce inconsistency and facilitate built form changes appropriate to the zone. It is considered that this can be incorporated into the current Neighbourhood Character review project.

The Neighbourhood Residential Zone (NRZ)

According to PPN91 development cannot be restricted based on dwelling density in the Neighbourhood Residential Zone (NRZ). However, where special attributes, such as, heritage, neighbourhood character, landscape or environmental features exist, development may be restricted. The NRZ is to provide for constrained, minimal or incremental housing growth.

The NRZ has generally been applied appropriately in Bayside. However, there are pockets of the NRZ that are relatively close to public transport and shops that have no special attributes that could be suitable for moderate housing growth if further growth is required to meet future population needs.

Given Bayside currently has sufficient housing capacity in its nominated growth areas, it is considered that the current residential strategic framework plan is not required to be reviewed to give effect to this.

The Residential Growth Zone (RGZ)

The Residential Growth Zone (RGZ) promotes housing intensification in locations close to jobs, services and facilities. According to PPN 91 the RGZ has been appropriately applied in Bayside to the limited areas to which it applies.

Use of Local Policies, Schedules and Overlays

Bayside’s use of the local policies, overlays and schedules may need to be reviewed in response to the instructions set out under PPN91 and implementation of the new format planning scheme by the State government. Noteworthy principles are described and analysed below.
Bayside has used a Neighbourhood Character Local Policy as a ‘blanket’ control to achieve neighbourhood character design outcomes throughout Bayside’s residential precincts. In the future, this is expected to be achieved primarily through the use of schedules to zones, with Neighbourhood Character Overlays (NCOs) or Design and Development Overlays (DDOs) also able to be used for more precinct based approaches where a zone will not fully achieve the expected outcomes.

Bayside’s use of the NCO is consistent with PPN91. Bayside’s use of a Neighbourhood Character Local Policy to achieve preferred neighbourhood character objectives over all of Bayside’s residential areas is not addressed by PPN91 but it does not meet the new format planning scheme sought by the State government under the “Smart Planning” Planning Scheme reforms.

Bayside’s Neighbourhood Character controls are currently being reviewed, revisions or new controls will comply with PPN91 and the local policy reforms required by the “Smart Planning” Planning Scheme Reforms.

Design and Development Overlays (DDOs)

In Bayside, Design and Development Overlays (DDOs) have generally been used to control building height. According to PPN91 building heights should align with the maximum building height allowable in the zone. Variations in building height control should generally be specified under a schedule to the zone unless other built form outcomes are also sought or more stringent controls are sought.

To be consistent with PPN91 Bayside may need to review its use of the DDO1, “Coastal Building Height Controls” which allow construction of an attic above a second storey contrary to the two storey height limit requirement for dwellings and residential buildings in the NRZ. Bayside should also review DDO2, “Inland Building Height Controls, which have been superseded by the NRZ height controls for dwellings and residential buildings.

Under the reformed residential zone provisions and schedules building height controls are limited to dwellings and residential buildings in residential areas. Therefore a DDO is still required to control building heights of discretionary uses in a residential zone. In Bayside, DDO3, Building Height Control for Non Residential Buildings in the Inland Minimal Residential Growth Area, has been used to require a permit for non-residential buildings above a height of two storey in residential areas.

Bayside should review its application and use of DDO3, to include building height controls of both discretionary residential uses and discretionary non-residential uses in the NRZ, GRZ and RGZ so that building height limit controls apply to all buildings in all residential zones on an equitable basis. These findings are consistent with the actions from the Bayside Planning Scheme Review 2019.

Recommendation

That Council:

1. Notes that it is meeting the requirements of Planning Practice Notes 90 and 91.

2. Notes that the Bayside Neighbourhood Character controls are currently being reviewed and the requirements of Planning Practice Note 91 and the State Government’s Planning Scheme reforms will inform the revised Local Policy and any associated schedules or overlays.
3. Prepare a scope to review application of the Design and Development Overlays (DDOs) in accordance with the requirements of the Bayside Planning Scheme Review 2019, Planning Practice Notes 91 and the State Government’s Planning Scheme reforms to assess implications including cost and delivery timeframes.

Support Attachments

1. Planning Practice Note (PPN) 90 - Planning for Housing ↓
2. Planning Practice Note (PPN) 91 - Using the Residential Zones ↓
Considerations and implications of recommendation

Liveable community

Social
Providing for future housing growth as required under Planning Practice Note 90 will contribute to Bayside’s social well-being by meeting the community’s basic need for housing.

Natural Environment
Proper use of the residential zones, overlays and schedules in accordance with Planning Practice 91 will assist in the protection of the natural environment.

Built Environment
Proper use of the residential zones, overlays and schedules in accordance with Planning Practice 91 will assist in achieving built environment outcomes sought by the Bayside community.

Customer Service and Community Engagement
There is no public consultation associated with the release of Planning Practice Notes as they are a responsibility of the state government that is not subject to community input.

Human Rights
The implications of Planning Practice Notes 90 and 91 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 Practice Notes operate as a practitioners to guide to planning practice. There is no statutory or legal obligation to Council associated with them.

Finance
As Council’s strategic planning work has already identified and sought to action many of the planning policy issues addressed by Planning Practice Notes 90 and 91, there will be no financial implications associated with adhering to the Practice Notes.

Links to Council policy and strategy
Compliance with Planning Practice Note 90, Planning for Housing Growth, and Planning Practice Note 91, Use of Residential Zones, Overlays and Schedules will assist Council to achieve the following Housing and Neighbourhood elements of the Council Plan 2017-2021:

- 3.1 Strategic Objective – A Bayside where housing and neighbourhoods are protected and significant development is directed to specified and planned activity centres and strategic locations; and
- 3.4 Strategic Objective – A Bayside where development contributes to high visual amenity, is ecologically sustainable and responds to the streetscape and neighbourhood context.
Planning for housing

Planning Practice Note 90
December 2019

Why is it important to plan for housing?

Housing is influenced by a range of demographic, environmental, physical, social and economic influences. These include population growth and changing household formation patterns, the natural and built environments, land use patterns, location and accessibility to infrastructure and services, social and cultural values, the cost of housing, employment opportunities, and individual preferences and lifestyle choices.

Many of the changes occurring to the Victorian housing market are due to population changes. Victorians are ageing, having fewer children, forming smaller households and preferring different lifestyles. These changes have impacted on the demand, type and location of housing. Housing markets are becoming much more diverse as evidenced by the increasing popularity of high-rise apartment living on the one hand and semi-rural and coastal living on the other.

Lifestyle and preference change have affected the housing market in several ways, creating demand for new and diverse housing. Victoria is experiencing unprecedented population growth and Melbourne is projected to become Australia’s largest city.

Each municipality will experience the effects of this growth in different ways and will need to plan for population growth and additional households in its local communities.

When planning to accommodate projected population and housing change, planning authorities are required to effectively plan for this change by considering relevant environmental, social and economic factors, and where conflict arises, balance competing objectives in favour of net community benefit and sustainable development.
Housing and the Planning Policy Framework

The Planning Policy Framework (the PPF) is part of all planning schemes in Victoria and sets out the context for spatial planning and decision making. It includes state, regional and local planning policies and sets out a planning authority’s obligations in relation to planning for population growth and managing housing change. See Table 1.

The PPF requires planning authorities to:

- Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

The PPF also requires planning authorities to consider the following region-specific strategies as relevant:

- Central Highlands Regional Growth Plan (Victorian Government, 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Hume Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee North Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee South Regional Growth Plan (Victorian Government, 2014)
- Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014)

Planning authorities should use Victorian Government population projections and land supply estimates when planning for population growth and managing housing change.
Table 1: Key PPF housing and settlement policies

<table>
<thead>
<tr>
<th>Clause</th>
<th>Policy</th>
</tr>
</thead>
</table>
| 11.01-1S  | Ensure regions and their settlements are planned in accordance with their relevant regional growth plan, or Plan Melbourne.  
Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services. |
| 11.02-2S  | Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur.  
Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.  
Planning for urban growth should consider:  
• opportunities for the consolidation, redevelopment and intensification of existing urban areas  
• neighbourhood character and landscape considerations  
• the limits of land capability and natural hazards and environmental quality  
• service limitations and the costs of providing infrastructure. |
| 15.01-5S  | Ensure development contributes to existing or preferred neighbourhood character.                                                                                                                                                                                           |
| 16.01-1S  | Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.  
Ensure that an appropriate quantity, quality and type of housing is provided. |
| 16.01-2S  | Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.  
Encourage higher density housing development on sites that are well located in relation to services, jobs and public transport.  
Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.  
Identify opportunities for increased residential densities to help consolidate urban areas. |
| 16.01-3S  | Ensure housing stock matches changing demand by widening housing choice.  
Facilitate diverse housing that offers choice and meets changing household needs.                                                                                                                                                  |
Housing and local area planning

Housing change is an inevitable and ongoing process. Tensions can arise between housing and neighbourhood character objectives. If these tensions are not adequately managed this creates uncertainty about future development outcomes.

Planning authorities play a critical role in guiding the location and form of housing and settlement patterns to meet the needs of Victoria’s growing population.

Figure 1: Planning for housing change

Residential zones

Planning Policy Framework (state and local)

Plan Melbourne and Regional Growth plans

Housing Strategy

Municipal Planning Strategy

Neighbourhood character strategy

Other VPP tools

Residential development framework
The strategic planning process

Planning for housing change can provide certainty for the community about where change is likely to occur as well as what form it should take.

To respond to state and regional planning policies and provide clear directions about where housing growth should occur, a planning authority will normally undertake some form of strategic planning to underpin the vision and strategic directions set out in the Municipal Planning Strategy (the MPS).

**Figure 2: The strategic planning process**
Figure 3: Balancing housing growth and protection of neighbourhood character

Policy framework (PPF, Plan Melbourne/Regional Growth Plan, MPS)
- Housing strategy
- Neighbourhood character strategy
- Other strategic work

Residential development framework (Housing change areas)
- Minimal change
- Incremental change
- Substantial change

Applying the residential zones
- LDRZ
- TZ
- NRZ
- GRZ
- RGZ
- MUZ

Statutory implementation (PPPS)
- Using the features of the residential zones (Local variations)
- Objectives
- Permit requirements for one dwelling on a lot
- Clause S4 and clause S5 variations
- Application requirement and decision guideline
- Minimum subdivision area
- Minimum garden area requirement
Undertaking local strategic studies

This strategic planning is typically expressed in the form of a housing strategy which may also be accompanied by a neighbourhood character strategy along with other relevant strategic work such as heritage, landscape, environmental or land capability studies.

A local housing strategy:

- ensures a range of housing opportunities are available across the municipality to meet the needs of the projected population
- outlines the strategies and implementation mechanisms to accommodate the projected population and household needs
- identifies where and how the housing needs of the future population will be met across the municipality
- identifies suitable locations for housing growth including those areas close to services, jobs, public transport and activity centres, and strategic development areas

While a housing strategy identifies the extent and nature of future housing, a neighbourhood character strategy assists in identifying valued characteristics of areas that need to be considered when identifying the preferred future character for residential areas. Actions can then be identified to ensure that existing character is respected, or a preferred new character is achieved.

A local neighbourhood character strategy:

- considers both the public and private realms
- provides strategic direction for neighbourhood character to guide future development through preferred neighbourhood character statements or neighbourhood character objectives
- identifies the comparative significance of each neighbourhood character area, in assessing the significance of areas, comparisons need to be made, not only with other parts of the municipality but also with the wider region
- forms the basis for neighbourhood character statements, policies, objectives and local variations to clause 54 and clause 55 being included in residential zone schedules, a Neighbourhood Character Overlay or other overlay.

Neighbourhood character is not a static concept, it is dynamic and evolves over time to meet contemporary housing needs. For example, respecting character does not mean protecting character in an incremental change area.

The neighbourhood character strategy should demonstrate that housing objectives have not been prejudiced when determining areas for the protection of existing neighbourhood character.

To achieve this, a neighbourhood character strategy should feed into a residential development framework that identifies minimal, incremental and substantial change areas to balance the need to protect valued character with the need to ensure housing growth and diversity.
What does ‘respect’ mean?
Respecting character does not mean preventing change. In simple terms, respect for the character of a neighbourhood means that development should be designed in response to its context.
Depending on the neighbourhood, there are two broad approaches to respecting character:
- respecting the bulk and form of surrounding development;
- respecting the architectural style of surrounding development.
Respecting neighbourhood character does not mean mimicking and pattern-book design or limiting the scope of design interpretation and innovation. Instead, it means designing the development in response to the features and characteristics identified in the neighbourhood.

What is preferred neighbourhood character?
Under clause 54 and clause 55, new development should respect the existing neighbourhood character or contribute to a preferred neighbourhood character.
Preferred neighbourhood character is either:
- the existing character of an area or
- an identified future neighbourhood character different from the existing character of an area.

Where the existing neighbourhood character is the preferred neighbourhood character, it is important to identify the existing features and characteristics of the area to be respected.
A preferred neighbourhood character statement can articulate the valued features and characteristics of an area to be respected by new development. There is no prescribed format for a preferred neighbourhood character statement. Its form will depend on several factors, including the features and characteristics of an area or municipality, the housing outcomes sought, and the views of the local community.

It is important that preferred neighbourhood character statements are ‘forward-looking’ so that if an area is identified for increased housing growth, the growth is not undermined by neighbourhood character policies that seek to maintain the existing neighbourhood character.
Creating a residential development framework

A residential development framework provides a means to balance the outputs of a housing strategy and neighbourhood character strategy by enabling a planning authority to holistically plan for housing change over 15 years to meet their obligations under clause 11.02-15 of the PPF.

A residential development framework will normally comprise the outputs of the strategic work undertaken through the development of a local housing strategy and/or a local neighbourhood character strategy and any other pieces of strategic work such as a heritage, landscape, environmental or land capability study.

Creating a residential development framework can help to bring all these issues together into a coherent strategic vision containing a plan, or plans, that balances competing objectives by prioritising preferred development outcomes for different areas.

Figure 4: Inputs for a residential development framework

- Housing strategy
- Neighbourhood character strategy
- Heritage, environmental, landscape and land capability constraints

Residential development framework
Identifying change areas

One of the key actions associated with developing a residential development framework is the identification of housing change areas.

Change is relative to its context. The existing built form of an area should always be the starting point when planning for change.

This should inform strategic planning work for identifying housing change areas of minimal, incremental and substantial change through a residential development framework.

Identifying housing change areas provides a means for prioritising competing housing and neighbourhood character objectives arising out of local strategic work. It also provides the basis for the application of requirements through zones and overlays to give effect to desired planning outcomes.

Identifying preferred development outcomes provides certainty to the community about where growth and intensification will occur, where valued neighbourhood character will be either respected or protected and where development is constrained by other characteristics or values.

A framework for managing change typically comprises the delineation of minimal, incremental and substantial change areas.

A greater breakdown of housing change areas may be acceptable provided there is a strong strategic basis for the approach and the additional housing change areas reflect preferred development outcomes that are legible and clear so that the type of change being sought broadly falls within the boundaries of the broader minimal, incremental and substantial change categories.

Figure 5: Housing change areas and a residential development framework

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Planning Practice Note 50 Planning for housing
Minimal change areas

Minimal change areas have characteristics that are “sufficiently special” to a municipality, metropolitan Melbourne or Victoria, and should be protected because of their special neighbourhood, heritage, environmental or landscape characteristics.

Minimal change areas can also be areas that are constrained by planning considerations such as the physical capability of the land to safely accommodate more residential development. For example, restricting additional housing in areas close to airports, land subject to bushfire risk, flooding or erosion.

Minimal change areas should not be identified based on remoteness from activity centres, jobs, services or transport, or because single-dwelling covenants or other restrictive instruments exist. While a relevant consideration, these restrictions are only one factor to consider when determining an appropriate strategic response to relevant state, regional and local settlement, housing and neighbourhood character policies.

Minimal change areas may appear differently in different built form contexts. For example, inner city heritage terraces and large lots with landscape values may both be considered minimal change areas but are very different residential environments. In both cases, the special characteristics of each area is the principal input into whether they are categorised as minimal change.
**Incremental change areas**

Incremental change areas are where housing growth occurs within the context of existing or preferred neighbourhood character.

The built form context of incremental change areas can vary widely. For example, incremental change in an inner urban area can represent a very different scale of development from an incremental change area in an outer suburban area, or a regional town or city.

The key point is that incremental change is relevant to its context.

**Incremental change areas:**

- have capacity for housing growth and more diverse types of housing
- are where new development should respect existing valued neighbourhood character attributes
- are where existing neighbourhood character will evolve and change over time with reference to the key identified neighbourhood attributes.

**Substantial change areas**

Substantial change areas are where housing intensification will occur that results in a substantially different scale and intensity of housing compared to other areas of a municipality. This may include areas in and around activity centres, along public transport corridors and strategic development areas.

Substantial change areas will reflect a different degree of change in different built form contexts. For example, a substantial change area in an outer urban and regional context may more closely resemble an incremental change area in an inner urban context.

**Substantial change areas:**

- are close to jobs, services, facilities or public transport
- facilitate housing growth that takes advantage of their proximity to jobs, services, and public transport
- make the most of strategic development areas or opportunity sites that either exist or are identified from time to time
- promote housing diversity
- result in a new built form and neighbourhood character.

**Remember**

Key residential development framework questions to consider:

- Do characteristics exist that distinguish an area from other parts of the municipality or the surrounding area to warrant a different approach?
- Are there policies or provisions already in place to protect, improve or develop the characteristics of the area going forward?
- Does protecting or respecting identified characteristics in the area
  - unduly constrain the provision of housing?
  - have an impact on the provision of housing in other parts of the municipality?
- What measures are needed to balance the effects of protecting or respecting identified characteristics in an area?
Gumnut Residential Development Framework Plan

Figure 6: Gumnut housing change areas

Figure 7: Gumnut character precincts

Character precincts:
1. Suburban
2. Riverside
3. Inner urban
4. Urban
5. Central
6. Traditional
7. Lifestyle
8. Growth area

Housing change areas:
- Activity centre
- Substantial 1
- Substantial 2
- Incremental
- Minimal
- Growth area
- LGA boundary

Figure 8: Gumnut residential development framework plan
Implementing a residential development framework

The PPF and the MPS form the strategic foundation of a planning scheme and provide the basis for the application of requirements through zones and overlays to give effect to identified planning outcomes in a residential development framework.

A residential development framework can be implemented into the PPF and MPS in several ways depending on the amount of local strategic work undertaken to give effect to the vision and strategic directions for a municipality.

If a planning authority only wishes to rely on the MPS to provide local strategic direction for housing it should contain:

- an overarching vision and strategic directions for the built environment and housing;
- a municipal-wide strategic framework plan or inclusion of a separate residential development framework plan identifying housing change areas;
- delineation and description of desired housing and neighbourhood character outcomes for each housing change area.

The MPS can be complemented by local housing and neighbourhood character policies.

Figure 9: Ways to implement a residential development framework
The role of the Municipal Planning Strategy

The MPS outlines the planning outcomes the municipality seeks to achieve that will be implemented by the policies and requirements of the planning scheme.

It may be enough to use the MPS in conjunction with state and regional planning policy to successfully implement a residential development framework and not include local planning policy in the PPF.

This will be dependent on whether the key strategic directions can be sufficiently expressed through a map or maps showing housing change areas and policy statements for these housing change areas within the MPS only.

The PPF and role of local planning policies

The PPF is the single integrated policy content of a planning scheme and provides a context for spatial planning and decision making by planning and responsible authorities.

A local planning policy complements state and regional planning policy by setting out the strategic basis for the application of a provision and, where appropriate, guides the exercise of discretion under that provision.

Where it is necessary to use a local planning policy in addition to the MPS to implement a residential development framework, the relevant sub-clauses of clauses 15 and 16 should be used. The use of sub-clauses to clause 11 may also be appropriate.

The locations of housing change areas do not need to be described. A map should be used instead.

Any matters that relate to the exercise of discretion in housing change areas should be included in local planning policy.

Using preferred character statements

Under clause 54 and clause 55, new development should respect the existing neighbourhood character or contribute to a preferred neighbourhood character.

If a preferred character statement is required for an area, it may be included in the MPS or in a local planning policy. When including preferred character statements in the MPS, these may form part of the strategic directions.

When including preferred character statements in a local planning policy, these could be either converted to, or accompanied by, appropriate objectives, strategies and policy guidelines in clause 15.01-5L to give effect to standard A1 in clause 54 and standard B1 clause 55.

A map should be used to show areas where preferred character statements apply.

Using maps

Maps should be used to provide visual expression of a residential development framework.

This could be mapped through a municipal-wide strategic framework plan or inclusion of a separate residential development framework plan identifying housing change areas.

A residential development framework in the MPS may include more than one map if a single map cannot legibly contain the necessary information. The map or maps should include housing change areas and may also include character areas or place-based maps as these set out how state and regional planning policy will be implemented at the local level.

Additional maps must align with the residential development framework.
Item 10.7 – Reports by the Organisation
Using the residential zones

Planning Practice Note 91
December 2019

Reforms to the residential zones

Reforms to the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ), and Residential Growth Zone (RGZ) were approved on 27 March 2017 through Amendment VC110 to the Victoria Planning Provisions (VPP). Changes were also made to the Mixed Use Zone (MUZ) and Township Zone (TZ) to bring them into line with the key new reforms. The reformed residential zones provide more certainty and consistency about housing growth and built form outcomes by creating consistent and strengthened maximum building height controls and the introduction of a minimum garden area requirement in the GRZ and the NRZ.

Further refinements to the residential zones were introduced by Amendment VC143 on 15 May 2018 to clarify the operation of the garden area requirement along with changes to permissible uses in the RGZ.

This practice note should be read with Planning Practice Note 90: Planning for housing.
### The residential zones

The VPP contains a suite of standard residential zones for statewide application.

#### Table 1: The role and application of the residential zones

<table>
<thead>
<tr>
<th>Residential zone</th>
<th>Role and application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 32.03 Low Density Residential Zone (LDRZ)</td>
<td>Applied to areas on the fringe of urban settlements and townships with reticulated sewage (0.2 ha minimum) or without reticulated sewage (0.4 ha minimum) to ensure lots remain large enough to treat and retain all wastewater but small enough to be maintained without the need for agricultural techniques or equipment.</td>
</tr>
<tr>
<td>Clause 32.04 Mixed Use Zone (MUZ)</td>
<td>Applied to areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. Suitable for areas identified for residential development at higher densities including urban renewal and strategic redevelopment sites.</td>
</tr>
<tr>
<td>Clause 32.05 Township Zone (T2)</td>
<td>Applied to small towns with no specific structure of residential, commercial and industrial land uses.</td>
</tr>
<tr>
<td>Clause 32.07 Residential Growth Zone (RGZ)</td>
<td>Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres, and other residential areas.</td>
</tr>
<tr>
<td>Clause 32.08 General Residential Zone (GRZ)</td>
<td>Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.</td>
</tr>
<tr>
<td>Clause 32.09 Neighbourhood Residential Zone (NRZ)</td>
<td>Applied to areas where there is no anticipated change to the predominately single and double storey character. Also to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.</td>
</tr>
</tbody>
</table>
**Principles underpinning the residential zones**

**Principle 1**

Housing and neighbourhood character plans need to be consistent and align with one another when specifying preferred future housing and neighbourhood character outcomes for an area.

Inconsistencies between housing and neighbourhood character objectives do not provide certainty for the community or industry about whether housing growth or the protection of existing neighbourhood character is to be prioritised in a defined area or neighbourhood.

**Principle 2**

All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist.

Planning for urban growth requires the development of compact urban areas that are located around existing and planned activity centres to maximise accessibility to these facilities and services, including considering opportunities for the consolidation, redevelopment and intensification of existing urban areas more generally.

**Principle 3**

The Residential Growth Zone promotes housing intensification in locations close to jobs, services and facilities serviced by public transport including activity centres.

While the Residential Growth Zone promotes greater housing intensification up to four storeys, it can also be used to facilitate taller residential development by specifying a maximum building height greater than 13.5 metres in the schedule to the zone.

**Principle 4**

The General Residential Zone is a three-storey zone with a maximum building height of 11 metres.

The General Residential Zone should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area.

**Principle 5**

The density or number of dwellings on a lot cannot be restricted in the Neighbourhood Residential Zone unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist.

Dwelling density is no longer the basis for restricting development outcomes in the Neighbourhood Residential Zone.

It is no longer appropriate to limit housing growth in existing urban areas just because an area is perceived to be remote from jobs, services and public transport.
Applying the right residential zone

Planning schemes in Victoria are strategically focused and driven. Any planning control should have a clear reason to be imposed and be based on achieving a strategic, amenity or design outcome.

Applying the right residential zone must be derived from the municipal-wide strategic framework plan or residential development framework plan contained in a Municipal Planning Strategy (MPS). The MPS should be developed in response to relevant state and regional planning policies in the Planning Policy Framework (PPF).

This process for strategic planning and statutory implementation is shown in Figure 1.

**Figure 1: Balancing housing growth and protection of neighbourhood character**
There is no 'default' residential zone to be applied to a residential area in Victoria.

All six residential zones can be applied to residential land in a municipality, as appropriate.

There is no prescribed percentage for how much land in a municipality should be in each residential zone.

A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF.

The 'test' is whether the residential zone implements the relevant strategic framework plan or residential development framework plan identified in the MPS.

The right residential zone will reflect the true development capacity of the land. If land is impacted by special attributes or physical constraints that are identified in the MPS and PPF, then a residential zone should be applied that aligns with these attributes or constraints.

Applying the right residential zone also provides the opportunity to apply local requirements to achieve preferred built form outcomes identified in the MPS and local policies.

Table 2: Aligning the housing change areas and the residential zones

<table>
<thead>
<tr>
<th>Zone</th>
<th>Special or constrained</th>
<th>Minimal</th>
<th>Incremental</th>
<th>Substantial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density Residential Zone</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed Use Zone</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Township Zone</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Residential Growth Zone</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>General Residential Zone</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Neighbourhood Residential Zone</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
Building heights and zone selection

One of the key features of the reformed residential zones is the different maximum building height for each zone. This is a key factor to consider when selecting a residential zone to give effect to housing and neighbourhood character objectives.

As a general principle, applying a residential zone should align with either existing building heights if they are sought to be maintained, or align with future building heights identified in strategic work.

When a varied maximum building height is sought to be specified in a schedule to a residential zone it should not exceed the maximum building height of a zone with the next highest maximum building height, unless the existing built form of the area warrants a unique approach.

For example, allowing an 11 metre / three-storey height to be specified in the NRZ would be inconsistent with the purpose of the NRZ. However, allowing the maximum building height to be increased to 10 or 11 metres may be appropriate to recognise the characteristics of existing double storey housing in an NRZ area.

The GRZ has a maximum building height of 11 metres and three storeys. It is important to remember that through the building system, a single dwelling can be constructed to a height of 11 metres and three storeys in the GRZ without the need to obtain a planning permit. If applying the GRZ, this should be considered.

If an area has an existing single and double storey character that is sought to be maintained, applying the GRZ is likely to be inconsistent with this preferred neighbourhood character outcome.

While the purpose of the GRZ includes ‘To encourage development that respects the neighbourhood character of the area’, it is unlikely that neighbourhood character can be respected if existing development is single and double storey. However, the GRZ may be the appropriate zone to apply to areas with existing three-storey development.

After selecting the zones to apply, check that they align with the strategic work undertaken and any strategic objectives.
### Table 3: Maximum building height matrix

<table>
<thead>
<tr>
<th>Maximum building height</th>
<th>Best zone</th>
<th>Best height tool</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 9m or 2 storeys</td>
<td>NRZ</td>
<td>Overlay</td>
<td>A maximum building height lower than the NRZ cannot be specified in a zone schedule. An overlay is required to recognise the special characteristics.</td>
</tr>
<tr>
<td>9m (2 storeys)</td>
<td>NRZ</td>
<td>NRZ</td>
<td>The zone mandates this maximum building height and storey control.</td>
</tr>
<tr>
<td>Greater than 9m (retain 2 storeys)</td>
<td>NRZ</td>
<td>NRZ schedule</td>
<td>The schedule to the zone enables a greater maximum building height to be specified while maintaining the 2-storey requirement.</td>
</tr>
<tr>
<td>11m (3 storeys)</td>
<td>GRZ</td>
<td>GRZ</td>
<td>The zone mandates this maximum building height and storey control.</td>
</tr>
<tr>
<td>Greater than 11m (retain 3 storeys)</td>
<td>GRZ</td>
<td>GRZ schedule</td>
<td>The schedule to the zone enables a greater maximum building height to be specified while maintaining the 3-storey requirement.</td>
</tr>
<tr>
<td>13.5m (4 storeys)</td>
<td>RGZ</td>
<td>RGZ schedule</td>
<td>The schedule to the zone forces the discretionary maximum building height to be mandatory.</td>
</tr>
<tr>
<td>Greater than 13.5m and greater than 4 storeys</td>
<td>RGZ</td>
<td>Overlay</td>
<td>Maximum building height requirements along with other specific design and built form requirements should be included in an overlay so all built form requirements are included in the one provision.</td>
</tr>
</tbody>
</table>

#### The role of overlays and maximum building height

A maximum building height lower than the maximum building height specified in a residential zone can only be implemented by using an overlay to recognize a special neighbourhood, heritage, environmental, and landscape value or constraint.

In such cases, the height requirement in the overlay applies in addition to the height requirement in the zone.
Gumnut residential development framework plan

Figure 2: Gumnut residential development framework plan

Remember
A residential development framework plan:

- is a plan that is included in the MPS or local planning policy
- implements identified housing and neighbourhood objectives
- balances housing growth with the protection of neighbourhood character
- is municipal-wide
- is forward looking with at least a 15-year horizon, and should align with the relevant regional plan (Plan Melbourne or Regional Growth Plan)
- is regularly reviewed based on the changing conditions.
Gumnut residential zones application

Figure 3: Gumnut residential zones application

Remember
Applying the residential zones should:

- be consistent with the residential development framework plan and implement the identified housing change areas
- not undermine the intent of the housing change areas
- provide greater certainty to the planning authority and the community about future development in an area
- facilitate long-term housing growth and diversity as well as protection of neighbourhood character in the right locations.
Using other VPP tools

While selecting the right residential zone is fundamental, the zone is one of several VPP tools to implement local strategic work.

Different areas have different characteristics and expectations, and the VPP allows different residential requirements to be set through either a schedule to the residential zones or the application of an appropriate overlay.

Local policies also have a role to play in how discretion is exercised.

The role of local planning policy

Key elements of a housing strategy or neighbourhood character strategy may be included in a local planning policy. This can clarify how a planning authority will exercise discretion in decision making.

When housing and neighbourhood character objectives have been established and the intended outcomes are clear, a local planning policy may be warranted.

Local planning policy can be used to:

- set out housing change areas
- set out neighbourhood character precincts
- set out preferred neighbourhood character statements
- include maps to show housing change areas and neighbourhood character precincts
- specify how housing or neighbourhood character should be considered across the municipality, or for an area
- clarify how discretion will be exercised to achieve objectives in clauses 54, 55 or 58.

The role of overlays

Overlays play an important role to give effect to preferred built form outcomes when a zone will not fully achieve the identified housing or neighbourhood character objectives for an area.

Neighbourhood Character Overlay

The Neighbourhood Character Overlay (NCO) can be used when the following criteria can be met:

- the proposed area exhibits existing characteristics that need to be protected, or need to be changed to achieve a preferred character
- the area, relative to the rest of the municipality, can be demonstrated to require a specific approach to neighbourhood character
- the application of local planning policy, the objectives and standards of clause 54 and clause 55 or variations to clause 54 and clause 55 in the schedule to the residential zone will not meet the neighbourhood character objectives for that area.

The NCO should not be used as a ‘blanket’ control across the municipality. It should be applied strategically to areas where variations to clause 54 and clause 55 standards fail to meet the specific objectives for neighbourhood character, and locally tailored and rewritten standards are required and can be justified.

Rewriting the standards to clause 54 and clause 55

The NCO can be used to rewrite most clause 54 and clause 55 standards, except for several standards specified in the overlay at clause 43.05-3. Any rewritten standard must be consistent with the relevant objective and decision guideline in clause 54 or clause 55.
The NCO cannot be used to rewrite the objectives or decision guidelines in clause 54 and clause 55. The objectives and decision guidelines continue to apply to a rewritten clause 54 and clause 55 standard in the NCO. Additional local neighbourhood character objectives and decision guidelines may be specified in the schedule to the NCO to achieve a preferred neighbourhood character.

**Demolition**

The demolition control in the NCO holds the existing pattern of development until the character features of the site and the new development have been evaluated.

The demolition control should not be used to conserve existing buildings, but rather to ensure that demolition does not occur until the planning authority is satisfied that the new development meets the neighbourhood character objectives for the area.

**Heritage Overlay**

It is important to understand the differences between neighbourhood character and heritage.

While all areas have a history or a heritage, not all areas are historically significant. Heritage significance is determined by recognised criteria set by Commonwealth, state and local agencies, with reference to the Burra Charter.

The Heritage Overlay (HO) should be used where the objective is to conserve the existing building or buildings.

The HO has different objectives from the NCO and is not intended to operate as a neighbourhood character control. However, heritage descriptors may also contribute to the neighbourhood character of an area.

The NCO and HO should not be applied to the same areas.

The application of the HO and underlying residential zoning should be consistent with the strategic intent outlined in the MPS and PPF.

For example, if an area is zoned for housing change, a planning authority must satisfy itself that this is compatible with the conservation of existing buildings otherwise a direct conflict between the purpose of the zone and the overlay will be created making it difficult to interpret and apply the controls.

**Design and built form overlays**

A Design and Development Overlay (DDO), Development Plan Overlay (DPO) or Incorporated Plan Overlay (IPO) may be used to implement specific built form outcomes that cannot be achieved through a schedule to a residential zone.

**Design and Development Overlay**

The DDO should not be used as a substitute for an NCO.

The schedule to the DDO does not provide a specific framework for rewriting standards in clauses 54 and 55 in the way that the NCO does.

If using a DDO instead of an NCO, it should be clear about the neighbourhood character objective it is seeking to achieve.

While the DDO has similar features to the NCO, it is more appropriately applied to promote specific urban design outcomes for an area that cannot be achieved by varying the standards to clause 54 and clause 55. This occurs when a built form different from the existing neighbourhood character is sought.
The DDO can also apply built form controls to developments greater than four storeys.

For areas in the RGZ, clause 54 and clause 55 variations will not apply to developments greater than four storeys. If residential development greater than four storeys is sought, it is likely that another VPP tool is required to be used with the RGZ to achieve the desired built form outcomes.

Depending on the built form outcomes sought for residential development up to four storeys, an overlay may also be required to be used with the RGZ if built form outcomes sought are substantially different from the existing built form.

When using the DDO, DPO or IPO to control development greater than four storeys, all built form requirements (including maximum building height) should be specified in the DDO, DPO or IPO instead of the schedule to the zone. This provides greater clarity and transparency by ensuring all local requirements can be found in the relevant local provision.

Environmental and landscape overlays

The Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay can be used to recognise and protect specific attributes.

Other overlays

There are other overlays that recognise hazards or constraints that impact the capacity to develop residential land such as the Bushfire Management Overlay, Melbourne Airport Environ Overlay, Restructure Overlay and Erosion Management Overlay.

These overlays should be applied as appropriate.
Using the key features of the residential zones

Each residential zone has a different role and purpose, and this is reflected in the different features in the schedules for each zone.

Table 4: Residential zone features

<table>
<thead>
<tr>
<th>Feature</th>
<th>LDRZ</th>
<th>MURZ</th>
<th>TZ</th>
<th>ROZ</th>
<th>GRZ</th>
<th>NRZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can objectives be specified?</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Is there a minimum garden area requirement?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Can the minimum garden area requirement be exempted?</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Is there a minimum subdivision area requirement?</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Is there a maximum building height/number of storeys requirement?</td>
<td>No</td>
<td>No</td>
<td>Discretionary 9m</td>
<td>Discretionary 12.5m</td>
<td>Mandatory 11 metres and 3 storeys</td>
<td>Mandatory 9 metres and 2 storeys</td>
</tr>
<tr>
<td>Can a mandatory maximum building height be specified in the schedule?</td>
<td>No</td>
<td>Yes</td>
<td>Yes Height only and not less than 9 metres</td>
<td>Yes Height only and not less than 12.5 metres</td>
<td>Yes Height and storeys and not less than 11 metres and 3 storeys</td>
<td>Yes Height and storeys and not less than 9 metres and 2 storeys</td>
</tr>
<tr>
<td>Can application requirements and decision guidelines be specified?</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The role of local objectives

While state, regional and local planning policy sets out how discretion should be exercised, the ability to specify local objectives in a residential schedule enables detailed expression to be given to desired neighbourhood, heritage, environmental, landscape or design outcomes to be achieved for an area.

The Minister’s Direction on the Form and Content of Planning Schemes only allows a maximum of five objectives to be expressed in a schedule to a residential zone.

Table 5: Operation of local objectives

<table>
<thead>
<tr>
<th>Zone</th>
<th>Operation of local objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDRZ</td>
<td>No provision for stating objectives in the schedule as the purposes of the zone clearly express the intention of the zone.</td>
</tr>
<tr>
<td>MUZ</td>
<td>Objectives may be specified in the schedule. There is no constraint on the type of objective that can be specified.</td>
</tr>
<tr>
<td>TZ</td>
<td>Neighbourhood character objectives may be specified in the schedule.</td>
</tr>
<tr>
<td>RGZ</td>
<td>Design objectives must be specified in the schedule.</td>
</tr>
<tr>
<td>GRZ</td>
<td>Neighbourhood character objectives may be specified in the schedule.</td>
</tr>
<tr>
<td>NRZ</td>
<td>Neighbourhood, heritage, environmental or landscape character objectives must be specified in the schedule.</td>
</tr>
</tbody>
</table>

Writing neighbourhood character objectives

The schedules to the TZ, GRZ and NRZ enable neighbourhood character objectives to be expressed to provide clear direction on preferred neighbourhood character outcomes.

Objectives in the schedule to the NRZ should specify the relevant neighbourhood character, heritage, environmental or landscape characteristics of the area.

Neighbourhood character objectives in the schedule also provide a basis for varying clause 54 and clause 55 standards where variations can be strategically justified.

Objectives in the schedule to the GRZ should specify the attributes of the neighbourhood character to be achieved in the context of a preferred built form outcome of three storeys.
Writing design objectives

Objectives in the schedule to the RGZ should specify the preferred design and built form outcomes for new residential development.

Design objectives can specify matters related to built form and urban design. Design objectives should only specify public realm matters where they relate to the design of buildings that affect the function and amenity of the public realm.

Preferred character statement or local objective?

Preferred neighbourhood character statements typically found in local policies can often easily translate into objectives.

Rather than specifying preferred neighbourhood character statements in local planning policy, objectives can be specified in a schedule to the residential zone to implement the preferred neighbourhood character.

Consider whether it is necessary to have both preferred character statements and local neighbourhood character objectives.

Table 6: Translating a preferred neighbourhood character statement into neighbourhood character objectives

<table>
<thead>
<tr>
<th>Preferred neighbourhood character statement</th>
<th>Neighbourhood character objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>This precinct will maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens while preserving the intact nature of the streetscape.</td>
<td>To maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens with generous side setbacks.</td>
</tr>
<tr>
<td>Built form to side boundaries will be avoided and garages, carports and second storey development will not visually dominate dwellings or streetscapes.</td>
<td>To support garages, carports and second storeys that are recessed from the ground floor facade to not visually dominate dwellings or streetscapes.</td>
</tr>
<tr>
<td>Built form and hard surfaces will continue to occupy a low portion of the site area.</td>
<td>To support built form and hard surfaces that cover a low portion of the site.</td>
</tr>
<tr>
<td>The built form will be a modest scale and be sympathetic to the existing heritage character of the precinct, however innovative and unique built form that blends with the existing character will be encouraged.</td>
<td>To provide innovative and unique designs that integrate with the existing character.</td>
</tr>
<tr>
<td>New development will complement the existing landscape environment and native landscaping throughout the precinct will be encouraged.</td>
<td>To encourage new development to provide native landscaping.</td>
</tr>
</tbody>
</table>
What happens where an overlay exists or is proposed?

It is not necessary to be as detailed or explicit when writing objectives for the desired outcome in the schedule to the zone affected by an existing or proposed overlay, because the overlay contains detailed objectives.

**Heritage Overlay**

Where a HO exists over a precinct or an area, as opposed to an individual site, it is unnecessary to identify detailed heritage objectives through the schedule to the relevant residential zone.

Heritage evaluators (the way a heritage place is valued) are dealt with by applying the HO.

It is enough to generally specify in the schedule to the zone that the objective to be achieved is derived from the heritage values of the area.

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**Remember**

- ✓ Do be sufficiently clear and specific.
- ✓ Do recognise a specific characteristic or constraint reflected through the application of an overlay.
- ✓ Don’t specify building heights (the zone or overlay does this).
- ✓ Don’t specify the type of housing change sought (the strategic framework and zone application already does this).
- ✓ Don’t include statements of policy (this belongs in local policy).
- ✓ Don’t repeat objectives from other parts of the scheme, or reference other clauses in the scheme.
- ✓ Don’t reference policy background documents or studies or other tools in the scheme.
- ✓ Don’t specify scale, density, typology or number of dwellings unless strategically justified.

---

Design, built form, neighbourhood character, environmental, landscape and other overlays

All these overlays require some form of statement of significance or risk along with specifying detailed objectives.

In all these instances, it is generally enough to specify the relevant characteristic that is being sought to be recognised and rely on the detailed objectives and statements of significance in the overlay to articulate the desired outcome.
Minimum garden area requirement

A minimum garden area requirement is a mandatory requirement that applies to all lots in the NRZ and GRZ that are 400 square metres or more.

A minimum percentage of the land must be set aside for a garden area at ground level in accordance with the table below.

The minimum garden area requirement cannot be exempted in the NRZ. The minimum garden area requirement can be exempted through the schedule to the GRZ.

Table 7: Minimum garden area requirement

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum garden area requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>400-500m²</td>
<td>25%</td>
</tr>
<tr>
<td>501-650m²</td>
<td>30%</td>
</tr>
<tr>
<td>&gt;650m²</td>
<td>35%</td>
</tr>
</tbody>
</table>

Minimum subdivision area

A minimum subdivision area may only be specified in the schedule to the LDRZ or the NRZ.

Specifying a minimum lot size in the NRZ provides another mechanism to protect existing neighbourhood character for an area categorised as minimal change.

Table 8: Minimum subdivision area

<table>
<thead>
<tr>
<th>LDRZ</th>
<th>NRZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any minimum subdivision area specified in the schedule to the LDRZ must be at least:</td>
<td>Any minimum subdivision area may be specified in the schedule to the NRZ.</td>
</tr>
<tr>
<td>• 0.4 hectare for each lot where reticulated sewerage is not connected.</td>
<td></td>
</tr>
<tr>
<td>• 0.2 hectare for each lot with connected reticulated sewerage.</td>
<td></td>
</tr>
</tbody>
</table>
Varying the residential development standards

A schedule to the MUZ, TZ, RGZ, GRZ and NRZ enables the following key siting and amenity standards of clause 54 and clause 55 to be varied, where it can be strategically justified:

- Standard A3 and B6 Minimum street setback
- Standard A5 and B8 Site coverage
- Standard A6 and B9 Permeability
- Standard B13 Landscaping
- Standard A10 and B17 Side and rear setbacks
- Standard A11 and B18 Walls on boundaries
- Standard A17 and B28 Private open space
- Standard A20 and B92 Front fences

How do the varied standards operate?

An important feature of the schedules to the residential zones is that a change to a value in the schedule will affect all dwellings in the schedule, whether a planning permit is required or not.

When a local value is specified in a schedule, the value replaces the relevant value in both the clause 54 and clause 55 standard and in the corresponding building regulation.

Standard B13 Landscaping only applies to a permit for two or more dwellings on a lot.
When assessing a building permit application, a building practitioner must use the value in the schedule to the residential zone instead of the value expressed in the relevant building regulation. Schedule 6 to the Building Regulations identifies which planning schemes have schedules that specify a local value.

When assessing a planning permit application, the varied standard continues to be read with the relevant objective and decision guidelines in clause 54 and clause 55. The schedule simply substitutes one value for another. The remainder of the standard in clause 54 and clause 55 continues to apply.

When a residential zone not currently used in the planning scheme is proposed, and a clause 54 standard is proposed to be varied, a consequential amendment to Schedule 6 to the Building Regulations is also necessary to apply the planning scheme change to a single dwelling that does not require a planning permit in the new residential zone.

If the schedule to the building regulations is not amended to reference the new residential zone in the planning scheme, the varied standard will not apply to a single dwelling that does not require a planning permit.

This is undesirable because:

- undermines the strategic intent that all dwellings are developed to achieve the preferred neighbourhood character outcomes for an area
- adds complexity and confusion to the application of the standards between the two approval systems.

Writing varied standards

The schedule cannot be used to vary the objective or decision guideline of the relevant standard in clause 54 and clause 55. It is not possible to apply different standards for different types of residential development in the schedule, except for private open space which allows for a distinction between single dwellings and two or more dwellings on a lot. This is because a different method of measurement applies for calculating open space for one dwelling on a lot under the building regulations.

When varying clause 54 and clause 55 standards in the schedule, it is important to use the existing standard to determine what value can be substituted or varied. The substituted value may be a dimension, area, distance or percentage. It is important to ensure that the variation can be understood without reference to the state standard or relevant building regulation. Variations to clause 54 standards must be clear and legible for a building practitioner when issuing a building permit for one dwelling on a lot that does not require a planning permit.

Any omission of text or values between the clause 54 and clause 55 standard and the variation may have unintended consequences. It is therefore important that the variation uses the format and language of the relevant standard to ensure that there is no confusion.

Only the numerical value of the relevant standard should be changed. The schedule cannot be used to apply a different value to only some land in the zone because the building regulations refer to the application of the variation uniformly throughout the zone. A building certifier’s point of reference is what the land is zoned in the planning scheme.
### Table 9: Drafting clause 54 and clause 55 variations

<table>
<thead>
<tr>
<th>Standard</th>
<th>✓</th>
<th>✗</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3 and B6 Minimum street setback</td>
<td>Walls of buildings should be setback at least 3 metres from the front street including corner sites. No encroachments are allowed into this setback. Side street setback requirements specified in the table to standards A3 and B6 continue to apply.</td>
<td>3 metres This variation is inadequately expressed, and its application may be confusing as it is unclear if the street setback standard applies to all street contexts.</td>
</tr>
<tr>
<td>A5 and B8 Site coverage</td>
<td>The site area covered by buildings should not exceed 50 per cent.</td>
<td>50%, including all buildings, swimming pools, tennis courts, paving and other hard surfaces. Site coverage and permeability are separate standards and should not be combined.</td>
</tr>
<tr>
<td>A17 Private open space</td>
<td>A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 4 metres at the side or rear of the dwelling with convenient access from a living room.</td>
<td>Minimum dimension of 4 metres. Even if only partially modified, for clarity all parts of standard A17 that can be modified should be included in the schedule.</td>
</tr>
<tr>
<td>A20 and B32 Front fence height</td>
<td>A front fence within 3 metres of a road in a Road Zone, Category 1 should not exceed 1.5 metres in height, or 1.2 metres for all other streets.</td>
<td>Front fences should be at least 50% transparent and constructed from timber. The standard does not regulate the design of the fence, only the height. Additional planning controls like an overlay are required to regulate design and materials.</td>
</tr>
</tbody>
</table>
Remember

- The residential zone schedule simply substitutes one value for another. The remainder of the standard continues to apply to dwellings that require a planning permit under the residential zone.
- When a varied standard is specified it applies to all dwellings in both the planning and building systems.
- When assessing a building permit application, a building certifier must use the varied standard specified in the schedule to the residential zone instead of the value expressed in the relevant building regulation.
- When assessing a planning permit application, the variation continues to be read with the relevant objective and decision guidelines in clause 54 and clause 55.
- The schedule cannot be used to vary the objective or decision guideline of the standard in clauses 54 and 55.
- A17 and B28 Private open space is the only standard which allows a different standard to be specified for each of clause 54 and clause 55.
- It is not possible to specify a variation to the landscaping standard for a single dwelling.
- When drafting variations to a clause 54 and clause 55 standard, it is best to start by including the variation in its entirety and modifying the numeric values of the standard as required.
Maximum building height

Maximum building height is managed in different ways according to the role and purpose of each residential zone.

A schedule must not specify a height or number of storeys lower than the height and number of storeys specified in the zone. Only one maximum building height and number of storeys (where applicable) may be specified in each schedule.

The maximum building height only applies to a dwelling or residential building, except in the MUZ where it applies to all buildings.

The maximum building height is always mandatory when specified in a schedule to the TZ, MUZ, RGZ, GRZ and NRZ.

A schedule to the GRZ or NRZ should specify a maximum building height in both metres and storeys. A schedule to the MUZ, TZ and RGZ should only specify a maximum building height in metres.

If a higher discretionary maximum building height is sought in the RGZ, the schedule should not be used as specifying a maximum building height in the schedule makes the maximum building height mandatory.

If a discretionary maximum building height greater than 13.5 metres is sought in the RGZ, another VPP tool such as a local policy or overlay should be used to specify an appropriate discretionary maximum building height above 13.5 metres.

The operation of maximum building heights and the number of storeys in the residential zones is set out in Table 10.
### Table 10: Operation of maximum building heights

<table>
<thead>
<tr>
<th>Zone</th>
<th>Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDRZ</td>
<td>No height control applies. Maximum building height cannot be specified in a schedule.</td>
</tr>
<tr>
<td>MUZ</td>
<td>No maximum building height in the zone. No control over the number of storeys. Maximum building height may be specified in the schedule. When specified it applies to all development and is a mandatory maximum building height.</td>
</tr>
<tr>
<td>TZ</td>
<td>A discretionary maximum building height of 9 metres applies to a dwelling or residential building. No control over the number of storeys. Maximum building height may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height.</td>
</tr>
<tr>
<td>ROZ</td>
<td>A discretionary maximum building height of 13.5 metres applies to a dwelling or residential building. No control over the number of storeys. Maximum building height may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height.</td>
</tr>
<tr>
<td>GRZ</td>
<td>A mandatory maximum building height of 11 metres and 3 storeys (excluding a basement) applies to a dwelling or residential building. Maximum building height or number of storeys may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height or number of storeys.</td>
</tr>
<tr>
<td>NRZ</td>
<td>A mandatory maximum building height of 9 metres and 2 storeys (excluding a basement) applies to a dwelling or residential building. Maximum building height or number of storeys may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height or number of storeys.</td>
</tr>
</tbody>
</table>
Writing application requirements and decision guidelines

Application requirements set out information and other materials required to accompany a planning permit application.

Schedules may specify additional application requirements to supplement those in a residential zone. Schedules should not repeat application requirements in other planning provisions. Application requirements should have a clear nexus with the provisions of the schedule, and not require information about matters that are not controlled by a schedule to a residential zone.

Decision guidelines provide greater certainty about decision making for planning permit applications.

Schedules may specify additional decision guidelines to supplement those in a residential zone. Schedules should not repeat general decision guidelines, or decision guidelines in other planning provisions. Decision guidelines should have a clear nexus with the provisions of the schedule.

Some principles for drafting decision guidelines are included in Table 11.

<table>
<thead>
<tr>
<th>Principle</th>
<th>✓</th>
<th>✗</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoid referencing other clauses in the planning scheme</td>
<td>Whether garages and upper floors are appropriately set back.</td>
<td>Whether the development meets the objectives and standards of clause 54 or clause 55.</td>
</tr>
<tr>
<td>Avoid referencing background documents that may broaden the matters for consideration</td>
<td>Whether the development provides an appropriate response to the public realm.</td>
<td>Whether the development is consistent with the Gumnut Town Centre Structure Plan, 2002.</td>
</tr>
<tr>
<td>Use neutral expression, and avoid phrasing as additional requirements</td>
<td>Whether the development provides adequate storage to meet the needs of future occupants.</td>
<td>Whether the development provides 10 square metres of storage.</td>
</tr>
</tbody>
</table>

Table 11: Principles for drafting decision guidelines
Item 10.7 – Reports by the Organisation
Executive summary

Purpose and background
To present Council with the officer submissions made to the Department of Environment, Land, Water and Planning (DELWP) on behalf of Council in relation to:

1. The draft Melbourne Industrial and Commercial Land Use Plan; and
2. The proposed updates to the Planning Scheme in relation to Planning for Amenity, Health and Safety buffers.

The timelines for providing input into both processes did not allow sufficient time for Council to consider and endorse the officer submissions prior to them being made.

Key issues

Draft Melbourne Industrial and Commercial Land Use Plan

The Victorian Government has released a draft Melbourne Industrial and Commercial Land Use Plan (the ‘Plan’) with the intent to build on the relevant policies and actions of Plan Melbourne 2017-2050 and its Five-Year Implementation Plan. The Plan provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and seeks to put in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.

Feedback on the Discussion Paper is structured around a series of questions, as outlined in the attachment. Specific questions raised by the Department relate to aspects of the draft Plan including the principles and strategies for employment land, the criteria developed to identify regionally significant industrial precincts, guidance for developing local industrial land use strategies and other matters.

Overall, Council is supportive of the draft Plan however a number of changes and clarifications are suggested in the submission.

The Plan identifies the Bayside Business District as a ‘Regionally Significant Industrial Land’ and depicts this area of Cheltenham as an area transitioning away from industrial. Whilst it is agreed that this area plays a role of regional significance, the vision for this area is to transition towards more professional services. The largest industry sector that Bayside residents work in is ‘Professional, Scientific and Technical Services’ (14.9% in 2016 from 9% in 2011) according to 2016 Australian Bureau of Statistic Census data. It is considered that the depiction of the Bayside Business District as transitioning away from industrial uses is accurate but the classification of the area as ‘Regionally Significant Industrial Land’ may be confusing given the future vision is not for industry.

There are inconsistencies between the proposed Plan’s definition of the Bayside Business District. It is still referred to as the Bayside Business Employment Area (BBEA) although this area has been renamed the Bayside Business District to give effect to the future strategic role of this precinct. These changes came into effect though Amendment C150, which was gazetted in March 2019. Officers consider that the Plan should be amended to reference the Bayside Business District to ensure consistency with the local Planning context.
In summary, Officers support the strategic direction proposed through the draft Plan and submit that the Plan generally represents Council’s current strategies and policies for commercial and industrial land in Bayside.

Planning for Amenity, Health and Safety Buffers

DELWP are proposing updates to the Planning Policy Framework (specifically Clause 13.07) and Clause 53.10 of the Victoria Planning Provisions with an aim to improve the way the planning system addresses buffers for amenity, human health and safety impacts.

Clause 53.10 sets out the required separation distances for specific types of industrial and commercial activity, beyond which a referral to the Environmental Protection Authority (EPA) is required. The proposed changes primarily relate to uses that can occur within an industrial zone, and will therefore have minimal impact on land use planning in Bayside.

However, Bayside has an area of Commercial 2 Zoned (C2Z) land in Cheltenham, known as the Bayside Business District (BBD), which currently accommodates some light industrial activity including manufacturing, warehousing and other low intensity industrial and commercial activity.

The C2Z includes “Industry”, “Warehouse” and “Materials Recycling” as Section 1 uses, the same as the Industrial 1 Zone, and the separation distance for a number of uses specified in Clause 53.10 can be achieved at certain locations within the Bayside BBD.

The Bayside Retail, Commercial and Employment Strategy discusses the current role and future of the area as follows:

*The BBEA (now BBD) is considered an area of economic opportunity for the City of Bayside. Whilst it continues to successfully operate as a precinct for industrial, wholesale and warehousing purposes, it has the potential to transition towards an advanced business services cluster which better suits the location as well upcoming infrastructure investments in the nearby Southland precinct.*

The areas immediately surrounding the BBD are predominantly zoned to allow residential (sensitive uses). Whilst it is unlikely that new industrial uses, such as manufacturing would seek to establish operations within the BBD in the future, it is possible under the current provisions of the C2Z, taking into account the separation distances set out in Clause 53.10. Current industrial and commercial activity within the BBD, may continue for some time.

The proposed changes to the Victoria Planning Provisions include:

1. **Clause 13.07-1s – Land use compatibility**

   The changes to Clause 13.07-1s seek to improve language and to make the intent of the clause and its objectives more explicit. The changes are intended to apply to situations where a sensitive use is proposed to be located in close proximity to an industrial use or vice versa. The clause is intended to protect existing industrial or sensitive uses from encroachment that would compromise its ongoing operations.

   Upon reviewing the proposed changes, it is considered that a positive outcome can be achieved through improvements to the language and intent of objectives and therefore support is provided for this changes.

2. **Clause 53.10 – Uses with adverse amenity potential**

   Clause 53.10 specifies the acceptable separation distances between various types of industrial/commercial uses and sensitive uses (as defined under the Planning Scheme). One of the positive changes is the inclusion of the EPA as a referral authority and this
should be supported. Overall, the separation distance remain the same with some minor changes to the description of some activities.

**Conclusion**

The proposed changes are positive and will improve the purpose and intent of Clause 13.07 and the application of Clause 53.10, with the inclusion of the EPA as a referral authority in deciding applications where the threshold distance requirements are not met. Officers have provided a response in support of the proposed changes.

**Recommendation**

That Council notes the report and endorses the officer submissions made on behalf of Bayside City Council.

**Support Attachments**

2. Submission to DELWP on Planning for Amenity, Health and Safety Buffers ↓
Considerations and implications of proposition

Liveable community

Social
The changes proposed by DELWP have an indirect relationship to social impacts in terms of whether land use activity is appropriately located to minimise impacts to human health. Higher amenity urban areas generally foster greater levels of physical activity and social interaction.

Natural Environment
Land use activity and applications for commercial and industrial activities are required to provide reports outlining potential environmental impacts and the measures that would be taken to minimise and risks of contaminations of the environment.

Built Environment
The buildings (and on-site processes) that accommodate commercial and industrial activities play an important role in minimising any off-site impacts. The Melbourne Industrial and Commercial Land Use Plan puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions. This influences the Built Form throughout industrial and commercial areas throughout Victoria and in Bayside.

Customer Service and Community Engagement
Public consultation is not required for this officer submission made to the Victorian Government as the recommended changes are based on adopted strategic documents outlining Council’s position.

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

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

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

Links to Council policy and strategy
The proposed changes are relevant to the following Bayside policies and strategies:

Retail, Commercial and Employment Strategy
The Bayside Retail, Commercial and Employment Strategy discusses the current role and future of the area as follows:

The BBEA (Bayside Business Employment Area, which is now known as the BBD – Bayside Business District) is a major focal point for business development and employment in Bayside.
Over the past decade, the BBEA has been in the process of shifting from its traditional industrial base towards a more diverse array of activities including warehousing, corporate offices and bulky goods retailing.

The BBEA is considered an area of economic opportunity for the City of Bayside. Whilst it continues to successfully operate as a precinct for industrial, wholesale and warehousing purposes, it has the potential to transition towards an advanced business services cluster which better suits the location as well upcoming infrastructure investments in the nearby Southland precinct.

The officer submission makes several references to the Retail, Commercial and Employment Strategy 2016 as it provides policy directions on the future of Bayside’s activity centres and employment lands. It outlines the trends and strategic vision for the Bayside Business District.

Council Plan 2017-21

The Council Plan sets out a direction for Bayside’s retail and commercial areas, which is relevant to the future role of the Bayside Business District in Cheltenham:

Reposition the Bayside Business District into an innovation, office and skilled technology hub.
Draft Melbourne Industrial and Commercial Land Use Plan

Officer Submission

Bayside City Council

Date: 31 December 2019
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Introduction

1. This officer submission is made on behalf of Bayside City Council (‘Council’). Bayside City Council appreciates the opportunity offered by the Department to provide feedback regarding the Draft Melbourne industrial and commercial land use plan (‘the Draft Plan’).

2. This submission outlines the following matters in relation to the Draft Plan:
   - Planning principles and strategies for employment land;
   - Key industrial and commercial areas;

3. In summary, Council supports the strategic direction proposed through the Draft Plan and submits that the Plan generally represents Council’s current strategies and policies for commercial and industrial land in Bayside.

4. However, it is considered that the important regional role envisaged for the Bayside Business District (‘the BBD’) should be clarified to ensure employment opportunities and economic and community benefits can be maximised. Whilst manufacturing is still the largest land use category within the precinct and the area continues to successfully operate as a precinct for industrial, wholesale and warehousing purposes it has the potential to continue to transition towards an advanced business services cluster which better suit its location given the access limitations to the area.

5. It is important to ensure that the Bayside Business District is correctly referenced in the Plan, in accordance to its preferred role to ensure consistency in decision making across the different levels of government to realise its vision.

6. Bayside’s activity centres are intended to remain the primary source of retail activity in the municipality and with the preparation of the draft Plan, there is opportunity for the State Government to consider how retail and restricted retail premises are developing in industrial precincts, and whether there are improvements that can be made to ensure that these types of uses do not dominate industrial and non-activity centre employment precincts.
Background

7. Bayside City Council has a robust strategic planning framework that guides how future residential and commercial growth is to be accommodated within the municipality.

8. Council’s adopted strategic documents outline how future commercial floorspace growth will be accommodated and have been included in the Bayside Planning Scheme as reference documents, including: the Bayside’s Retail, Commercial and Employment Strategy 2016, structure plans for all Major and large scale Neighbourhood Activity Centres, and Small Activity Centres Strategy 2014 (to be implemented through Amendment C126, currently with the Minister for Planning for approval).

9. The Retail, Commercial and Employment Strategy 2016 (RCE) explores and provides policy directions on the future of Bayside’s activity centres and employment lands. Prepared by SGS Economics and Planning P/L on behalf of Council, the report observes that generally speaking, Bayside’s activity centres are best practice examples of local activity centres, performing well and providing high quality offerings without the anchors often present in large activity centres of a similar size.

10. The vision for Bayside’s retail, commercial and employment lands is as follows:

‘Bayside’s retail, commercial and employment lands will continue to provide a wide variety of employment opportunities and services for local residents in the 21st century. Possessing some of the best local strip shopping centres in Victoria, Bayside will seek to further enhance its local economy through incremental growth in its activity centres to address evolving services needs. An innovative reimagining of its ex-industrial lands will provide a focus for high quality jobs locally in a high amenity and well connected environment.’

11. The RCE Strategy provides 12 strategies to achieve the vision, responding to policy gaps/issues and opportunities, economic issues and centre specific opportunities.

12. Council’s strategic direction is to reposition the BBD to become a future innovation precinct which provides employment opportunities for advanced industry and business services of the highest calibre, not only for its residents but for the broader region.
13. Another strategy outlines the monitoring of development trends, land supply and demand for industrial and commercial land. Council applies this through the RCE Strategy, and a Monitoring and Review program that analyses development trends within Major Activity Centres and growth areas. The Bayside Retail, Commercial and Employment Strategy 2016 identified the shifts in the economy from industrial towards professional services. This then lead to strategies that accommodate this change and support the trending shift.

Planning principles and strategies for employment land

Survey question: Do you think the principles and strategies provide enough clarity and guidance to assist planning for industrial and commercial land?

Principle 1

14. The Plan states that 'Planning for industrial and commercial land should ensure adequate long-term land supply is planned for and set aside to support future industry and business growth'.

15. Council considers that this is an appropriate principle, and is something that Bayside has provided for within its strategic planning framework. It is considered that the principle provides adequate discretion for this to be delivered at a municipal level and that when read with the additional principles, it is clear that a balance needs to be struck between providing future residential growth and commercial and industrial growth.

Principle 2

16. The Plan states that 'Key industrial and commercial areas should be recognised and retained for their economic and employment contribution to local communities, regions and the state'.

17. Council supports the recognition of the Bayside Business District as a regionally significant industrial precinct, though Council's strategic objectives are to transition this area from a primarily industrial precinct into a more advanced and innovative industry and professional services focus.

18. Due to the changing trends of the economy and the limitations of the precinct to service growing industry needs, Council's policies and strategies cater less for
further industrial development and support a transition to professional services and advanced industry that continue to support the viability of the precinct and its employment generation to meet future needs for the region. Council questions whether the use of the term 'industrial area' is the appropriate way of referring to these regional precincts, and whether this term favours industrial uses (noting the Planning Scheme definition of 'industry' at Clause 73.03) and whether this unintentionally precludes wider, non-industrial employment uses. Given that the Plan provides for 'industrial and commercial land' and then separates regionally significant industrial areas and regionally significant commercial areas, there is still an important distinction to be made in that whilst an area may be referenced as an industrial precinct, it does not indicate that the strategic direction for the area is primarily 'industry'. Rather, it can accommodate a range of employment generating uses that may not be suited to an activity centre (referenced broadly as 'commercial' areas through the Plan).

19. Council supports the reference to ensure that State, regional and local policies are aligned to support industrial and commercial areas, and that these areas are protected from residential encroachment.

20. As referenced throughout the Plan, like many other municipalities, Council is regularly the recipient of advocacy to transition employment precincts to facilitate residential outcomes. This has been the subject of several Planning Panel discussions, where in Council's experience, developers are prepared to invest a significant amount of money challenging Council's employment objectives to secure a residential outcome, generally under the guise of a 'mixed use' development that do not result in any significant employment gains or meet economic development objectives. Council supports the references in the supporting strategies to prioritise employment and economic activity over residential development.

**Principle 3**

21. Principle 3 states that 'Planning for industrial and commercial land should provide clarity and certainty about how and where industry and business can grow over time to support and guide long term investment and locational decisions'.

22. The Bayside Retail, Commercial and Employment Strategy 2016 discusses the current and future role of the Bayside Business District as 'a major focal point for business development and employment in Bayside. Over the past decade, the
[BBD] has been in the process of shifting from its traditional industrial base towards a more diverse array of activities including warehousing, corporate offices and bulky goods retailing. 'This area is transitioning into a more business and professional services district, however the current industrial uses in this area still plays a significant role in Bayside’s economy.

23. Besides the advocacy for residential outcomes, one of the key challenges that Council faces in preserving the BBDs role is preventing the encroachment of retail uses (including restricted retail uses) in the area. As the BBD is zoned Commercial 2, where restricted retail premises are as of right, Council is seeing the proliferation of large format retail uses which can reasonably be located in or near activity centres. The proliferation of these out of centre uses is resulting in the area becoming a de facto activity centre, with some of Bayside’s thriving activity centres threatened as a result.

24. Council’s policy response to this was to introduce restrictions through a local policy which discourages retail uses over 80 square metres and to focus the growth of the precinct as an area for advanced industry and business services. However, the ability to deliver these outcomes is compromised by the inability to tailor the type of employment outcomes supported by the zone given the broad objectives specified.

Principle 4

25. The Plan states that ‘industry and business should be supported to innovate and operate efficiently and effectively now and into the future in the areas identified for these purposes’.

26. The strategies under this principle seek to support continued growth and diversification of industrial and commercial areas, and providing for significant local employment opportunities. Council addresses this principle through the Bayside Retail, Commercial and Employment Strategy 2016 vision which states: ‘Bayside’s retail, commercial and employment lands will continue to provide a variety of employment opportunities and services for local residents in the 21st Century. Possessing some of the best local strip centres in Victoria, Bayside will seek to further enhance its local economy through incremental growth in its Activity Centres to address evolving services needs. An innovative reimagining of its ex-industrial lands will provide a focus for high quality jobs locally in a high amenity and well connected environment.’
27. Emphasis on supporting growth and diversification, and providing for significant local employment opportunities is also carried through Small Activity Centres Strategy 2014 and Bayside’s activity centre structure plans.

28. Council believes that the principles and strategies in the draft Plan provide enough clarity and guidance to assist planning for industrial and commercial land however, the strategies to support industrial growth should not be interpreted to be at the expense of Council’s strategic objectives to transition the area to more professional services. This reflects the highest industry sectors within Bayside residents which are Professional, Scientific and Technical Services (6,849 people or 14.9%), Health Care and Social Assistance (5,247 people or 11.4%), Education and Training (4,545 people or 9.9%), all of which are forecast to grow.

Criteria to identify regionally-significant industrial precincts

Survey question: ‘Do you support the criteria developed to identify regionally-significant industrial precincts?’

29. Council supports the criteria developed to identify regionally-significant industrial precincts, however it will be beneficial to be clearer as to how many of the criteria are required to be satisfied in order for a precinct to be defined as regionally significant. It is noted that several of the criteria will not be applicable to infill areas, however it is important to ensure that this will not compromise the ability for these areas to be appropriately classified as regionally significant.

Purpose for regionally-significant industrial precincts and local industrial precincts

Survey question: Do you support the purpose developed for regionally-significant industrial precincts and local industrial precincts?

30. Council supports the purpose assigned for regionally-significant and local industrial precincts. It is observed that the purpose refers both to industry and business more broadly, rather than limiting the role specifically to industry.

31. It is noted that the objectives of the Commercial 2 Zone should be considered to ensure that the strategic direction of the Plan is being delivered. We will like to reiterate Council’s earlier comments regarding the proliferation of retail and similar uses that undermine the ability to transition employment precincts towards more
innovative industry and business services. Council supports that retail and restricted retail premises in these regionally significant locations should not be supported in the purpose statement and submits that consideration should be given to reviewing the impact these uses are having on regionally significant areas.

Developing local industrial land use strategies

Survey Question: Do you have any comments or suggestions to improve the guidance for developing local industrial land use strategies?

32. Council has no objections to the guidelines for developing local industrial land use strategies.

33. It is important to acknowledge that there are industrial areas that are in transition, including the BBD, where some of the specific requirements within the guidelines will not apply. As the guidelines are designed to apply to industrial land, it is important to have consideration for those areas that are currently industrial that will be transitioning to more advanced industries and business service uses.

Key industrial and commercial areas

Survey question: ‘Have the key industrial and commercial areas been adequately identified and described across the regions?’

34. On page 100 of the Plan, a reference has been made to an area in Cheltenham as the Bayside Business Employment Area (and later in the document as the Bayside Business Area) as a key industrial and commercial area for the region.

35. It is observed that this area has been renamed the Bayside Business District to give effect to the future strategic role of this precinct. These changes came into effect though Amendment C150, which was gazetted in March 2019. Council considers that the Plan should be amended to reference the Bayside Business District to ensure consistency with the Local Planning context.

36. It is described that the BBD is identified as an area ‘to transition from its traditional manufacturing base to a more business services focus’ which is an accurate depiction of Council’s strategic vision for the precinct.

37. On page 105 of the Plan, the Bayside Business District is identified as a ‘Regionally Significant Industrial Land’. Page 100 of the plan depicts this area of Cheltenham as...
an area transitioning away from industrial. This area is also within the Commercial 2 Zone and not an Industrial Zone. It is understood that there are some industrial uses within this area and the purpose of the C2Z is ‘to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services’. As a result, Council suggests that the designation of this area, rather than Regionally Significant Industrial, reflects its recognised future role as a transitioning area with a significant employment function for the region.

38. Additionally, on page 34 of the Plan, the criteria for regionally significant industrial precincts include ‘the area has been identified in council strategies as being a core or primary industrial area that should be retained...’

39. As discussed in the previous sections of this submission, Council agrees that this area plays significant employment generation role for the region, however the vision for this area is to transition towards more professional services and advances industries to meet the employment needs of Bayside’s residents and the region.

40. For the reasons outlined above, Council considers that the depiction for the Bayside Business District as transitioning away from industrial uses is accurate but the classification of the area as ‘Regionally Significant Industrial Land’ may be confusing.

41. Opportunity exists to clarify the future role for the precinct towards an advanced industries and professional services node for the region. Due to a number of constraints, including road infrastructure and exclusion zones due to the close proximity of residential areas it is unlikely that this area will to be able to accommodate significant industrial uses in the future.

Conclusion

42. Council supports the released Draft Melbourne Industrial and Commercial Plan with the changes outlined in this submission.
Hi Guest,

Thank you for your submission on Planning for amenity, health and safety buffers through Engage Victoria

A copy of your submission is provided below:

1a. Updates to the Planning Policy Framework (Clause 13.07-15)

Including human health and safety impacts within the scope of the clause is important. - Strongly agree

The additional and updated strategies adequately support the need to protect existing industrial, commercial and other uses from encroachment. - Agree

It is helpful to include the current EPA guideline on separation distances as a policy document. - Agree

1b. Do you have any other comments about elements of the draft Clause 13.07-15?

(Optional)

Please add your comments below.

Officers at Bayside City Council support the additional language/objectives in Clause 13.07s that address the two scenarios that could occur in terms of: • A proposed new industrial use, or expansion of an existing industrial use, which is in close proximity to an existing sensitive use (e.g. residential area); or • A proposed new residential (or other sensitive) use which is in close proximity to an established industrial area or activity. This is relevant to the BBD, a regionally significant employment area in Bayside, as there are residential areas immediately adjacent. Importantly, the buffer distances serve as a measure for when a referral to the EPA is required.
As such, the inclusion of the EPA as a referral authority for applications is also supported.

2a. Updates to Clause 53.10

The operation of the clause will be clearer than it is now, including how it links to zones and referral provisions. - Agree
The updated list of “sensitive zones” where the threshold distance applies is relevant. - Agree
The list of uses and activities seems appropriate. - Agree
The threshold distances for uses and activities seem appropriate. - Agree
It is clear how to measure and apply the threshold distances. - Agree
How referrals operate is clear with the replacement of Note 1 and Note 2. - Agree

2b. Do you have any other comments about elements of the draft Clause 53.10?

(Optional)

Please add your comments below.

I am making this submission:

on behalf of a council

Name of organisation (if relevant)

Bayside City Council

Contact email - confirmation of your submission will be sent to this address.

eburman@bayside.vic.gov.au

Privacy statement

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws. The submission you provide to DELWP will be used to help finalise proposed updates to planning provisions.
The information you provide will be made available to DELWP and de-identified, to develop a consultation report. This report will be made available online.

Your contact details may be used to contact you should we need to clarify your submission or to provide you with project updates.

To protect individual privacy, DELWP will remove your name and address from your submission when we receive it.

If you do not wish to be identified, please ensure there is no other information in your submission that could identify you or other individuals.

De-identified submissions may be used by DELWP, or its contracted service providers under confidentiality agreements, in preparing its recommendations to government.

Please note, if all requested information is not received we will not be able to process your submission. If you do not provide your email address we will not be able to identify your submission if you wish to access it, make a correction, or require technical support.

Should you need to correct the information you provided or gain access to your submission, please contact us via email at planning.systems@delwp.vic.gov.au.

I agree to the privacy statement

yes

Regards,

The Engage Victoria Team

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Engage Victoria. If you think you have been sent this by mistake please contact us at contact@engage.vic.gov.au.
Executive summary

Purpose and background

The purpose of this report is to seek Council’s approval to enter into an agreement with Kingston City Council to realign the municipal boundary along the railway line at Cheltenham Railway Station, and authorise the Chief Executive Officer to complete and sign the necessary agreement, to progress the municipal realignment.

Following the completion of the Cheltenham Level Crossing Removal works, the site conditions will have changed substantively. The key differences include: the station entry infrastructure being supported over a ‘deck’ and the formulation of two additional decks to support yet to be determined future developments parcels.

With the municipal boundary presently running essentially along the middle of the rail corridor, this would result in buildings and future works spanning the two municipalities (Bayside and Kingston).

Both Councils have been in discussions for some time regarding a change to the municipal boundary, refer to Attachment 1. The Minister for Local Government is ultimately responsible to realign the boundary based on an agreement being reached between Bayside and Kingston.

In September 2018 Council considered this matter in conjunction with the Kingston City Council’s Draft Cheltenham Park Interface Treatment and accordingly resolved as follows:

That Council:

1. supports the Cheltenham Park Interface Treatment prepared by Kingston City Council as shown in Attachment 2;

2. supports a municipal boundary realignment to facilitate development in accordance with the Cheltenham Park Interface Treatment as shown in Attachment 2, subject to:

   a) the urban design and planning controls being incorporated into the relevant documentation; and

   b) agreement on a suitable financial contribution from the City of Kingston towards the improvement and maintenance of Cheltenham Park.

3. writes to Kingston City Council and the Minister for Local Government advising of this decision.
Over recent months Officers from both Councils have held a series of meetings to discuss the parameters for a boundary realignment, and an agreement has been reached based on the following matters:

1. The appropriate revised location of the municipal boundary

2. Both Councils would continue to work together to reinforce the view in any future planning process that the outcomes sought through the ‘Cheltenham Park Interface Document’ (Attachment 2), that outlines and provides enhanced clarity to the principles in the Cheltenham Structure Plan would form the basis of future Planning Controls.

3. On the basis any future development is subdivided and a Public Open space contribution is secure, the contribution, as it applies to the proportion of development that is subdivided on what is presently on Bayside’s side of the existing municipal boundary be allocated to Cheltenham Park.

At its meeting on 28 January 2020, Kingston City Council considered the matter and resolved as follows:

**8.6 Municipal Boundary Change - Cheltenham Level Crossing Removal**

**Works**

Moved: Cr Staikos  
Seconded: Cr Gledhill

That Council:

1. Instruct the Chief Executive Officer to do all things necessary to finalise an agreement for relocation of the municipal boundary with the Bayside City Council, generally in accordance with the plan contained in Appendix 1 and in accordance with the following conditions:

   a) The principles contained within the Cheltenham Park Interface Document contained in Appendix 2 be those which Kingston City Council would support on the basis a Planning Scheme Amendment were pursued for land located over the planned rail trench.

   b) On the basis that any future development over the planned rail trench is subdivided and a Public Open Space Contribution is secured, the contribution, as it applies to the proportion of development that is subdivided on what is presently on the Bayside side of the existing municipal boundary, be expended in the Cheltenham Park.

   c) On the basis land is rezoned for future redevelopment above the rail trench and development occurs, Council make a one-off payment to Bayside City Council at the time of issue of an occupancy permit and based on the assumed rating value of future development on the existing Bayside side of the municipal boundary, to a maximum value of $35,000, based on a request from Bayside City Council to receive 10% of the rate revenue for the first 10 years of the development to cover its municipal expenses.

   d) Address any other matters that arise that are required to administer the boundary change in accordance with the above.

2. Upon completion of an agreement that is to the satisfaction of the Chief Executive Officer of both Councils, a letter be prepared to the Minister for Local Government informing the Minister of the agreement.

CARRIED
Key issues
The Level Crossing Removal Project have now finalised the design principles for the works at Cheltenham and the works will involve:

- A new station entry supported over a deck which straddles the existing municipal boundary.
- The provision of two additional decks to support yet to be determined future development which also straddles the existing municipal boundary.

Given the above changes, the retention of the municipal boundary in its present location is no longer logical. Given the majority of the intended redevelopment will be in Kingston, as well as the primary station infrastructure, it is appropriate that the municipal boundary be moved west.

The Kingston City Council resolution addresses Bayside City Council’s concern regarding improvement and maintenance funding for Cheltenham Park. Furthermore, Kingston City Council have also agreed to pay a “one-off” payment to Bayside City Council based on the assumed rating value of future development on the existing Bayside side of the municipal boundary of $35,000. It is therefore recommended that Bayside City Council enter into an agreement with Kingston City Council on this basis.

Once the municipal boundary agreement has been signed by both parties, the agreement will be forwarded to the Minister for Local Government to undertake the formal realignment of boundary.

Recommendation
That Council:

1. Authorise the Chief Executive Officer to enter into an agreement with Kingston City Council to finalise the realignment of the municipal boundary along the railway line at Cheltenham Railway Station in accordance with the plan contained in Attachment 1 and in accordance with the following conditions:
   a) The principles contained within the Cheltenham Park Interface Document contained in Appendix 2 be those which Bayside City Council supports on the basis a Planning Scheme Amendment is pursued for land located over the planned rail trench.
   b) On the basis that any future development over the planned rail trench is subdivided and a Public Open Space Contribution is secured, the contribution, as it applies to the proportion of development that is subdivided on what is presently on the Bayside side of the existing municipal boundary, be expended in Cheltenham Park.
   c) On the basis land is rezoned for future redevelopment above the rail trench and development occurs, Bayside City Council receives a one-off payment from Kingston City Council at the time of issue of an occupancy permit and based on the assumed rating value of future development on the existing Bayside side of the municipal boundary of $35,000.

2. Upon completion of the agreement, the Chief Executive Officer be authorised to sign the agreement on behalf of Bayside City council, and forward a copy of the agreement signed by both Bayside and Kingston City Councils to the Minister for Local Government to commence the formalisation of the boundary realignment.
Support Attachments

1. Attachment 1 Cheltenham Level Crossing - Boundary Markup - Jan 2020
2. Attachment 2 - Cheltenham Park Interface Treatment
Considerations and implications of recommendation

Liveable community

Social

Significant work on the part of the two Councils has been put into seeking to secure an outcome that prioritises the needs of those who may ultimately be occupying the future development, and those who may benefit from using assets in both municipalities in future.

Natural Environment

The Cheltenham Structure Plan Review considers how to protect and enhance biodiversity, how to respond to climate change and how to ensure new development is environmentally sustainable and incorporates vegetation and trees. The impact on Cheltenham Park as a result of the proposed future built form and the Centre’s growing population and reliance on Cheltenham Park for open space provision have been factored into this agreement.

The realignment of the municipal boundary will bring about minor beautification enhancements to Cheltenham Park over time.

Built Environment

The preconditions for the basis of the municipal boundary realignment are informed through the adopted Kingston Cheltenham Structure Plan which Bayside has supported.

Customer Service and Community Engagement

Kingston City Council and the Minister for Local government have been involved in the discussions over several months.

Human Rights

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

Legal

The process of moving a municipal boundary is ultimately a matter for the Minister for Local Government to undertaken in accordance with the Local Government Act.

Finance

On the basis a Panel can be avoided through this process, the costs in further consideration is limited. Both Councils have agreed to share all costs associated with the formulation of the agreement to give effect to agreed conditions between both municipalities.

Links to Council policy and strategy

Bayside Housing Strategy 2012

Bayside’s Residential Strategic Framework Plan identifies the area around the train station as a moderate residential growth area. The zoning of residential land located between Charman Road, Wetherall Road, Cheltenham Park and the primary school reflects this designation through the General Residential Zone.
Background

In February 2017 the Level Crossing Removal Authority announced the removal of the level crossings at Park Road and Charman Road, Cheltenham by lowering the railway line under the road and construction of a new station. Recognising the potential benefits and impacts on the strategic vision for Cheltenham, a review of the Cheltenham Structure Plan was undertaken to enable a whole of centre approach to the significant contextual change.

Acknowledging the level crossing removal project straddles the municipal boundary between Bayside City Council and Kingston City Council, the review took a holistic approach, recognising the importance of connecting local communities to key open spaces and the retail core.

Development opportunities have been identified above the ‘decked’ platforms within the railway precinct at the interface with Cheltenham Park. Noting the considerable length of the park interface it is important for any future form to be broken down into buildable parts without imposing a ‘walled’ condition to the park. View line tests and solar access considerations have tested the recommended setbacks and building heights. Furthermore the sensitivity of the Cheltenham Park interface has required careful considerations of precinct objectives and guidelines to ensure any new development complements the regionally significant green open space.

This document is intended to illustrate the outcomes sought within the Cheltenham Structure Plan Review including precedent projects, illustration of the interface vision and additional objectives and guidelines that could build on the LXRA Urban Design Guidelines.
Precedents

Building architecture should aim to use natural materials and tones, mixed material palettes, a breakup of mass and depth, integration of garden areas and connected balcony spaces.
Vision

- Encourage the use of natural/tactile material in facade design
- Future 8 storey building form
- Future 4 storey podium
- Opportunity for integrated landscaping in facade design
- Potential ‘Roof top’ open space

Ensure future development present ‘Front of House’ to Cheltenham Park contributing to casual surveillance to the public space

Direct pedestrian access to future development off shared user path

Future shared user path along Cheltenham Park
Item 10.9 – Reports by the Organisation
LXRA Design Guidelines
Cheltenham Integrated Development Design Guidelines

To provide for a development response that addresses the sensitive interface of Cheltenham Park, further objectives and guidelines have been suggested for inclusion in the LXRA Integrated Development Design Guidelines which are shown in the blue text below. This new content builds on the work undertaken through the Cheltenham Structure Plan Review with a focus on ensuring that future built form, landscaping and detailed design outcomes are complementary to the landscape character of Cheltenham Park.

STRATEGIC OBJECTIVES
1. Positively contribute to the emerging character of cheltenham
   Buildings are to respond to the existing and emerging urban form and character of cheltenham that is sympathetic to the 'high street' environment of charman road and the public space interface with cheltenham park while establishing a high-quality benchmark for its more urban future identity.

2. Enhance the wayfinding, legibility and ease of pedestrian movement throughout the station precinct.
   Ensure that building locations, built form and public realm design establish a highly legible station precinct and enable ease of navigation for pedestrians to cheltenham station and the cheltenham activity Centre.

3. Contribute to a sense of safety across the precinct.
   Ensure the form, articulation and detailed design of new buildings adjacent to Cheltenham Park reference and respond to the landscape character and sensitivity of the interface.

4. Extend the vibrancy and uses of activity centre into the station precinct
   Accommodate and development of retail, residential and community uses within the station precinct that complement the current offering of the activity centre and sustainably grow its size and diversity.

5. Balance activation of Cheltenham Park with the need to protect and enhance this sensitive interface.
   Ensure the form, articulation and detailed design of new buildings adjacent to Cheltenham Park reference and respond to the landscape character and sensitivity of the interface.

GUIDELINES
- Locate and design the station building and any other built form and manage the perceived ground levels of the station precinct to maintain view lines from Railway Walk and Charman Road through to Cheltenham Park.
- The integration and consolidation of the council car park site with the station precinct should be explored for additional activity centre parking, development opportunities, and improved integration of built form and public spaces.
- Create a series of high quality buildings that contribute to the diversity of building types, architectural forms and land uses within the activity centre.
- Maximise pedestrian access across the rail corridor and maintain as a minimum pedestrian access:
  - Along both sides of Park Road,
  - At the (future) second station entrance,
  - At the station entrance, and
  - Along both sides of Charman Road.
- Ensure that pedestrian connectivity, visibility and safety between transport mode facilities are not compromised through the location and detailing of building forms at this important station and transport interchange.
- Maintain the continuity of the shared use path along the interface with Cheltenham Park and integrate its location, height, and interface with buildings as a positive and activated frontage that minimises conflicts between shared use path users and building occupants and visitors.
- Maximise ground floor active uses such as retail and office uses in locations that connect transport modes and will experience large volumes of pedestrian traffic.
- Minimise the number of vehicle access points to buildings and avoid vehicle crossings and entrances:
  - At the station forecourt, and
  - Along the shared use path.
- Reduce the visual impacts of buildings on Cheltenham Park by:
  - Creating a series of separate buildings and avoiding the creation of a continuous wall of development.
  - Creating a podium height of no greater than 4 storeys along the park interface, and
  - Articulating podiums vertically to reduce the scale of the length and width of buildings to a more human scale.
  - Ensure new development above the podium is set back no less than 5 metres.
- Avoid overshadowing on usable areas of Cheltenham Park and the new station forecourt by taller built forms when measured at 22 Sept between 10am and 2pm, and minimise overshadowing on other parts of open spaces.
- Maintain the Station Road view corridor to Cheltenham Park, across the rail corridor by avoid new taller built form in this location.
- Ensure that new development strengthens the landscape character of Cheltenham Park by incorporating complementary landscaping (on structure and at natural grade) along the interfaces of Railway Walk, The Cheltenham Pioneer Cemetery, Cheltenham Park and the new pedestrian plaza and open space area.
- Maximise opportunities for integrated landscaping on private and public land at street level, within the podium roof, balcony interfaces, along station infrastructure (rail trench) and building façades with frontage to commercial streets, priority pedestrian spaces and open spaces.
- Ensure future development presents frontages and residential address to Cheltenham Park including active uses and direct access at ground level with outlook from windows and balconies at upper levels to activate and encourage passive surveillance opportunities of the path and open spaces.
- Design building facades to achieve excellence in architectural quality which are well articulated with details and materials to provide visual interest supported by fenestrations that are well ordered.
- Encourage the use of traditional residential building materials, with natural and tactile materials for new development along the Cheltenham Park interface which reinforce the human scale.
Cheltenham Structure Plan Review

To enable a positive design response to the context of the Cheltenham Park interface, numerous strategies and guidelines have been included in the structure plan review.

3.1 LAND USE & BUILT FORM STRATEGIES

Key initiatives include:

- Minimise overshadowing impact at the equinox onto the public realm at:
  - Existing and future open spaces (i.e., Cheltenham Park);
  - Footpaths along commercial streets and future shared zone.
- Frame key view line to Cheltenham Park from Station Road
- Encourage the establishment of appropriate urban grain (building width) to avoid excessive visual bulk and minimise negative amenity impact on public realm

3.3 OPEN SPACE & PUBLIC REALM STRATEGIES

Key initiatives include:

Maximise opportunities for additional landscaping on private and public land at street level, within the podium roof, along station infrastructure (rail trench) and building façades with frontage to commercial streets, or priority pedestrian space.

4.2 PRECINCT E - STATION PRECINCT

Updated Precinct Vision

The western station precinct fringed by Cheltenham Park and the traditional Charman Road spine is a key Transit Oriented Development opportunity with the potential to activate and enliven land that has formerly served as the ‘back of house’.

It can serve as the new ‘western’ frontage to the Centre, with a park side address and a punctuated skyline profile when viewed on approach.

It supports medium rise form above a new Station complex and a network of pedestrian friendly pocket parks, spaces and laneways.

Precinct Objectives

5. To establish a visually interesting and dynamic skyline when viewed from the western approach, which will be visible from both Park Road and within public open space within Bayside.

8. To preserve and enhance key viewlines from Charman Road and Station Road to the heritage station building (east siding) and Cheltenham Park.

10. To create a more favourable ‘people friendly’ quality to the precinct through redevelopment that supports a permeable network of pedestrian linkages, with active frontages and address.

11. To provide for a north-south regional shared path/bike link along the western boundary of the precinct adjacent to Cheltenham Park.

14. To improve accessibility to the Cheltenham Park and Pioneer Cemetery.

15. To improve passive surveillance of public spaces.

Precinct Guidelines

- Encourage active uses at ground level and at upper levels within podium forms which are adjacent to public open spaces, the station forecourt plaza and along key vehicle and pedestrian linkages to improve surveillance for both day time and night time users.

- Development within the precinct should be arranged as a ‘suite of forms’, rather than a single development envelope.

- Carefully respond to topography across the site to ensure direct connection between public transport nodes, open space, shared zone and the ground level of buildings.

- Ensure vehicle parking is managed and contained within a basement, or podium format concealed by active and attractive uses where possible, or quality façade treatment where it interfaces with public frontage, including the provision of vertical gardens where appropriate.

- Encourage the utilisation of roofing to provide communal gathering space, urban landscape and high-quality outlook (when viewed from upper level dwellings).
Draft Schedule 1 to Clause 37.08
Activity Centre Zone

LAND USE AND DEVELOPMENT OBJECTIVES TO BE ACHIEVED

Land Use
- To encourage active ground floor uses to activate street frontages along main roads, shared zones, and key pedestrian and cycle linkages.

Built Form
- To encourage innovative and contemporary architecture and urban design treatments, including at gateway and landmark locations identified in the Framework Plan.
- To ensure built form maximises the use of articulation and materiality, minimises overshadowing and provides for high quality architecture to the highest environmental standards.
- To maintain appropriate levels of solar access to existing and proposed open spaces and the public realm.

Public realm
- To ensure public spaces are not unreasonably impacted by overshadowing.
- To ensure public spaces are provided with adequate surveillance through active adjacent uses and passive surveillance.

Open space and landscaping
- To maximise opportunities for landscaping and public art in horizontal and vertical planes.

PRECINCT 5 – RAILWAY PRECINCT

Precinct objectives
- To create a ‘people friendly’ quality through redevelopment that supports a permeable network of pedestrian linkages, pedestrian plazas, open spaces and shared zones with active frontages and address.

Precinct guidelines
- Establish a clear hierarchy of uses within key development sites, with activation concentrated at the lower levels, or in the case of a podium form within the whole of the street wall podium levels.
- Arrange development within Precinct 5 as a suite of distinct forms, rather than as a single development envelope.
- Avoid unreasonnable visual bulk of new development when viewed from the public realm by ensuring appropriate scale, form and articulation.

- Ensure new development above the rail trench provides for separation between built form above podium level allowing for visual breaks and views through Precinct 5 into Cheltenham Park.
- Protect and reveal key view lines to the heritage station and to Cheltenham Park from Charman Road and from Station Road.
- Ensure that the design and massing of new development, including landmark and gateway buildings, adjacent to existing or planned public open space seeks to minimise the impact of wind and overshadowing in order to ensure a high level of user amenity within the public realm.
- Minimise overshadowing of existing and planned open space between 11am and 2pm on the equinox.
- Ensure the layout of development within Precinct 5 provides visual and physical permeability via careful arrangement of built form, pedestrian paths, bicycle connections, shared zones, and open spaces at ground and upper levels.
- Ensure that new development strengthens the landscape character of Cheltenham Park by incorporating complementary landscaping (on structure and at natural grade) along the interfaces of Railway Walk, The Cheltenham Pioneer Cemetery, Cheltenham Park and the new pedestrian plaza and open space area.
Executive summary

Purpose and background
This report reviews and adopts a number of key Governance Policies namely:

- Election Period Policy
- Councillor Support, Resources, Reimbursement and Accountability Policy
- Councillor Gift and Hospitality Policy.

It is a legislative requirement to review the Election Period Policy and the Councillor Support, Resources, Reimbursement and Accountability Policy prior to the next general election.

Furthermore a specific Councillor Gift and Hospitality policy has been developed as a result of an internal audit recommendation, providing a standalone policy with easy access to the requirements of the policy.

Key issues
A summary of the significant changes to the existing policies are outlined below:

<table>
<thead>
<tr>
<th>Section</th>
<th>Change</th>
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<tbody>
<tr>
<td>Summary of Policy</td>
<td>Provides a snapshot of the policy at the front of the document.</td>
</tr>
<tr>
<td>Election Period</td>
<td>Defines the new dates of the Election Period for the 2020 Elections being 22 September to 24 October 2020.</td>
</tr>
<tr>
<td>Section 5.3</td>
<td>Expands the role of the Chief Executive Officer.</td>
</tr>
<tr>
<td>Section 6.1</td>
<td>Includes a reviewed figure for 1% of Council’s revenue for Rates and Charges being $955,000.</td>
</tr>
</tbody>
</table>
| Section 14 | Includes reference to Instagram and maintains a social media presence during the election period, subject to a certification process by the Chief Executive Officer. 
The ability for member of the public to post comments on Council's social media site will continue, however Council officers will monitor the posts including afterhours and weekends, and will have the capability to delete any material posted of social media that is deemed electoral material or campaigning. |
| Section 16 | Includes reference to public notices of Council and Special Committee meeting to still occur during the period.                       |
Section 29 | Includes reference to assistance to candidates concerning electoral matters must be directed to the Returning Officer.

Section 30 | Includes reference to a staff member proposing to stand for Council and the process involved in doing so.

Section 31 | Includes reference to a member of Council Advisory Committee or other Committee proposing to stand for Council and the process involved in doing so.

Section 32 | Includes reference to advertising signage on Council-controlled land.

Section 33 | Includes reference to breaches of the Act and who will investigate the breaches.

Section 34 | Includes reference to the breach of this policy by a Councillor and the process for the investigation.

Councillor Support, Resources, Reimbursement and Accountability Policy

<table>
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<tr>
<td>Section 1</td>
<td>Expands the intent of the policy.</td>
</tr>
<tr>
<td>Section 34</td>
<td>Includes a summary of Councillor expenses included in the Quarterly report to Council.</td>
</tr>
<tr>
<td>Definitions</td>
<td>Expanded to the definitions within the policy.</td>
</tr>
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</table>

Councillor Gift and Hospitality Policy

This policy is a new standalone policy which establishes a framework for the acceptance and declaration of gifts and hospitality by Councillors and to avoid any potential conflicts of interest or breaches of the Local Government Act.

Furthermore, the policy places additional obligations on each Councillor by:

- Defining gifts that must not be accepted even if such gifts are not prohibited under the legislation;
- Clarifying the types of gifts that may be accepted;
- Requiring the declaring of all gifts that are accepted or declined in a Gift and Hospitality Register including those below the gift declaration threshold.

These important governance policies will be placed on Council’s website and used as part of the Election Candidacy Program for information and awareness purposes.
Recommendation
That Council adopts the following Governance Policies as set out in Attachments 1-3 to this report:

- Election Period Policy
- Councillor Support, Resources, Reimbursement and Accountability Policy
- Councillor Gift and Hospitality Policy.

Support Attachments
1. Election Period Policy 2020 Elections for Councillor Briefing ↓
2. Councillor Support, Resources, Reimbursement and Accountability Policy for Councillor Briefing ↓
3. Councillors Gift and Hospitality Policy for Council ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this policy.

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

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

Customer Service and Community Engagement
As these policies are legislative requirements and a review of existing policies and processes no community engagement is required.

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
It is a legislative requirement that Council adopts an Election Period Policy, Councillor Support, Resources, Reimbursement and Accountability Policy and a Gift and Hospitality Policy.

Finance
There is no financial implications associated with this report.

Links to Council policy and strategy
The report responds to the Strategic Objective 8.3 “where decision making is open, transparent and informed by representative community views”.

Election Period Policy

For 2020 General Elections

Adopted by Council at its meeting held on
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Form 1    Request for Chief Executive Officer to certify material
Form 2    Chief Executive Officer certification
Form 3    Election Period Certification Procedure

Appendices
Appendix 1 Council publications and resources during the Election Period
Appendix 2 Section 76D of the Local Government Act 1989 – Misuse of Position
Section 76E of the Local Government Act 1989 – Improper Direction and Improper Influence
Section 93A of the Local Government Act 1989 – Conduct of Council during Election Period
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Election Period Policy</th>
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<tbody>
<tr>
<td>Council policy ref no:</td>
<td>C/POU/COR/026 (TRIM REF: DOC/16/25243)</td>
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<tr>
<td>Council policy owner:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
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<tr>
<td>Date adopted:</td>
<td></td>
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<tr>
<td>Scheduled review:</td>
<td>November 2024</td>
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Summary of Policy

- Election Period (Caretaker Period) is from midnight 22 September 2020 until 6.00pm 24 October 2020.
- No major policy decisions to be made by Council during this period.
- No inappropriate decision to be made by Council during this period.
- No significant decision to be made by Council during this period.
- No awarding of contracts where the total value exceeds $955,000.
- No exercise of power under Section 193 of the Local Government Act where the sum assess is greater than $955,000.
- All public consultation likely to be conducted during the election period must have prior approval from the Chief Executive Officer.
- Council events may occur during this period, however Councillors have no role to play in these events.
- All Council publications are subjected to a certification process.
- Councillors not must use any Council resources including Council staff for any electoral purpose.
- All reports to Council and Committee must include a certification statement.

1. Policy intent

The Local Government Act 1989 ("the Act") provides that during the 'election period' as defined in Section 3 of the Act, certain prohibitions apply to the functions and powers of a Council as it enters into a "caretaker" period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

The intent of this policy is to clearly articulate how the business of Council will function during the legislated Election Period commencing on the last day of nominations and continues until 6.00pm on the Election Day, a period of 32 days. For the purpose of this policy the mandatory election period will be from midnight on 22 September until 6.00pm on 24 October 2020 (Election Day).
2. Purpose/Objective
The purpose of this Election Period Policy is to address the requirements of the Act regarding the responsibilities, actions and behaviours of the Council in the period leading up to a general election.

The objective of the policy is to ensure that the ordinary business of local government in the City of Bayside continues throughout the election period in a responsible and transparent manner, and in accordance with the legislated requirements.

This policy prescribes actions and procedures the organisation will implement in observance of statutory requirements and established election period conventions in the interests of ensuring a fair election generally during the election period. This policy builds on the minimum statutory standards to enhance the accountability of the Council, Councillors and Council staff during the election period.

Section 93A of the Local Government Act 1989 – Conduct of Council, sets out the requirements of Council behaviour during an ‘election period’ (refer to Appendix 2).

3. Scope
The scope of this policy applies to Councillors and Council staff during the Election period to:

- Prevent inappropriate decisions and misuse of resources;
- Limit public consultation and council events; and
- Provide equitable access to council information
- Prohibition on Council (making major policy decisions)

The Election Period Policy has been developed in order to ensure that the general elections for the Bayside City Council on Saturday 24 October 2020 and any subsequent elections are conducted in a manner that is ethical, fair and equitable and is publicly perceived as such.

4. “Election” Period

The election period is defined within Section 3 of the Local Government Act 1989 and commences on the last day on which nominations for an election can be received and ends at 6.00pm on Election Day. For the purpose of this policy the period is from 22 September 2020 at midnight to 24 October 2020 at 6.00pm.

5. Accountability

5.1 Council
Council will function in accordance with this Election Period Policy during the election period.
5.2. **Responsibility of Councillors**
Councillors need to be mindful of their responsibilities in relation to improper use of their position as outlined in the Act. Sections 76D and 76E of the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties including possible imprisonment. Section 76D in relation to the election period ensures a fair election is held where council resources are not used for campaigning by sitting Councillors to increase advantage over other candidates or to influence voters. Refer to Appendix 1 for an extract of Section 76D and E of the Local Government Act 1989.

5.3. **Role of the Chief Executive Officer (CEO)**
The Chief Executive Officer or delegate will ensure, that all Councillors receive a copy of this as soon as practicable, after the Council adoption of the policy, and staff are informed of the application of this policy at least 30 days prior to the commencement of the election period. The Chief Executive Officer will issue guidelines to staff on their responsibilities in respect to the implementation of this Policy.

The Chief Executive Officer will ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

The Chief Executive Officer will not include in the order of business for any Ordinary Council or Special Committee meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

6. **Policy Decisions during the Election Period**
There are three levels of decision making that are impacted during the election period:

1. Major Policy Decisions (governed by section 93A of the Act)
2. Inappropriate Decisions (governed by Section 93B of the Act)
3. Significant Decisions (governed by the Policy, which goes beyond the minimum statutory requirements.

The Chief Executive Officer or his delegate will ensure as far as possible, that matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the Election Period, or deferred where appropriate for determination by the incoming Council.

6.1. **Major Policy Decisions**
Section 93A of the Local Government Act 1989 prohibits the making of “Major Policy Decisions” during the election period, which is from Entitlement Day until 6.00pm on the Election Day.
As defined in the Act, major policy decisions are any decisions that:

- relate to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- terminate the appointment of a Chief Executive Officer under section 94;
- enter into a contract the total value of which exceeds whichever is the greater of $100,000 or such higher amount as may be fixed by Order in Council under section 186(1) of the Local Government Act 1989; or 1% of the Council’s revenue from rates and charges levied in the preceding financial year. (For Bayside this equates to $955,000.);
- exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of $100,000 or 1% of the Council’s revenue from rates and charges levied under section 158 of the Local Government Act 1989 in the preceding financial year. (For Bayside this equates to $955,000.);

A major policy decision made in contravention of this section is invalid.

If the Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.

6.2 Inappropriate Decisions
Where a decision does not meet the criteria for a major policy decision, it must still be avoided if it meets the definition of an inappropriate decision under Section 93B(5) of The Act.

If a decision would affect voting in an election, and/or could reasonably be made after the elections, it is considered an inappropriate decision under the Act and must therefore be scheduled before or after the election.

An inappropriate decision includes a decision that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could reasonably be deferred until after the election, such as:

- Allocating community grants or other forms of direct funding for community organisations;
- Major Planning Scheme amendments;
6.3 Significant Decisions
In the case of a decision that significantly affects the municipality or binds the incoming Council, which is not expressly prohibited under Section 93A of The Act or meets the definition of an inappropriate decision under Section 93B(5) of The Act, a number of factors will need to be considered including:

- Whether the decision is ‘significant’;
- The urgency of the issue (can it wait until after the elections);
- The possibility of financial and/or legal repercussion if it is deferred;
- Whether the decision is likely to be controversial; and
- The best interest of Council.

Significant decisions include the following:
- Major planning scheme amendments; and
- Changes to the strategic objectives or strategies in the Council Plan.

7. Public Consultation during the election period
Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action or proposed policy, and includes discussion of that matter with the public.

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultations will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to affect voting. Council will not continue or commence consultation on any contentious or politically sensitive matter after the date on which nominations close.

The above does not apply to public consultation required pursuant to the Planning and Environment Act 1987 or to matters subject to Section 223 of The Act. Consultation under this statutory provision shall only proceed after express agreement by the relevant Director where it relates solely to the normal day-to-day business of Council, and the consultation is not deemed to be controversial.

All public consultation that is likely to run into the election period must have prior approval from the Chief Executive Officer. Where approved, the results of the consultation will not be reported to Council until after the election period, unless the Chief Executive Officer or nominated delegate decides otherwise.

8. Council events
Councillors are able to continue to attend meetings, events and functions during the Election Period which are relevant to the Council and the community. However, Councillors will have no formal role to play at these events.
Council's annual program of events will continue during the Election Period. However, any publicity must be mindful of the controls on electoral material outlined in this policy.

8.1 Other Organisation Events
Councillors are able to attend events or functions conducted by external bodies during the Election Period; however when attending as a representative of Council, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

9. Council Publications during the election period
In accordance with Section 55D of the Local Government Act 1989 Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing by the Chief Executive Officer or nominated delegate.

A publication that contains an express or implicit reference to any of the following is taken to be electoral matter:
- the election;
- a candidate in the election (with the exception of Council minutes and agendas);
- an issue submitted to, or otherwise before, the voters in connection with the election;
- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or,
- or publicises the achievements of the elected Council.

Best practice is for Council to avoid all publications activity during the election period except where essential for the conduct of Council operations. Where printing, publishing or distributing a document is deemed essential to Council business during the election period, CEO certification is required for all publications. Publications should be read broadly to include electronic information and web based productions.

10. Certification Process
The process for the certification will be as follows:
- When drafting a publication, check and ensure that no election material is present - if uncertain check with the Governance Department.
- All draft publications are to be sent or produced by Communications Department (excluding Job advertisements). They will forward any document for clarification or if material is doubtful to the Governance Department for determination.
- Once the draft is prepared and checked, the document is to be given to the CEO with the wording as per Form 1 attached to this policy.
• The Chief Executive Officer will use the wording in Form 2 attached to this policy to certify the document.

Councillors are however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or the City of Bayside (eg: by use of Council logo).

The controls do not cover newspaper advertisements which simply announce the holding of a meeting or the election process itself.

An Election Period Certification Procedure is attached to this policy and referred to as Form 3.

11. Publications
Any Council publication which is potentially affected by this policy will be reviewed by the Governance Department to ensure that any circulated, displayed or otherwise publicly available collateral during the election period does not contain material that may be construed as “electoral matter”.

Existing publications, including material published on Council’s website in advance of the election period, are not subject to certification requirements.

Council will review all its public collateral available from the Corporate Centre, branch libraries and Maternal Child Health Centres and remove any which might contain electoral matter prior to the election period.

Any reference to Councillors in Council publications printed, published or distributed during the election period must not include promotional text or express personal views and opinions.

A summary of Council publications and resources during the election period is attached to this policy.

12. Let’s Talk Bayside
Council will cease publication of Let’s Talk Bayside and any similar publication during the election period.

13. Website
During the Election Period Council’s website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process. Information about Councillors will be restricted to the names of the elected representatives and contact details and committee or other bodies Councillors have been appointed to by the Council. There will be no biographies or policy statements.
Council agendas and minutes of meetings do not require certification if published in the usual way on the website.

14. Social Media
Council has a number of social media sites including Twitter, Instagram, Facebook and YouTube. Council’s Communication and Engagement Department will continue to monitor Bayside City Council corporate Facebook, Instagram sites and twitter feeds.

During the Election Period, Bayside City Council will continue to maintain a social media presence. All publication of postings on social media sites will require certification by the Chief Executive Officer prior to the posting being active. Council social media tools must not be used for election campaigning.

The ability for members of the public to post comments on Council’s social media sites will continue during the election period. During this period monitoring of the social media channels will extend to afterhours and weekends and will be undertaken by the Communications and Engagement Department, who will have editing access to delete any material posted on Facebook and Twitter that make reference to candidates of the 2020 elections, or electioneering material.

During the Election Period, no new imagery or text of Councillors and their activities will be posted.

15. Annual Report
Council is required by the Act to produce and put on display a copy of its Annual Report. The 2019/20 Annual Report will be published during the Election Period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors. This publication is not considered an ‘advertisement, handbill, pamphlet or notice’ and does not require certification.

The annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.

16 Council and Special Committee Meetings
Council is required by the Act to:
• Give public notice of Council meetings and Special Committee meetings; and
• Produce and make available agendas and minutes of Council meetings and Special Committee meetings.

Agenda papers and minutes of Council and Special Committee meetings therefore do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.
17. **Photo boards**
Public photo boards containing photographs of current Councillors on display at Council premises will be removed during the election period. Councillors must not use existing Council photographs as part of their election material.

18. **Publicity**
It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way that might influence the outcome of a Council election.

During the Election Period, no Council employee may make any public statement that could be construed as influencing the election, or make political statements during the Election Period. This does not include statements of clarification that are approved by the Chief Executive Officer or nominated delegate.

During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer or nominated delegate. In any event Council publicity during the Election Period will be restricted to promoting normal Council activities, and no Council funded publicity will feature Councillors excluding the Mayor when representing Council in an official capacity.

19. **Media Advice**
Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer, or the Chief Executive’s designated delegate. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves Councillors.

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

20. **Media releases /spokesperson**
Media releases will not refer to a Councillor or Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will determine the appropriate person.

21. **Speeches**
Any publication or distribution of a Councillor or Mayoral speeches by the Council must be subject to the certification process. Council staff must be mindful when preparing speeches and should ensure that speeches contain a short welcome, and should not contain any express or implied reference to the election.
22. **Title of Councillor**
Councillors may use the title “Councillor” in their election material, as they continue to hold that position during the election period. To avoid confusion, Councillors should be advised to ensure that any election publication using the title “Councillors” clearly indicates that it is their own material and does not represent Council.

23. **Council Resources**
In accordance with Section 55D of the Act the Council will ensure that due probity is observed in the use of all Council resources during the Election Period, and Council staff are required to exercise appropriate discretion in that regard.

Council resources, (including offices, meeting rooms, support staff, hospitality services, equipment electronic devises, ipad, mobile phones, stationery and mayoral vehicle) must not be used in connection with any election campaign during the Election Period.

In any circumstances where the use of Council resources might be construed as being related to a candidate’s election campaign, advice will be sought from the Chief Executive Officer or the Chief Executive Officer’s delegate.

Reimbursements of Councillor’s out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate’s election campaign.

No member of Council staff, including the Executive Assistant to the Mayor and Governance staff will be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

No Council logos, publications, letterheads, or other Bayside City Council branding will be used for, or linked in any way to, a candidate’s election campaign.

Officers are unable to assist in preparing Councillor election material or using their media contacts.

Councillors must ensure that they comply with the requirements of the Act in respect to election material and the necessary registration and endorsements from the Returning Officer.

Mobile phone costs associated with electioneering will not be paid by Council. Councillors standing as candidates must ensure that the Council provided mobile phone is not used for electioneering purposes.
24 Public Question Time at Ordinary Meetings of Council
In accordance with clause 63 of Council's Governance Local Law No. 1 any questions to the Council from the public relating to electoral matter during an election period will not be considered at any Council meeting.

25. Election Period Statement – Reports to Ordinary Meetings of Council, Special Meetings of Council and Planning and Amenity Committee
Given Council will continue to hold an Ordinary Meeting of Council, Planning and Amenity Committee meeting and a Special Meeting of Council during the Election Period, and in order to facilitate compliance with its commitment to ensuring appropriate decision-making during the Election Period, Council adopts the following procedure.

Procedure
- During the Election Period, the Chief Executive Officer will ensure that an Election Period Statement is included in every report submitted to a meeting of Council or Committee (if required) for a decision.
- The statement will specify one of the following:
  
a) The recommended decision is not a "Major Policy Decision" as defined in section 93A of the Local Government Act 1989 or a "Significant Decision" within the meaning of this policy.
  
b) The recommended decision is not a "Major Policy Decision" within the context of the Local Government Act 1989. The recommended decision is a "Significant Decision" within the meaning of this policy, but an exception should be made for the following reasons (insert reasons for making an exemption).
  
c) The recommended decision is to seek an exemption from the Minister because the matter requires a "Major Policy Decision" within the meaning of section 93A of the Local Government Act 1989.
  
d) The recommended decision is a "Major Policy Decision" as defined in section 93A of the Local Government Act 1989, but an extraordinary circumstances was granted by the Minister for Local Government on (insert date).

During the Election Period, the Council will not make a decision on any matter or report that does not include one of these Election Period Statements.

26. Information
The Council recognises that all election candidates have certain rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the Election Period.
Information and briefing material prepared by staff or the Contractor conducting the elections on behalf of Council, during the Election Period will relate only to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or where the matter is outside the responsibility of the Returning Officer, to the Chief Executive Officer or nominated delegate.

27. Information Register
An Information Request Register will be maintained by the Governance Department during the Election Period. This Register will be a public document that records all requests for information by Councillors and Candidates, and the responses given to those requests.

Section 76B of the Act prescribes serious penalties for any Councillors who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage.

28. Equal accessibility to information for Candidates
The Council affirms that all candidates for the Council election will be treated equally. To ensure all candidates have equal access to information held by Council during the election, where a request for information is granted by the Chief Executive Officer as recorded in the Information Request Register it will be made publicly available on Council's website for all candidates to access on a separate web page headed Candidates Information.

29. Assistance to Candidates
All election related enquiries from candidates, whether sitting councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

30. Council Staff
Upon becoming a candidate in a Bayside City Council election, the Council staff member must:
- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period in accordance with the Act;
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers) documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at council, in accordance with the Act.
31. **Members of Council Advisory Committee or other Committees**
Upon becoming a candidate, any person who is a member of one of Council’s advisory or other committees is expected to:
- Comply with this policy;
- Inform the Chief Executive Officer;
- Take leave from the Advisory Committee or other Committees;
- Return any council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period; and
- If elected, immediately resign from the Advisory Committee or other Committee.

32. **Advertising signage on Council-controlled Land**
Candidates and their supporters are not permitted to affix, attach or place advertising signs on Council-controlled land or a Council road during election campaigns including during the election period.

33. **Breaches**
Sections 76D and 76E of the Local Government Act 1989 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment. Allegations of breaches of the Local Government Act are independently received and investigated by the Local Government Inspectorate.

34. **Councillor Code of Conduct**
Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary the appointment of an external arbiter.

35. **Authority**
The Chief Executive Officer or his delegate will be responsible for the enforcement of this policy.
36. Related documents

<table>
<thead>
<tr>
<th>Acts</th>
<th>Local Government Act 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td></td>
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<tr>
<td>Procedures</td>
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37. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tr>
<td>Candidate</td>
<td>Means a person who has:</td>
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<td></td>
<td>- Publicly expressed an intention to run as a candidate in the election; and/or</td>
</tr>
<tr>
<td></td>
<td>- A person who has formally nominated as a candidate in the election with the Returning Officer.</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>Means:</td>
</tr>
<tr>
<td></td>
<td>- The person appointed by a Council to be its Chief Executive Officer or any person acting in that position; and/or</td>
</tr>
<tr>
<td></td>
<td>- The Chief Executive Officer’s delegate pursuant to section 98 and 55D of the Act; and/or</td>
</tr>
<tr>
<td></td>
<td>- Such other person that the Chief Executive Officer selects for the purpose of giving effect of this Policy.</td>
</tr>
<tr>
<td>Council</td>
<td>Means Bayside City Council.</td>
</tr>
<tr>
<td>Council-controlled land</td>
<td>Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council’s control and management, other than a road.</td>
</tr>
<tr>
<td>Councillors – Candidate</td>
<td>Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.</td>
</tr>
<tr>
<td>Election Period</td>
<td>In relation to an election, means the period that - starts on the last day on which nominations for that election can be received; and ends at 6 p.m. on election day.</td>
</tr>
<tr>
<td>Election</td>
<td>The term election covers both general and by-elections</td>
</tr>
<tr>
<td>Electoral matter</td>
<td>Is broadly defined as any matter which is “intended or likely to affect voting in an election.”</td>
</tr>
<tr>
<td>Electoral advertisement, handbill, pamphlet or notice</td>
<td>Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.</td>
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<tr>
<td>------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tbody>
</table>
| Major Policy Decision | Means any decision relating to the following:  
                      a) the employment of remuneration of a Chief Executive Officer under section 94 other that a decision to appoint an acting Chief Executive Officer;  
                      b) to terminate the appointment of a Chief Executive Officer;  
                      c) to enter into a contract the total value of which exceeds whichever is the greater of $100,000 or such higher amount as may be fixed by Order in Council under section 186(1) of the Local Government 1989 or 1% of the Council's revenue from rates and charges levied in the preceding financial year and  
                      d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of $100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the Local Government Act 1989 in the preceding financial year. |
| Minister | Refers to the Minister for Local Government |
| Printed electoral material | Means an advertisement, handbill, pamphlet or notice that contains electoral matter and includes social media. |
| Publication | Means a written document in hard copy or electronic copy. |
| Publishing | Means to publish by any means, including publishing on the Internet. |
| The Act | This refers to the Local Government Act 1989. |
Request for Chief Executive Officer to certify material

FORM 1

Certification of Material

This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge. In accordance with the requirements of S55D(1) of the Local Government Act 1989 can you please certify in writing that you authorise for this material to be printed, published or distributed.

-----------------------------------------  -----------------------------------------
Name                                           Signature

-----------------------------------------  -----------------------------------------
Name                                           Signature

-----------------------------------------
Date

Chief Executive Officer certification

FORM 2

Certification of Material

I certify that the attached material is suitable for printing, publishing or distributing on behalf of Bayside City Council in accordance with Section 55D of the Local Government Act 1989.

-----------------------------------------
Mick Cummins                                             Date
Chief Executive Officer
Election period Certification Procedure

Operation

This procedure applies during the Election Period (i.e. from midnight on 22 September 2020 until 6.00pm on Saturday 24 October 2020). This procedure is to be used for certifying any publication pursuant to Section 55D of the Local Government Act 1989.

Background

All requests for advertisements or publications during the Election Period must be certified by the Chief Executive Officer, to confirm that they do not contain election material, prior to being printed or published or distributed.

Definitions:

“Publication” means any advertisement, pamphlet, handbill, press release notice or similar.

Process

1. All publications during the Election Period must be forwarded to the Governance Department, so that arrangements for certification can be made.

   If there is any doubt about whether the material is subject to the procedure, it should be forwarded to Governance for clarification.

   The Governance Department together with the Manager Communications and Engagement will read the proposed publication and check that no election material is present (unless it is factual election process information).

2. Once the publication has been checked, complete FORM 1 and certification page to the front of the publication. Completion of FORM 1 indicates the publications is ready for certification by the CEO.

   Forward the publication together with attached certification page to the Chief Executive Office to arrange for the standard certification to be used by the Chief Executive Officer for certification purposes. Refer to wording as specified on FORM 2.

3. Once certification by the CEO has been provided, the publication author will be advised and receive a copy of the certification. The publication will not be returned.

   The original document together with the certification application will be placed in a folder for record keeping.
### Council publications and resources during the election period.

<table>
<thead>
<tr>
<th>Publications</th>
<th>Resources</th>
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<tbody>
<tr>
<td>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</td>
<td>Council should ensure that Council resources including staff are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</td>
</tr>
<tr>
<td><strong>Annual Report</strong> The Annual Report is required by legislation and would not normally be considered an ‘advertisement, handbill, pamphlet or notice’. It should not require certification. However, the annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors. In addition, if Council will be printing or distributing a greater number of copies of the annual report than usual, it may be regarded as a pamphlet and should be subject to certification by the CEO.</td>
<td>Section 131(6) of the Local Government Act 1989 requires Council to normally submit its Annual Report to the Minister no later than 30 September each year. This is a proper use of Council resources.</td>
</tr>
<tr>
<td><strong>Annual Report summary</strong> Any publication of an extract or summary of the Annual Report is likely to be regarded as a pamphlet and must be subject to the certification process.</td>
<td>Council resources should not be used to produce or distribute any summary of an Annual Report during the election that would be regarded as electoral material.</td>
</tr>
<tr>
<td><strong>Council and committee Meetings</strong> Agenda papers and minutes of meetings are not considered advertisements, handbill, pamphlets or notices and should not require certification. However, if Council meeting papers are printed or published for a wider distribution than normal, they should be treated as pamphlets and be subject to the certification process. Public Question raised at Ordinary Meetings of Council must not relate to any electoral matter.</td>
<td>The conduct of Council meetings as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during an election period.</td>
</tr>
</tbody>
</table>
### Advertisements and Notices

<table>
<thead>
<tr>
<th>Item</th>
<th>Text</th>
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<tbody>
<tr>
<td>10.10</td>
<td>All Council advertisements and notices must be subject to the certification process during an election period. This excludes job advertisements and various notices, such as Council meetings, and road closures. Newspaper notices of meetings are not regarded as electoral matter under section 3(1) of the Local Government Act 1989 and can be certified.</td>
</tr>
</tbody>
</table>

### Web site – new material

<table>
<thead>
<tr>
<th>Item</th>
<th>Text</th>
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<tbody>
<tr>
<td>10.10</td>
<td>Any new material published on the Council’s web site during the election period that may be considered an advertisement, handbill, pamphlet or notice must be subject to the certification process. As noted above, Council agendas and minutes of meetings and full annual reports do not require certification if published in the usual way.</td>
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</table>

### Web site existing material

<table>
<thead>
<tr>
<th>Item</th>
<th>Text</th>
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</thead>
</table>
| 10.10 | It is not necessary to certify material that was published on the Council’s web site well before the election period. However, it is recommended that web sites be checked at the start of the election period:  
  - Profiles of Councillors who are candidates should be removed from the web site, but not contact details.  
  - Information prominently displayed on the web site that might be regarded as likely to influence how people vote should be removed. |

### Social media

<table>
<thead>
<tr>
<th>Item</th>
<th>Text</th>
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<tbody>
<tr>
<td>10.10</td>
<td>Any publication on social media sites which are auspiced by Council, will cease during the Election Period. Similar requirements apply to Council blog sites. A process is in place to ensure any posting from the organisation to social media is certified where it relates to a change in service provision.</td>
</tr>
</tbody>
</table>

Council auspiced social media must not be used for election campaigning. Council will limit access to their social media sites during election period and undertake constant monitoring to ensure no electoral matter is posted.
### Email

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>10.10</td>
<td>Emails that are part of the normal conduct of Council business should not require certification. However, any emails with multiple addresses, used for broad communication with the community, should be subject to the certification process. Council email services must not be used for electioneering purposes. If necessary, Councillors should be referred to one or more of the free email providers for private email addresses.</td>
</tr>
</tbody>
</table>

### Correspondence

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>10.11</td>
<td>Mass mail outs or identical letters send to a large number of people by or on behalf of Council must be subject to the certification process. Council staff should not prepare Councillors' private mail or electoral correspondence and such material must not be printed on Council stationary or using Council equipment.</td>
</tr>
</tbody>
</table>

### Mobile phones

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>10.12</td>
<td>Mobile phone costs associated with electioneering should not be paid by Council. If Councillors are provided with a Council owned mobile phone, suitable procedures should be put in place. This may involve: • Requiring Councillors to use another mobile phone for electioneering; and • Monitoring usage and ensure reimbursement by Councillors of for personal use is maintained.</td>
</tr>
</tbody>
</table>

### Council offices and libraries

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.13</td>
<td>Existing documents available to the public at Council offices and libraries do not normally require CEO certification. However, any increase in the availability of a publication should be subject to certification. It is also recommended that staff check material in libraries and offices to make sure that publications including electoral matter are not prominently displayed. Electoral material, including pamphlets, posters and notes should not be visible or available at any Council premises during an election. The only exception of this is a material issued by the Returning Officer for the purpose of conducting the election.</td>
</tr>
<tr>
<td>Item 10.10 – Reports by the Organisation</td>
<td>Page 330 of 497</td>
</tr>
</tbody>
</table>

### Media releases

Media releases should be regarded as documents that require certification by the CEO.

Council staff must not prepare or assist in the preparation of media releases that contain electoral material.

Councillors should be advised that media releases dealing with their election campaign should only be issued privately.

### Events

Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.

Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.

Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum.

Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.

### Speeches

Any publication or distribution of Councillors' speeches by the Council must be subject to the certification process.

Council staff and resources should not be used to prepare or publish speeches that contain electoral matter.

### Title of "Councillor"

Councillors may use the title "Councillor" in their election material, as they continue to hold their positions in the period.

To avoid confusion, Councillors should ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.

### Returning Officer

The election returning officer is a statutory position and does not perform his or her duties on behalf of the Council. Therefore, publications by a VEC Returning Officer do not need certification.
Appendix 2

Extract of Section 76D of the Local Government Act 1989.

Misuse of Position

Section 76D of the Local Government Act 1989 prohibits Councillors from misusing their position. All councillors during the election period are required to be familiar with the content of section 76D of the Act:

(1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—

(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or

(b) to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years or both.

(2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—

(a) making improper use of information acquired as a result of the position he or she held or holds; or

(b) disclosing information that is confidential information within the meaning of section 77(2); or

(c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or

(d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or

(e) using public funds or resources in a manner that is improper or unauthorised; or

(f) failing to disclose a conflict of interest as required under this Division.

(3) This section—

(a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and

(b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.
Appendix 2

Extract of Section 76E of the Local Government Act 1989.

**Improper direction and improper influence**

(2) A Councillor must not direct, or seek to direct, a member of Council staff—

(a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or

(b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or

(c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or

(d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.

Penalty: 120 penalty units.
Extract of Section 93A of the Local Government Act 1989.

**Appendix 2.**

**Conduct of Council during election period**

(1) Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.

(2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.

(3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.

(4) A major policy decision made in contravention of this section is invalid.

(5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.

(6) In this section, a **major policy decision** means any decision—

(a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;

(b) to terminate the appointment of a Chief Executive Officer under section 94;

(c) to enter into a contract the total value of which exceeds whichever is the greater of—

(i) $100,000 or such higher amount as may be fixed by Order in Council under section 188(1); or

(ii) 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year;

(d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of $100,000 or 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year.
Endorsement

This Election Period Policy has been developed in accordance with the Local Government (Improved Governance) Amendment Act, and was adopted by Council at its meeting on 18 February 2020.

We the undersigned hereby acknowledge that we have individually received a copy of the Election Period Policy, and acknowledge the contents of the policy which will take affect from 22 September to 24 October 2020, and will abide by the contents of the policy during this election period.

Cr Clark Martin
Mayor

Cr Rob Grinter
Deputy Mayor

Cr Alex del Porto

Cr Michael Heffernan

Cr James Long BM, JP

Cr Laurence Evans

Cr Sonia Castelli

Endorsed by Councillors on 18 February 2020.
Council Policy

Councillor Support, Resources, Reimbursement and Accountability Policy

February 2020

Adopted by Council on
# Council Policy

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Item 10.10 – Reports by the Organisation
1. **Policy intent**

The intent of this policy is to establish clear guidance for the following:

- Councillors’ entitlements for reimbursement of reasonable bona fide out-of-pocket expenses incurred while performing the duties of a councillor.
- Councillors’ entitlements to have reasonable bona fide expenses associated with performing the duties of a councillor paid on their behalf.
- Councillors’ entitlements to professional development support and resources.
- The facilities, resources and support Council considers necessary or appropriate to provide to support councillors in the performance of their duties as a councillor.

2. **Purpose/Objective**

This Policy identifies the following items that will enable Councillors to fulfil their responsibilities as elected members of the community:

- Allowances paid to the Mayor and Councillors;
- Mayoral vehicle
- The facilities, resources and support Council considers necessary or appropriate to provide support to Councillors in performance of their duties as a Councillor; and
- The circumstances under which Council will make payment for:-
  - professional development
  - reimbursement of travel expenses; and
  - Reimbursement of other expenses

3. **Scope**

The Local Government Act 1989 defines the purposes, the objectives, the Role and Functions and Powers of a Council in Section 3A, 3C, 3D, 3E & 3F of the Act.

Section 74 of the Local Government Act 1989 provides for allowances payable to the Mayor and Councillors and Section 75 for reimbursement of out of pocket expenses to Councillors performing duties as a Councillor. These out of pocket expenses were defined by the Victorian Solicitor General to include:-
“Preparing for Council and Council committee meetings, travelling to and from such meetings, dealing with requests and complaints made by ratepayers and otherwise dealing with the problems and concerns which arise in any municipality.”

Councillors are entitled to access facilities, support and resources as described in this policy and the Local Government Act 1989.

The duties and activities considered to be necessary or appropriate for the purposes of achieving the objectives of a Council include, but not limited to:

- Attending Ordinary and Special Council meetings, meetings of Committees of Council, formal briefing sessions and civic or ceremonial functions convened by the Council, the Mayor or the Chief Executive Officer.
- Attending meetings or workshops scheduled by the Council, the Mayor or the Chief Executive Officer.
- Participation in site inspection or meetings, or participating in delegations or deputations to which the Councillor has been duly appointed as a representative of Council.
- Attending a meeting or function as the nominated representative of Council or the Mayor.
- Attending meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate or the nominated representative of Council.
- Attendance at site inspections or meetings relevant to a matter which is, or is anticipated to be the subject of a decision of Council.
- Attending discussions with officers or any person, any matter relating to the City.
- Attending seminars, training or professional development courses as an attendee and/or speaker and which:
  - Contribute to the development of personal and professional skills or knowledge of the Councillor which are necessary for the performance of the duties of a Councillor; and
  - Are consistent with Council’s objectives; and
  - Will cover or present material with application / importance/ relevance to current or future issues faced by the Council; and
  - Are within the Councillors annual budget allocations for the provision for seminars and training.

- Attending conferences as an attendee and/or speaker, as Council’s nominated representative or delegate and which:
  - Are consistent with Council’s objectives; and
  - Will cover or present material with application / importance/ relevance to current or future issues faced by the Council; and

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• Are within the Councillors annual budget allocations for the provision for conferences and seminars.

The policy presumes Councillors are residents in the municipality, and any additional costs or expenses attributable to a Councillor’s residence being outside the municipality are considered inappropriate for reimbursement in the absence of a prior Council resolution to the contrary.

Any cost or expense (or portion thereof) which should reasonably be borne by another entity, or for which another entity is reasonably liable, is outside the scope of this policy and shall not be paid or reimbursed by Council.

This policy relates primarily to Councillors, however specific provisions are included regarding the reimbursement of expenses incurred by non-Councillor members of Council’s Audit & Risk Management Committee.

4. Background

Under the Act, Councillors are entitled to resources and facilities, support and reimbursement of expenses related to their duties as a Councillor.

The Act requires Council to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees and sets out the minimum toolkit of resources and facilities for Councillors.

The Act compels Council to reimburse a councillor for expenses if the councillor:
  • Applies in writing to the Council for reimbursement of expenses; and
  • Establishes in application to Council that the expenses were reasonable bona fide councillors out of pocket expenses incurred while performing duties as a councillor.

This policy has been developed with reference to the Local Government Act, and supporting amendments and:
  • Recognition and Support, the Victorian government’s Policy Statement on Local Government Mayoral and Councillor Allowances and Resources April 2008 (Recognition and Support); and the

5. Context

This policy describe the basic entitlements of Councillors to facilities, resources and support necessary or appropriate to the performance of their duties as a Bayside Councillor.

The policy is not intended to prescribe for every possible situation that may arise. Should a situation arise that is not adequately covered by this policy, the matter will be referred to the Chief Executive Officer for determination.
6. What is an appropriate expense?

The fundamental test to be applied in determining whether or not a Councillor expense is appropriately incurred is whether the expenditure is necessary because it is supplemental or incidental to, or consequent on the exercise of Council duties.

Expenses incurred by Councillors when acting in a private capacity will not be reimbursed or paid.

Any costs incurred by a Councillor which are not covered specifically within this policy will not be met, unless the Councillor has received prior written authorisation from the Chief Executive Officer.

Supporting evidentiary documentation will be required for all Councillor expense reimbursement and payments.

Reference to the Chief Executive Officer throughout this policy will extend to his or her delegate.

7. Mayor and Councillor Allowance

Section 74 of the Act allows the Governor in Council to set allowances for the Mayor and Councillors.

The most recent Order in Council sets out specific annual Mayor and Councillor allowances based on three categories of Council. Bayside is known as a category 2 municipality therefore the range for a Mayor and Councillor allowance is limited to the category 2 range, plus the amount equivalent to the Superannuation Guarantee (currently 9.5%) where applicable.

Council will increase allowances in accordance with any adjustment factor gazetted by the Minister for Local Government each year, as required under the Act.

Mayor and Councillor allowances will be paid monthly in advance as at the date of the Annual Meeting or as advised by the Minister for Local Government and the allowances will be set following each municipal general election, or as reviewed by Council.

Mayor and Councillors’ allowances are taxable income and Councillors should put in place their own processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual Councillors.

Where the Mayor or a Councillor is granted a leave of absence from Council for a period of time, it is at the discretion of the Mayor or Councillor if they wish to suspend their Mayoral or Councillor allowance during the period of absence.

Councillors will be provided an amount equivalent to the superannuation guarantee. This amount may be paid into a superannuation account of the Councillors’ choice or it may be taken as an addition to their allowance.
8 Travelling expenses and costs

Councillors are entitled to have paid by Council, or reimbursed, travelling expenses and costs within the scope of this policy for return travel within Victoria undertaken whilst discharging the duties of a Councillor.

Councillors may on occasion be given the opportunity of attending conferences, conventions, study tours, seminars, training courses and other events as a participant, presenter, delegate or official Council representative. The following section details the policy in relation to travel expenses and arrangements.

Reimbursement / Direct Payment

Councillors may choose to receive reimbursement and/or have direct payment made on their behalf for allowable expenses for domestic and interstate travel.

Private Vehicle Usage

Councillors using their private vehicles may claim expense reimbursement where such travel is in the course of conducting Council business.

The allowance payable to Councillors for use of their own private vehicle on Council business shall be in accordance with the rates prescribed in the Bayside City Council Enterprise Agreement as varied from time to time.

Councillors may be reimbursed for private vehicle travelling expenses associated with:
- Travel for inspections, functions, and external meetings associated with legitimate Council business.
- Travel for attendance at conferences, courses and seminars where such attendance has been authorised by Council.
- Travel to and from air, rail, or bus ports when embarking on interstate or international Council business.

To be reimbursed for use of their private vehicle, Councillors must provide adequate detail of:
- The purpose of the trip;
- Date and location;
- Kilometres travelled;
- Where appropriate, receipts for tolls, parking and petrol; and
- Claims must be made on the official claim form.

Private vehicle expense reimbursement for Councillors must be approved by the Chief Executive Officer or the Governance Manager and processed for payment by the Governance Manager.

Reimbursement claims for travel expenses must be lodged no later than one month following the occurrence of the expense.

Cab Charge Vouchers

Councillors may use cab charge vouchers for taxi travel on journeys associated with their civic duties.

Cab charge vouchers are available from the Governance Manager.
Myki Card – Public Transport
A Myki card will be made available for Councillors business use only. Councillors are encouraged to use public transport for meetings and conferences to and within the Melbourne Central Business District.

Council Vehicles
Where practicable, and by prior arrangement through the Chief Executive Officer, a Council pool vehicle may be made available to Councillors, subject to availability for travel outside the municipality where use of private vehicles or other means of transport is not convenient or practicable.

Private travel in conjunction with Council travel
Councillors undertaking private travel arrangements in conjunction with any travel for the purpose of their duties as a Councillor must ensure that all costs incurred for private purposes are clearly delineated and that appropriate records including pre-departure itineraries are maintained.

Where any private travel and associated costs are included in a package ticket or arrangement, the Councillors must meet, or reimburse Council, the private proportion prior to departure.

Miscellaneous travel provisions
Travel should be undertaken by the most practicable mode and route possible taking into account factors such as duration and cost of travel and mode of transport, and where possible, minimising Council's carbon footprint.

The quantum of expenses paid by Council or reimbursed will be on the basis of the actual cost incurred and the form of transport used.

Where travel is by flight, the standard form of travel will be economy class.

Council will not reimburse Councillors for any infringements incurred for traffic or parking offences.
9. Communication equipment, expenses and costs
Councillors shall be provided with appropriate communications equipment to ensure that they can adequately and efficiently perform their role as a Councillor, which as a minimum will include:

- A smart mobile phone (currently an iphone)
- Tablet or equivalent (currently an ipad)
- Access to a copier/printer
- An internet connection (currently via iphone and ipad connection)
- Bookcase and / or a four draw filing cabinet

The make, model and specifications of any communications equipment, the associated contracts or plans, and the replacement of any communications equipment shall be at the discretion of the Chief Executive Officer or their delegate.

The above facilities remain the property of the Council and must be returned at the end of a Councillor’s term of office, retirement or resignation.

Councillors also have access to a lounge area on the First floor Executive Wing which provides access to a desktop computer and printer facilities, meeting table, and tea and coffee facilities.

Council provided communications equipment is to be used for Council related business activities however, it is acknowledged that on occasion, limited personal use may be made on communications equipment. It should be noted that Council subscribes to a capped data rate for both mobile and tablet, therefore determination of public and private use is within the capped rate.

The Chief Executive Officer, in consultation with the Mayor, will review councillors’ communication equipment and will update equipment at:
- the commencement of each electoral term; and
- any stage during the electoral term where the organisation believes an update is appropriate.

Information Technology Support Service
A support service is available during normal working hours of 8am to 6pm Monday to Friday by contacting the IT Helpdesk on 9599-4840.

Access to Bayside City Council’s network is available 24/7. However the system may be unavailable from time to time for routine maintenance. Notification of scheduled maintenance is sent via email.

An overview of equipment and training on the use of the equipment and software provided will be given when new Councillors are appointed to office.
Use of Council equipment
Use of Council provided equipment is for Councillor use only.

The information technology platform provided for Councillors is based on Bayside City Council licensed software, and to assist the efficiency of the information technology no additional software is to be loaded onto Council provided hardware, without the consent of the Chief Executive Officer.

Councillors have the responsibility to protect the equipment directly under their control, and in particular transport laptop and ipads securely, in the supplied carry case.

Anti-virus protection and detection software is installed on Council communication’s equipment. Any suspected virus activity should be reported to the IT Helpdesk.

Councillors are required to contact the Helpdesk directly of any damage or malfunction of any equipment.

Email and Internet Usage
Use of email and internet is to be in accordance with the Bayside City Council Email and Internet Usage Guideline. Whilst the use of email and internet is primarily for conducting Council business incidental and occasional personal use is acceptable, as long as the use does not contravene any relevant laws, regulations, Council policies or the Bayside Councillor Code of Conduct.

All email on the Bayside network is the property of Bayside City Council. The email address supplied to Councillors is owned by Bayside City Council and will cease to exist at the end of the Councillor’s term in office.

10. Corporate Information
All Councillors are responsible and accountable to keep complete, full and accurate records that adequately document Council business activities, or actions that support decisions made. This includes all forms of communications (hardcopy correspondence, facsimiles, emails, etc) addressed to, or received at home locations, or home email accounts.

All corporate correspondence, regardless of format, is to be registered within the Corporate Information Management system. Corporate correspondence should be forwarded to the Corporate Information Services Coordinator or the Mayor's Secretary for registration.

Once the correspondence has been forwarded to the Corporate Information Services Coordinator or the EA to the Mayor & Councillors, the Councillors may delete their copy of the corporate record.
11. Conferences, seminars, training and professional development

Conferences, seminars and training courses which impact on the role of Councillors generally and their ability to make contemporary informed decisions are held both locally, interstate and internationally. Council will encourage all Councillors to attend conferences, which enhance their role and development as a Councillor, particularly those which focus on an individual Councillor’s areas of specialisation or committee responsibilities.

Details of training courses, conferences and seminars which may be relevant and of interest to Councillors will be circulated to all Councillors and will be accompanied by details of registration costs and a course outline.

Should a Councillor express an interest in attending a particular training course or conference/seminar which does not exceed $1,500 in total registration costs, (excluding travel and accommodation) the Chief Executive, in consultation with the Mayor, shall approve such attendance. All Councillors will be advised by memorandum indicating the Councillor attending the proposed conference/seminar.

Should a Councillor express an interest in attending a particular training course or conference/seminar which exceeds $1,501 in total registration costs, and/or travel and accommodation, this will be reported to Council, with a recommendation for consideration by Council.

As a general guideline, each Councillor other than the Mayor will be limited to one (1) interstate conference per year.

Payment of registration fees for external conferences/seminars etc will be processed through the Governance Manager.

Where accommodation is required in connection with a conference, bookings will be made through the Governance Department.

Reimbursement of Expenses at Conferences

In accordance with Section 95 of the Local Government Act 1989, Council will reimburse Councillors for necessary out of pocket expenses incurred during the conference/seminar attendance. Reimbursement will be on the basis of actual costs incurred and will be subject to the presentation of original receipts. Reimbursement of all expenses will be detailed on the “General Reimbursement” form, and authorised by the Governance Manager or the Chief Executive.

Where a Councillor is accompanied by a partner or spouse at a conference, the Councillor will incur all expenses associated with their attendance except where no difference in cost in accommodation is incurred, based on a standard double room.
Reporting of Conference / Seminar Attendance by a Councillor
Following attendance at a conference a Councillor will be required to present either a verbal or written report to Council at the next Ordinary Meeting of Council under the item "Reports by Councillors". This is a report to the Council for purposes of public accountability, and the report must therefore be presented to the meeting in the published agenda or, provided as a verbal report to the meeting on matters arising out of the conference/seminar.

In accordance with Clause 98 of the Local Government Regulations details of all interstate and overseas travel will be recorded in Council’s Register of Interstate and Overseas Travel which is available for public inspection.

Professional development programs/courses available to all Councillors.

Upon the commencement of each electoral term, a purpose designed induction program will be provided to all Councillors.

In addition to the Councillor Induction Program, Councillors will receive in-house governance training facilitated by officers or an external presenter.

Council will also provide access to the following professional development programs/initiatives:

- Meeting procedures
- Chairing of meetings
- Media training
- Governance Training e.g. Australian Institute of Company Directors courses
- Financial training
- Team building and interpersonal skills
- MAV/VLGA Councillor

All professional development expenditure should always be tested against the following criteria:

- Is directly relevant to the Councillor’s role;
- Takes place and is able to be utilised during the Councillor’s term of office;
- Is it in the interest of the community;
- Meets the budget determined by Council;
- Clearly offers and promotes public benefit as distinguished from private benefit;

Financial Allocation for professional development programs/courses.

An annual budget allocation, indexed to CPI, is available for all Councillors, subject to annual review as part of the Council budget approval process.
If a Councillor does not use their annual allocation, they cannot carry forward any outstanding allocation into the next financial year.

Any Councillor wishing to spend in excess of their allocation will require Council approval in advance.

The individual allocations are available for use at each Councillor’s discretion to access reasonable professional development which can provide benefits to the individual Councillor in serving the Bayside community.

12. Representing Council

Each year, and from time to time, Council resolves to appoint Councillors to represent it on a number of specific organisations with the delegated authority of Council on appropriate matters.

For these organisations the nominated Councillors or their substitute are to be Council representatives at regular meetings of these organisations and any special events, with partners where appropriate.

Councillors are entitled to have paid by Council, or reimbursed, reasonable bona fide costs associated with representing Council on such organisations.

Where Council has not appointed a Councillor representative to a particular organisation or group, and Council receives an official invitation seeking Council representation at an event, Councillors shall be entitled to have paid by Council, or reimbursed, reasonable bona fide costs associated with representing Council at the event, if Council or the Chief Executive Officer in consultation with the Mayor have determined that official representation is considered necessary, or appropriate to support the business or representational needs of Council.

Gifts in the form of hospitality must not be accepted by Councillors unless the Councillor is undertaking a civic duty. All gifts must be declared and declined.

13. Attendance by spouse / partner at seminars, conferences and civic functions and non-council functions

Attendance at any seminar, conference or civic function by a Councillor’s spouse / partner shall be at the expense of the Councillor except where:

- prior approval has been given by Council or the Chief Executive Officer in consultation with the Mayor; and

- attendance by a Councillor’s spouse / partner is considered to be necessary or appropriate to support the business or representational needs of Council.
Where a Councillor’s spouse / partner attends an approved seminar, conference or civic function, Councillors are entitled to have paid by Council, or reimbursed, their spouse or partner’s;

- registration fees; and
- reasonable costs for meals and refreshments.

Councillors are entitled to have paid by Council, or reimbursed, the reasonable costs and expenses of their spouse or partner attending:

- functions held by Council; or
- functions held by other Victorian municipalities;
- where there is an agreed expectation of partners attending, i.e. spouse / partner of the Councillor is specified on the invitation.

**Attendance at Dinners and other non-Council Functions**

Council will meet the reasonable cost of a Councillor’s attendance at non-council functions to which they have been invited where they are attending in their role as Councillors and where topics pertain to matters concerning local government or where local government representation is relevant to Council.

If an invitation to a relevant non-council function was not received and a Councillor wishes to attend, it will be at the Mayor’s discretion and mayoral support will be sought via the EA to the Mayor & Councillors.

Invitations outside these parameters must be paid for by the individual Councillor attending.

**Fundraising and Charitable Events**

Council will cover the cost of ticketed events for Councillors invited by written invitation to attend local fundraiser/charitable events, where the event benefits the City of Bayside.

The Director Corporate Services or Governance Manager in consultation with the Mayor, will determine appropriate events for Council to purchase ‘a table’, if invited to do so. A table will only be purchased if 50% or more of Councillors are able to attend. Councillor attendance must have a demonstrated benefit to the local community.
14. Facilities for the Mayor
As the leader and chief spokesperson for the City, the mayoral position requires a range of additional support services and facilities to those supplied to Councillors. As a consequence, the Mayor will be provided with the following:

**Mayoral Vehicle**
Council will provide to the Mayor a fully maintained vehicle (fully registered, maintained and fuelled) of a suitable standard in keeping with the role of the Mayor, having regard to community perception and environmental sustainability based on the following criteria:

- Operating efficiency – fuel efficiency and cost of fuel;
- Greenhouse Rating – assessment of the generation of CO₂ greenhouse gas by the vehicle;
- Air Pollution Rating – assessment of the level of air pollution produced by the vehicle;
- Safety – the level of occupant protection provided by vehicles in front and side crashes, with a minimum of four star safety rating; and
- Price – the cost to Council.

The vehicle shall be used by the Mayor to assist him/her in carrying out his/her official duties, and for private personal and family use during the Mayoral term. The use of the mayoral vehicle for interstate travel is at the discretion of the Mayor.

Eligible drivers include direct family member include spouse (or defacto) and children with a current, valid driver’s licence or learner’s permit (if accompanied by a fully licensed driver, being a direct family member), or a Councillor or a Council officer on the Mayor’s behalf.

Comprehensive insurance cover is provided for all vehicles. Drivers are discouraged from leaving items of a personal nature in Council vehicles as only limited coverage exists for personal effects. In the event of a vehicle being involved in a motor vehicle accident, a $1,500 excess is payable where the vehicle is driven by a non-Council driver under the age of 25 years.

The Mayor may choose not to accept a Mayoral vehicle and use his/her own vehicle. In the event the Mayor can receive reimbursement for use of the private vehicle associated with Mayoral duties via a mileage travel claim.

Whilst Council leases its fleet vehicles for a three-year period, the Mayoral vehicle shall be leased for a period not less than 2 years. All Councillors will be consulted prior to the vehicle being leased. This will ensure that costs and model selection in relation to mayoral vehicle changeover are not excessive and will be distributed over two years.

**Mayoral Office**
A suitably equipped and furnished office is available for the Mayor of the Day at the Corporate Centre, Royal Avenue Sandringham.
15. Stationery and Publications

Stationery
Each Councillor will be provided with an adequate supply of the following stationery to assist them in undertaking their role:
- Printer cartridges
- Personalised Business Cards.
- A4 plain paper
- Name tags for Councillors and spouse/partner

The supply of stationery will be co-ordinated by the EA to the Mayor & Councillors. Council inscribed stationery is not to be converted in any way and may only be used for Council business matters (not electoral purposes).

Publications
Councillors will be supplied upon request with a copy of the Local Government Act, Planning and Environment Act and any other appropriate legislation as requested. Councillors will have access to local government sector publications.

16. Apparel
The Council shall, upon request, provide Councillors with protective clothing (such clothing as may be held in store and to meet the organisation’s requirements) necessary to assist in carrying out the duties of office. This clothing is to be returned promptly upon the completion of the activity or duty.

This clothing shall be limited to wet weather pants and pullover, gumboots, winter jacket and/or hat, or other such clothing as may be held in store to meet the organisation’s requirements, unless otherwise resolved by Council for a specific item(s).
17. Meeting / Functions Rooms
Subject to availability, meeting rooms owned and controlled by Council can be booked by Councillors, for meetings, interviews and other functions provided they are associated with Council business.

18. Civic Hospitality
All formal civic functions will be co-ordinated by the Governance Department and must be pre-approved by the Mayor. All official civic entertainment expenses will be met from the annual budget allocation approved as part of the Council budget.

Where Council meetings, functions or events are held at times that extend through normal meal times (6.30 – 8.00pm) Council will provide suitable meals for Councillors.

19. External Hospitality
It is recognised that Councillors, on occasions, may need to use external hospitality services when conducting Council business outside Council offices. Councillors will be reimbursed reasonable expenses incurred while entertaining visiting dignitaries or Council business guests on behalf of Council. The Chief Executive Officer must give prior approval to any such undertakings.

20. Couriers
Council will provide a courier service for delivery of Council Agenda and other papers to Councillors places of residence or work place (whichever is indicated by the Councillor) once a week or as required.

21. Childcare / family care expenses
Councillors are entitled to have paid by Council, or reimbursed, the cost of childcare / family care expenses for immediate family members, necessarily incurred by Councillors whilst discharging their duties as a Councillor when a Councillor attends:

- Meetings of the Council or its Committees.
- Meetings, briefing sessions and civic and ceremonial functions convened by the Mayor, the Council or the Chief Executive Officer.
- Meetings arising as a result of a Councillor being appointed by the Council to an external body or committee except where the body itself reimburses relevant child care or family care expenses incurred by the Councillor.
- A meeting, function or other official role as a representative of the Mayor or Council.
• Conferences, training sessions or seminars in capacity as a Councillor.
• Other civic related engagements where the payment of childcare and family care has been pre-approved by the Chief Executive Officer or delegate.

Reimbursement of childcare fees is subject to the following conditions:

• Fees are generally payable per hour or part of an hour subject to any minimum period;
• The maximum hourly rate a Councillor will be reimbursed for child care / family care expenses is twenty five dollars ($25) per hour;
• Childcare / family care costs must be substantiated by a receipt from the caregiver showing the dates and times care was provided, and the Councillor shall show why the care was needed on each occasion.
• Child care / family care costs are not eligible to be paid by Council, or reimbursed if the caregiver is a part of the Councillor’s immediate family (eg. partner, mother/father, sister/brother, grandmother/grandfather or sister-in-law/brother-in-law) or who normally or regularly lives with the Councillor, except where a live in (professional) helper such as a nanny is required to work extra time at extra expense because of the Councillor’s duties.
• For the purposes of this policy, a child shall be defined as up to, but not including 16 years of age.

22. Insurance Policies

Councillors are covered under the following Council insurance policies while discharging, in good faith, the duties of civic office including attendance at meetings of external bodies as Council representatives:

• Public Liability;
• Professional indemnity;
• Councillors and Officers liability; and
• Personal Accident (anyone accompanying a Councillor at a Council function is covered).

It should be noted that Councillors are responsible for their own personal behaviour / accountabilities when attending Council authorised functions and are subject to their own personal liability.

The Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where Council has a liability.

Councillors need to be mindful that Council’s insurance policies cannot cover a Councillors’ own private liability responsibilities.
23. Health Initiatives
Councillors will have access to free annual influenza vaccinations

24. Legal Expenses
Council will not cover any personal legal expenses incurred by a Councillor.

25. Parking Entitlements
Two reserved parking spaces will be available for Councillors at the Corporate Centre, Royal Avenue Sandringham. Additionally, a reserved car parking space will be available for the Mayoral Vehicle at the Corporate Centre.

Councillors will be issued with a Corporate Centre Car Parking sticker and an additional Beach car-parking sticker.

The Councillor / Corporates Centre Car Parking sticker does not allow vehicles to park in designated areas such as, loading bays, bus zones, no stopping areas, mail zones, clearways, disabled bays, taxi zones or school drop off zones.

Councillors will be provided access to a secure bicycle shed at the Corporate Centre on request.

Councillors may claim reimbursement of parking fees incurred on Council business by completing a Councillor expense reimbursement claim form and providing appropriate receipt documentation. Where parking metre/ticket machine expenses are incurred on Council business and a receipt is not available, a reimbursement claim form should be submitted to the Chief Executive Officer for approval.

Should a Councillor or Mayor incur a Parking Infringement Notice, it will not be waived or reimbursed. However, where a Councillor believes a legitimate grievance exists regarding a PIN a formal letter of request together with an accompanying explanatory statutory declaration should be forwarded to the Chief Executive of the relevant Council, for consideration. Any infringement incurred in the course of their duties will not be reimbursed by Bayside City Council or any representation on a Councillors behalf will be made.

26. Building Access
Each Councillor will receive a security access pass to the Corporate Centre, Royal Avenue Sandringham tailored to the needs and times required by Councillors, which will provide access to meeting rooms on the ground floor, Councillors’ lounge and the Mayor’s Office.

27. Councillors with Disabilities
Council will provide reasonable additional civic support, facilities and equipment for any Councillor with a disability to enable that Councillor to freely perform his or her civic duties.
28. Cultural Diversity
In acknowledging and respecting cultural diversity, Council will do its best to respect and accommodate those requirements necessary for a Councillor to undertake their duties.

29. Council Elections and Exclusions
Councillors must not use Council provided materials and/or facilities for election purposes. This applies to their own candidature or in assisting the candidature of others. Reference should be made to the Councillor’s Code of Conduct and the Election Period Policy.

30. Professional memberships and subscriptions
Professional memberships that are considered to be reasonable bona fide out of pocket Councillor expenses are:

- Australian Institute of Company Directors.
- The Municipal Association of Victoria.
- The Victorian Local Governance Association.
- The Australian Local Government Women’s Association.

Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a Councillor may be reimbursed subject to a resolution of Council.

31. Councillor online presence
For each Councillor a Council web page will be provided on Council’s website containing:

- A photograph of the Councillor;
- Contact details;
- Ward map;
- Council appointment, Committee memberships and community and professional affiliations;
- A short bio of the Councillors including professional memberships and associations.

Additional information may be included at the request of a Councillor, subject to the content being approved for publication by the Chief Executive Officer.

The Council Media Policy further outlines the expectations of Council, the role of Councillors and support provided.
32. Other expenditure not specified

Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves that a claim is reasonable bona fide expenditure.

Subject to a resolution of Council, a Councillor may be reimbursed for expenses incurred in circumstances not provided for elsewhere in the Policy.

33. Submission of claims for reimbursement / Management Mechanisms and Accountability

Form of claims
Claims are to be submitted on the prescribed form to the Manager Governance.

Claims should be accompanied by fully accredited receipts / tax invoices for any expenses claimed.

If receipts cannot be produced, Councillors may be required to provide a statutory declaration.

Claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor.

Timeframe for submission of claims
Councillors are required to submit claims in a timely manner (within 2 months of the expense being incurred) to ensure transparency and timely accountability.

Claims for reimbursement of expenses during the month of June must be submitted within 7 working days of the end of financial year.

Claims for reimbursement which are not in accordance with this policy will not be processed.

Assessment of claims
The Manager Governance will process all claims.

If the Manager Governance has a question about a claim, he/she will, in the first instance, discuss this matter with the relevant Councillor.

If required, the Manager Governance will seek guidance / intervention from the Chief Executive Officer.

If required, the Chief Executive officer will refer claims to a Council meeting for determination.
Exclusions
Any expenses arising from a breach of road, traffic, parking or other regulations or laws, including Council Local Laws, will not be reimbursed or funded in any way by Council.

If a Councillor chooses not to claim a particular expense, this cannot be offset against a claim for any additional amount associated with another expense.

Claims for expenses other than those included in these guidelines will not be reimbursed, except in exceptional circumstances and after Council has resolved that the claim is reasonable and should be reimbursed.

34. Reporting and Disclosure
In the interest of transparency and accountability, the following details of Councillor expenditure will be appropriately reported to Council and the community in summary form via the Quarterly Performance Report.
- Mobile phone usage charges
- Training/conferences
- Travel, accommodation and meals
- Child/family care expenses
- Reimbursement of own vehicle travel claim
- Councillor / Mayoral allowance

Councillors will be required to sign off an annual statement, confirming that the individual Councillor expenses as published on Council’s website during the corresponding financial year are true and correct.

Councillors should be aware that Accounting Standard AAS22 requires the disclosure of the names and remuneration paid to the directors or an entity. Councillors are required to adhere to this Standard which also requires the disclosure of certain types of transactions. Broadly, these transactions are those that could be perceived as affecting the independence of the elected member.

The disclosure required is a listing of transactions and any other beneficial interests between Council and the individual Councillor and their related business and parties. It is each Councillor’s responsibility to ensure that details of such related party transactions are supplied to the Governance Department for reporting purposes.
35. Mayoral and Councillors Gifts

At the end of every mayoral term, the outgoing Mayor will receive from Council:
- a Letter under the seal of Council;
- a presentation book of the Mayor's activities during their mayoral term;
- a mayoral portrait; and
- the Mayor's name plate.

At the end of Councillors' electoral term, outgoing Councillors will receive from Council:
- a Letter under the seal of Council in recognition of their service as Councillor;
- the Councillor’s name plate; and
- an engraved service plaque.

The outgoing Mayor and Councillors must declare these gifts in accordance with the Councillors Acceptance of Gifts and Hospitality Guidelines.

36 Roles & Responsibilities

The Governance Department is responsible for:
- the implementation and compliance of this policy;
- approving reimbursement claims forms submitted by Councillors;
- advising Councillors if any claims appears to breach this policy or is inappropriate;
- assisting Councillors in understanding their entitlements;
- ensuring a copy of this policy is provided to each Councillor and placed on Council’s website; and
- reviewing this policy.

Councillors are responsible for:
- the general care of all equipment provided by the organisation or purchased with Council funds;
- complying with this policy;
- ensuring that details of such related party transactions are supplied to the Governance Department for reporting purposes;
- providing true and correct information when completing reimbursement forms referenced in this policy; and
- seeking their own financial and taxation advice.

37. Monitoring, evaluation & review

The policy will be reviewed in 2024 or sooner should legislative changes impact upon this policy.
Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Local Government Act 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td></td>
</tr>
</tbody>
</table>

Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Act</td>
<td>Means the Local Government Act 1989</td>
</tr>
<tr>
<td>Duties of the Councillor</td>
<td>Means duties performance by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.</td>
</tr>
<tr>
<td>Expenses</td>
<td>Includes expenses initially incurred by a Councillor for which a claim is subsequently made for reimbursement and expenses incurred by Council for or on behalf of a Councillor.</td>
</tr>
<tr>
<td>Communication Equipment</td>
<td>Portable communication equipment such as mobile telephone - iPhone, Ipad, wireless internet connection and associated hardware and software.</td>
</tr>
<tr>
<td>Professional Development</td>
<td>Means the process of improving and increasing the capabilities, knowledge and skills of councillors through access to education and training opportunities through outside organisations or in the workplace.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Councillors Gift and Hospitality Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy sponsor:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td></td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>February 2024</td>
</tr>
<tr>
<td>Document Reference:</td>
<td>Trim Reference DOC/20/650</td>
</tr>
</tbody>
</table>

Council Policy is a high level public statement formally resolved by Council which clearly states Council’s requirements, intent or position with regard to a particular matter or issue. It is not intended to be procedural in nature.

Policy Summary

- Gifts must never be sought.
- Gifts offered to Councillors must be politely declined and a declaration made indicating the gift was declined.
- A gift of a token or nominal value up to $15.00 maybe accepted, only if deemed rude or disrespectful to refuse the gift, and a declaration must be made indicating the gift was accepted.
- A gift may be accepted where a Councillor is undertaking a presentation or guest speaker, however a declaration form must be completed indicating the duties performed and the gift was accepted or declined.
- A Councillor may only accept hospitality when representing Bayside City Council and undertaking their public duty as a Mayor or Councillor and hospitality is reasonable.

1. Policy intent

Bayside City Council acknowledges that as part of business or cultural practices Councillors will at times be presented a gift in appreciation. While Council is appreciative of such acts of generosity it is Council policy that gifts should not be accepted and be politely refused.

This policy places additional obligations on each Councillors by:

- Defining gifts that must not be accepted even if such gifts are not prohibited under the legislation;
- Clarifying the types of gifts that may be accepted;
- Requiring the declaring of all gifts that are accepted or declined in a Gift and Hospitality Register including those below the gift declaration threshold.
By adopting this policy Council is encouraging Councillors to not only consider their legal obligations but also the perceived ethical impact of accepting gifts on their and Council’s real or perceived reputation. It aims to ensure that:

- Council activities are not influenced, or perceived to be influenced, by the receipt of goods, benefits or hospitality;
- Decision making by Councillors is impartial and promotes public confidence; and
- Gifts that are accepted or declined are disclosed and managed in a fully transparent manner.

2. **Policy purpose**

This policy establishes a framework for the acceptance and declaration of gifts and hospitality by Councillors and to avoid any potential conflicts of interest or breaches of the Local Government Act.

3. **Glossary - Definitions and Abbreviations**

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicable Gift</td>
<td>Means a gift valued at $500 or more that was received in the previous five years. It includes multiple gifts from one source that have an aggregate value of $500 or more. It also includes election campaign donations above $500.</td>
</tr>
<tr>
<td>Bribe</td>
<td>Means to give money or some other form of consideration to a public official so as to persuade the official not to exercise his or her common law or statutory powers, or to bestow some privilege favour.</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>Means a Councillor has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest.</td>
</tr>
<tr>
<td>Councillor</td>
<td>Means an elected personal who holds the office of member of the Council.</td>
</tr>
</tbody>
</table>
**Gifts/Benefits of Value**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.10</td>
<td>Means gift or benefit of something more than a nominal or token value, or any good or service is a gift if it is not paid for and includes hospitality (but not reasonable hospitality). Gifts are unsolicited and meant to convey a feeling of good will on behalf of the giver and where there is no expectation of repayment. Some examples of these types of gifts could include: Money, Property (real or otherwise), Loans of money or property, Beverages, Clothes, Products, Tickets, Trinkets, Food (e.g. Meals), Free or discounted services (accommodation, travel, entertainments, sporting events etc), Movie tickets, Invitations to corporate box at a sporting event or other entertainment.</td>
</tr>
</tbody>
</table>

**Reasonable Hospitality (defined by section 78c of the Act)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.10</td>
<td>Means hospitality received when attending a function or event in an official capacity i.e. the hospitality is reasonable and not excessive and the Mayor or Councillor is performing an official role at the function.</td>
</tr>
</tbody>
</table>

**Token or Nominal Value Gifts**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.10</td>
<td>Means a nominal value of gifts and moderate acts of hospitality includes:</td>
</tr>
<tr>
<td></td>
<td>• Gifts of a nominal value (&gt;$15.00 or less) that are infrequently offered</td>
</tr>
<tr>
<td></td>
<td>• Gifts of single bottles of reasonable proceed alcohol as acknowledgement for giving a presentation or being the guest speaker.</td>
</tr>
<tr>
<td></td>
<td>• Free meal of a modest nature, and/or beverages provided to Councillor who are formally representing the Council at a work related event such as training, workshop or seminar.</td>
</tr>
<tr>
<td></td>
<td>• Refreshments of a modest nature provided at a conference where a Councillors is the guest speaker.</td>
</tr>
<tr>
<td></td>
<td>• Marketing or corporate mementos such as ties, scarves, pens, coasters, tie pins, diaries or chocolates,</td>
</tr>
<tr>
<td></td>
<td>• Flowers and small amounts of beverages.</td>
</tr>
<tr>
<td></td>
<td>• Invitations to appropriate out-of-hours functions or social events organised by community groups.</td>
</tr>
</tbody>
</table>

**4. Scope**

This policy applies to all councillors of Bayside City Council where gifts, benefits or hospitality are offered to, or received by, Councillors from sources external to Council, and the policy highlights the legal and ethical issues that should be taken into account in deciding whether to accept a gift, benefit or hospitality.
5. Policy statement
Councillors, at some stage in during the term of office, may be offered a gift or benefit. The gift or benefit could be offered innocently in good faith or could be an attempt to influence. Feelings of obligation can arise if Councillors accept a gift or benefit. The position of Councillor may be comprised as often persons attempting to corrupt Councillors will start with small inducements that appear to have no improper motive behind them.

While a Councillors may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on their part, as a general rule Councillors should not accept gifts, benefits or hospitality. By politely refusing such gifts, benefits and hospitality, Councillors can avoid feeling compromised and contributing to a public perception of bias either at the time or potentially in future decisions.

The GIFT test (developed by the Victorian State Services Commission) is a good example of what to think about when deciding whether to accept or decline a gift, benefit or hospitality.

<table>
<thead>
<tr>
<th>G</th>
<th>Giver</th>
<th>Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, awards grants? Could the person or organisation benefit from a decision I make?</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Influence</td>
<td>Are they seeking to influence my decisions or actions? Has the gift or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?</td>
</tr>
<tr>
<td>F</td>
<td>Favour</td>
<td>Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers of the 12 months? Would accepting it create an obligation to return a favour?</td>
</tr>
<tr>
<td>T</td>
<td>Trust</td>
<td>Would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family friends or associates think?</td>
</tr>
</tbody>
</table>

Gifts that must NOT be accepted
Councillors must not accept a gift even if its acceptance is not prohibited under the Act.
- If the gift could be perceived as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of his/her duties as a Councillor.
- Where there is or may be, the perception of a conflict of interest with past, present or future duties or where the object of the gift is to maintain or return a favour.
- Of cash or monies regardless of the amount (this does not apply to Election Campaign donations)
Gifts that may be accepted
Councillors may accept gifts when:
- The gift would generally be regarded as only having a token value and could not be perceived to influence the Councillor’s actions.
- Non acceptance of the gift may cause offence or embarrassment (i.e. overseas dignitary visits or gifts is culturally sensitive) in which case the gift may be accepted on behalf of Council and becomes the property of Council.
- Receiving reasonable hospitality where:
  - There is a clear value to the work of Council (for example building relationship with community groups)
  - It directly relates to their public duty as a Mayor or Councillor
  - It does not advantage the gift giver in dealings with Council.

Hospitality is not a gift if the following conditions are met:
- Where attending a function is an official capacity of Mayor or Councillor.
- The hospitality is reasonable.

Hospitality IS a gift where a Councillor attends an event or function:
- From free tickets received and you have NO official duties to perform; or
- Free membership.
- The hospitality is generous and considered lavish.

Christmas Events
Christmas is a time when Councillors are often offered gifts and invitations to attend functions. Annual notification to Councillors of their obligations in respect to the receipt of gifts and invitations will be provided by the Governance Department.

Other
Gifts received from guests to Council in the course of official business remain the property of Council not the Councillors to whom they may have been presented.

A Councillor should never accept an offer of money, regardless of the amount except when it is provided as part of an election campaign and is fully declared on the Electoral Campaign Donation Return.

EOIs/Tender Specification
Expression of Interest and Tender specification (specification and contract) must state that “No offers of gifts, or whatever value, must be made to Councillors and that any such offer in the process will automatically exclude that participant in the tender process.
Register of Gift and Hospitality
All gifts and applicable gifts including hospitality must be declared and details included on the Gift & Hospitality Register which is administered by the Governance Department. It is the responsibility of a Councillors wishing to declare a gift to complete the appropriate form and forward it to the Governance Department including the following information:

- Date the gift or benefit was received or declined
- Recipient of the gift or benefit
- The type of gift / description
- Who the gift was received from
- The approximate value of the gift or benefit
- How the gift was treated (eg: handed to the CEO or retained for personal use)

Any acceptance of a gift must be disclosed. A gift declined must also be disclosed. Disclosure that the gift has been declined and returned protects the Councillors and highlights any systematic patterns. Gifts declined in the presence of the gift giver do not need to be disclosed.

6. Monitoring, evaluation & review
This policy to be reviewed every four years or unless legislative changes impact upon the policy.

7. Roles & Responsibilities
Councillors should at all times be aware of the Local Government Act provisions regarding gifts especially in relation to indirect interests, conflict of interest and election donations. It is important Councillors are familiar with the obligations under the Local Government Act in respect to gifts, particularly the following clauses:

- Section 59 – bribery, treating and undue influence in respect to Council elections
- Section 62 & 62B – Election Campaign Donations
- Section 76D – Misuse of position
- Section 77 – Dealing with Confidential Information
- Section 77A, 77B, 78, 78A, 78B, 78C, 79 Direct and Indirect Interest
- Section 81 – Register of Interests
- Section 239 – Persona who are liable for offences for breaches of the Act.

8. Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Local Government Act 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>Councillor Code of Conduct</td>
</tr>
<tr>
<td></td>
<td>Ombudsman’s Report – Conflict of Interest in Local Government</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) to ensure this is the latest version.
10.11 CONTRACT CON/19/125 JACK ROAD RECONSTRUCTION, CHELTEMBER

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/330298

Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake Road Reconstruction, in Jack Road, Cheltenham under the proposed Contract CON/19/125.

As part of the reconstruction, the project will provide new drainage, concrete kerb and channel, footpath and vehicle crossings, partial pavement reconstruction, asphalt overlay, line marking and signs from Bay Road to Park Road, Cheltenham.

This work is an asset renewal activity, delivered in accordance with the Asset Management Plan and Road Management Plan. The condition of roads throughout the Municipality has been audited and validated by site inspections. Road condition determines the priority order for reconstruction activities.

Key issues
A public tender was advertised in The Age and released through eProcure on Saturday 16 November 2019 and closed on Wednesday 11 December 2019 with the following submissions:

- CDN Constructors Pty Ltd
- Delfino Paving Co Pty Ltd
- GP Bluestone Pty Ltd
- Melbourne CivilWorks
- Metroplant & Civil Services; and
- VCrete Contractors Pty Ltd.

The result of the analysis can be found in Confidential Attachment 1: Evaluation Matrix.

After analysing the submissions the tender evaluation panel found that Delfino Paving Co Pty Ltd scored the highest as outlined in Confidential Attachment 1 – Tender Evaluation Matrix. From this evaluation, Delfino Paving Co Pty Ltd were shortlisted and invited for interview.

Delfino Paving Co Pty Ltd has been in business for 45 years and has experience in delivering similar projects. Delfino Paving Co Pty Ltd has delivered a number of projects for Glen Eira Council and City of Casey in the past that were delivered to an acceptable standard as per the reference check carried out with the referees provided.

At interview, the tender panel was satisfied with Delfino Paving Co Pty Ltd’s understanding of the scope of works and the methodology presented for this project, it confirmed they can complete the work within the specified timeframe and the tender evaluation panel concluded it offers the best value for money and recommends that the contract be awarded to Delfino Paving Co Pty Ltd.
Recommendation

That Council:

1. Awards Contract CON/19/125 Jack Road Reconstruction, Cheltenham to Delfino Paving Co Pty Ltd (ABN 79 007 116 305) for the lump sum price of $1,199,762.00 (excl. GST) and $1,319,738.20 (incl. GST).

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/19/125 Jack Road Reconstruction, Cheltenham.

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/19/125 Jack Road Reconstruction Tender Evaluation Matrix (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
Works on this project will improve the condition and safety of Civil Infrastructure in Jack Road, Cheltenham. This project is part of Council’s strategic renewal of local road assets. Implementation of this project will improve connectivity between a bus stop and footpath and also the connection between east and west footpaths with new kerb ramps at intersections. The streetscape works will improve overall social and residential environment for Jack Road.

Natural Environment
The works under this contract have been reviewed against Council’s sustainable framework and will be using cement treated recycled crushed rock and asphalt with recycled components.

Built Environment
The works include supply and installation of drainage systems, construction of kerb and channel, new kerb ramps for additional footpath connectivity and replacing sections of deteriorated footpath. Completion of this project will enhance the built environment of Jack Road with improve drainage, road safety and footpath connectivity.

Customer Service and Community Engagement
In September 2019, Council consulted with representatives of the Pennydale Residents Action Group (PRAG) regarding the proposed reconstruction, seeking early input about likely concerns among residents. This led to discussion and agreement on changes to the preliminary design (pram crossings at intersections and bus stops, a new, short path linking Bay Street and the northernmost bus stop) and raising of possible concerns about the road being subsequently reclassified for higher traffic volumes. These discussions were also an agenda item for a Pennydale Community Meeting attended by the CEO (Pennydale AGM and Community Meeting, 20/10/2019).

The subsequent formal notification sent to residents along Jack Road (December, 2019) was able to elaborate on the project goals and address concerns about road re-classification or parking changes. Council officers listed on the letter received no enquiries from the mail out. A follow-up enquiry to PRAG showed that the letters had been received and that PRAG received general comment about parking and rubbish collection, which was already addressed in the mail out.

Together with the contractor, Council will provide further advice to traders, PRAG and nearby residents prior to commencement of the work and maintain contact with key stakeholders during the construction period. Concerns from community in regards to rubbish collection will also be addressed in this communication. The works will be implemented in accordance with the specifications and relevant statutory requirements.

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

This project is proposed to be funded from the Road Reconstruction budget. The capital works budget for 2019/20 has the following allocation (figures are exclusive of GST).

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Reconstruction</td>
<td>$970,000.00</td>
</tr>
<tr>
<td><strong>Total Project Budget</strong></td>
<td><strong>$970,000.00</strong></td>
</tr>
</tbody>
</table>

The following table summarises proposed cost of the project (figures are exclusive of GST).

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of this contract CON/19/4</td>
<td>$1,199,762.00</td>
</tr>
<tr>
<td>Contingencies &amp; Project Management Costs Survey, Design, Pavement design &amp; Deflection Test. (10%)</td>
<td>$119,976.20</td>
</tr>
<tr>
<td><strong>Project Cost</strong></td>
<td><strong>$1,319,738.20</strong></td>
</tr>
</tbody>
</table>

Savings from the carparks, drainage and roads portfolio is predicted to equate to an approximate value of $490K (i.e. savings and delays regarding drain at The Esplanade & Grosvenor, 7 Well Street, Brighton Car Park and the unscheduled drainage program). This can offset the increase in budget sought to deliver the Jack Road reconstruction project.

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.

This project is also consistent with the Road Management Plan June 2013 in which the Asset Management Policy Objective adopted by Council for its infrastructure assets is: "Council will effectively manage its physical assets on a sustainable basis to meet the needs of the community now and for the foreseeable future."

A key objective of the plan is "Council will provide and maintain its physical assets in a cost-effective manner to suit the service levels required by the community."

Executive summary

Purpose and background
This report seeks approval to proceed to complete the statutory procedure to subdivide Council-owned land at the rear of 39 Melrose Street, Sandringham and sell the air stratum space adjoining 58 Station Street, Sandringham (as highlighted yellow in Attachment 1) to the adjoining owner of 58 Station Street, by way of private treaty, in order to secure the view from 58 Station Street towards Port Phillip Bay. Further, this report recommends the termination of the proposal regarding the sale of the freehold land at the rear of 37-39 Melrose Street, Sandringham, which currently serves as part of a public carpark.

The Owner of 58 Station Street, Sandringham has confirmed in writing that he would like to proceed with the purchase of the subject stratum airspace adjoining his property at 58 Station Street.

A Special Committee of Council meeting was held on 25 November 2019 to hear objections pertaining to the sale of the subject stratum airspace with one of the two objectors electing to speak.

Bayside City Council acquired the land on 30 May 1980. The Council titles derive from a subdivision of the parent properties at 37 and 39 Melrose Street, Sandringham. Sandringham City Council (Bayside City Council as a successor in law) is the registered proprietor of the land that is more particularly described as comprising all or part of the following Certificates of Title:

- Rear of 37 Melrose Street, Sandringham (part of the land) – Volume 9381 Folio 757 – Lot 1 Title Plan 158981N (formerly known as part of Lot 52 on Plan of Subdivision 001368)
- Rear of 39 Melrose Street, Sandringham (all of the land) – Volume 9409 Folio 545 – Lot 1 on Title Plan 080804T (formerly known as part of Portion 22 of Moorabbin).

Key issues

Special Rating Scheme
After the Section 223 Special Committee of Council meeting held on 25 November 2019, officers were made aware that Council had purchased the freehold land for car parking purposes with funds provided by adjoining owners under an initial ‘rate’ or ‘charge’ scheme created in the 1970s. The contributions made by the adjoining owners meant that it is possible for the freehold land to now exist within a ‘statutory trust’, although there is no certainty that it does. Should the statutory trust exist, Council will need to ensure that if the freehold land is sold, the same number of car parking spaces will still be available after the sale, in an equally convenient and accessible location. In consideration of legal advice received, officers are currently investigating the possibility of a revised proposal, which is yet to be determined and therefore not part of this report.

The subject stratum airspace is positioned above a portion of Council-owned freehold land that is utilised as part of a paved laneway/carpark. The freehold land potentially now exists under a ‘statutory trust’ as previously discussed.
Officers have received legal opinion with regard to the sale of the subject stratum airspace above the freehold land and advise that the sale is able to proceed on the basis that it involves no removal of ground-level car parking, which would therefore continue to be provided as per the terms of the parking scheme.

**Reasons for purchase**

The owner of 58-60 Station Street is seeking to purchase the subject stratum airspace from Council in an effort to protect the bay views enjoyed from his property, being a new residential/retail development.

**Objections to Sale**

A report was approved at the 25 June 2019 Ordinary Meeting of Council to commence proceedings in relation to the sale of the subject stratum airspace. During the Section 223 process, two objections to the sale of the subject stratum airspace were received. A Special Committee of Council Meeting was held on 25 November 2019 to hear objections relative to the subject sale.

The first Objector describes the sale as ‘Unnecessary to provide the relief sought by the owner of 58 Station Street’. Officers consider that the sale of the subject stratum airspace is the most effective way to provide the owner of 58 Station Street with long-term security to his outlook as discussed in Attachment 2. The objector did not wish to speak at the Special Committee of Council Meeting.

The second Objector attended the Special Committee of Council Meeting and opposed the sale of any land or air rights, stating that ‘it will create further problems’. The Objector also stated however, that if Council were to retain ownership of the freehold land, they would not object to Council granting an easement of light and air to 58 Station Street, provided that the purchase price was utilised towards additional parking for the village. As previously discussed, officers have received legal advice confirming that the sale of the subject stratum airspace does not impact upon the sale of the freehold land purchased under the ‘rating’ or ‘charge’ scheme. Officers consider therefore, that Council is not obligated to utilise the purchase price specifically for additional parking in the subject locality. Officers have considered the implications of granting an easement for the subject stratum airspace which is discussed in Attachment 2.

In total, 21 objections were received regarding the proposal to sell the land at the rear of 37-39 Melrose Street, predominantly related to the loss of parking, which are referenced in Attachment 2.

As previously discussed, officers recommend the termination of the current proposal with regards to the sale of the land at the rear of 37-39 Melrose Street. Accordingly, it is proposed to finalise procedures to subdivide the subject Council-owned land, and sell the subject stratum airspace to the adjoining owner of 58 Station Street, Sandringham. The owner of 58 Station Street, Sandringham has agreed to purchase the subject stratum lot from Council for a contribution of $100,000 including GST.
Recommendation

That Council:

1. Undertake the statutory proceedings in accordance with the *Local Government Act 1989* to:
   a) Subdivide the subject Council-owned land and create an air space stratum lot of 67.52 m² (subject to survey) (refer yellow coloured land in Attachment 1).
   b) Sell the subject stratum airspace (as highlighted in yellow in Attachment 1) to the adjoining owner of 58 Station Street, Sandringham for $100,000 including GST.
   c) Terminate the current proposal to sell the freehold land at the rear of 37-39 Melrose Street, Sandringham, and investigate the possibility of a revised proposal to sell the freehold land, without incurring a net loss of car spaces in the subject area.

Support Attachments

1. Attachment 1 - Proposed Land Stratum
2. Attachment 2 - Summary of S223 Objections
Considerations and implications of proposition

Social
The proposal aims to dispose of unutilised property.

Natural Environment
There are no impacts associated with this report.

Built Environment
The sale of the property will have no impact upon Council’s yearly maintenance, cleaning and public liability expenses.

Customer Service and Community Engagement
Council has undertaken statutory procedures in accordance with Sections 189 and Section 223 of the Local Government Act 1989 for the sale of the subject stratum airspace over Council-owned land. The procedures required Council to give public notice of its intention to sell the subject stratum airspace and invite submissions from affected parties. There were two objections to the proposed sale of the airspace received.

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

Legal
Council is required to complete the statutory consultation required as part of the Local Government Act 1989 requirements.

Council has obtained a market valuation not more than 6 months old at the time of sale.

Titles 1 and 2 will require a formal subdivision, certification and title release of the land prior to settlement of the transfer of land.

Finance
Council’s independent valuer, Charter Keck Cramer, has valued the proposed stratum lot (exclusive of GST) as shown in the table below:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area m² (subject to survey)</th>
<th>Market Value (Exc. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>An air space stratum lot at the rear of 37-39 Melrose Street Sandringham</td>
<td>67.52</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

The Purchaser has agreed to purchase the subject stratum lot for a contribution of $100,000 inclusive of GST (thereby paying a net sum of $90,909.10 excluding GST).
Links to Council policy and strategy

The Council Plan 2017-2021 provides direction on the potential sale of land.

Council Plan 2017-2021 Goal 8 – Financial Responsibility and Good Governance

Bayside will enjoy strong and effective democratic representation from its Council and responsive and financially-responsible services and facilities that meet community needs.

  Council Plan Strategy - Ensure the financial sustainability of Council over time, in line with the objectives of Council’s long term Financial Plan.

  Council Plan Strategy - Review Council’s property portfolio to provide clarity on tenant responsibilities, maximise community benefit, and ensure financial sustainability.
Proposed Stratum Airspace to be Sold Highlighted in Yellow
Summary of Section 223 Submissions for Proposed Sale of Land Adjoining the Rear of 37-39 Melrose Street and 58 Station Street, Sandringham

Note: The original submissions received were presented to Councillors at a Special Committee of Council Meeting held 25 November 2019

Introduction

Overall 21 Submissions were received with regard to the proposed sale of land adjoining the rear of 37-39 Melrose Street, which included two objections also opposing the sale of the stratum airspace adjoining 58 Station Street. A summary of the matters raised along with Officer’s responses is outlined below.

<table>
<thead>
<tr>
<th>Access and Carriageway Easement Pertaining to 37-39 Melrose Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers acknowledge that the purpose of the request to purchase the freehold land adjoining the rear of 37-39 Melrose Street was to provide the owner of 37-39 Melrose Street rear access to his property. Officers also recognise that there is an existing carriageway easement on title at the rear of 37 Melrose Street. Officers are currently investigating the possibility of selling a portion of the freehold land to the adjoining owner of 37-39 Melrose Street, to provide him access to the rear of his property, in a way that does negatively impact upon the freehold land that was purchased under the ‘rate’ or ‘charge’ scheme for public parking purposes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reduction of Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Officers are currently investigating the possibility of a revised proposal to enable the sale of the freehold Council-owned land at the rear of 37-39 Melrose Street, in a way that does not eradicate any existing car parking spaces purchased under the initial ‘rate’ or ‘charge’ scheme. In addition, the sale of the subject stratum airspace involves no removal of ground-level car parking.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Purchased Under Rating Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>In accordance with legal advice received, it is only possible for Council Officers to sell the freehold land at the rear of 37-39 Melrose Street, Sandringham purchased under a ‘rate’ or ‘charge’ scheme for public carpark purposes, if Council is able to provide the same number of parking spaces in an equally convenient and accessible location. Officers are however able to sell the stratum airspace above the land adjoining the rear of 37-39 Melrose Street and 58 Station Street, as it does not involve the removal of any ground-level car parking, and therefore does not impact upon the land purchased under the ‘rate’ or ‘charge’ scheme.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unnecessary Sale of Airspace</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers recognise that the owner of 58 Station Street, Sandringham wishes to purchase the stratum airspace adjoining the rear of 37-39 Melrose Street and 58 Station Street, Sandringham in an effort to protect his views from 58 Station Street towards Port Phillip Bay. Officers advise that the most secure way to do this is to sell the stratum airspace to the owner of 58 Station Street, given that alternative methods such as an easement or a licence do not provide the owner with a long term guarantee, and furthermore an easement or licence can be revoked at any time by Council.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
This report seeks approval to commence the statutory procedures under section 206 and Clause 3, Schedule 10 of the Local Government Act 1989 (Act) to discontinue part of the road reserve adjoining 2A Maysbury Avenue, Brighton, as outlined in blue in Attachment 1, and to sell the subject property by way of private treaty to the owners of 2A Maysbury Street, Brighton, who intend to utilise the subject property for development purposes.

The owners of 2A Maysbury Avenue have unlawfully occupied approximately 36 square metres of the road reserve abutting the southern boundary of the site. Attachment 1 outlines in blue the section of the reserve that is enclosed and which forms the subject property.

Aerial imagery confirms that the subject property has been enclosed via a boundary of temporary construction fencing. Prior to this, the aerial imagery confirmed that the subject land was enclosed via a low-rise red-brick fence which pre-dates 1990. It does not appear that any adjoining owners use the land for vehicle or pedestrian access. As the subject land has been enclosed for a lengthy period of time, it is considered that the proposed sale should carry little risk of attracting negative feedback.

Maysbury Avenue is currently listed on Council’s Register of Public Roads. The subject parcel is known as part of the road reserve on Land Plan 9203 (As shown in Attachment 2) pertaining to the southern boundary of 2A Maysbury Avenue, Brighton.

Key issues

Easements
The subject property contains underground assets in favour of NBN and United Energy. If sold and discontinued, the current easements will be retained on title in favour of NBN and United Energy for communications purposes. If any other assets are identified in the subject land and are required, such easements will be retained on title in favour of the asset authority.

In accordance with Council Policy, Council will only sell the subject landholding to abutting property owners. Accordingly, as the subject property adjoins the rear of 2A Maysbury Avenue, it was offered to the owners of 2A Maysbury Avenue to purchase in the first instance. Adjoining owner feedback will be invited in accordance with Section 223 of the Local Government Act 1989, should Council resolve to commence statutory proceedings.

The owners of 2A Maysbury Avenue, Brighton, have agreed in principle to purchase the subject property for $38,000 plus GST, subject to statutory approval.
Recommendation

That Council:

1. Commence the statutory procedures in accordance with the *Local Government Act 1989*, to discontinue and sell the subject property to the adjoining owner of 2A Maysbury Avenue, Brighton for $38,000 plus GST as shown in Attachment 1.

2. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the sale and discontinuance proposal.

3. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the *Local Government Act 1989* to discontinue and sell the land for $38,000 plus GST.

4. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 6:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Support Attachments

1. Attachment 1 - Land Proposed to be Sold
2. Attachment 2 - Land Plan
Considerations and implications of recommendation

Liveable community

Social
The sale of discontinued right of ways will remove the need for Council to regularly maintain land that it may no longer be required to hold ownership over to deliver social needs. In this instance, NBN and United Energy assets currently pertain to the subject land, and will continue to be carried forward through easement rights on title if the subject land was to be sold and discontinued. Officers will ensure, prior to sale, that any other assets identified in the subject land will, if required, also be protected by carrying forward easement rights.

Natural Environment
There are no impacts associated with this report.

Built Environment
The proposal will provide property owners with an opportunity to gain title to the land which is no longer required for municipal purposes.

Customer Service and Community Engagement
Consultation has been undertaken with relevant Council departments and external service authorities and no objections have been received. It will be necessary for Council to undertake procedures under section 189 and 223 of the Local Government Act 1989 for the sale of the land. The proposed commencement of the statutory procedures under section 189 and 223 of the Local Government Act 1989 requires Council to give public notice of its intention to sell the land and invite submissions from affected parties.

The following table summarises the statutory consultation process to finalise the discontinuance and sale of the subject land:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Friday 21 February 2020</td>
</tr>
<tr>
<td>Public Notice in the Bayside Leader</td>
<td>Tuesday 25 February 2020</td>
</tr>
<tr>
<td>Submissions close at 5:00pm</td>
<td>Friday 27 March 2020</td>
</tr>
<tr>
<td>Special Committee of Council to hear submissions</td>
<td>6:30pm, Wednesday 8 April 2020</td>
</tr>
<tr>
<td>Council Consideration of Submissions</td>
<td>At a future Council Meeting to be determined (all submitters will be advised of the date)</td>
</tr>
</tbody>
</table>

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

Legal
The approach to purchase the land under Council policy removes the risk of potential encroachment over the land in future and therefore eliminates the possibility of adverse possession. In addition, the sale provides a financial return to Council by undertaking a discontinuance and sale process.
Council is required to give public notice of its intention to discontinue and sell the subject road in accordance with Section 189 and 223 of the *Local Government Act* 1989, inviting submissions from affected parties. Notification will be given on Council’s website. In addition, all adjoining property owners will be advised of the proposal in writing and informed of their right to make a submission.

Submitters may request to be heard by a Special Committee of Council prior to a decision being made regarding the Proposal. In the event that any submitters request to be heard in support of their written submission, a Special Committee of Council will hear and consider the submission/s received.

If any written submissions are received, a further report will be presented to Council to enable the consideration of such submissions prior to making a decision on the Proposal.

**Finance**

The most recent independent valuation provided by E3 Valuations has determined the market value for the subject property at $30,000 plus GST.

Officers have negotiated a sale price for the subject property with the adjoining owner of 2A Maysbury Avenue, Brighton at $38,000 (plus GST).

The purchase price for the parcel is shown in the below table.

**Table 1:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>2A Maysbury Avenue, Brighton</td>
<td>36m²</td>
<td>$30,000</td>
<td>$3,800</td>
<td>$41,800</td>
</tr>
</tbody>
</table>

The adjoining property owners have signed a conditional ‘Cost Agreement’ to purchase the subject property for $38,000 (plus GST) if the subject property can be sold and discontinued.

**Links to Council policy and strategy**

Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.

**Council’s Property Strategy Principle One**

Seeks Council to maximise community benefit and public value from the property portfolio.

**Council Plan Goal 7 – Financial Responsibility and Good Governance**

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Proposed Land to be Sold Outlined in Blue
Land Plan

LP 9203
2 SHEETS
SHEET 2

SEE SHEET 1

MAYSURY AVENUE

RAILWAY

NOT IN SUBDIVISION

WORE ST
10.14 PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 28 & 30 BOXSHALL STREET, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/20/7 – Doc No: DOC/20/28985

Executive summary

Purpose and background
This report seeks approval to commence the statutory procedures under section 206 and Clause 3, Schedule 10 of the Local Government Act 1989 (Act) to discontinue the right of way (Road) at the rear of 28 & 30 Boxshall Street and 57 Carpenter Street, Brighton, identified by the cross-hatched in Attachment 1, and to sell the subject land by private treaty to the owner of 3/30 Boxshall Street, Brighton.

The owner of 3/30 Boxshall Street, Brighton has previously entered into contractual agreement with the adjoining owners of 1/30, 2/30, 4/30, 5/30, 6/30 and 28 Boxshall Street, Brighton to purchase their properties for development purposes, resulting in one ownership of all interests in 28 and 30 Boxshall Street. The contracts have all been executed and settlement is due to be effected from May - August 2020. If successful in purchasing the subject land, the owner of 3/30 Boxshall Street will utilise the land for development purposes, subject to planning approval.

Initial investigations identified that the subject road is physically ‘open’ and paved with brick.

Correspondence was sent to adjoining owners, inviting feedback in regards to the proposed discontinuation and sale of the subject land. Consultation was undertaken notwithstanding that, with the exception of 5/57 and 6/57 Carpenter Street, all properties which have had access to the subject land are under contract to be purchased by the owner of 3/30 Boxshall Street.

The subject Right of Way is not currently listed on Council’s Register of Public Roads. It is known as a Road on Title Plan 827234A (as shown in Attachment 2) pertaining to the rear of 28 & 30 Boxshall Street and 57 Carpenter Street, Brighton.

Key issues

Easements
The subject land contains an underground South East Water sewerage asset. If sold and discontinued, the current easement will be retained on title in favour of South East Water for sewerage purposes.

Access to 28 Boxshall Street and Right Of Way
The road currently provides access to the garage at the rear of 28 Boxshall Street and for 1-6/30 Boxhall Street for waste collection. The sale of the subject land will therefore be conditional upon the settlement of all those properties of 30 Boxhall Street and 28 Boxshall Street being acquired by the owner of 3/30 Boxhall Street.
Feedback

As all owners at 30 Boxshall Street and 28 Boxshall Street are party to the purchase to the owner of 3/30 Boxshall Street, officers have had specific regards to ensuring that continued access to the subject land remains, until the settlement on all Boxshall Street properties has been effected.

With regard to the owners of 6/57 Carpenter Street, they did not support the discontinuance and sale of the land and did not wish to purchase however, in their response stated that they did not utilise the road for any access to their property.

The owner of 5/57 Carpenter Street did not provide a response.

Conclusion

In light of the feedback received, and in consideration of the existing sale agreements between the owner of 3/30 Boxshall Street and adjoining owners, officers consider the road to be no longer reasonably required for public use once settlement of the existing sale agreements has occurred. Officers therefore consider it appropriate to proceed with the statutory procedures to discontinue the road and sell the subject property to the owner of 3/30 Boxshall Street, subject to the settlement of the existing sale agreements.

The owner of 3/30 Boxshall Street, Brighton has accepted Council’s offer to sell the land for $210,000 including GST.

Recommendation

That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, to discontinue and sell the subject property to the adjoining owner of 3/30 Boxshall Street, Brighton for $210,000 including GST identified by the cross-hatched area shown in Attachment 1.

2. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the sale and discontinuance proposal.

3. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989 to discontinue and sell the land for $210,000 including GST.

4. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 6:45pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Support Attachments

1. Attachment 1 Land proposed to be sold
2. Attachment 2 Title Plan
Considerations and implications of recommendation

Liveable community

Social
The sale of discontinued right of ways will remove the need for Council to regularly maintain land that it may no longer be required to hold ownership over to deliver social needs. In this instance, a sewerage asset in favour of South East Water currently pertains to the subject land and will continue to be carried forward through easement rights on title if the subject land was to be sold and discontinued.

Natural Environment
There are no impacts associated with this report.

Built Environment
The proposed sale of subject land will provide the property owner with an opportunity to gain title to land which is no longer required for municipal purposes.

Customer Service and Community Engagement
Consultation has been undertaken with adjoining property owners with their responses outlined as above. Both internal and external authorities have also been consulted, from which no objections have been received. Council has undertaken procedures under section 189 and 223 of the Local Government Act 1989 for the discontinuance and sale of the subject property. The outcome of the statutory process has resulted in Council proposing to delay settlement of the sale of the subject land, until the settlement of the 28 and 30 Boxshall Street has taken place.

The following table summarises the statutory consultation process to finalise the discontinuance and sale of the subject land:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Friday 21 February 2020</td>
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<tr>
<td>Council Consideration of Submissions</td>
<td>At a future Council Meeting to be determined (all submitters will be advised of the date)</td>
</tr>
</tbody>
</table>

Human Rights
There are no Human Rights issues or implications identified in relation to this report.
Legal
The approach to purchase the subject land under Council policy removes the risk of potential encroachment over the subject land in future and therefore eliminates the possibility of adverse possession. In addition, the sale provides a financial return to Council by undertaking a discontinuance and sale process.

Finance
In the first instance Council’s independent valuer, Matheson Stephen Valuations, valued the subject property at $235,000 (Exclusive of GST). As a result of intense negotiations with the owner of 3/30 Boxshall Street, officers sought a second independent valuation from E3 Valuations, who determined the market value for the subject property at $180,000 plus GST.

Officers have consequently negotiated a sale price for the subject road with the adjoining owner of 3/30 Boxshall Street, Brighton at $210,000 (including GST).

In accordance with Council Policy, the subject land has been allocated to the adjoining property owner as reflected in red in Attachment 2. The purchase price for the parcel is shown in the below table.

Table 1:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>Purchase Price</th>
<th>GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>30 Boxshall St, Brighton</td>
<td>139m²</td>
<td>$180,000</td>
<td>$210,000</td>
<td>$19,090.90</td>
</tr>
</tbody>
</table>

The adjoining property owner has signed a conditional ‘Cost Agreement’ to purchase the subject property for the sum of $210,000 (including GST) if the subject land can be sold and discontinued.

Links to Council policy and strategy
Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.

Council’s Property Strategy Principle One
Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance
7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
PROPOSED SALE AND DISCONTINUANCE OF LAND ADJOINING 28 & 30 BOXSHALL STREET AND 57 CARPENTER STREET, BRIGHTON

Land proposed to be sold outlined below in the hatched area:
TITLE PLAN

Location of Land
Parish: MOORABBIN
Township: Deny's Crown Special Survey (Part)
Crown Portion: None
Section: None
Last Plan Reference: None
Title Reference: VDL 94/51 FOL 064
Depth Limitation: NIL

Easement Information
E - Encumbering Easement
R - Encumbering Easement (ROAD)
A - Appurtenant Easement

Easement Reference | Purpose / Authority | Width (Metres) | Origin | Land benefited / In favour of
--- | --- | --- | --- | ---

Notations
NOTE 1: LOT 1 = PART OF DENDY'S CROWN SPECIAL SURVEY
NOTE 2: TOGETHER WITH A RIGHT OF CARRIAGE WAY OVER THE ROAD SHOWN MARKED A ON THE SAID MAP

This plan has been prepared by Land Registry, Land Victoria, for title diagram purposes.

Checked by:

Assistant Registrar of Titles
Date: 18/01/04

Sheet 1 of 1 Sheet

Lengths are in metres: Scale: Sheet size A3
Executive summary

Purpose and background

This report proposes to commence statutory procedures to lease part of the Talinga Road Depot, located at 144 Talinga Road, Cheltenham.

Over the past 18 years Council’s depot has been occupied by several companies under separate licences utilising different parts of the depot compound. Each of these licensees have been concurrently operating as Council contractors for services tendered by Council. Current occupiers of the site (with licences in overhold) are Citywide Services Solutions Pty (Citywide), New Age Cleaning Pty and Metroplant and Civil Pty Ltd. Council has also maintained its own presence on site comprising general storage facilities and a homecare workshop.

During 2019, Council engaged DBRE Pty Ltd to undertake an Expression of Interest (EOI) campaign for the whole of the depot site totalling 1558sqm. The campaign, which closed at 5pm on 1st July 2019, resulted in just one proponent – Citywide- seeking to occupy the whole of the available space.

Following an assessment of the EOI submission, Officers met with representatives of Citywide to discuss their proposal and determine final lease terms for Council’s consideration.

In a separate process, during 2019, Council undertook a tender to identify a Council contractor for open space and maintenance services. Citywide was the successful tenderer and has now executed a maintenance contract for seven years with 3x1 year further options.

Citywide’s proposal for the lease of part of the depot is a commercial offer and officers consider it to be fair and reasonable.

Summary of proposed terms of lease:

- Proposed Use: Office, storage and operational depot
- Premises: As per lease plan (see attachment 1)
- Commencement date: Upon final execution of lease agreement
- Term: 7 years
- Outgoings: Usual terms
- Options for further term: 3 x 1 year
- Proposed Commencing Rent: $160,730 plus GST per annum
- Rental escalation: CPI to be implemented annually

Key issues

Fitout to Premises: As part of the lease Citywide will be required to undertake tenant’s works within the first year of the term at a cost of approximately $200,000. These works include:
• Improved screening of the buildings to the Reserve Road frontage and Talinga Road frontage. Planting at height and other interventions.
• Upgrade stormwater guttering and downpipes.
• Upgrade security and lighting.
• Office improvements including internal painting.
• Installation of solar panels (subject to site and building suitability).
• Additional stormwater harvesting with the aim of utilisation by the community nursery.
• Installation of improved secure entrance gate resulting in better access control to the site.

Summary

Officers consider the provision of a head lease for the depot site to be an improvement for the management of the site, as it relieves Council of the ongoing responsibility for managing individual licensees. Council also retains its own occupation of the site, with no additional costs incurred. The provision for fit-out works by the tenant under a lease is another benefit for Council as these are works which would otherwise primarily fall to Council to complete.

Recommendation

That Council:

1. Commence the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 to lease four tenancies to Citywide on the below terms:

   1.1 Tenant: Citywide Service Solutions Pty Ltd.
   Purpose: Office, storage and operational depot
   Commencement Date: Date upon which the lease is executed by both parties
   Term: 7 years
   Rent: $160,730 plus GST
   Rental Escalation: Consumer Price Index Melbourne All Groups (CPI) to be implemented annually.

2. Directs that under Section 190 and 223 of the Local Government Act 1989, public notices of the proposals to lease part of the Talinga Road Depot be given.

3. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the lease proposal.

4. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 7:15pm at the Council Chambers, Boxshall Street Brighton to hear any submitters that wish to be heard.

5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.

Support Attachments

1. Depot - Lease Plan v2 - final ↓
Considerations and implications of recommendation

Liveable community

Citywide is contracted to Council to provide all open space and infrastructure maintenance services, aimed at enhancing service delivery and continues Council’s relationship with Citywide. Infrastructure maintenance services include beach cleaning, street sweeping, road and footpath maintenance, drainage management, tree maintenance services, sports ground maintenance and graffiti management. Having previously held an 18 year contractual relationship with the proposed tenant, who has also been a licensee of Council, Officers believe the depot site will be better controlled and maintained with a single lease in place.

Social

Citywide’s community engagement framework sets out current partnerships with social enterprises, charities and not-for-profits including:

- Fareshare
- PukaUp
- Goodcycles
- Outlok Environmental
- Conservation Volunteers Australia.

Natural Environment

Citywide is committed to support Council in reducing environmental impact and to safeguarding the cleanliness of our streets.

Built Environment

The current buildings are in reasonable condition but would benefit from the proposed fit-out works which will form part of Citywide’s obligations.

Customer Service and Community Engagement

The proposed tenant has been identified in accordance with Council’s Lease and Licence Policy 2018, following an expression of interest process which was subject to a public marketing campaign. In the event Council resolves the officer recommendation, Council will be required to complete the statutory procedures under section 190 and 223 of the Local Government Act 1989.
The following table summarises the statutory consultation process to finalise the discontinuance and sale of the subject land:

<table>
<thead>
<tr>
<th>Description</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Friday 21 February 2020</td>
</tr>
<tr>
<td>Public Notice in the Bayside Leader</td>
<td>Tuesday 25 February 2020</td>
</tr>
<tr>
<td>Submissions close at 5:00pm</td>
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</tr>
<tr>
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<td>7:15pm, Wednesday 8 April 2020</td>
</tr>
<tr>
<td>Council Consideration of Submissions</td>
<td>At a future Council Meeting to be determined (all submitters will be advised of the date)</td>
</tr>
</tbody>
</table>

**Human Rights**

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

**Legal**

Officers do not anticipate any legal issues with this proposal assuming that all the statutory requirements are complied with as set out in this report.

As the proposed lease is for rent which exceeds $50,000 per annum, the Council must, at least 4 weeks before the lease is made, publish a public notice of the proposed leases. A person has a right to make a submission under section 223 on the proposed lease. If such submissions are received, Council will consider those submission at a meeting of Council before the execution of lease can proceed.

**Finance**

The current cumulative licence income for the site is $158,559 plus GST and the proposed rent is for $160,730 plus GST. The proposed rent will be adjusted by CPI each year. The lease will be subject to the *Retail Leases Act 2003* whereby Council will be responsible for carrying out structural repairs to premises.

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

- Lease and Licence Policy 2018
- Property Strategy 2018-2021
### Options considered

**Option 1 Commence statutory process to lease the Depot to Citywide Services Pty Ltd**

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>This option enables Council as landlord to give notice of its intention to grant a lease to Citywide, subject to section 190 of the <em>Local Government Act 1989</em> and resolving to enter the lease subject to section 223 of the Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Council will no longer deal with multiple licensees on this part of the site and the head tenant will ensure that $200,000 worth of works will be invested into the site. The proposed lease term of 7 years plus 3 x 1 year options is designed to mirror the contract dates of the maintenance contract, to ensure that any future change of arrangements is not limited by access to appropriate real estate.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>The Retail Leases Act 2003 will be applied to the proposed lease and may incur costs for building maintenance that licensees may otherwise not</td>
</tr>
</tbody>
</table>

**Option 2 Not proceed with a new lease or statutory process**

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Officers advise Citywide that Council does not wish to proceed with the new lease.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Council will potentially have a vacant site which it could offer to the market again, and Council could increase its storage capacity.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>This option would have negative service impact for Council’s most significant infrastructure contractor which would result in Citywide having to find alternative operations premises.</td>
</tr>
</tbody>
</table>
Item 10.15 – Reports by the Organisation
Executive summary

Purpose and background

This report seeks approval to commence the statutory procedures under section 206 and Clause 3, Schedule 10 of the Local Government Act 1989 (Act) to discontinue the right of way adjoining 4/56, 60-62, 5/64, 6/64, 66, 68, 70, 72, 74 Edward Street, Sandringham 5/175, 173 Bluff Road and 53, 55, 57, 59, 61, 63, 65, 2/67 Red Bluff Street, Black Rock, and to sell a portion of the right of way at the rear of 4/64 Edward Street, Sandringham, 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock to the corresponding owners of 4/64 Edward Street, Sandringham, 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock as shown in red in Attachment 1. The proposal forms stage two of a previous sale and discontinuance of the same right of way (road).

Investigations identified that whilst the subject right of way is physically ‘open’, it remains unsealed. The adjoining properties do not use the subject right of way for vehicle or pedestrian access.

A letter was sent to all owners adjoining the subject right of way, identifying it as ‘unused’. The letter invited interest from the adjoining owners with regard the possible discontinuance and purchase of the land.

The subject right of way is not currently listed on Council’s Register of Public Roads. It is known as part of a Right of Way on Land Plan 5407 (Attachment 2).

Key issues

Access

The subject right of way was previously used to access the rear of 4/56, 60-62, 5/64, 6/64, 66, 68, 70, 72, 74 Edward Street, Sandringham 5/175, 173 Bluff Road and 53, 55, 57, 59, 61, 63, 65, 2/67 Red Bluff Street, Black Rock, notwithstanding the majority of the sections of the right of way at the eastern end of the subject right of way have been enclosed for an unknown period of time. Attachment 1 identifies the sections of the road that have been enclosed which are proposed to be discontinued.

It should be noted that the portion of the right of way adjoining the rear of 173 Bluff Road, Black Rock has previously been sold and discontinued in 2019 as a result of an attempted adverse possession claim.

Easements

The subject right of way contains an underground South East Water Sewerage easement and Bayside City Council 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 regarding the proposed sale and discontinuance of the subject right of way was sent to the adjoining land owners. Council has not received any negative feedback relating to the proposed discontinuance or sale. The majority of the owners who have enclosed portions of the subject right of way have not provided any response to Council with regard to the proposal.

As the subject right of way is no longer considered reasonably required for public use, Officers consider it appropriate to proceed with the statutory procedures to discontinue the subject right of way and sell the subject a portion of the right of way adjoining 4/64 Edward Street, Sandringham, 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock to the respectively to the owners of 4/64 Edward Street, Sandringham, 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock.

The owner of 4/64 Edward Street, Sandringham has accepted Council’s offer to sell the portion of the right of way adjoining the rear of their property for $60,000 plus GST.

The owner of 66 Edward Street, Sandringham has accepted Council’s offer to sell the portion of the right of way adjoining the rear of their property for $33,000 plus GST.

Officers proposed to sell the portion of the right of way adjoining 59 Red Bluff Street, Black Rock to the owner of 59 Red Bluff Street, Black Rock in accordance with the market value determined by Council’s independent valuer, for an amount of $20,000 plus GST. Officers have since negotiated with the owners of 59 Red Bluff Street, Black Rock to sell the subject portion of the right of way adjoining their property for $20,000 (including GST).

Recommendation
That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, to discontinue the right of way adjoining 4/56, 60-62, 5/64, 4/64, 66, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 53, 55, 57, 59, 61, 63, 65, 2/67 Red Bluff Street, Black Rock.

2. To take title in Council’s name the subject right of way adjoining 4/56, 60-62, 5/64, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 53, 55, 57, 61, 63, 65, 2/67 Red Bluff Street, Black Rock.

3. Sell a portion of the right of way as identified in Attachment 1 adjoining the rear of 4/64 Edward Street, Sandringham; 66 Edward Street, Sandringham and 59 Red Bluff Street, Back Rock identified on Land Plan 5407 to the corresponding owners of 4/64 Edward Street, Sandringham; 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock, for amounts of $60,000 (plus GST), $33,000 (plus GST) and $20,000 (including GST) respectively.

4. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the sale and discontinuance proposals.

5. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989

6. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 7:45pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

7. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.
Support Attachments

1. Attachment 1 - Proposed Portion of Right of Way to be Discontinued and Sold
2. Attachment 2 - Land Plan
Considerations and implications of recommendation

Liveable community

Social
The sale of discontinued right of ways will remove the need for Council to regularly maintain rights of way 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 right of way was disposed.

Natural Environment
There are no impacts associated with this report.

Built Environment
The Proposal will provide property owners with an opportunity to gain title to the right of way which is no longer required 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 subject right of way. The proposed commencement of the statutory procedures under section 189 and 223 of the Act require Council to give public notice of its intention to discontinue and sell the subject right of way and invite submissions from affected parties.

The following table summarises the statutory consultation process to finalise the discontinuance and sale of the subject land:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Friday 21 February 2020</td>
</tr>
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<tr>
<td>Council Consideration of Submissions</td>
<td>At a future Council Meeting to be determined (all submitters will be advised of the date)</td>
</tr>
</tbody>
</table>

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

Legal
The approach to purchase the subject right of way under Council policy removes the risk of potential encroachment over the land in future and therefore eliminates the possibility of adverse possession. In addition, the sale provides a financial return to Council by undertaking a discontinuance and sale process.
Council is required to give public notice of its intention to discontinue and sell the subject right of way in accordance with Section 189 and 223 of the Local Government Act 1989, inviting submissions from affected parties. Notification will be given on Council’s website. In addition, all adjoining property owners will be advised of the Proposal in writing and informed of their right to make a submission.

Submitters may request to be heard by a Special Committee of Council prior to a decision being made regarding the Proposal. In the event that any submitters request to be heard in support of their written submission, a Special Committee of Council will hear and consider the submission/s received.

If any written submissions are received, a further report will be presented to Council to enable the consideration of such submissions prior to making a decision on the Proposal.

Finance
Council’s independent valuer, Matheson Stephen Valuations, has valued each portion of the subject right of way to be sold as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4/64 Edward Street, Sandringham</td>
<td>46.45m²</td>
<td>$56,000</td>
<td>Exclusive</td>
</tr>
<tr>
<td>2</td>
<td>66 Edward Street, Sandringham</td>
<td>36.6m²</td>
<td>$33,000</td>
<td>Exclusive</td>
</tr>
<tr>
<td>3</td>
<td>59 Red Bluff Street, Black Rock</td>
<td>18.1m²</td>
<td>$20,000</td>
<td>Exclusive</td>
</tr>
</tbody>
</table>

We note that further portions of the subject right of way were valued in addition to those above, for the consideration of the adjoining owners, including the parcel at 53 Red Bluff Street, Black Rock, opposite 4/64 Edward Street, Sandringham.

Given that owner 53 Red Bluff Street supported the discontinuance but did not wish to purchase the portion of the right of way adjoining the rear of their property, 10m² of this portion of right of way was offered to 4/64 Edward Street, to purchase in order to create an even boundary, which Officers have subsequently negotiated upon, as reflected in the below table.

In accordance with Council Policy the subject right of way has been allocated to the respective adjoining property owners, as reflected in red in Attachment 1. The purchase price for each parcel is shown in the below table:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST Amount</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4/64 Edward Street, Sandringham</td>
<td>56m²</td>
<td>$56,000*</td>
<td>$6,000</td>
<td>$66,000</td>
</tr>
<tr>
<td>2</td>
<td>66 Edward Street, Sandringham</td>
<td>36.6m²</td>
<td>$33,000</td>
<td>$3,300</td>
<td>$36,300</td>
</tr>
<tr>
<td>3</td>
<td>59 Red Bluff Street, Black Rock</td>
<td>18.1m²</td>
<td>$20,000</td>
<td>$1,818</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

*Marked value here is based off a land area of 46.45m².

We note that the sale relative to 59 Red Bluff Street, Black Rock includes GST.

Links to Council policy and strategy
Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.
Council's Property Strategy Principle One

Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
PROPOSED SALE AND DISCONTINUANCE OF THE RIGHT OF WAY ADJOINING 4/56, 60-62, 5/64, 4/64, 66, 68, 70, 72, 74 EDWARD STREET, 5/175, 173 BLUFF ROAD AND 53, 55, 57, 59, 61, 63, 65, 2/67 RED BLUFF ROAD, BLACK ROCK
LAND PLAN 5407
Executive summary

Purpose and background
To provide Council with the Quarterly Performance Report for the period October to December 2019.

As part of the Internal Audit Review undertaken earlier this year, it was identified that the quarterly report could be enhanced to provide further information in relation to Capital Works and the Financial Report.

A review has been undertaken and the Quarterly Report presented now includes the following key information:

- Performance at a glance
- Financial Overview
- Financial summary
- Capital Works Program progress
- Council Plan progress by goals including service data
- Reports against other key plans.

Key issues
Highlights for Quarter

- Implementation of the Food Organics and Green Organics Collection Service
- Planning Permit obtained for the Sandringham Library Redevelopment
- Construction commenced at Donald McDonald Reserve
- Pavilions completed at Elsternwick Park Oval 2, William Street Reserve and Chisholm Reserve
- Engaged with 45 playground testers to provide feedback on playground upgrade.

Financial Summary
2019/20 Year End Forecast Operating Result

The current forecast for the year is a surplus of $22.94M which is $0.66M favourable to Budget.

The year-end forecast for revenue is $141.04M which is $3.01M favourable to budget.

The year-end forecast for expenditure is $118.10M which is ($2.35M) unfavourable to budget.
Capital Result

Capital expenditure is forecast to be underspent by $13.98M for the year, with an expected carry forward to 2020/21 of $19.0M, resulting in an unfavourable variance of ($4.9M) for the capital program.

The unfavourable variance is mainly driven by an increase in the confirmed carry forward of project budgets $2.815M from 2018/19 as well as $2.30M of works brought forward from 2020/21. The increase of $2.815M of carry forward budgets is funded from the carry forward reserve while the budgets for projects brought forward into 19/20 from 20/21 will be reduced accordingly when setting the 20/21 budget.

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 indicators.

Conclusion

The intent of the enhanced Quarterly Report is to provide a current snapshot of the organisation’s performance, but more importantly tell the performance story to both the community and staff.

It is intended that the Quarterly Report will be placed on Council’s website following Council’s consideration of the report, and the report will be shared with all staff to highlight the performance, successes and challenges.

The quarterly report will continually be enhanced at each quarter milestone.

Recommendation

That Council notes the 2nd Quarter (October – December) Performance Report.

Support Attachments

1. Quarterly Report Q2 2019 ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
The quarterly report will be communicated to the community via Council’s website.

Human Rights
There are no Human Rights impacts associated with this report.

Legal
There are no legal implications associated with this report.

Finance
A detailed financial summary including capital works summary is included in the attachment.

Links to Council policy and strategy
The Quarterly Report aligns with Goal 8 of the Council Plan - Governance – ensuring Bayside is open and transparent. The report also aligns with the Organisation Strategy in particular Goal 4 – We Deliver.
2019/2020
2nd Quarter
(Sep – Dec 2019) Performance Report
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Section 1 – Executive Overview

Introduction

The Quarterly Performance Report for the second quarter ending December 31, 2019, provides a detailed report of performance against the major initiatives and initiatives identified in the Adopted Budget 2019/20. This report also provides a high-level summary of Council’s services, including highlights and challenges for the quarter. These major initiatives, initiatives, services contribute to the achievement of the Council Plan 2017-21.

The first section provides a summary of performance against the Council Plan (activities from the Annual Budget), LGPRF Data and the Organisational Strategy. The third and fourth sections provide a report on performance against the Annual Budget and Community Engagement. The fifth section provides a report on Capital Works Projects undertaken during the quarter.

Key areas of focus have been:

- Implementation of an Organisational Strategy
- Development of projects plans for the delivery of the 2019-20 organisational projects and Capital Works projects
- Implementation and reporting of the Enterprise Project Management Software
- Delivery of capital works projects

Highlights

- Implementation of the Food Organics and Green Organics Collection service
- Planning Permit obtained for the Sandringham Library Redevelopment
- Construction commenced at Donald McDonald Reserve
- Pavilions completed at
  - Elsternwick Park Oval 2
  - William Street Reserve
  - Chisolm Reserve
- Engaged with 450 playground testers to provide advice and feedback on playground upgrade

Challenges

- Supreme Court Challenge submitted for Dendy Street Masterplan
- Development of an Advocacy Strategy is slightly off track
What’s going on in Bayside?

**Northern Ward**
- Elsternwick Park Oval 2 pavilion opening
- New bathing box sale Dendy Street Beach
- Brighton Men’s Shed opens
- $500k State government grant for Hurlingham Park Kindergarten
- Railway Walk mural completed

**Central Ward**
- Bayside Netball Centre planning permit application lodged
- Thomas Street Playground upgrade designs finalised
- Sandringham Village streetscape consultation conducted

**Southern Ward**
- Black Rock streetscape consultation completed
- Presidents Cup managed effectively
- 9 Mid Century Modern private properties put forward for heritage protection following voluntary nominations
- Pet Expo held

**Bayside Wide Achievements**
- Climate Emergency declared
- Christmas Carols in the Park held at Dendy Park
- Christmas decorations program
- New maintenance contract commences with Citywide
- Bayside 2050 Community Vision broad consultation completed
- Consultation for 8 playground upgrades
- Updated Bayside Housing Strategy adopted
- Bayside Instagram account launched
- Bayside Business Excellence Awards and Bayside Built Environment Awards held
Section 2 - Performance at a glance

Council Plan Progress

Between September 2019 and December 2019, 68 Council Plan activities were reported on for the quarter. 58 activities are in progress; 1 have not started; 6 have completed and 3 deferred.

For the first quarter out of 68 actions in the Council Plan 2017-2021 58 are on target; 2 are requiring monitoring and 8 are off track from target.

![Performance of Council Plan](Image)

**Figure 1: Performance against Council Plan**

**Number of Activities within the Council Plan**

<table>
<thead>
<tr>
<th>Goal</th>
<th>Description</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Infrastructure</td>
<td>(13 activities)</td>
</tr>
<tr>
<td>2</td>
<td>Transport</td>
<td>(6 activities)</td>
</tr>
<tr>
<td>3</td>
<td>Housing and Neighbourhood</td>
<td>(6 activities)</td>
</tr>
<tr>
<td>4</td>
<td>Open Space</td>
<td>(8 activities)</td>
</tr>
<tr>
<td>5</td>
<td>Environment</td>
<td>(8 activities)</td>
</tr>
<tr>
<td>6</td>
<td>Local Economy and Activity Centres</td>
<td>(7 activities)</td>
</tr>
<tr>
<td>7</td>
<td>Community Health and Participation</td>
<td>(9 activities)</td>
</tr>
<tr>
<td>8</td>
<td>Governance</td>
<td>(10 activities)</td>
</tr>
</tbody>
</table>
Section 3 - Financial Overview

December 2019 Quarter

Operating Services Budget Summary

<table>
<thead>
<tr>
<th>Operating Services Budget</th>
<th>Year-End Forecast 2019/20</th>
<th>Year-end Forecast Variance to Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000s</td>
<td>$'000s %</td>
</tr>
<tr>
<td>Total Income</td>
<td>141,049</td>
<td>3,013 2.2% Favourable</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>118,108</td>
<td>(2,353) -2.0% Unfavourable</td>
</tr>
<tr>
<td>Operating Result - Surplus</td>
<td>22,942</td>
<td>660 3.0% Favourable</td>
</tr>
</tbody>
</table>

Revenue Year-end Forecast to Budget Variance

<table>
<thead>
<tr>
<th>Statutory Fees and Fines</th>
<th>$'000s 22%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monetary Contributions Cap</td>
<td>$'000s 24%</td>
</tr>
<tr>
<td>Interest Income</td>
<td>$'000s 11%</td>
</tr>
</tbody>
</table>

Expenses Year-end Forecast to Budget Variance

<table>
<thead>
<tr>
<th>Materials and Services</th>
<th>$'000s -4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad and Doubtful Debts</td>
<td>$'000s -271%</td>
</tr>
<tr>
<td>Depreciation &amp; Amortisation</td>
<td>$'000s -2%</td>
</tr>
</tbody>
</table>

Capital Works Summary

- 146 Total Projects
- 9 Projects Completed
- 15 Projects In Progress
- 9 Projects Possible Carry forward to 2021
- 1 Project Under Review
- 11 Projects Not Started
Quarterly Financial Performance Summary

The following quarterly financial report provides a summary and analysis of Council's financial performance for the six months to 31 December 2019.

The report is designed to ensure consistency with the 2019/20 Adopted Budget, compliance with statutory requirements and to measure Council’s overall financial performance.

A summary of the key financial data is as follows:

**Operating Result – Summary**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Result - Surplus</td>
<td>11,598</td>
<td>11,063</td>
<td>(536)</td>
<td>22,283</td>
<td>22,942</td>
<td>600</td>
</tr>
<tr>
<td>Cash and Investments</td>
<td>96,797</td>
<td>102,619</td>
<td>5,822</td>
<td>75,050</td>
<td>103,069</td>
<td>28,013</td>
</tr>
<tr>
<td>Capital Works Expenditure</td>
<td>14,930</td>
<td>13,544</td>
<td>1,386</td>
<td>62,184</td>
<td>48,203</td>
<td>13,981</td>
</tr>
</tbody>
</table>

The current forecast for the year is a surplus of $22.94M which is $0.66M favourable to Budget.
Operating Result - Revenue Forecast Analysis

The year-end forecast for revenue is $141.04M which is $3.01M favourable to budget.

Statutory Fees and Fines are favourable to budget by $1.58M mainly due to a $1.60M increase in parking infringements issued.

User Fees are favourable to budget by $0.29M as a result of increased paid parking and a higher number of skip bin applications received.

Capital Contributions are favourable to budget by $0.48M mainly due to:

- $414k additional income from developers relating to drainage contributions.
- $60k additional contributions relating to the Chisholm Reserve Pavilion
- $12k reimbursement from developer for footpath construction.

Interest Income is favourable to budget by $0.26M due to:

- $200k expected increased cash reserves as a result of delayed capital expenditure to 20/21 FY
- $65k interest revenue on delayed settlement of Council property for the period YTD.

Other Income is favourable to budget by $0.85M due to:

- Additional income as a result of sale of discontinued laneways.
Operating Result – Expenditure Forecast Analysis

The year-end forecast for expenditure is $118.10M which is ($2.35M) unfavourable to budget.

<table>
<thead>
<tr>
<th>Line Items</th>
<th>2019/20 YTD Budget $'000s</th>
<th>2019/20 YTD Actuals $'000s</th>
<th>2019/20 YTD Variance $'000s</th>
<th>2019/20 Budget $'000s</th>
<th>2019/20 Forecasts $'000s</th>
<th>Forecasts Variance $'000s</th>
<th>Budget Variance %</th>
<th>Budget to Forecast Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>23,396</td>
<td>22,630</td>
<td>766</td>
<td>46,911</td>
<td>46,475</td>
<td>436</td>
<td>2%</td>
<td>-1%</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>25,698</td>
<td>25,810</td>
<td>(112)</td>
<td>49,207</td>
<td>50,961</td>
<td>(1,754)</td>
<td>0%</td>
<td>-4%</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>103</td>
<td>459</td>
<td>(357)</td>
<td>226</td>
<td>839</td>
<td>(613)</td>
<td>-546%</td>
<td>-271%</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>9,491</td>
<td>9,581</td>
<td>(89)</td>
<td>18,560</td>
<td>19,987</td>
<td>(417)</td>
<td>-1%</td>
<td>-2%</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>193</td>
<td>198</td>
<td>5</td>
<td>441</td>
<td>441</td>
<td>0</td>
<td>3%</td>
<td>0%</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(0)</td>
<td>-</td>
<td>(0)</td>
<td>5</td>
<td>(5)</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>58,881</strong></td>
<td><strong>58,989</strong></td>
<td><strong>(78)</strong></td>
<td><strong>115,755</strong></td>
<td><strong>118,108</strong></td>
<td><strong>(2,353)</strong></td>
<td><strong>-0.1%</strong></td>
<td><strong>-2.0%</strong></td>
</tr>
</tbody>
</table>

Employee Costs are favourable to budget by $416k mainly due to a number of vacant roles which are partly backfilled by agency and casual staff across multiple Departments.

Materials and Services are unfavourable to budget by ($1.75M):

- One-off $317k legal fees for Dendy Beach Masterplan implementation – VCAT attendance.
- One-off $380k increased Legal and Consulting fees associated with the new Open Space and Maintenance Contract.
- One-off increase of $100k for legal fees associated with two large Supreme Court matters.
- $210k increase for parking lodgement and registration costs.
- $124k increase in legal fees and consultancies, mostly related to Commercial property matters.
- $50k additional events to be organised by Economic Development as per Council Resolution in August 2019.

Bad and Doubtful Debts are unfavourable to budget by ($0.61M) reflecting the increase in Infringement revenue and recovery.

Depreciation and Amortisation are unfavourable to budget by ($0.39M) reflecting a review of fixed assets consumption for the current financial year.
Cash and Investments

The cash position of $102.6M has decreased by $7.0M from the 2018/19 ending balance of $109.6M.

The YTD favourable variance to budget as at December 2019 is $5.8M:

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30/06/2019</th>
<th>Actual $'000</th>
<th>YTD to 31-Dec-19</th>
<th>Variance $'000</th>
<th>2018-19</th>
<th>Budget $'000</th>
<th>Forecast $'000</th>
<th>Variance $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>39,124</td>
<td>37,216</td>
<td>41,252 (4,036)</td>
<td>30,770</td>
<td>28,688</td>
<td>(2,088)</td>
<td>70,507</td>
<td>55,545</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>70,507</td>
<td>65,402</td>
<td>55,545 (8,858)</td>
<td>44,280</td>
<td>32,101</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>109,631</td>
<td>102,619</td>
<td>96,797 (5,822)</td>
<td>70,450</td>
<td>103,089</td>
<td>28,033</td>
<td>109,631</td>
<td>102,619</td>
</tr>
</tbody>
</table>

Cash & cash equivalents (including investments) consists of:
- Retail banks: 104,027
- Community banks: 88,924
- Cash on hand and at bank: 9,000
- Total cash and cash equivalents: 109,631

Statutory Reserves:
- Recreational Land Reserve: 21,479
- Drainage Contribution Reserve: 584
- Car Parking Reserve: 411
- Total Statutory Reserves: 22,484

Funds Subject to Intended Allocation:
- Infrastructure Reserve: 16,615
- Dendy Street Beach Improvement Reserve: 2,183
- Community Facilities Enhancement Reserve: 590
- Early Childhood Facilities Reserve: 5,617
- Defined Superannuation Shortfall: 3,000
- Unspent Conditional Grants Reserve: 2,309
- Capital Works Carried Forward Reserve: 12,708
- Forward Reserve: 229
- Total Funds Subject to Intended Allocation: 43,867

Total Other Reserves:
- 66,161

Committed Funds:
- Trust Funds and Deposits: 4,426
- Total Restricted, Committed and Allocated funds: 79,507

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Item 10.17 – Reports by the Organisation

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Bayside City Council

Ordinary Council Meeting - 18 February 2020

Attachment 1

Cash Balances by month

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>588.55%</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>24.76%</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>235.63%</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>0.86%</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>14.75%</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>159.80%</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>2019/20 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>$2,248</td>
<td>✗</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,592</td>
<td>✔</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>263.8%</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>13.4%</td>
<td>✔</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>71.5%</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 2019/20 forecast for average residential rate includes the additional waste levy required to fund increases in recycling costs

**Property values in Bayside have increased significantly in the last two years and are proportionately higher in Bayside compared to other Councils
### Section 4 – Financial Summary

#### Income statement

<table>
<thead>
<tr>
<th>Line Items</th>
<th>2019/20 YTD Budget $000s</th>
<th>2019/20 YTD Actuals $000s</th>
<th>Variance $000s</th>
<th>2019/20 Budget $000s</th>
<th>Year-End Forecast $000s</th>
<th>Variance $000s</th>
<th>Budget Variance %</th>
<th>Budget Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>48,911</td>
<td>48,828</td>
<td>(83)</td>
<td>57,852</td>
<td>57,946</td>
<td>85</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>3,576</td>
<td>4,102</td>
<td>527</td>
<td>7,138</td>
<td>8,722</td>
<td>1,585</td>
<td>15%</td>
<td>22%</td>
</tr>
<tr>
<td>User Fees</td>
<td>4,671</td>
<td>4,368</td>
<td>297</td>
<td>8,123</td>
<td>8,416</td>
<td>293</td>
<td>7%</td>
<td>4%</td>
</tr>
<tr>
<td>Rental Income</td>
<td>2,857</td>
<td>2,922</td>
<td>64</td>
<td>4,170</td>
<td>4,177</td>
<td>7</td>
<td>1%</td>
<td>0%</td>
</tr>
<tr>
<td>Grants – Operating</td>
<td>5,670</td>
<td>5,199</td>
<td>129</td>
<td>10,554</td>
<td>10,737</td>
<td>173</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Grants – Capital</td>
<td>1,450</td>
<td>58</td>
<td>(992)</td>
<td>2,147</td>
<td>2,181</td>
<td>34</td>
<td>-14%</td>
<td>2%</td>
</tr>
<tr>
<td>Contributions – Cash - Operating</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-113</td>
<td>113</td>
<td>-</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Contributions – Cash - Capital</td>
<td>1,600</td>
<td>1,681</td>
<td>81</td>
<td>2,000</td>
<td>2,486</td>
<td>486</td>
<td>68%</td>
<td>24%</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,215</td>
<td>1,300</td>
<td>166</td>
<td>2,430</td>
<td>2,655</td>
<td>225</td>
<td>14%</td>
<td>11%</td>
</tr>
<tr>
<td>Other Income</td>
<td>1,134</td>
<td>1,041</td>
<td>(94)</td>
<td>1,535</td>
<td>2,620</td>
<td>65</td>
<td>-8%</td>
<td>4%</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>1,556</td>
<td>441</td>
<td>(1,115)</td>
<td>1,556</td>
<td>1,566</td>
<td>-72</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>70,480</td>
<td>70,921</td>
<td>(458)</td>
<td>138,038</td>
<td>141,645</td>
<td>3,613</td>
<td>-2.6%</td>
<td>2.2%</td>
</tr>
</tbody>
</table>

#### Expenditure

<table>
<thead>
<tr>
<th>Line Items</th>
<th>2019/20 YTD Budget $000s</th>
<th>2019/20 YTD Actuals $000s</th>
<th>Variance $000s</th>
<th>2019/20 Budget $000s</th>
<th>Year-End Forecast $000s</th>
<th>Variance $000s</th>
<th>Budget Variance %</th>
<th>Budget Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>23,396</td>
<td>22,929</td>
<td>475</td>
<td>46,891</td>
<td>46,476</td>
<td>416</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>25,698</td>
<td>25,810</td>
<td>(122)</td>
<td>49,207</td>
<td>50,601</td>
<td>1,404</td>
<td>0%</td>
<td>-6%</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>103</td>
<td>455</td>
<td>(352)</td>
<td>226</td>
<td>839</td>
<td>(613)</td>
<td>-345%</td>
<td>-27%</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>9,491</td>
<td>9,581</td>
<td>(99)</td>
<td>19,990</td>
<td>19,397</td>
<td>(593)</td>
<td>-1%</td>
<td>-2%</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>153</td>
<td>188</td>
<td>5</td>
<td>444</td>
<td>444</td>
<td>-</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(0)</td>
<td>(0)</td>
<td>-</td>
<td>-</td>
<td>(5)</td>
<td>100%</td>
<td>-0%</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td>58,881</td>
<td>58,959</td>
<td>(78)</td>
<td>115,755</td>
<td>118,108</td>
<td>(2,353)</td>
<td>-1%</td>
<td>-2%</td>
</tr>
</tbody>
</table>

**Operating Result - Surplus**   11,598  11,063  (536)  22,283  22,542  660  -4.6%  3.0%
## Capital Projects

### CAPITAL

<table>
<thead>
<tr>
<th></th>
<th>2019/20 YTD Budget $'000s</th>
<th>2019/20 YTD Actual $'000s</th>
<th>Variance $'000s</th>
<th>2018/19 YTD Budget $'000s</th>
<th>2018/19 YTD Actual $'000s</th>
<th>Variance $'000s</th>
<th>Year-End Forecast 2019/20 $'000s</th>
<th>Forecast Variance $'000s</th>
<th>Carry Forward Balance 2020/21 $'000s</th>
<th>Variance carry forward $'000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>-</td>
<td>-</td>
<td></td>
<td>9,000</td>
<td>-</td>
<td></td>
<td>9,050</td>
<td>(50)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>7,038</td>
<td>5,846</td>
<td>1,191</td>
<td>18,851</td>
<td>17,411</td>
<td>1,440</td>
<td>1,440</td>
<td>3,241</td>
<td>1,761</td>
<td></td>
</tr>
<tr>
<td>Building improvements</td>
<td>633</td>
<td>557</td>
<td>76</td>
<td>2,267</td>
<td>2,282</td>
<td>(25)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant &amp; Equipment Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant, machinery and equipment</td>
<td>27</td>
<td>27</td>
<td>(0)</td>
<td>29</td>
<td>29</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fittings, Fittings and Furniture</td>
<td>142</td>
<td>37</td>
<td>165</td>
<td>299</td>
<td>360</td>
<td>(151)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arts and Culture</td>
<td>149</td>
<td>57</td>
<td>92</td>
<td>214</td>
<td>153</td>
<td>61</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IT Systems, Network, Servers, and Consl</td>
<td>538</td>
<td>288</td>
<td>249</td>
<td>1,228</td>
<td>1,430</td>
<td>(202)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Assets</td>
<td>226</td>
<td>191</td>
<td>29</td>
<td>440</td>
<td>440</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreshore and Conservation</td>
<td>365</td>
<td>289</td>
<td>76</td>
<td>2,841</td>
<td>2,105</td>
<td>736</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks, Open Space and Streetscape</td>
<td>2,576</td>
<td>2,653</td>
<td>(76)</td>
<td>15,168</td>
<td>6,404</td>
<td>6,764</td>
<td>6,010</td>
<td>164</td>
<td></td>
<td></td>
</tr>
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<td>Off-Street Car Parks</td>
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<td>42</td>
<td>225</td>
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<td>909</td>
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<td>Drainage Infrastructure</td>
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<td>2,237</td>
<td>3,110</td>
<td>(872)</td>
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<td>Road Infrastructure</td>
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<td>11,439</td>
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<td>48,203</td>
<td>13,591</td>
<td>10,891</td>
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</tr>
<tr>
<td>Revenue</td>
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<td>Grants - Capital</td>
<td>(1,056)</td>
<td>(56)</td>
<td>(992)</td>
<td>(2,147)</td>
<td>(2,181)</td>
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<td>Contributions - Cash - Capital</td>
<td>(1,006)</td>
<td>(1,081)</td>
<td>681</td>
<td>(2,006)</td>
<td>(2,486)</td>
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<tr>
<td>Total Revenue</td>
<td>(2,062)</td>
<td>(1,739)</td>
<td>(1,713)</td>
<td>(4,147)</td>
<td>(4,677)</td>
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<td>Total</td>
<td>12,880</td>
<td>11,805</td>
<td>1,875</td>
<td>58,037</td>
<td>43,535</td>
<td>14,592</td>
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<td>(4,189)</td>
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*Item 10.17 – Reports by the Organisation Page 432 of 497*
## Balance sheet

<table>
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<tr>
<th>Line item</th>
<th>30-Jun-19 Actual</th>
<th>YTD to 31-Dec-19 Actual</th>
<th>Variance %</th>
<th>Budget $'000s</th>
<th>Variance %</th>
<th>2019/20 Budget $'000s</th>
<th>Variance %</th>
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<td><strong>Current assets</strong></td>
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<td></td>
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<tr>
<td>Cash and cash equivalents</td>
<td>5,664</td>
<td>5,959</td>
<td>2,371</td>
<td>2,324</td>
<td>3,530</td>
<td>2,042</td>
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<td>Trade and other receivables</td>
<td>7,301</td>
<td>12,958</td>
<td>9,622</td>
<td>3,336</td>
<td>8,604</td>
<td>7,734</td>
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<td>Other financial assets</td>
<td>95,007</td>
<td>89,024</td>
<td>90,526</td>
<td>(1,502)</td>
<td>68,526</td>
<td>93,227</td>
<td>24,501</td>
</tr>
<tr>
<td>Inventories</td>
<td>102</td>
<td>102</td>
<td>151</td>
<td>(49)</td>
<td>156</td>
<td>105</td>
<td>(50)</td>
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<tr>
<td>Non current assets classified as held for sale</td>
<td>5,663</td>
<td>5,663</td>
<td>2,500</td>
<td>3,183</td>
<td>2,500</td>
<td>2,620</td>
<td>120</td>
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<td>Other assets</td>
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<td>666</td>
<td>914</td>
<td>(244)</td>
<td>1,698</td>
<td>1,752</td>
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<td><strong>Total current assets</strong></td>
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<td>114,028</td>
<td>106,584</td>
<td>7,044</td>
<td>85,013</td>
<td>107,280</td>
<td>22,267</td>
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<td><strong>Non-current assets</strong></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>178</td>
<td>178</td>
<td>177</td>
<td>177</td>
<td>122</td>
<td>177</td>
<td>(48)</td>
</tr>
<tr>
<td>Property, Infrastructure, plant and equipment</td>
<td>3,335,355</td>
<td>3,339,317</td>
<td>3,528,539</td>
<td>(189,222)</td>
<td>3,560,291</td>
<td>3,362,048</td>
<td>(303,243)</td>
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<td>Assets Held for Sale</td>
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<td>Financial assets</td>
<td>8,230</td>
<td>8,230</td>
<td>3,220</td>
<td>5,000</td>
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<td>8,230</td>
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<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
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<tr>
<td><strong>Total non-current assets</strong></td>
<td>3,343,893</td>
<td>3,347,795</td>
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<td>(184,306)</td>
<td>3,568,753</td>
<td>3,370,462</td>
<td>(198,291)</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
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<td>3,461,823</td>
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<td>(177,162)</td>
<td>3,553,766</td>
<td>3,477,742</td>
<td>(176,024)</td>
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<tr>
<td><strong>Current liabilities</strong></td>
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</tr>
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<td>Trade and other payables</td>
<td>15,015</td>
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<td>4,029</td>
<td>(426)</td>
<td>9,950</td>
<td>9,774</td>
<td>176</td>
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<tr>
<td>Trust funds and deposits</td>
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<td>4,323</td>
<td>4,657</td>
<td>(284)</td>
<td>4,668</td>
<td>4,546</td>
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<td>Provisions</td>
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<td>9,583</td>
<td>9,656</td>
<td>(92)</td>
<td>9,076</td>
<td>9,383</td>
<td>(307)</td>
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<td>Interest bearing loans and borrowings</td>
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</tr>
<tr>
<td>Income in Advance</td>
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<td>2,247</td>
<td>-</td>
<td>2,237</td>
<td>-</td>
<td>627</td>
<td>(627)</td>
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<tr>
<td><strong>Total current liabilities</strong></td>
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<td>20,566</td>
<td>19,081</td>
<td>1,485</td>
<td>23,694</td>
<td>24,330</td>
<td>(636)</td>
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<tr>
<td><strong>Non-current liabilities</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provisions</td>
<td>965</td>
<td>1,103</td>
<td>1,138</td>
<td>(35)</td>
<td>1,259</td>
<td>1,202</td>
<td>57</td>
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<tr>
<td>Interest bearing loans and borrowings</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>965</td>
<td>1,103</td>
<td>1,128</td>
<td>(25)</td>
<td>1,259</td>
<td>1,202</td>
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<td><strong>Total liabilities</strong></td>
<td>31,852</td>
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<td>20,219</td>
<td>1,450</td>
<td>24,953</td>
<td>25,532</td>
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<td><strong>Net assets</strong></td>
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<td>Equity</td>
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<td></td>
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</tr>
<tr>
<td>Accumulated surplus</td>
<td>3,429,852</td>
<td>3,440,164</td>
<td>3,618,766</td>
<td>(178,612)</td>
<td>3,528,813</td>
<td>3,452,210</td>
<td>(176,603)</td>
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<tr>
<td>Assed revaluation reserve</td>
<td>2,470,569</td>
<td>2,470,967</td>
<td>2,656,745</td>
<td>(185,775)</td>
<td>2,656,745</td>
<td>2,470,590</td>
<td>(186,155)</td>
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<td>61,669</td>
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<td>10,142</td>
<td>39,612</td>
<td>69,835</td>
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<td><strong>Total equity</strong></td>
<td>3,429,582</td>
<td>3,440,164</td>
<td>3,618,766</td>
<td>(178,612)</td>
<td>3,528,813</td>
<td>3,452,210</td>
<td>(176,603)</td>
</tr>
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</table>
## Cash flow statement

<table>
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<tr>
<th></th>
<th>30/06/2019 Actual $’000</th>
<th>YTD to 31-Dec-19 Budget $’000</th>
<th>Variance $’000</th>
<th>Budget $’000</th>
<th>YTD to 31-Dec-19 Variance $’000</th>
<th>Budget $’000</th>
<th>Variance $’000</th>
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<tbody>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Receipts</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Rates and charges</td>
<td>94,572</td>
<td>43,342</td>
<td>45,326</td>
<td>(1,984)</td>
<td>97,792</td>
<td>97,978</td>
<td>186</td>
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<td>Statutory fees and fines</td>
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<td>4,064</td>
<td>(656)</td>
<td>7,261</td>
<td>9,468</td>
<td>2,207</td>
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<td>Water charges</td>
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<td>3,509</td>
<td>4,117</td>
<td>(677)</td>
<td>8,472</td>
<td>6,109</td>
<td>363</td>
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<td>Rental income</td>
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<td>2,922</td>
<td>3,132</td>
<td>(210)</td>
<td>4,360</td>
<td>4,309</td>
<td>(281)</td>
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<td>Contributions - monetary</td>
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<td>1,681</td>
<td>1,014</td>
<td>671</td>
<td>2,154</td>
<td>2,579</td>
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<td>Grants - Operating</td>
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<td>4,715</td>
<td>5,878</td>
<td>(1,163)</td>
<td>10,672</td>
<td>10,725</td>
<td>53</td>
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<td>Grants - Capital</td>
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<td>1,156</td>
<td>(1,101)</td>
<td>2,337</td>
<td>2,351</td>
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<td>Interest</td>
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<td>524</td>
<td>2,444</td>
<td>3,685</td>
<td>1,141</td>
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<tr>
<td>Trust funds and deposits</td>
<td>(226)</td>
<td>355</td>
<td>62</td>
<td>363</td>
<td>323</td>
<td>130</td>
<td>(93)</td>
</tr>
<tr>
<td>Other receipts</td>
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<td>2,629</td>
<td>2,790</td>
<td>39</td>
<td>2,056</td>
<td>1,934</td>
<td>(124)</td>
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<tr>
<td>Net GST refund</td>
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<td>657</td>
<td>6,875</td>
<td>7,898</td>
<td>(977)</td>
</tr>
<tr>
<td><strong>Total cash flows from operating activities</strong></td>
<td>50,624</td>
<td>9,658</td>
<td>16,122</td>
<td>(6,424)</td>
<td>38,968</td>
<td>34,501</td>
<td>(4,467)</td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for property, infrastructure, plant &amp; equipment</td>
<td>(31,940)</td>
<td>(17,151)</td>
<td>(15,977)</td>
<td>(1,174)</td>
<td>(62,184)</td>
<td>(45,683)</td>
<td>16,501</td>
</tr>
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<td>Proceeds from sale property, infrastructure, plant &amp; equipment</td>
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<td>441</td>
<td>4,620</td>
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<td>Proceeds from term deposit investments</td>
<td>(14,501)</td>
<td>7,003</td>
<td>(1,009)</td>
<td>8,003</td>
<td>18,000</td>
<td>3,000</td>
<td>(15,000)</td>
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<tr>
<td><strong>Net cash used in investing activities</strong></td>
<td>(46,441)</td>
<td>(9,797)</td>
<td>(16,977)</td>
<td>7,270</td>
<td>(30,564)</td>
<td>(38,063)</td>
<td>1,501</td>
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<tr>
<td><strong>Cash flows from financing activities</strong></td>
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</tr>
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<td>Finance costs</td>
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</tr>
<tr>
<td>Proceeds from borrowings</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Repayment of borrowings</td>
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<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash used in financing activities</strong></td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Net increase/(decrease) in cash and cash equivalents</strong></td>
<td>3,883</td>
<td>(9)</td>
<td>(855)</td>
<td>846</td>
<td>(596)</td>
<td>(3,562)</td>
<td>(2,966)</td>
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<tr>
<td><strong>Cash and cash equivalents at the beginning of the period</strong></td>
<td>1,721</td>
<td>5,604</td>
<td>4,126</td>
<td>1,478</td>
<td>4,126</td>
<td>5,604</td>
<td>1,478</td>
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<tr>
<td><strong>Cash and cash equivalents at the end of the period</strong></td>
<td>5,604</td>
<td>5,595</td>
<td>3,271</td>
<td>2,324</td>
<td>3,271</td>
<td>5,595</td>
<td>2,324</td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents at the end of the period</strong></td>
<td>109,431</td>
<td>109,619</td>
<td>96,797</td>
<td>5,822</td>
<td>75,056</td>
<td>103,069</td>
<td>28,013</td>
</tr>
<tr>
<td>Unallocated and unrestricted</td>
<td>39,124</td>
<td>37,176</td>
<td>41,522</td>
<td>(4,306)</td>
<td>30,776</td>
<td>29,668</td>
<td>(1,108)</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>79,507</td>
<td>65,403</td>
<td>55,546</td>
<td>9,856</td>
<td>64,280</td>
<td>74,381</td>
<td>10,101</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents (including investments) consists of:</strong></td>
<td>109,431</td>
<td>109,619</td>
<td>96,797</td>
<td>5,822</td>
<td>75,056</td>
<td>103,069</td>
<td>28,013</td>
</tr>
<tr>
<td>Retail banks</td>
<td>104,027</td>
<td>88,204</td>
<td></td>
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</tr>
<tr>
<td>Community banks</td>
<td>-</td>
<td>9,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash on hand and at bank</td>
<td>5,604</td>
<td>5,604</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents</strong></td>
<td>109,431</td>
<td>109,619</td>
<td>96,797</td>
<td>5,822</td>
<td>75,056</td>
<td>103,069</td>
<td>28,013</td>
</tr>
</tbody>
</table>

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Item 10.17 – Reports by the Organisation
Section 5 – Capital Works Program Progress

Capital Works Financial Snapshot

Capital expenditure is forecast to be underspent by $13.98M for the year, with an expected carry forward to 2020/21 of $19.0M, resulting in an unfavourable variance of ($4.9M) for the capital program.

The unfavourable variance is mainly driven by

- an increase in the confirmed carry forward of project budgets from 2018/19 funded from an equivalent increase in carry forward reserves:
  - ($506k) Dendy Street Beach Masterplan implementation
  - ($1.29M) Sandringham Library Redevelopment, partially funded by income of $700k capital grant from DELWP
  - ($304k) A.W Oliver Reserve Pavilion Redevelopment project higher than anticipated.
  - ($219k) Drain The Esplanade and Grosvenor Street Brighton – project delayed in 2018/19.
- Projects brought forward from 2020/21
  - ($1.08M) additional Road Reserve renewal works as part of the Annual Road Reseal and Resheet Program
  - ($800k) additional Road Reserve renewal works as part of the Annual Kerb and Channel Replacement Program
  - ($450k) additional Footpath and Nepean Highway Clean-up works as part of the Annual Footpath Reconstruction Program.

Forecast carry forward of projects $18.89M to be progressed in 2020/21:

- $9.050M CSIRO Community Facilities Highett Library
- $2.000M Dendy Street Breach Masterplan Implementation
- $5.60M Netball Indoor Centre
- $1.235M Fern St Early Years Integration Children’s Centre
Capital Works – Financial Summary

Total Projects
Section 6 – Council Plan Progress

Goal 1 – Infrastructure

1.1.2.2 Commence the construction of 12 outdoor Netball courts in Sandringham (Subject to planning approval)

- **Progress Commentary** - Town Planning Permit application lodged in early December. Subject to Statutory Planning and likely VCAT processes. Commencement of construction deferred to 2021 financial year.

1.1.2.3 Seek funding commitment from State Government and other funding partners for the construction of 4 additional basketball courts at the Sandringham Family Leisure Centre

- **Progress Commentary** - Application was endorsed by Council at December 2019 meeting. Application to be submitted early 2020.

1.1.5.1 Explore options for the future redevelopment of the Sandringham Family Leisure Centre

- **Progress Commentary** - Consultant engaged to prepare report. Pool closure planned for December 2019 to conduct engineering report. Draft plan will be presented late March 2020.

1.1.4.1 Complete a business feasibility study and detailed site analysis for future hydrotherapy

- **Progress Commentary** - Consultant engaged and has commenced Feasibility Study. Will focus on six or seven sites - will also conduct a desktop suitability review of whole Bayside area. Final report due April 2020.
1.1.3.1 Develop detailed construction plans for the Fern Street Integrated Children’s Centre

Progress Commentary - Detailed building design completed. Planning Application to be lodged in Quarter 3.

1.1.4.2 Complete the design phase for the Sandringham Masonic Hall redevelopment (subject to Heritage and Planning)

Progress Commentary - Architect for project engaged and schematic design completed. Short term works completed. Sandringham Life Activities commenced delivering programs. Heritage Victoria consulted to seek advice permissible works.

1.1.3.2 Complete the refurbishment works at the Hurlingham Park Kindergarten

Progress Commentary - High level concept design discussed and agreed with site stakeholders. Successful State Government funding grant of $500,000 achieved to expand licensed places to accommodate three year old Kindergarten and improve site amenities. Specification for engagement of architect in final draft stage.

1.1.1.1 Complete the Sandringham Library Redevelopment

Progress Commentary - Building work has commenced and is occurring to plan. We are on track to open by mid year.

1.2.1.7 Construction of the three public toilets at the following locations –

- Thomas Street Reserve
- Table Rock (replacement)

Progress Commentary - Well Street Public Toilet has been designed and will meet the Changing Place standards. Thomas Street Reserve Public Toilet has been re-scheduled for delivery and will coincide with the construction of Thomas Reserve Playground. Table Rock Public Toilet is behind schedule due to scope issues as well as site and accessibility constraints.
1.3.2.1 Complete playground renewal as identified within the Playground Improvement Plan for 2019/20: • Redevelopment of Thomas Street Reserve Regional Accessible Playground

**Progress Commentary** - The Thomas Street Playground Community Reference Group has meet five times to discuss the proposed redevelopment. The draft Playground Plan was viewed more than 1300 times via Councils Have Your Say page. There were 59 contributions indicating positive support for the plan. Consultation on the draft Thomas Street Playground Plan has been completed. The final consultation report has been published to projects Have Your Say website.

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1.3.2.2 Complete consultation and design phase for 8 playgrounds as identified within the Playground Improvement Plan for 2019/20: • Thomas Street Reserve Regional Accessible playground • Banksia Reserve playground • Ashwood Reserve playground • Old Dairy Reserve playground • Royal Avenue Reserve playground • Tjijarrijnr Reserve playground • Landcox Park playground • Sandringham Gardens playground • Redevelopment of Thomas Street Reserve Regional Accessible Playground

**Progress Commentary** - 450 Playground testers engaged to carry out inspections and provide advice about 8 playgrounds. Consultation completed in November 2019.

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1.3.1.1 Complete the pavilion redevelopment at the following reserves: (CP) • Chisolm Reserve pavilion • William Street Reserve • Elsternwick Park Oval 2 • Destructor Reserve • AW Oliver Reserve

**Progress Commentary** –
Chisholm Reserve - Completed.
William St Reserve - Completed.
Elsternwick Park Oval 2 - Completed.

Destructor Reserve - behind schedule with construction due to commence late January 2020.

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1.3.1.2 Complete the design phase of the following pavilions: • Donald McDonald Reserve

**Progress Commentary** - Concept design signed off by tenant clubs. Cost management through design undertaken to meet project budget.
Service Data

Capital Project Status Update 2019/20 – Quarter 2

For 2019/20 there are 146 capital projects to be delivered, with nine completed at the end of the second quarter, 115 projects are in progress, 11 have not yet started, 10 are considered for possible carry forward and one project is under review.
Top 13 - Capital Major Projects – December 2019 Update

Dendy Street Beach & Masterplan

Budget – $10,596,867
Actual project to date – $2,091,029
Planning Permit VCAT decision was provided in Nov 2019. Design process recommenced. EPA & Council continue to work through site contamination issues with Contamination Management Plan due Jan 2020. Supreme Court challenge issues.
Anticipated Completion Date – March 2022

Bayside Netball Centre Project

Budget – 21,677,000
Actual PTD – 504,820
The EPA have advised they will not be issuing a Pollution Abatement Notice at this stage. Council met with EPA to discuss some additional requirements. Planning advertising period has commenced and will close early February. So far 22 objections have been received.
Anticipated Completion Date – December 2022
Basketball Stadium

Budget 10,000,000
Actual PTD – 124,385
Planning application to be lodged early 2020. Report presented to Council to consider SBA funding model in December 2018. Construction will not commence until external funding is received and the site from the golf course is finalised.
Anticipated completion date –
Subject to funding

Sandringham Library and
Maternal & Child Health Centre

Budget 3,890,000
Actual PTD – 1,207,197
Site construction works have commenced structure 80% completed.
Anticipated completion date –
March 2020
Masonic Hall

Budget 2,800,000
Actual PTD – 165,362

Sandringham Life Activities are now relocated to ground floor. Early investigation works underway to allow the Heritage Conservation Management Plan completion for Heritage Victoria.

Anticipated completion date – June 2022

Beaumaris Sports Pavilion, Beaumaris Reserve

Budget 3,486,200
Actual PTD – 46,799

Design for the sports pavilion has commenced.

Anticipated complete date – December 2021
Beaumaris Arts Group, Beaumaris Reserve

Budget 2,650,000
Actual PTD – 17,333

Adoption of heritage report of precinct to be determined in February Council meeting. Scope of project on hold until this decision has been made. Continued interest from associated Beaumaris groups to retain the building.

Anticipated completion date – December 2022

Brighton Recreation Centre and Wilson Reserve Masterplan

Budget 9,870,000
Actual PTD – 72,968

The scope of the masterplan has been changed to treat the redevelopment of BRC separately to the redevelopment Wilson Reserve. Stakeholders who hold interests in each site will be engaged separately to explore options and commence a process of co-design.

Anticipated completion date – June 2024
CSIRO Land Purchase

Budget 9,050,000
Actual YTD - 0

Negotiations are underway regarding the transfer of land for community use and facilities. Site contamination issues being resolved. Land sold, settlement expected in March 2020. Transfer of 3Ha second half of 2020. Negotiate location for 1Ha of public open space and 3,500sqm for community facilities, subdivision and transfer of land in late 2020/21.

Elsternwick Park Nature Reserve

Budget 3,350,000
Actual PTD – 429,591

Council has been provided with a first draft of the Masterplan. Staff are reviewing the first draft against the scope of works before presenting the Plan to the Community reference Panel for their review and feedback.

Risk: Agreeing on the amount of flood mitigation that can be achieved and formalising a funding agreement with Melbourne Water and the City of Port Phillip.

Anticipated completion date – December 2021
Black Rock Life Saving Club

Budget 5,122,000
Actual YTD – 37,876

Further option being explored with BRLSC to meet the needs of the Club within the $5M option for sign off.

Anticipated completion date – TBD
Goal 2 – Transport

2.1.1.1 Complete the following activities as identified within the Integrated Transport Strategy: • Provision of Zebra crossings at roundabouts within Bay Street and Church Street Major Activity Centres • Commence the development of a municipal wide Parking Strategy • Explore the feasibility of installing recharging facilities in council buildings for mobility scooters and vehicles

**Progress Commentary –**

- **Provision of Zebra crossings at roundabouts within Bay Street and Church Street Major Activity Centres (65% Complete - On Track)**

  The remaining site for provision of zebra crossings at roundabouts within Bay and Church Streets Major Activity Centre are:
  - Church and St Andrews Streets roundabout; and
  - Bay and Cochrane Streets roundabout.

  Both the sites listed above are due for completion within the financial year of 2019/20.

- **Commence the development of a municipal wide Parking Strategy (10% Complete - On Track)**

  The municipal wide parking strategy will be undertaken in 2 stages. Stage 1 is due for completion within 2019/20 and consists of a draft scope of works and communication and engagement plan activities. Stage 1 tender to be release to market in early January 2020. Stage 2 is due for completion within 2020/21 and will prepare the parking strategy for Council endorsement.

- **Explore the feasibility of installing recharging facilities in council buildings for mobility scooters and vehicles (50% Complete - On Track)**

  The feasibility of installing EV recharging facilities in Council buildings have been investigated and deemed feasible. A capital bid has been prepared for the installation of electric vehicle charging stations at Council’s Corporate Centre and four of our libraries at Beaumaris, Brighton, Hampton and Sandringham. Feasibility of Mobility scooter charging at library’s will be investigated in Q3.

2.1.1.2 Implement the Church Street Shopping Centre Parking sensors

**Progress Commentary** - Preferred contractors to deliver this project have been identified. Tender interviews are scheduled for early January 2020 and award of the tender is anticipated in late January 2020. Project due for completion in August 2020.
2.3.1.1 Improve cyclist and pedestrian safety by upgrading high-risk zones on the Bay Trail

Implement the bicycle strategy to:

• Provide bicycle parking in public locations where there is an identified need, such as shops, libraries and sports clubs
• Develop a network of well-connected bicycle routes
• Enforce the state provision in the planning scheme to ensure the specified number of bicycle parking stations in new developments are delivered

**Progress Commentary –**

• Provide bicycle parking in public locations where there is an identified need, such as shops, libraries and sports clubs (50% Complete - On Track) Two (2) new bicycle hoops were installed in front of 59C Martin Street as a result of recent resident requests. Bike parking at other locations will continue to be investigated. In addition, the Sandringham Yacht Club is organising a Laser National and World Title Championships during the months of January – February 2020. Council have loaned a mobile bicycle rack capable of accommodating 10 – 15 bicycle parking spaces to encourage the uptake of sustainable transport to events.

• Develop a network of well-connected bicycle routes (50%, on track) Bay Trail Separation Works between Brighton Baths and Sandown Street is currently in the design stage. Construction is currently programmed for post Easter 2020. In addition, bicycle lanes on Carpenter, Asling and connection to Martin Street from Nepean Highway shared path are being investigated. It is proposed for completion in financial year 2019/20.

• Enforce the state provision in the planning scheme to ensure the specified number of bicycle parking stations in new developments are delivered (50%, on track) This is ongoing and the requirements of the planning scheme relating to bicycle parking will be enforced/requested where applicable. Bicycle Parking is included in the new traffic planning checklist to be implemented in Q3.
2.3.1.2 Deliver the 2019/20 Active Transport Facility Improvement Program

**Progress Commentary** - This program is to deliver at grade zebra crossings on:

a. Church and St Andrews Streets roundabout with construction to start in early February 2020 and completion in June 2020.

b. Bay and Cochrane Streets roundabout with design works completed in January 2020 and construction completed in June 2020.

Design and construction will reflect Notice of Motion 282 regarding construction methodology.

2.2.1.1 Implement an advocacy action plan for bus routes, commuter parking (including bicycle parking), and the Cheltenham station redevelopment

**Progress Commentary** - Officers have been advocating for these items as part of the Cheltenham Station Level Crossing Removal Project. The current proposal has no net loss of car parking, additional bike parking, drop and ride parking, and bus stops connecting to the new station.

An advocacy plan to improve bus routes is proposed to commence in quarter 3 of 2020. In light of the federal government election commitment, there is funding available to increase the commuter parking spaces at potentially four sites in Bayside. Feasibility of potential sites is being investigated.

2.2.1.2 Advocate to VicRoads to provide connectivity of the bike path along Nepean Highway to connect to Southland

**Progress Commentary** - The bike path connection along Nepean Highway to connect to Southland has been identified within the Department of Transport (DoT) draft strategic cycling corridor (SCC). The connection will be established via the new shared path along the railway corridor. One of the key challenges to fulfil this connection is to widen the at-grade crossing, near Heather Grove. Level Crossing Removal Program (LXRP) have insisted that this connection is not within their scope of works and cash and funding opportunities are being investigated.
Goal 3 – Housing

3.1.1.1. Continue to advocate for Council’s planning and urban design objectives, including for stronger planning tools to provide certainty regarding height and building form in activity centres

**Progress Commentary** - Work to inform justification for mandatory height controls in Small Neighbourhood Activity Centres has progressed. Outcomes and recommendations of this work was reported to Council at the 15 October 2019 Ordinary Meeting. Advocacy has continued through the EPWG (Economy & Planning Working Group) and through the Industrial and Commercial Land Use Plan.

3.4.1.1 Complete the implementation of an effective and efficient development application process that facilitates greater certainty for applicants and objectors and encourages compliance with development controls

**Progress Commentary** - The Statutory Planning Team has commenced the implementation of its key projects to be delivered with the Customer Experience Team. The project status to date include:

1. Online Track-ability
   The product has been developed and has been subject to testing. A number of improvements to the product have been identified and requires rectification prior to the release for BETA testing with key customers.

2. Process consistency
   The Statutory Planning Department has Process Mapped and engineered the Statutory Planning Process. In addition the development of an internal a procedure manual has been completed. This is aimed to provide a standardised approach within the team.

   Online Objections, Mapping/GIS Community interface, and Internal application management dashboard are still in preliminary stages of scoping and implementation.
3.2.1.1 Review and update the Housing Strategy

**Progress Commentary** - Council adopted the Bayside Housing Strategy 2019 at its 17 December 2019 Ordinary Meeting.

3.3.1.1 Translate the recommendation of the Pennydale and Highett Structure Plans into Planning Scheme Policy to be exhibited and tested through a Planning Scheme Amendment process

**Progress Commentary** - Council has exhibited Amendment C166, which implements the Highett Structure Plan into the Bayside Planning Scheme. Council has requested that an independent Planning Panel be appointed to consider the submissions received. The Panel Hearing is scheduled for Q3. The Pennydale Structure Plan is still pending authorisation from the Minister to commence exhibition.

3.2.1.2 Review of the neighbourhood Character and Residential Design Policy Framework

**Progress Commentary** - Background analysis, case studies and scope have been finalised. Consultant has been appointed and work is progressing.

3.5.1.1 Implement the advocacy action plan to improve housing affordability and social housing options

**Progress Commentary** – Advocacy actions seeking improvements to housing affordability in Bayside have progressed through the preparation of the Affordable Housing Policy alongside the review of the Housing Strategy and direct advocacy with DHHS as part of redevelopment of the New Street, Brighton public housing site and participation in the established consultative committee. Council has also joined the PWG for Key Worker Housing, Inner South East Metro Partnership.
Service Data

Time taken to decide planning applications

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<th>Quarter</th>
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<th>2019-20</th>
</tr>
</thead>
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<tr>
<td>Q2</td>
<td>41</td>
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<td>Q3</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>Q4</td>
<td>57</td>
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Planning applications decided within 60 days - Percent %

<table>
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<th>Quarter</th>
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<th>2019-20</th>
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<tr>
<td>Q4</td>
<td>77.17</td>
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</table>
COUNCIL PLANNING DECISIONS UPHELD AT VCAT

Planning decisions upheld at VCAT - PERCENT
Goal 4 – Open Space

4.1.1.1 Develop a masterplan for the Elsternwick Park Nature Reserve

Progress Commentary - Masterplan scope developed with Community Reference Panel members. Tender for masterplan design released mid September. Masterplan underway - draft to be presented at Council Briefing Feb 2020. Involvement of local indigenous community members.

4.1.1.2 Continue the implementation of the identified action within the adopted foreshore masterplans: - Brighton Beach to Ferdinando Gardens - Sandringham Beach and Gardens - Royal Avenue Municipal Reserve

Progress Commentary – A variety of improvement works have, and are completed in accordance with the three adopted master plans, on track to be completed by June 30, 2020.

4.1.1.3 Complete the reconstruction at Sillitoe Reserve

Progress Commentary - Project scope reviewed to include irrigation upgrade and sodding of instant turf in high-wear areas.

4.1.1.4 Complete the sportsground reconstruction at Donald MacDonald Reserve

Progress Commentary - Construction tender awarded September 2019. Comprehensive communication plan implemented prior to works commencing. Works have commenced in late October 2019 and progressing on track for completion by June 30, 2020

4.2.2.1 Undertake data research to support development of an Urban Forest Strategy

Progress Commentary – Work is progressing through the development of a case study for Beaumaris to inform and test the scope of the overall strategy. The case study was presented to December 2019 Ordinary meeting of Council.
4.2.1.1 Secure 4 hectares of open space at the CSIRO site

**Progress Commentary** - The 4 hectares has been secured through the finalisation of Legal Agreements that ensure transfer of land upon sale. Implementation through the sale process and contamination remediation will involve ongoing activities.

4.2.1.2 Develop a master plan that articulates the future layout and management of the Council owned/managed component of the CSIRO site in Highton (subject to the formal transfer of land being completed)

**Progress Commentary** - Friends of Highton Grassy Woodland Group formalised and regularly meeting with Open Space team. Master plan project cannot commence until access to site is granted by CSIRO - expected mid to late 2020. Friends of group working to secure funding.

4.2.1.3 Undertake site investigations and implementation of short term management measures for the protection of Highton Grassy Woodland (subject to site access)

**Progress Commentary** - Action is deferred until Council has access to the site. Site investigations and implementation of management plans cannot commence until access to site is obtained - expected mid to late 2020. Council is currently working with the Friends of Highton Grassy Woodland to secure funding via available grants to complete works at the HGW.
### Service Data

#### Bayside Hours of Use

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Sportgrounds</th>
<th>Hall Bookings</th>
<th>Open Space</th>
<th>Filming</th>
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<tbody>
<tr>
<td>Q1</td>
<td>11,317,773</td>
<td>191</td>
<td>1,409</td>
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<tr>
<td>Q2</td>
<td>1,107,616</td>
<td>6,452</td>
<td>2,547</td>
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</table>

**2019-20**

- Sportgrounds hours of use
- Hall Bookings hours of use
- Open Space Bookings hours of use
- Filming Bookings

#### Bayside hours of use for:

- Sportgrounds
- Hall Bookings
- Open Space
- Filming Bookings
Goal 5 – Environment

5.3.1.1 Install efficient and renewable energy initiatives at 4 Council buildings each year

**Progress Commentary** - Finalised scope of works for six solar panel installations and commenced engagement with contractors for delivery in Quarter 3. Solar system installation was added to scope of works at Chisolm Reserve Pavilion, following positive feasibility assessment by solar consultants. Upgrade of outdoor building lighting to energy efficient LED has commenced, based on a municipality-wide open space lighting audit. A timer was installed on the temporary Christmas tree displayed at the Corporate Centre, to reduce energy use when the building is unoccupied.

5.3.1.2 Participate in a power purchase agreement for renewable electricity for contestable public lighting and relevant Council buildings

**Progress Commentary** - Council officers participated in a presentation by Procurement Australia (PA) on the tender process for the upcoming Power Purchase Agreement (PPA) for renewable electricity. An updated business case will be provided from PA in January, based on the tender negotiations and updated energy market prices. The Council officers will present the business case to Council in mid 2020.

5.1.1.1 Actively participate in the Association of Bayside Municipalities, and advocate to DELWP to encourage projects and funding to improve the health of the Bay

**Progress Commentary** - Council has worked closely with the Association of Bayside Municipalities (ABM) to advocate for clearer regulation and better enforcement of personal water crafts within Port Phillip Bay. Council has contributed to the submission made by the ABM to the DELWP regarding the new Marine and Coastal Act legislation. Council staff attend the regular ABM meetings and additional industry events and briefings that the AMB hosts.
5.2.2.1 Develop stormwater quality improvement opportunities when developing the
Elsternwick Park Nature Reserve Masterplan

**Progress Commentary** - Council’s Masterplan specification for Elsternwick Park Nature Reserve identified Water Quality as one of the 4 key priorities. Qualitatively, the design goal is to maximise the water quality improvement, which in turn means maximising the wetland footprint. Quantitatively, the target range is the removal of between 1,400 and 2,000 kg of nitrogen per annum. The draft Masterplan will be presented to Council in Q3.

5.2.1.1 Progress the establishment of an alternative waste processing facility in
Melbourne’s south east in collaboration with the Melbourne Metropolitan Waste and
Resource Recovery Group and other councils in the region

**Progress Commentary** - Project currently on hold. An Expression of Interest document has been prepared and was ready for advertising in November. The Minister for Energy, Environment and Climate Change has delayed the project by requiring that the advertising of the EOI not commence until the State’s Circular Economy Policy has been released. A release date for this Policy has not been announced. A Memorandum of Understanding between 16 Councils, including Bayside, and the Metropolitan Waste and Resource Recovery Group has been signed to facilitate an Expression of Interest process for the procurement of alternate/advanced waste processing facilities. A Working Group has been established in accordance with the MoU and Bayside’s CEO, Mick Cummins is the Chairperson for the group.
5.2.1.2 Implement Food Organics & Garden Organics (FOGO) for those properties in receipt of a garden organic’s bin and educate the community and encourage others to opt in to this service prior to 30 June 2020

**Progress Commentary** - Trips to the Organics facility where the food and green waste is processed have been conducted educating school groups and the community on the processing of the organic material, highlighting the importance of proper source separation and contamination avoidance. School students who have attended have presented back to their schools during assemblies (where many parents attend) further increasing the exposure of the Food and Green Waste service. Council also conducted Incursions to early learning centres and primary schools, highlighting the significance of recycling food waste.

A strong communications plan including multiple forms of media (Social Media such as Facebook, Print media such as “Let’s talk Bayside”, inclusion in various online newsletters and the Bayside City Council Website) has encouraged conversation about the new service, provided tips for current users, and encouraged non-users to register for the service.

Over 600 responses to a research survey for FOGO were overwhelmingly positive, revealing that the main barriers to entry are an unwillingness to pay the $100.20 and/or no garden to justify a 240L, fortnightly collected bin.

The Service has been well accepted with approximately 82% of eligible households now registered for the service, and a reduction in waste to landfill of 12% from the previous year.

### 5.4.1.1 Deliver the Summer by the Bay series to encourage ecological awareness

**Progress Commentary** - In partnership with DELWP, staff and Council volunteers will be delivering activities in January 2020.

### 5.4.1.2 Continue advocating on behalf of Marine Environment Science & Community Centre Inc. for the development of an Educational Centre at Beaumaris Yacht Club

**Progress Commentary** - $15,000 State Government funding received form DEDJTR - funding matched by Council, total project budget $30,000. First Project Brief developed in consultation with MESAC Committee - released to market in August 2019. Feedback from would be submitters is that the scope of works in the Brief would be approximately $80-90,000 or $50-60,000 over budget. Further review of Brief being conducted however project is a risk due to lack of funding to meet the design Brief.
Service Data

Recycling diversion - PERCENT

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<td>50.42%</td>
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</tr>
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</table>
Goal 6 – Local Economy

6.3.1.1 Review and adoption of the Economic Development Strategy and Tourism Strategy

Progress Commentary – The first major component in the Economic Development Strategy review, the night time economy has been finalised. The next component of the Economic Strategy Review will be finalised in Q3 to inform the draft of the Economic Development and Tourism Strategy.

6.1.1.1 Implement the Beaumaris Concourse Masterplan

Progress Commentary - Construction is progressing with the majority of works completed. Minor works including installation of street furniture and landscaping and the last stage is to be completed by February 2020.

6.1.1.2 Complete the detail design phase for the Sandringham Village and Church Street shopping centres

Progress Commentary - Design has progressed and a final concept has been presented to the community for comment. A report with the findings of the community engagement and option will be presented to Council in Q3.

6.1.1.3 Facilitate the installation of Street Art in Sandringham Village and Church Street shopping centres

Progress Commentary - Sandringham Street Art Installation Complete. The Railway Walk Mural has been completed. Payment and Communication pending.

6.4.1.1 Develop a plan for the Brighton Beach Station precinct that improves visitor access to Dendy Beach.

Progress Commentary – Initiatives such as improved signage and parking enforcement are progressing. Following the VCAT decision for the Dendy Beach Pavilion and understanding of future use of the site scoping to commence the preparation of a UDF (Urban Design Framework) has progressed.
6.4.1.2 Commence the Dendy Street Beach Master plan improvements, including the new lifesaving pavilion (Subject to VCAT approval)

**Progress Commentary** – VCAT issued a decision to grant planning permissions for Dendy Street Beach in December 2019. An appeal was received late December 2019 to proceed to a Supreme Court challenge in relation to the Vesting Act, VCAT has yet to respond and grant permission to proceed to Supreme Court. Design development has recommenced from the planning decision.

6.2.1.1 Implement initiatives within the Graffiti Management Plan 2018

**Progress Commentary** – Continued delays have occurred in regard to the State Government funding that is to be allocated to Council for removal of graffiti from third party assets, it is expected that this funding will be available in the third quarter of the year. A draft Service Authorities MOU (Memorandum of Understanding) agreement has been prepared to allow Council to remove graffiti has been finalized. Advertisement of a Graffiti Management Officer role has taken place with an appointment scheduled to take place in February 2020.
Service Data

Local Economy Trader Association Meetings

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</tr>
<tr>
<td>Q1</td>
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</table>

Bayside Business Network attendees

And Trader Association Meetings
Goal 7 – Community Health & Participation

7.4.1.1 Re-affirm the Women’s charter and develop a two year action plan

| Q2          | Progress Commentary - At the Council meeting of 25 June 2019, Council reaffirmed it’s commitment to the Victorian Local Government Women’s Charter and Statement of Commitment and endorsed the Action Plan. |

7.2.1.1 Determine Council’s future role in supporting older people in service delivery given the reform agenda in aged care

| Q2          | Progress Commentary – NOT STARTED |

7.2.1.2 Complete the transition of all eligible clients from Council services to the National Disability Insurance Scheme

| Q2          | Progress Commentary - All clients who have tested their eligibility and with support plans in place have transitioned. The remaining 30 clients have commenced the process to test eligibility. Final funding details following transition of clients to be undertaken by the Department of Health and Human Services and confirmed by December 2019. |

7.1.1.1 Implement the Wellbeing Plan (W.A.A.A) to ensure that it includes increasingly rigorous indicators of community health and wellbeing and measureable and actionable activities for: Early Years, Youth, Healthy Ageing and Healthy Community, with particular focus on the following activities: Deliver mental health first aid training sessions to schools, parents and community groups. Identify an accredited research partner to implement a survey to measure the resilience level of older adults.

| Q2          | Progress Commentary - Year 3 implementation of the WAAA has included the following key highlights this quarter: gender equity training for community members, community event to celebrate International Day of People with Disability, community engagement work and survey implementation at Bluff Road Housing Estate and the photography of 172 women for Changing Faces Campaign. |
7.1.1.2 Implement Year 1 activities of the Reconciliation Action Plan

**Progress Commentary** - Implementation of the Reconciliation Action Plan (RAP) has included the following actions to date:

- Establishment of the RAP Advisory Group.
- Building relationships with local Indigenous community members and groups.
- Acknowledgement mural and plaque installed in Corporate Centre Foyer.
- Acknowledgement included on all staff email signatures.
- Consultation with indigenous community members regarding Elsternwick Nature Reserve
- Delivery of cultural awareness training for staff working on RAP activities in partnership with Glen Eira City Council

**Targets**

Q2 – Implementation of 50% of planned activities - 65.2%
Completed - ACHIEVED
Q4 - Completion of Year 1 activities by June 30

7.1.1.3 Undertake feasibility study and masterplan for the Willis Street precinct

**Progress Commentary** – Stage 1 has been completed and adopted by Council at the September Ordinary Meeting.
Scoping for Stage 2 has progressed with investigations expected to commence in Q3.

7.1.1.4 Complete actions within the Domestic Animal Management Plan with specific focus on developing a feasibility study for additional Dog off leash park

**Progress Commentary** – DAMP Annual update of the Action Plan presented to Council in November 2019 and updated DAMP approved and referred to Animal Welfare Vic as required by the Domestic Animals Act.

The Consultants report on dog off leash / on leash management and relevant literature, best practices and case studies finalised in Dec 2019.

A report on the research and a proposed community engagement plan for options in relation to off leash dog areas and management will be presented to Council in February 2020.
The report will provide the foundation for the off leash feasibility review.
7.1.1.5 Implement the commissioning of 1 Public Art Piece within the municipality

**Progress Commentary** - Installation to be included within Elsternwick Park. Initial Community Consultation complete. EOI Planned for January to select artist. Arts Board Engaged.

7.3.1.1 Develop and implement a development and learning program for environmental Friend’s groups

**Progress Commentary** - Workshop conducted with Bayside Environmental Friends Network (BEFN) to review the format of BEFN and what support can be provided by Council. In consultation with BEFN and Nursery Steering Committee (NSC) staff have developed a meeting agenda and protocols to assist in making BEFN and NSC meetings more efficient and outcome/action focused. Level 2 First Aid training delivered to friends group December 2019. Additional propagation sessions have been implemented on Tuesdays to support friends of groups in learning techniques.

7.3.1.2 Celebrate volunteers’ week and acknowledge long serving volunteers across the spectrum of community organisations

**Progress Commentary** - Council volunteer managers are currently planning for NVW 2020. Staff are also developing a volunteer video with community organisations to promote and acknowledge volunteering in Bayside.
Service Data

Immunisations to the Community

<table>
<thead>
<tr>
<th>Quarter</th>
<th>2018-19</th>
<th>2019-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>561</td>
<td>465</td>
</tr>
<tr>
<td>Q2</td>
<td>9</td>
<td>508</td>
</tr>
<tr>
<td>Q3</td>
<td>799</td>
<td>510</td>
</tr>
<tr>
<td>Q4</td>
<td>1228</td>
<td>1076</td>
</tr>
</tbody>
</table>

- No. of People Immunised - Community
- No. of People Immunised - Secondary School
- No. of People Immunised - Outreach/Home Visits

Food Safety Inspections

<table>
<thead>
<tr>
<th>Quarter</th>
<th>2018-19</th>
<th>2019-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>165</td>
<td>138</td>
</tr>
<tr>
<td>Q2</td>
<td>111</td>
<td>75</td>
</tr>
<tr>
<td>Q3</td>
<td>161</td>
<td></td>
</tr>
<tr>
<td>Q4</td>
<td>204</td>
<td></td>
</tr>
</tbody>
</table>

Food Safety Inspections completed for Bayside
Item 10.17 – Reports by the Organisation
Art Gallery Attendance

<table>
<thead>
<tr>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>2029</td>
<td>1264</td>
<td>1678</td>
<td>2623</td>
<td>3099</td>
<td>1609</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2018-19 2019-20

Number of visitors to the Bayside Art Gallery
Communications & Engagement Summary

### Follower Data

<table>
<thead>
<tr>
<th></th>
<th>FB Likes</th>
<th>FB Followers</th>
<th>FB Reach</th>
<th>Advertising ($)</th>
<th>Total engaged users</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>6865</td>
<td>7300</td>
<td>138,361</td>
<td>565</td>
<td>10,021</td>
</tr>
<tr>
<td>Q2</td>
<td>7394</td>
<td>7857</td>
<td>307,502</td>
<td>33,309</td>
<td>18,606</td>
</tr>
</tbody>
</table>

### Follower Data

Twitter & Instagram

<table>
<thead>
<tr>
<th></th>
<th>Instagram Followers</th>
<th>Twitter Followers</th>
<th>Twitter Engagement</th>
<th>Total Twitter Impressions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>0</td>
<td>5717</td>
<td>29</td>
<td>22,300</td>
</tr>
<tr>
<td>Q2</td>
<td>152</td>
<td>5755</td>
<td>75</td>
<td>42,400</td>
</tr>
</tbody>
</table>
Goal 8 – Governance

8.5.1.1 Continue the disposal and sale of Council owned laneways program

Progress Commentary - Discontinuance and sale process underway. Over $700k of potential income will be presented to Council in the coming months.

8.5.1.2 Develop and promote facility booking options to increase community utilisation of Council’s sporting pavilions with multi-purpose spaces

Progress Commentary – Pilot internal department utilisation of spaces for external community events (i.e. department meetings, gender equity training and indigenous consultation). Website reviewed to include promotion of sportground pavilion spaces available for hire.

8.3.1.1 Develop, in partnership with the community, a long term Vision and Community Plan for Bayside

Progress Commentary - The Community Vision 2050 project is underway. Consultants were appointed to assist with the delivery of the project and a co-design workshop to plan our approach was held Monday 30 October. This was attended by both the Working Group and the PCG (which includes Cr Martin, Cr Griner and Cr Heffernan).

Following on from this 15 events or activities were attended by the team to undertake wider engagement with the community and start them thinking about future planning. An expression of interest process was launched in November where community members can nominate to be part of the Community Panel process, these workshops will be taking place during March and April 2020. The Panel will unpack the ideas submitted during the wider engagement and will begin the task of drafting a Vision document.

This draft document will be presented to this Council in August 2020 with the intention of presenting this to the new Council in 2021 for them to endorse it. Following on from this a community launch will take place and the work will begin to embed the document across the organisation.
8.3.2.1 Prepare and lodge a submission on Council’s preferred model for electoral representation

**Progress Commentary** - A submission was lodged on behalf of Council in relation to the Electoral Representation Review by the due date, and a further submission was lodged in response to the Preliminary Report. Cr Grinter appeared before a public hearing to present Council’s position on a preferred electoral representation model for Bayside. Final report is to be released on 9 October 2019.

8.3.2.2 Complete the statutory process to realign the municipal boundaries between Kingston City Council and Bayside City Council along the railway between Charman Road and Park Road (subject to satisfactory agreement being reached and Local Government Victoria’s approval)

**Progress Commentary** - Discussions on the municipal boundary realignment have continued with the most recent meeting with Kingston staff occurring on in December. It is expected Kingston will consider the agreement at its meeting in February.

8.4.1.1 Develop and implement an advocacy strategy that includes: (CP) • An agreed framework for identifying, selecting, planning and delivering strategic advocacy campaigns • An agreed list of short, medium and long term areas for strategic advocacy campaigns • Delivery on Councils advocacy campaigns, including Elsternwick Park Nature Reserve, commuter car parking, affordable housing, Integrated Transport, Improved netball facilities, basketball facilities and Hydrotherapy pool.

**Progress Commentary** - The development of the long term strategic advocacy plan has started with progress on the development of a framework, advocacy toolkit, decision making criteria and a comprehensive stakeholder map.
8.1.1.1 Review and adopt Council’s Long Term Financial Plan and Annual Budget to ensure Council’s long-term financial sustainability

**Progress Commentary** - The draft LTFP strategies and budget parameters endorsed by the Executive Team on the 10th December and will be presented to Councillors at the Strategic workshop on the 8th February for endorsement.

8.2.1.1 Implement digital improvements to enhance customer service in Building and Planning services

**Progress Commentary** - The Statutory Planning Team has commenced the implementation of its key projects to be delivered with the Customer Experience Team. The project status to date include:

1. **Online Track-ability**
   The product has been developed and has been subject to testing. A number of improvements to the product have been identified and requires rectification prior to the release for BETA testing with key customers.

2. **Process consistency**
   The Statutory Planning Department has Process Mapped and engineered the Statutory Planning Process. In addition the development of an internal a procedure manual has been completed.

   This is aimed to provide a standardised approach within the team. Online Objections, Mapping/GIS Community interface, and Internal application management dashboard are still in preliminary stages of scoping and implementation.
8.2.1.2 Deliver Year 1 activities of the Customer Experience and Digital Transformation Action Plan

**Progress Commentary** - The Beyond Lodgement and Website Accessibility Projects are underway and on time for completion as Year 1 Projects by June 30th, original targets have been revised as the scoping of this action has changed.

**Targets**
- **Q1** – Development of project plans for each activity - *NOT ACHIEVED*
- **Q2** - 90% of activities on track against milestones identified in project plans - *NOT ACHIEVED*
- **Q3** - 90% of activities on track against milestones identified in project plans
- **Q4** - 100% of Year 1 activities completed by June 30.

8.2.1.3 Develop and establish a set of “Customer Centric” principles and procedures to guide the way we engage with, and deliver services to, the Bayside community and customers

**Progress Commentary** - The Customer Centricity project (which is one of the Major Projects in the Organisational Strategy) is preparing to present its business case to EPB in February and move through into the Delivery stage. Noting, this is a Research and Strategy Project for 19/20, intending on delivering a report that sets the action plan to deliver the required change program in 20/21. The scope includes updating various procedures to support the need for customer focused change.
## Local Government Performance Reporting Framework Indicators

<table>
<thead>
<tr>
<th>LGPRF Performance Indicators</th>
<th>Expected Range</th>
<th>2019/20 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>$2,139</td>
<td>✗</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,532</td>
<td>✓</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>277.9%</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>13.8%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>72.6%</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 2019/20 forecast for average residential rate includes the additional waste levy required to fund increases in recycling costs

**Property values in Bayside have increased significantly in the last two years and are proportionately higher in Bayside compared to other Councils
Customer Service Calls and Inquiries received at reception – Corporate Centre

Number of Ordinary Special Meetings

Information in Graph includes all formal meetings of Council:
- Ordinary Meetings
- Special Meetings
- Planning & Amenity Committee Meetings
- Section 223 Special Committee Meetings
Councillor Attendance at Meetings

Quarterly data includes percentage of Councillor attendance at formal meetings.

Number of resolutions made by Council

Quarterly data includes number of resolutions made at the following formal meetings:

- Ordinary Meetings
- Special Meetings
- Planning & Amenity Committee Meetings
- Section 223 Special Committee Meetings
Number of resolutions made by Council closed to the public

<table>
<thead>
<tr>
<th>Quarter</th>
<th>2018-19</th>
<th>2019-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Q2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Q3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Q4</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Quarterly data includes number of resolutions made at formal meetings closed to members of the public.

Councillor Expenses

<table>
<thead>
<tr>
<th>Quarter</th>
<th>2018-19</th>
<th>2019-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>$65,487.00</td>
<td>$63,919.00</td>
</tr>
<tr>
<td>Q2</td>
<td>$85,951.00</td>
<td>$67,520.00</td>
</tr>
<tr>
<td>Q3</td>
<td>$68,020.00</td>
<td>$73,475.00</td>
</tr>
<tr>
<td>Q4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Quarterly data includes quarterly expenses for the Mayor and Councillors. This includes allowances, training and development, telephone and interest costs and vehicle expenses.
Section 7 – Other Action Plans

Women's Charter

The Women’s Charter 2018-20 Action Plan was developed in May 2019 with 26 actions. Council is committed to delivering these actions.

For the 2019-20 financial year, 26 actions are scheduled to be delivered.

Quarter 2 - 15 actions were scheduled to commence.

Current Status

- In Progress - 6
- Not Started - 3
- Completed - 6
The Reflect Reconciliation Plan developed 46 actions Council committed to delivering to the Community.

For Quarter 2 of 2019-20 financial year, 46 of those actions are scheduled to be delivered.

<table>
<thead>
<tr>
<th></th>
<th>Relationships</th>
<th>Respect</th>
<th>Opportunities</th>
<th>Governance &amp; Tracking</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>In progress</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>Not started</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Completed</td>
<td>7</td>
<td>7</td>
<td>4</td>
<td>4</td>
<td>22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>14</strong></td>
<td><strong>11</strong></td>
<td><strong>6</strong></td>
<td><strong>46</strong></td>
</tr>
</tbody>
</table>

Relationships:

- Council’s Reconciliation Advisory Committee has been established and had their first meeting October 2019. Member composition of the Advisory Group consists of local Aboriginal and Torres Strait Islander community members, community members with a demonstrated commitment to Reconciliation and or experience in RAP delivery as well as key government and non-government agency representatives. The next meeting is scheduled January 2020. Internal staff wanting to engage with local indigenous people are welcome to attend the advisory group.
- Council held a workshop to engage Indigenous community members to help shape the Masterplan for Elsternwick Nature Reserve. The Nature Reserve will take on the story of the six Boon Wurrung seasons.
Respect:

- Staff are currently planning a training/awareness session for February 2020. All staff will be invited to attend a lunch time in the loop session to hear from Irene Morris a local indigenous women and indigenous rights advocate in February. Irene will share her lived experiences of being an indigenous women in Bayside and local indigenous history of the area with Bayside staff.

- 15 Council staff delivering RAP activities participated in half day training - Rights to Culture: Indigenous Cultural and Intellectual Property hosted at Glen Eira City Council.

Opportunities:

- Bayside City Council is partnering with Kingston Council and Central Bayside Community Health to deliver a community event for National Close the Gap Day. This is a free community event. Saturday 21 March 2020, Mordialloc Life Saving Club. 11am to 4pm. There will be food trucks, smoking ceremony, traditional dancing and kid’s activities. Flyer is still being developed and will send through once finalised.
Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 18 February 2020.

Key issues
This report contains resolutions of Council that require a further report to Council.

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting Report to 18 February 2020 ↓
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/05/16</td>
<td>10.2</td>
<td><strong>Sandringham Village Streetscape Masterplan</strong>&lt;br&gt;3. In the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.</td>
<td>CPA</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented at a future Council meeting for adoption.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>10.7</td>
<td><strong>Childrens’ Sensory Garden Investigation</strong>&lt;br&gt;That Council:&lt;br&gt;1. notes the typical elements of a suburban sensory garden;&lt;br&gt;2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;&lt;br&gt;3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and&lt;br&gt;4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
<td>ERI</td>
<td>A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site. The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.16</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong>&lt;br&gt;That Council:&lt;br&gt;2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
<td>ERI</td>
<td>A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
</tr>
<tr>
<td>-----------------</td>
<td>------</td>
<td>---------------------</td>
<td>----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.7</td>
<td>Early Years Infrastructure Plan</td>
<td>CCE</td>
<td>A report will be provided to Council on the completion of the development works.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. receives a further report following a review of the Infrastructure Plan in year five.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20/11/18</td>
<td>10.6</td>
<td>CSIRO - Legal Agreements Update</td>
<td>CORP</td>
<td>A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<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>
<td></td>
<td></td>
</tr>
<tr>
<td>23/4/19</td>
<td>10.1</td>
<td>Response to Petition - To Ban Smoking in and around Ricketts Point Marine Sanctuary</td>
<td>CPA</td>
<td>Report regarding community consultation results to be presented to April 2020 Council meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>2) Receives a progress report on the various stages of developing the Local Law following the completion of the engagement, research and risk assessment process, to determine specific areas proposed to be declared as smoke free.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23/4/19</td>
<td>10.4</td>
<td>2019 Bright n Sandy Food and Wine Festival Service Review</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting, following the 2020 Bright n Sandy Food and Wine Festival.</td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Provides a report on an event review following the 2020 Bright n Sandy Food and Wine Festival.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
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<tr>
<td>-----------------</td>
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<td>----------------</td>
</tr>
</tbody>
</table>
| 21/5/19 | 10.8 | **Bayside Planning Scheme Review 2019**  
- Considers the proposed changes to the local and state sections of the Bayside Planning Scheme proposed under the Smart Planning Program in a further report to be presented to Council in the 2019/2020 financial year. | CPA | A report will be submitted to a future meeting in the 2019/2020 financial year (at or before June 2020) |
| 25/6/19 | 10.17 | **Bayside Tennis Strategy**  
1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris. | ERI | A report will be submitted to a future meeting. |
| 25/6/19 | 10.20 | **Parking Technology, Church Street Major Activity Centre - Engagement Findings**  
3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:  
- the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and  
- if the project has proven successful, the development of a multi-year program to install parking management technology (i.e. parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces. | ERI | A report will be submitted to a future meeting. |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 20/8/19         | 10.3 | **Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update**  
That Council receives a further report by no later than 31 August 2020 from the Brighton Secondary College Hockey Facility Management Committee summarising activities including the financial position of the Management Committee.                                                                 | ERI      | A report will be submitted to Council no later than 31 August 2020.                                                                                                                                                                                                                                                                         |
| 20/8/19         | 10.6 | **Carbon Neutrality Action Plan 2018-2020 Implementation Update**  
| 20/8/19         | 10.7 | **Bayside Environmental Sustainability Framework 2016-2025 - Annual Progress Report**  
2. Receives a further report in the first quarter of the 2019/20 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.                                                                                                                           | ERI      | A report will be submitted to Council in the first quarter of the 2020/21 financial year.                                                                                                                                                                                     |
| 20/8/19         | 10.9 | **Integrated Transport Strategy 2013 and 2018 - Implementation Progress During 2018/19**  
| 17/5/19         | 10.1 | **Nursery and Bushland Maintenance - Service Delivery Model**  
3. Receives a report on the performance of the Civil Infrastructure and Open Space Maintenance Contract in the areas related to the Nursery at its meeting in December 2020.                                                                                               | ERI      | A report will be submitted to the December 2020 Ordinary Council Meeting.                                                                                                                                                                                                  |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 17/9/19        | 10.3 | Hampton Community Infrastructure Feasibility and Masterplan  
3. Receives an update report at its February 2020 Ordinary Meeting. | CPA | A report is included in the February Council meeting agenda. |
| 15/10/19       | 7.1  | Petition to install a pedestrian crossing in the area between St Andrews and Carpenter Streets, Brighton  
That the petition be received and a report be submitted to the March 2020 Ordinary Meeting of Council on this matter. | ERI | A report will be submitted to the March 2020 Ordinary Council Meeting. |
| 15/10/19       | 10.1 | Brighton Recreational Centre and Wilson Reserve Masterplan  
4. Receives a report at a future Council meeting detailing the outcomes of the assessment of Brighton Grammar School's proposal to redevelop Wilson Reserve. | ERI | A report will be submitted to a future Council meeting. |
| 15/10/19       | 10.3 | Small Neighbourhood Activity Centres (SNACs) - Building Height Review & Recommendations  
That Council receives a report following the approval of Amendment C126 that outlines opportunities for mandatory height controls in Small Neighbourhood Activity Centres. | CPA | A report will be submitted to Council following the approval of Amendment C126. |
| 15/10/19       | 10.4 | Mandatory Height Controls in the Hampton East (Moorabbin) Activity Centre  
1. Receives a neighbourhood character study at the March 2020 Ordinary Meeting of Council in order to pursue mandatory height controls in the Hampton East Activity Centre. | CPA | A report will be submitted to the March 2020 Ordinary Council Meeting. |
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<tr>
<th>DATE OF MEETING</th>
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<tbody>
<tr>
<td>15/10/19</td>
<td>10.9</td>
<td><strong>Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2</strong></td>
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<td>2. Receives a report on the mental health activities undertaken by Bayside City Council at the February 2020 Ordinary Council Meeting.</td>
<td>CCE</td>
<td>A report on the mental health activities undertaken by Bayside City Council is included in the February Council meeting agenda. A further report will be submitted to a future Council Meeting.</td>
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<td>3. Receives a further report highlighting the health impacts of climate change to the residents of Bayside.</td>
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<td>15/10/19</td>
<td>10.11</td>
<td><strong>Proposed Sale of Land at the rear of 58 Station Street and 37-39 Melrose Street, Sandringham</strong></td>
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<td>4. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.</td>
<td>CORP</td>
<td>A report is included in the February Council meeting agenda.</td>
</tr>
<tr>
<td>19/11/19</td>
<td>10.1</td>
<td><strong>Proposal to redevelop and enter into a 21 year lease at Ricketts Point Tea House, Beaumaris</strong></td>
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<td>6. In the event a submission is received, convene a Section 223 Special Committee of Council meeting on Wednesday 26 February 2020 commencing at 7:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.</td>
<td>CORP</td>
<td>Following completion of the statutory processes, a further report will be submitted to a future Council Meeting.</td>
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<td>7. Receive a further report after the completion of the above statutory processes, and the environmental impact and safety study, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.</td>
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<td>19/11/19</td>
<td>10.2</td>
<td><strong>Proposal to enter into a 20 year lease over the Mini Golf facility at 20 Wangara Road Sandringham</strong>&lt;br&gt;&lt;br&gt;5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.</td>
<td>CORP</td>
<td>A report will be submitted to the March 2020 Ordinary Council Meeting.</td>
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<td>19/11/19</td>
<td>10.4</td>
<td><strong>Mid-Century Modern Heritage Voluntary Nomination Process</strong>&lt;br&gt;&lt;br&gt;3. Receives a report at its February 2020 Council meeting in relation to potential heritage protection at Beaumaris Reserve but not the Beaumaris Soccer pavilion.&lt;br&gt;&lt;br&gt;5. Receives a report reviewing the voluntary nomination process following the gazetting of heritage controls outlined in this report.</td>
<td>CPA</td>
<td>A report in relation to potential heritage is included in the February Council meeting agenda.&lt;br&gt;&lt;br&gt;A further report will be submitted to a future Council meeting following the gazettel of heritage controls.</td>
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<td>19/11/19</td>
<td>10.5</td>
<td><strong>Response to Notice of Motion 286 - Undergrounding of Powerlines</strong>&lt;br&gt;&lt;br&gt;2. Receives a further report at the March 2020 Ordinary Meeting of Council that further considers the costs and benefits and potential approach to undergrounding overhead electricity powerlines, with a focus on:&lt;br a=&quot;&quot;&gt;a. within public open space;&lt;br b=&quot;&quot;&gt;b. to single street lights;&lt;br c=&quot;&quot;&gt;c. in residential streets; and&lt;br d=&quot;&quot;&gt;d. in activity centres.</td>
<td>CPA</td>
<td>A report will be submitted to the March 2020 Ordinary Council Meeting.</td>
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<td>19/11/19</td>
<td>10.10</td>
<td><strong>Domestic Animal Management Plan Annual Progress Report</strong>&lt;br&gt;&lt;br&gt;3. Receives a report at the February Ordinary Council meeting on proposed community engagement for the dog off leash feasibility study.</td>
<td>CPA</td>
<td>A report is included in the February Council meeting agenda.</td>
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<td>17/12/19</td>
<td>10.3</td>
<td>Neighbourhood Character Review 2019 - Project Update; and Response to Notice of Motion - 281</td>
<td>CPA</td>
<td>A report will be submitted to a future meeting, prior to commencement of community engagement.</td>
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<tr>
<td>17/12/19</td>
<td>10.4</td>
<td>Final Bayside Housing Strategy</td>
<td>CPA</td>
<td>A report will be submitted to the March 2020 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>17/12/19</td>
<td>10.13</td>
<td>Proposed Sale of Drainage Reserve Land at rear of 15 Berwick Street, Brighton</td>
<td>CORP</td>
<td>A report will be submitted to a future meeting of Council.</td>
</tr>
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<td>17/12/19</td>
<td>10.14</td>
<td>Proposed Discontinuance and Sale of Land at rear of 38 &amp; 40 Murphy Street, Brighton</td>
<td>CORP</td>
<td>A report will be submitted to a future meeting of Council.</td>
</tr>
<tr>
<td>17/12/19</td>
<td>10.15</td>
<td>Proposal to enter into a 5 year lease over part of the Sandringham Family Leisure Centre</td>
<td>CORP</td>
<td>A report will be submitted to a future meeting of Council.</td>
</tr>
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<td>17/12/19</td>
<td>13.1</td>
<td><strong>Notice of Motion - 268 - Foreshore Lighting</strong></td>
<td>ERI</td>
<td>A report will be submitted to the March 2020 Ordinary Council Meeting.</td>
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<td>That Council receives a report at the March 2020 Ordinary Council Meeting on foreshore lighting that discusses the conditions under which lighting is currently provided, outlines where lighting currently exists and develops an approach to a policy position on the provision, renewal and upgrade of foreshore lights.</td>
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<td>17/12/19</td>
<td>13.3</td>
<td><strong>Notice of Motion - 290 - Long term parking of trailers, caravans and boats on Council land</strong></td>
<td>ERI</td>
<td>A report is included in the February Council meeting agenda.</td>
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<td>That Council receives a report at its 18 February 2020 Ordinary Meeting on the options to address community concerns regarding long term parking of trailers, caravans and boats on Council land, which includes securing these items to Council assets or the use of devices such as wheel clamps. The report is to include analysis on the scale of the issue and the costs and benefits of opportunities to address the issue, such as amending Council's Local Law No. 2 - Neighbourhood Amenity.</td>
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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 Clarke Martin

12. Urgent Business

13. Notices of Motion

13.1 NOTICE OF MOTION - 292 - TRIAL GRAFFITI REMOVAL HAMPTON STREET MAJOR ACTIVITY CENTRE

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/36317

I, Cr Rob Grinter hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 18 February 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

That Council receives a report at the April 2020 Ordinary Council meeting on an innovative trial of integrated graffiti removal from private property, utility and council assets in the Hampton Street area within the Hampton major activity centre. The trial is to be designed to quantify the costs and benefits of applying an integrated approach more broadly within the municipality. The report is to describe the appropriate length of the trial, the frequency of graffiti removal, the potential role of community groups, the approach to property categories such as building site hoardings and the role of Local Law enforcement, as well as the expected costs, risks and benefits of the trial.

Cr Rob Grinter

Support Attachments
Nil
14. Confidential Business

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayers;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 3 FEBRUARY 2020
(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins

Chief Executive Officer