Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 20 November, 2018 at 7:00pm

Cr:
Cr Michael Heffernan (Mayor)

Councillors:
Cr Alex del Porto
Cr James Long BM JP
Cr Laurence Evans
Cr Clarke Martin
Cr Sonia Castelli
Cr Rob Grinter
Members of the Gallery

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

Section 92 The Chair’s Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer

2. Acknowledgement of Original Inhabitants

3. Apologies

4. Disclosure of any Conflict of Interest of any Councillor

5. Adoption and Confirmation of the minutes of previous meeting

6. Public Question Time

7. Petitions to Council
   7.1 Petition - To cease the trial of the Bayside Commuter Bus Service

8. Minutes of Advisory Committees
   Nil

9. Reports by Special Committees
   9.1 Minutes of the Special Committee of Council to Hear Submissions
       in relation to: Proposed Road Discontinuance and Sale of Land at Rear 42 Murphy Street and 55 Brickwood Street, Brighton
   9.2 Minutes of the Bayside Arts Board meeting held on 26 September 2018

10. Reports by the Organisation
    10.1 Domestic Animal Management Plan Progress Report
    10.2 Indian Myna Control Program 2017/18 - Program Update
    10.3 Response to Petition - Ban the use of solid fuel outdoors for the purposes of the cooking of food and heating
    10.5 Advanced Waste Resource Recovery Facilities - Regional Business Case and Contract Models
    10.6 CSIRO - Legal Agreements Update
    10.7 Extension of Landfill Disposal Contract (CON/10/1) - Wyndham Refuse Disposal Facility
    10.8 CONTRACT CON/18/106 Playground Improvement Program Construction 2018/19
10.9 CONTRACT CON/18/110 Road Reconstruction Works in Chandos Street, Cheltenham ........................................... 93

10.10 CONTRACT CON/18/115 RG Chisholm Reserve Pavilion Reconstruction ................................................................................. 97

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10.12 Open Space Management - Service Review................................. 105

10.13 Proposed Discontinuance and Sale of Land at rear 42 Murphy Street and 55 Brickwood Street, Brighton with consideration to submission at Special Committee of Council Meeting .......... 117

10.14 Quarter One Performance Report - July to September 2018 .. 129

10.15 Council Action Awaiting Report ....................................................... 153

11. Reports by Delegates

12. Urgent Business

13. Notices of Motion

Nil
1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

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

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

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

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council
       held on 23 October 2018.

   5.2 Confirmation of the Minutes of the Special Committee of Council Meeting held
       on 1 November 2018.

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

7.1 PETITION - TO CEASE THE TRIAL OF THE BAYSIDE COMMUTER BUS SERVICE

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/272436

Petition from residents seeking the immediate ceasing of the Bayside Commuter Bus Services to Brighton Station. (Total petitioners 130. – all petitions are Bayside residents)

“We the undersigned hereby petition Bayside City Council to immediately cease the trial of the Bayside Commuter Bus Service to Brighton Station until such time as a comprehensive consultation is undertaken with affected parties and a detailed assessment, including a full traffic assessment, consultation feedback and usage analysis is presented to Council.”

Petition Requirements
The submitted petition containing 130 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1 Clause 65.

Officer Comment
The Commuter Shuttle Bus Service commenced on 29 October 2018 following Council’s decision to trial this service on 21 August 2018. Council’s decision requires a review of the trial to be reported to Council’s February 2019 meeting.

That the petition be received and a report be submitted to the February 2019 Ordinary Council Meeting in conjunction with the substantive report on the Commuter Bus Service as per Council’s previous resolution.

Support Attachments
Nil
8. Minutes of Advisory Committees

Nil
Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the proposed road discontinuance and sale of land at rear of 42 Murphy Street and 55 Brickwood Street Brighton.

Council at its meeting on 18 September 2018 established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the proposed road discontinuance and sale of land at rear of 42 Murphy Street and 55 Brickwood Street Brighton in accordance with Section 223 of the Local Government Act 1989.

Key issues

Attached for Council’s information is a copy of the Special Committee of Council minutes of the meeting held on 1 November 2018. It is proposed that Council considers the submission received in conjunction with the report listed as part of this agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 1 November 2018 to hear submissions in relation to the proposed road discontinuance and sale of land at rear of 42 Murphy Street and 55 Brickwood Street Brighton.

Support Attachments

1. 1 November 2018 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 sale of property which relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Minutes of the
Special Committee of Council Meeting

to hear submissions in relation to:

Proposed Road Discontinuance and Sale of Land at Rear 42 Murphy Street and 55 Brickwood Street, Brighton

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton

on Thursday 1 November 2018

The Meeting commenced at 6.30pm

Present:
Cr Alex del Porto
Cr James Long BM JP
Cr Laurence Evans (Mayor)
Cr Michael Heffernan
Cr Clarke Martin
Cr Rob Grinter

Officers in attendance:
Mick Cummins Chief Executive Officer
Bill Shanahan Acting Director Corporate Services
Jason Stubbs Manager Commercial Services
Terry Gallant Manager Governance
Table of Contents

1. Welcome and opening of the meeting
2. Apologies
3. Disclosure of any Conflict of Interest
4. Submissions
   4.1 Proposed Road Discontinuance and Sale of land at rear 42 Murphy Street and 55 Brickwood Street, Brighton - Submission - Mr Alister Smith and Mrs Joanna Campbell-Smith of 55 Brickwood Street, Brighton.................................................................3
5. Requests to be heard in support of submissions

The following submitter has requested to be heard in support of their submission to the Special Committee of Council Meeting:

- Mr Alister Smith
Bayside City Council
   Special Committee of Council Meeting - 1 November 2018

1. **Welcome and opening of the meeting**
   The Mayor welcomed members of the Special Committee and the submitter to the meeting.

2. **Apologies**
   Moved Cr del Porto  Seconded Cr Long
   That the apology of Cr Sonia Castelli be received and leave of absence be granted.
   **CARRIED**

3. **Declarations of any Conflict of Interest**
   There were no conflicts of interest submitted to the meeting.

4. **Submissions**

4.1 PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND AT REAR 42 MURPHY STREET AND 55 BRICKWOOD STREET, BRIGHTON - SUBMISSION: MR ALISTER SMITH AND MRS JOANNA CAMPBELL-SMITH OF 55 BRICKWOOD STREET, BRIGHTON

   Corporate Services - Commercial Services
   File No: FOL/16/5282 – Doc No: DOC/19/258488

   It is recorded that Mr Alister Smith spoke for 4 minutes in support of his submission.

   Moved: Cr del Porto  Seconded: Cr Martin
   That the written submission from Mr Alister Smith and Mrs Joanna Campbell-Smith relating to the proposed road discontinuance and sale of land at rear 42 Murphy Street and 55 Brickwood Street, Brighton be received and noted.
   **CARRIED**

   Following consideration of submission, the Chairperson declared the meeting closed at 6.36pm.
9.2 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 26 SEPTEMBER 2018

Executive summary

Purpose and background

To present the minutes of the Bayside Arts Board meeting held on 26 September 2018 to Council for noting.

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

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

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

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

The Gallery Board membership consists of two Councillors appointed by Council and nine ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 26 September 2018 to consider the following matters:

- Draft Bayside Arts Strategic Plan 2018-2021

A copy of the 26 September 2018 minutes of the Bayside Arts Board meeting is attached for Council's information.

Recommendation
That Council:

1. notes the minutes of the Bayside Arts Board meeting held on 26 September 2018;
2. adopts the following recommendations of the Bayside Arts Board meeting of 26 September 2018:

   Item 6.1 – Bayside Arts Strategic Plan 2018-2021

   The Bayside Arts Board recommends that Council adopts the Bayside Arts Strategic Plan 2018-2022 including the above amendments at its Ordinary Council meeting in October.

Support Attachments
1. Minutes - 26 September 2018 - Special The Bayside Arts Board (Section 86 Committee)
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are no financial implications associated with this report.

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

held at the Mayor’s Room
Council Chambers, Brighton
on Wednesday 26 September 2018

The Meeting commenced at 6.30pm

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

Councillors
Cr Sonia Castelli
Cr Alex del Porto

In attendance
Jo Wilsdon
Giacomina Pradolin

Acting Executive Manager
Communications,
Customer and Cultural
Services

Arts and Culture Program
Coordinator
Bayside City Council  
Special Board of Specials (Section 86 Committee) 
Meeting - 26 September 2018

Table of Contents

1. Welcome and opening of the meeting
2. Present
3. Apologies
4. Disclosure of any Conflict of Interest
5. Adoption and Confirmation of the minutes of previous meeting
6. Reports
   6.1 Draft Arts Strategic Plan 2018-2021 ............................................. 3
7. General Business
8. Confirmation of date of future meetings
1. **Welcome and opening of the meeting**

The Chairperson, Ms Beninati welcomed Board Members and council Officers to the meeting.

2. **Present**

Ms Angelina Beninati  
Ms Tiziana Borghese  
Cr Alex del Porto  
Mr Arvind Vasan  
Ms Sarah Morris  
Mr Brian Hewitt  
Ms Bo Rutecki  
Ms Jo Willdon  
Ms Giaccomina Pradolin

3. **Apologies**

Cr Sonia Castelli  
Mr Roger Boyce  
Mr Patrick Christian  
Ms Charlotte Christie

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

There were no conflicts of interest submitted to the meeting.

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

5.1 Confirmation of the Minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 15 August 2018.

**Moved:** Ms Rutecki  
**Seconded:** Mr Vasan

**Recommendation**

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

**CARRIED**

6. **Reports**

6.1 **DRAFT ARTS STRATEGIC PLAN 2018-2021**

Communications, Customer & Cultural Services - Cultural services  
File No: PSF/18/4516 – Doc No: DOC/18/216753
The Board discussed the draft Strategic Plan. The Arts and Program Coordinator advised that Mr Boyce and Mr Christian supported the draft strategy via email.

The amendments to the draft Strategic Plan will be made as follows:

- **Bayside Arts Strategic Plan – change from 2018-2021 to 2018-2022**
- **Strategic objective 2.2 to be moved so that it sits under Goal 1 and reads as:**
  Accessible programs are developed aiming to enhance community health and well-being.
- **Goal 4 maximise engagement timeframe 4.1.1 to read: Year 1-4**
- **Program of capital works Year 3 replace cnr Nepean Highway and Dendy Street with:**
  To be determined
- **Key issues and findings to include SWOT analysis or equivalent as noted at the Strategic Planning day.**

**Moved: Ms Borghese**  
**Seconded: Ms Morris**

The Bayside Arts Board recommends that Council adopts the Bayside Arts Strategic Plan 2018-2022 including the above amendments at its Ordinary Council meeting in October.

**CARRIED**

**Moved: Mr Vasan**  
**Seconded: Mr Hewitt**

The Bayside Arts Board recommends Council receives an annual progress report against Performance Indicators each year of the Bayside Arts Strategic Plan .

**CARRIED**

7. **General Business**

Discussion took place around public art in activity centres. Cr del Porto to follow up on upgrade of Sandringham Village and identify any public art opportunities.

There was some discussion around fundraising and philanthropy. A fundraising plan with clear financial objectives will be established in Year 1 of the Strategic Plan.

Ms Beninati is an apology for the next meeting. Cr del Porto along with other members thanked Ms Beninati for her contribution to the Board as Chairperson.

**CARRIED**

8. **Confirmation of date of future meetings**

It was noted that the next meeting of the Gallery Board will be held on Wednesday 28 November 2018. Followed by end of year celebrations on Thursday 6 December 2018.
The Chairperson declared the meeting closed at 7:22pm
Executive summary

Purpose and background

The purpose of this report is to provide Council with a review of the progress made against year one actions in the Domestic Animal Management Plan 2017 - 2021.

The Domestic Animal Management Plan 2017 - 2021 ("the Plan") describes the services, programs and activities Council is implementing over four years to support responsible (domestic) animal ownership.

Key issues

Identified in the Plan are a suite of objectives and associated actions for the purposes of planning, implementing and evaluating animal management services and programs delivered by Council.

A review of first year actions has been completed and Attachment 1 summarises the evaluation of progress against the following objectives:

- **Animal Management Officer Training and Development**: Ensure staff have the necessary technical and interpersonal skills to carry out their role.

- **Encouraging Responsible Pet Ownership – Community Education**: Decrease complaints relating to pets and enhance animal management services in response to community needs and service management imperatives.

- **Registration and Identification**: Increase and maintain high levels of pet registration and permanent identification.

- **Compliance and Enforcement**: Plan and manage provision for dogs off-leash in consideration of other park and foreshore activity needs.

- **Domestic Animal Businesses**: Provide education to domestic animal businesses to assist them to comply with legislative requirements.

- **Managing Dangerous, Menacing and Restricted-Breed Dogs**: Effectively manage dogs classified as dangerous, menacing or of a restricted breed and minimise the incidence of dog attacks and rushes in the home and in public places.

- **Overpopulation and Euthanasia**: Minimise the number of pets surrendered, animals without homes, and animals euthanised.
A key challenge identified in the review was that community concerns relating to dog off-leash issues continue to be a regular theme raised with Council. Issues include:

1. The need to separate some activities from dog off-leash areas for safety reasons (ie. sporting events and children playgrounds);
2. The high demand for dog off-leash areas;
3. The need to restrict access to some natural habitat locations to preserve ecosystems; and
4. Expectations with regards to proactive enforcement of regulations in dog off-leash areas.

Although data such as complaint numbers does not indicate the challenge is significantly increasing, in an effort to address these concerns, Council officers have brought forward i) the feasibility study to assess the practicality of an additional secured dog off-leash area and ii) an investigation into extending dog off-leash times along the foreshore.

Council has a Local Law and various orders in place that dog owners must comply with regarding dogs in public places. Further to initiatives contained in the Plan, over the past year Council officers have also increased patrols of open space and designated dog off-leash areas to ensure compliance, replaced and repaired off-leash signage and consolidated Local Law and Animal Management functions to increase the available workforce.

Similarly, upon reviewing the Domestic Animal Management Plan 2017 - 2021, it is proposed that Council will:

- Increase pop-up-stand sessions to better educate dog owners on ‘effective control’ for both on and off-leash areas; seek feedback on how to better educate and assist dog owners on Council Orders; and better understand why Orders are not being adhered to;
- Extend its communication (including messaging platforms) to include informing the community of Council’s enforcement regime (more specifically around off-leash requirements) and publicising successful prosecutions;
- Better promote the eligibility to receive a reduced fee for nationally recognised obedience trained dogs;
- Increase capacity of mobile technology to enable the issuing of warnings, and rapid identification of repeat offenders for the purposes of issuing on the spot fines; and
- Utilise Council Animal Management vehicles to increase the visibility of patrols for promotional purposes, such as promoting animal registration dates.

**Recommendation**

That Council receives and notes the annual review on the progress made against year one actions as outlined in the Domestic Animal Management Plan 2017 – 2021.
Support Attachments
1. Domestic Animal Management Plan - Annual Review November 2018

Considerations and implications of proposition

Liveable community

Social

Pets are an important part of the Bayside community and bring significant health and wellbeing and social benefits to owners. The Plan brings a balance between the people in our community who enjoy contact with pets and those who do not wish to have any contact with dogs or cats. This occurs through controls and legislative requirements to ensure the whole community is accommodated for.

Natural Environment

In managing pets, local government has responsibility to manage activities and environmental factors that have an impact on the whole community by regulating, enforcing and educating dog owners.

Built Environment

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

Customer Service and Community Engagement

There was significant community engagement associated with the preparation of the DAMP and the targeting of the initiatives it contains. The nature of this report (progress report on progress against initiatives) does not require formal community engagement. However, due to the concerns regarding dog off-leash areas, the Bayside Dog Alliance is being consulted in the finalisation of the report for Council.

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

In accordance with Section 68A (3) of the Domestic Animals Act 1994, Council must review its Domestic Animal Management Plan (the Plan) on an annual basis, and if appropriate, amend the Plan if required.

Finance

There are no financial implications as a result of this report.
Links to Council policy and strategy

In presenting this report, Council is achieving its strategic objective of providing an annual review of the Domestic Animal Management Plan 2017 - 2021.

Key considerations of the Domestic Animal Management Plan 2017 - 2021 align with other Council strategies are as follows:

1. Community Plan: Recognises that a priority for the entire Bayside community is to encourage and support people to lead healthier lives.


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.
Domestic Animal Management Plan – Annual Review November 2018

### Domestic Animal Statistics

<table>
<thead>
<tr>
<th></th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of registered dogs</td>
<td>12,332</td>
<td>11,874</td>
</tr>
<tr>
<td>Number of registered ‘declared’ dogs in Bayside</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Number of impounded dogs</td>
<td>202</td>
<td>187</td>
</tr>
<tr>
<td>Number of impounded dogs returned to owner</td>
<td>199</td>
<td>179</td>
</tr>
<tr>
<td>Number of dogs rehoused</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Number of dogs euthanised</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of registered cats</td>
<td>4,202</td>
<td>3,866</td>
</tr>
<tr>
<td>Number of impounded cats</td>
<td>78</td>
<td>81</td>
</tr>
<tr>
<td>Number of impounded cats returned to owner</td>
<td>23</td>
<td>24</td>
</tr>
<tr>
<td>Number of cats rehoused</td>
<td>14</td>
<td>27</td>
</tr>
<tr>
<td>Number of cats euthanised*</td>
<td>41</td>
<td>30</td>
</tr>
</tbody>
</table>

*19 feral
## Domestic Animal Management Plan – Annual Review November 2018

<table>
<thead>
<tr>
<th>Service Statistics</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time taken to action animal management requests</td>
<td>2.43 days</td>
<td>2.05 days</td>
</tr>
<tr>
<td>Animal infringements for dogs and cats</td>
<td>462</td>
<td>526</td>
</tr>
<tr>
<td>Animal registration enquiries</td>
<td>699</td>
<td>970</td>
</tr>
<tr>
<td>Dog attack (causing injury)</td>
<td>91</td>
<td>89</td>
</tr>
<tr>
<td>Dog rush complaints</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>Complaints relating to dog barking (causing nuisance)</td>
<td>362</td>
<td>339</td>
</tr>
<tr>
<td>Complaints regarding dogs on foreshore (restricted or off-leash)</td>
<td>14</td>
<td>20</td>
</tr>
<tr>
<td>Complaints regarding dog off-lease in leashed areas</td>
<td>115</td>
<td>126</td>
</tr>
<tr>
<td>Dogs picked up by Council or pound</td>
<td>265</td>
<td>243</td>
</tr>
<tr>
<td>Complaints relating to dogs wandering</td>
<td>86</td>
<td>112</td>
</tr>
<tr>
<td>Feral/domestic cat to be collected</td>
<td>47</td>
<td>68</td>
</tr>
<tr>
<td>Other general animal complaints</td>
<td>288</td>
<td>168</td>
</tr>
<tr>
<td>Calls seeking educational information</td>
<td>52</td>
<td>91</td>
</tr>
</tbody>
</table>
3.1 Animal Management Officer Training and Development

**Objective:** To ensure staff have the necessary technical and interpersonal skills to carry out their role.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Staff Training Calendar to ensure appropriate training opportunities are provided.</td>
<td>Annually</td>
<td>Local Law Officers participated at various Department of Economic Development, Jobs, Transport and Resources training sessions. Officer completing a Certificate IV in Animal Control and Regulations.</td>
</tr>
<tr>
<td>All staff to be provided with Council’s Learning and Development Calendar</td>
<td>Annually</td>
<td>Learning and Development opportunities are made accessible to Council officers via online portals and as part of the annual performance planning process.</td>
</tr>
<tr>
<td>Provide training on managing expectations of complainants</td>
<td>Annually</td>
<td>Completion of Conflict Management training for all staff.</td>
</tr>
<tr>
<td>Establish detailed customer satisfaction survey and implement an improvement program</td>
<td>Ongoing</td>
<td>Customer Journey mapping initiated. Awaiting results of survey.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Customer Satisfaction Survey: Council achieved a satisfaction rating of 7.4 out of 10, which was categorised as 'very good', slightly higher than Melbourne Metro average of 7.39.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Integration of Local Law and Animal Management service units to increase capacity of animal management service levels. Resulted in an additional two animal management officers.</td>
</tr>
</tbody>
</table>
3.2 **Encouraging Responsible Pet Ownership – Community Education**  

**Objective 1:** To decrease complaints relating to pets.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a ‘Welcome Pack’ for first time pet</td>
<td>Year 1</td>
<td>Welcome packed developed. Implementation process is being investigated.</td>
</tr>
<tr>
<td>registration</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Objective 2:** To enhance animal management services in response to community needs and service management imperatives.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduce a minimum of 2 information sessions (pop up stands) to support</td>
<td>Annually</td>
<td>4 information sessions conducted at Elsternwick Park. Council will increase</td>
</tr>
<tr>
<td>Council’s educative programs</td>
<td></td>
<td>information sessions to beyond 4, due to the success and visibility in Open</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Space areas.</td>
</tr>
</tbody>
</table>

3.3 **Registration & Identification**

**Objective:** To increase and maintain high levels of pet registration and permanent identification.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain high reclaim rates for microchipped animals collected by the</td>
<td>Annually</td>
<td>High reclaim rates maintained. 81.53% was achieved for the 2017/18 year.</td>
</tr>
<tr>
<td>24 hour holding service</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.4 Compliance and Enforcement – Local Laws and Orders

Objective: To plan and manage provision for dogs off-leash in consideration of other park and foreshore activity needs.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to improve off leash dog signage</td>
<td>Years 1-3</td>
<td>Signs being replaced or fixed on notification. Ricketts Points signage has been updated.</td>
</tr>
<tr>
<td>Undertake a feasibility study to assess the practicality of an additional secured dog off-leash area to enable a learning and testing environment for effective control</td>
<td>Years 2-3</td>
<td>Brought forward. The findings of this review will be presented to Councillors at the Councillor Briefing to be held 4 December 2018.</td>
</tr>
<tr>
<td>Investigate extending dog off-leash times along the foreshore</td>
<td>Year 3</td>
<td>Brought forward. The findings of this review will be presented to Councillors at the Councillor Briefing to be held 4 December 2018.</td>
</tr>
</tbody>
</table>

3.5 Domestic Animal Businesses

Objective: To provide education to domestic animal businesses to assist them to comply with legislative requirements.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No activities to report against for Year 1 of the Plan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.6 Managing dangerous, menacing and restricted breed dogs

Objective 1: To effectively manage dogs classified as dangerous, menacing or of a restricted breed.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educate the community on changes to State legislation regarding restricted breed dogs</td>
<td>Year 1 &amp; 2</td>
<td>The Domestic Animals Amendment (Restricted Breed Dogs) Act 2017 came into effect on 30 September 2017 allowing the registration of restricted breed dogs in Victoria; clarifying the dangerous dog status of guard dogs when retired to a residential premises and increasing the payments for registered dogs and cats made by Councils. Articles prepared for Bayside Pets Newsletter and information available at the Pet Expo.</td>
</tr>
</tbody>
</table>

Objective 2: To minimise the incidence of dog attacks and rushes in the home and in public places.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No activities to report against for Year 1 of the Plan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.7 Overpopulation and euthanasia

Objective: To minimise the number of pets surrendered, animals without homes, and animals euthanized

<table>
<thead>
<tr>
<th>Activity</th>
<th>Schedule</th>
<th>Evaluation - Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue providing discount desexing options for low socio-economic groups and promote these to the community</td>
<td>Annually</td>
<td>Desexing vouchers supplied to low socio-economic dog and cat owners. Desexing vouchers are promoted at drop in sessions and information available at the Pet Expo.</td>
</tr>
</tbody>
</table>
10.2 INDIAN MYNA CONTROL PROGRAM 2017/18 - PROGRAM UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/260428

Executive summary

Purpose and background

The purpose of this report is to provide an update on the Indian Myna Control Program implemented by the Bayside Indian Myna Action Group (BIMAG) over the 2017/18 financial year. Council deferred consideration of this item at its meeting on 23 October 2018. The minutes of the meeting are recorded as:

Moved: Cr del Porto               Seconded: Cr Martin

That Council:

1. discontinues its support for the trapping of Indian Myna birds and the Bayside Indian Myna Action Group;

2. informs the Bayside Indian Myna Action Group volunteers that the program is being discontinued; and

3. requests that the Bayside Indian Myna Action Group seeks the return of all traps to the Cheltenham Park shed that is provided for its use for recycling by Council.

The Motion was PUT and a DIVISION was called:

DIVISION:

FOR: Crs Alex del Porto, James Long and Sonia Castelli (3)

AGAINST: Crs Laurence Evans (Mayor), Michael Heffernan, Clarke Martin and Rob Grinter (4)

LOST

Moved: Cr Grinter               Seconded: Cr del Porto

That this matter be deferred to the November Ordinary Meeting of Council to enable further discussion with BIMAG.

CARRIED

BIMAG has been operating in Bayside since December 2014, following a decision by Council in October 2014 to initially fund the program. The aim of the program is to reduce the population of the introduced Indian Myna species that are known to displace native bird species.

The program is managed and implemented entirely by volunteers. All participants must be aware that all birds are to be handled in accordance with nationally endorsed standard operating procedures produced by the NSW Department of Primary Industries.
This matter is before Council as, at its Ordinary Meeting on 27 June 2017, Council resolved the following:

That Council:
1. notes the BIMAG annual report to Council for 2016-2017;
2. continues the Indian Myna control program for one further year with a $5000 budget and the program be reviewed after the one year; and
3. writes to the BIMAG committee advising it of Council’s decision.

BIMAG has provided officers with two email summaries of the program over the last 12 months, key issues of which are summarised below.

BIMAG is requesting a further $5,000 from Council to fund the program in 2018/19.

Discussions between Council staff and BIMAG representatives have been held since Council’s decision on 23 October 2018. BIMAG representatives are planning to register to speak at the Council meeting in November 2018.

Key issues
Assessment of BIMAG for 2017/18

BIMAG has reported to have caught and euthanised approximately 1,170 Indian Mynas over the last financial year. These birds have been trapped by residents in their private property using traps purchased by BIMAG. The birds are brought to the BIMAG site by residents for euthanasia (Council allocated an unused gardeners shed at Cheltenham Park to BIMAG and this site is used to collect and euthanise Indian Mynas by trained BIMAG volunteers).

According to BIMAG, an additional estimated 1,200 Indian Mynas are being disposed of privately by residents. Council has no clear confirmation of these numbers and the method of euthanasia, or whether these methods comply with animal welfare standards. Additionally, limited data was provided to Council regarding non-target species capture over the last 12 months. BIMAG stated that non-target species were released but the impact of trapping on the welfare of these species is unknown.

Officers from the Department of Environment, Land, Water and Planning (DELWP) have advised that localised removal of Indian Mynas may result in rapid replacement from adjoining areas. BIMAG has observed that Indian Mynas are coming into Bayside from nearby municipalities, and that they regularly receive requests from residents from the Cities of Glen Eira and Kingston to participate in the Bayside program. Of concern is the number of birds being privately euthanised by trappers (i.e. not overseen by BIMAG and bought to the BIMAG site at Cheltenham Park for euthanasia by trained volunteers).

BIMAG has continued to maintain and update a website and Facebook page about the Indian Myna control program.

Feedback from BIMAG has indicated that the hours required to run the program efficiently are extensive and the pressure on the remaining administrative volunteers is high. The 2017/18 report from BIMAG lacks some of the detail that has previously been provided, particularly non target species, and continues to show that a large number of birds have been privately euthanised.

The increase in private euthanisation may be attributed to the restricted operating hours of the shed at Cheltenham Park as a result of limited volunteer base. Relevant guidelines stipulate a restricted amount of time that a trapped bird may be kept prior to being euthanised.
In order to meet these guidelines, some residents may choose to privately euthanise a bird rather than waiting for the shed to be open (which may cause them to be in breach the guidelines).

BIMAG also acknowledge that some residents find bringing traps to the BIMAG shed difficult, due to the size of the traps. Other feedback indicated that as the shed is located near the eastern municipal boundary (in Cheltenham Park), some residents find this too far to drive if they live in the north and western suburbs of Bayside.

Summary of trapping data over the life of the BIMAG program to date

<table>
<thead>
<tr>
<th></th>
<th>2015/16</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Mynas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>euthanised by BIMAG</td>
<td>1,360</td>
<td>860</td>
<td>1,170</td>
</tr>
<tr>
<td>Indian Mynas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>privately euthanised by residents</td>
<td>1,360 (BIMAG report acknowledges that residents are euthanising at least a similar number of birds to BIMAG volunteers).</td>
<td>1,290 – 2,000 (BIMAG report acknowledges that up to 70% of birds are being privately euthanised).</td>
<td>1,200 (BIMAG report acknowledges that residents are euthanising at least a similar number of birds to BIMAG volunteers).</td>
</tr>
<tr>
<td>Not overseen by BIMAG</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exact numbers and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>methods of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>euthanasia are unknown</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-target species</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>caught and released</td>
<td>353</td>
<td>No data collected.</td>
<td>BIMAG reports states less than 10 non-target species were brought to the shed. These included Spotted Doves, Starlings, Blackbirds (all introduced species), and one or two Wattlebirds and/or Noisy Miner (both native species).</td>
</tr>
<tr>
<td>Impact on species</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>unknown</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In 2016/17, there were a number of factors that led to questions about Council’s future involvement in this bird culling program:

- RSPCA confirming their preference to improve habitat for smaller local native birds, rather than trapping and culling Indian Mynas by community volunteers;
- DELWP advice that localised removal of Indian Mynas may result in rapid replacement of Indian Mynas from adjoining areas;
- BIMAG volunteer administration base of three people continued to struggle with the workload and efforts over the last two years to recruit additional volunteer resources have been unsuccessful; and
- Council’s ongoing role in supporting the distribution of cages that has resulted in the culling of approximately 1,200 birds that may not have been euthanised in accordance with endorsed standard operating procedures, with no clear indication of these numbers or the method of euthanasia nor whether these methods comply with animal welfare protocols.

At its 27 June 2017 meeting, Council endorsed continuing the program and allocated a further $5,000 for BIMAG in the 2017/18 year.
In mid-2018, BIMAG made contact with the Bayside Friends of Native Wildlife (FONW), following advice from Council officers, to expand the program to include improving habitat for native bird species.

BIMAG has ordered a number of nest boxes from FONW to encourage native Parrots and native Pardalotes, which will be provided to residents involved in the BIMAG program – pending assessment of their garden suitability. BIMAG is aiming to work in partnership with FONW to develop garden profiles, install and monitor nest boxes, and to provide advice regarding planting indigenous species to attract native birds back into residential gardens.

It should be noted that while BIMAG will continue to trap and euthanise Indian Mynas and there are still valid concerns regarding this aspect of the program, (particularly regarding the number of birds that are privately euthanised by residents). The change in focus towards habitat creation is more in accordance with advice from the RSPCA and consistent with recommendations in the recently endorsed Bayside Biodiversity Action Plan (2018-2027).

**Recommendation**

That Council continue its support for BIMAG, on the basis that the group continues to focus on activities to improve the quality of natural habitat, in turn enhancing native bird diversity in the Bayside area.

**Support Attachments**

Nil

**Considerations and implications of recommendation**

**Liveable community**

**Social**

As Indian Mynas (*Acridotheres tristis*) tend to associate with human activity, they may reduce public and domestic amenity by their noise, droppings and tendency to create mess as they scavenge through litter for food and nesting material. Indian Mynas can roost in a single tree or building, usually near reliable food sources and in these communal roosts, they make loud chattering noises and can deposit a large volume of droppings.

In 2018, BIMAG engaged with the Bayside Friends of Native Wildlife to work together developing garden profiles for local residents to encourage native bird species to return to residential gardens. This partnership may create additional community benefits between the two groups, the Bayside Community Nursery and residents involved in the BIMAG program, which in turn may also encourage new links between residents and Bayside’s Friends groups.

**Natural Environment**

Indian Mynas are an introduced species in Australia, originating from South East Asia. Originally introduced to Australia between 1862 and 1872 to control plague locusts and cane beetles in the cane fields of North Eastern Queensland, these birds established quickly, with several other introductions occurring until the 1950’s.

Adapting easily to new environments, (especially urban environments), Indian Mynas are aggressive and harass native birds and other small animals and can eventually drive them from their nests.
They can fight with other birds for territory during the breeding season and have also been observed removing eggs and chicks from other birds’ nests in order to claim nest spaces. They prefer open habitats where the original indigenous tree and shrub cover has been removed or reduced by clearing and development.

It should be noted that the RSPCA does not encourage the capture and killing of Indian Mynas by community groups. Their preference is to direct efforts towards enhancing bird diversity in urban areas by improving the quality of natural habitat.

Although RSPCA recognises that in certain circumstances it is necessary to control populations of pest animals because of the impact they have, in the case of Indian Mynas, their impact on native plants and animals is not clearly understood. It is yet to be determined if killing Mynas has any effect other than reducing local Myna populations. As such, there is not general agreement amongst the scientific community about the need for culling Indian Mynas. Non-target species capture is unknown as is the impact on these species, or whether indeed they are released.

BIMAG has expanded its program this year to include the purchase of nest boxes for residents who have removed Indian Mynas from their gardens to further encourage the return of smaller native bird species. It has also been encouraging residents involved in the control program to visit the Bayside Community Nursery to purchase suitable native plant species to create habitat for native bird species. This approach is more consistent with the advice issued by the RSPCA.

**Built Environment**

BIMAG currently utilise a small shed at Cheltenham Park and with Council’s approval this is anticipated to be an ongoing arrangement.

**Customer Service and Community Engagement**

There are still varying opinions within the broader community regarding the BIMAG program ranging from support for the program to concerns regarding animal welfare. Currently 270-300 traps are operating on rotation in residential properties throughout Bayside.

The new partnership with Bayside Friends of Native Wildlife is a positive step towards integrating this program with the Bayside Environmental Friends Network and the change of focus towards habitat creation and planting will hopefully create new links with residents and the Bayside Community Nursery.

Following the Council meeting on 23 October 2018, Council staff contacted BIMAG representatives to discuss Council’s decision.

**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 stipulated that the Indian Myna control program must comply with animal welfare protocols in accordance with nationally endorsed standard operating procedures produced by the NSW Department of Primary Industries. These protocols are based on model codes of practice and standard operating procedures for the humane capture, handling or destruction of feral animals in Australia.
They are nationally endorsed by the Federal Department of Environment and were developed by the Vertebrate Pest Research Unit of New South Wales Department of Primary Industry.

BIMAG volunteers are required to comply with the Code of Practice for the transport and housing requirements of caged birds as set out by the Department of Economic Development, Jobs, Transport and Resources.

A concern remains about Council’s role in supporting a program that has resulted in the private culling of up to 1,200 birds that may not have been euthanised in accordance with endorsed standard operating procedures.

**Finance**

Council allocated $11,000 to fund the trial control program in 2015-2016. This money predominantly paid for the manufacture of traps and supply of CO₂ gas. In 2016/17 a further $11,000 was spent to support BIMAG.

In 2017/18, $5,000 was allocated to the program. BIMAG has advised that this funding was not spent on the purchase of traps, as the 300 currently owned by BIMAG are enough to cope with the current demand, and these are borrowed, returned and reallocated as required. The majority of funding from 2017/18 was approved for use to purchase nest boxes for native bird species (15 Parrot nesting boxes and 30 Pardalote nesting boxes). These have been supplied by the Bayside Friends of Native Wildlife.

In 2018/19, BIMAG is seeking a further $5,000 to run the program. This amount is available in Council’s budget. Monies allocated to BIMAG are not provided on an upfront basis. BIMAG demonstrates how money will be spent prior to Council staff releasing the funds.

**Links to Council policy and strategy**

Encouraging the planting of local indigenous vegetation in Bayside relates to Goal Four – Open Space of the Council Plan (2017-2021).

Improving habitat for native species and promoting indigenous flora is also supported in the Bayside Open Space Strategy (2012) Principal Four: Environmental Sustainability: Manage and restore our natural assets to maintain and enhance biodiversity and ecological processes. A target of the Bayside Environmental Sustainability Framework (2016-2025) is to achieve a net gain in indigenous flora and fauna species and to increase biodiversity and ecosystem health improvements through increasing the planting of trees and other indigenous vegetation throughout the municipality.

Providing protective habitat for smaller birds is identified as Action 32 in the recently endorsed Bayside Biodiversity Action Plan (2018-2027), which recognises that Indian Mynas are problematic in competing with smaller native bird species.
Options considered

**Option 1**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council discontinues the Indian Myna control program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>No further costs to Council and eliminates Council’s role in the potentially unregulated private culling of Indian Myna birds (estimated at 1,290 – 2,000 in the previous 12 months).</td>
</tr>
<tr>
<td>Issues</td>
<td>Dissatisfaction of supporters of the program. Traps would also have to be retrieved, otherwise there is the risk that residents will continue to capture and dispose of birds in an ad hoc manner that breaches animal welfare protocols. Council would have a role to play in retrieving the traps.</td>
</tr>
</tbody>
</table>

**Option 2**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Council continues to support the current program operated by BIMAG, with a condition that BIMAG continue to focus on activities to improve the quality of natural habitat in turn enhancing bird diversity in the Bayside area and work in conjunction with Bayside Friends of Native Wildlife.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The program is already established within the community and further control of Indian Mynas (at a local level) is undertaken.</td>
</tr>
<tr>
<td>Issues</td>
<td>The program may still be impacted by time constraints and willingness of volunteers to continue participating. There will also be a financial cost to Council (the 12 month trial cost $5000). Council has no clear indication of numbers or the method of euthanasia of birds trapped on private property and not brought to the BIMAG site at Cheltenham Park nor whether these methods comply with animal welfare protocols.</td>
</tr>
</tbody>
</table>
10.3  RESPONSE TO PETITION - BAN THE USE OF SOLID FUEL OUTDOORS FOR THE PURPOSES OF THE COOKING OF FOOD AND HEATING

City Planning & Community Services - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/266680

Executive summary

Purpose and background

The purpose of this report is to present the implications of introducing a Local Law to manage the use of solid fuel materials outdoors for cooking of food and heating.

At the Ordinary Council Meeting on 21 August 2018, Council received a petition containing 5 signatories seeking Council to:

“Ban the burning of solid fuel materials outdoors in any “Barbecue” for cooking of food and;
Ban the burning of solid fuel materials outdoors in any “Incinerator” for heating.”

A range of considerations need to be addressed before Council can determine if a Local Law specific to banning solid fuel materials is required. The considerations include: having sufficient (and appropriate) resources to implement the Local Law; the commonality of the problem being addressed; and measures to ensure any new regulation can achieve the characteristics of better practice Local Law.

Key issues

Council’s Local Law No.2 ‘Neighbourhood Amenity’, complaint data and guidelines

Clause 31 of Council’s Local Law No.2 ‘Neighbourhood Amenity (“Council’s Local Law”) bans the burning of any offensive materials or any materials that cause offensive emissions of smoke and odour to enter any neighbouring property.

A Person must not, without a Permit, burn or cause to be burnt outside any materials (other than offensive materials), whether in the open air or in any built or manufactured incinerator or similar device.

Conversely, a Local Law permit is not required where a permanent or portable barbeque, or a manufactured fireplace is used for the purpose of outdoor heating. In accordance with the Collins English Dictionary, ‘Solid fuel’ is fuel such as coal or wood, that is solid rather than liquid or gas.

Since 2016, Council has received 10 enquiries/complaints regarding the use of solid fuel materials outdoors for cooking or heating.

Further information provided with Petition

The petition presented information with regard to Kingston City Council having a Local Law for the purpose of controlling the use of solid fuels that states:

“A person must not light or allow to be lit or remain alight a fire in any incinerator or other structure used for the purpose of burning solid fuel materials to create heat outdoors.” and

“A person must not construct or re-construct or allow or cause to be constructed or re-constructed any solid fuel barbecue within three metres of any fence or structure (whether fixed or portable) or within three metres of any overhanging tree or foliage.”

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Council must take particular care with the drafting of a Local Law and amending a Local Law is a long, arduous process. Council’s Local Law is due to sunset in April 2022 and the review of the Local Law will commence in late 2020.

Due to the low number of complaints and Council’s ability to manage any ‘nuisances’ under the Public Health & Wellbeing Act 2008, it is recommended to address the use of solid fuel when next reviewing Council’s Local Law. This will commence in late 2020.

However, it is noted that the ‘nuisance’ provisions may not address typical neighbour disputes in relation to solid fuel burning. The MAV Guidelines for Local Government Authorised Officers June 2010 suggests:

*If a matter which is the subject of a complaint does not amount to a “nuisance” because the council considers it is merely “annoying” rather than “offensive” or “dangerous to health”, there is no legal obligation on the council to take any further action beyond notifying the complainant of the outcome of the investigation. However it could be suggested to the complainant that the matter be dealt with privately.*

In this regard, the Dispute Settlement Centre is the best agency in which to deal with such matters and offers a fee dispute resolution service.

**Recommendation**

That Council refer consideration of banning solid fuel for the purposes of cooking and heating to the next scheduled review of Council’s Consolidated Local Law No.2 ‘Neighbourhood Amenity’.

**Support Attachments**

Nil
Considerations and implications of proposition

Liveable community

Social
Council’s Local Law No 2 is designed to secure community safety, protect public assets and enhance neighbourhood amenity.

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 s. 223 of the Local Government Act 1989, a process is required to be undertaken prior to endorsing 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
The use of solid fuel is not prohibited unless that solid fuel is considered nuisance material in line with EPA guidelines. 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.

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

Links to Council policy and strategy
This report has been prepared in consultation with Council’s Local Law No. 2 ‘Neighbourhood Amenity’.
10.4 BAYSIDE ENVIRONMENTAL SUSTAINABILITY FRAMEWORK 2016-2025 ACTION PLAN UPDATE HOLDING REPORT

Executive summary

Purpose and background
At the Ordinary Meeting on 21 August 2018, Council resolved to receive a further report at or before the November 2018 Council meeting on the updated Environmental Sustainability Framework (ESF) Action Plan for 2018-2022.

The purpose of this report is to reschedule the presentation of this further report until Council’s Ordinary Meeting in February 2019.

Key issues
A service review has been undertaken to assess the role and function of Council’s Environmental Sustainability (ES) service during 2018. The findings of the service review will be presented to Council at its Ordinary Meeting in December 2018.

The findings and recommendations of the Environmental Sustainability service review have direct relevance to the update of the ESF Action Plan for 2018-2022. As such, it is recommended to defer the presentation of the updated ESF until the Ordinary Meeting in February 2019, so that the findings and recommendations of the Environmental Sustainability Service Review can be included in the updated ESF Action Plan 2018-2022.

Recommendation

Support Attachments
Nil

Considerations and implications of recommendation

Liveable community

Social
There are no community implications from the recommendation in this report.

Natural Environment
There are no implications on the natural environment from the recommendation in this report.

Built Environment
There are no implications on the built environment from the recommendation in this report.
Customer Service and Community Engagement
There are no customer service or community engagement implications from the recommendation in this report.

Human Rights
There are no human rights implications from the recommendation in this report.

Legal
There are no legal implications from the recommendation in this report.

Finance
There are no financial implications from the recommendation in this report.

Links to Council policy and strategy
Environmental Sustainability Framework 2016-2025.

Options considered
There are no options presented to the recommendation to Council.
Executive summary

Purpose and background

The purpose of this report is to update Council on the development of a regional business case and suitable contract models that are designed to foster private sector investment into the establishment of Advanced Waste Resource Recovery Facilities in South-east Melbourne to provide long-term waste processing services that are alternatives to disposing waste to landfill.

Growing volumes of waste and the practice of landfilling is a critical global issue that requires urgent action at domestic, municipal and regional levels. The disposal of waste to landfill is problematic for the following reasons:

- Increasing cost of landfilling: the Victorian State government’s approach of approving less airspace for new landfills, charging a levy to all disposed material and ever increasing landfill regulations have increased the cost of landfilling, a cost which is borne directly by the community through the municipal waste charge;
- Inefficient use of resources: waste materials that could be recovered for re-use, recycling or conversion to energy; and
- Potential environmental impacts: the decomposition of organic matter in landfills produces methane, a potent greenhouse gas. Landfills have also been known to contaminate land, groundwater and freshwater streams when liners and caps fail.

Ongoing monitoring and management of landfills is required to address these risks.

Given the dilemmas associated with disposing of municipal waste to landfill, there are growing expectations and opportunities for Councils to collaboratively procure waste management services from a future facility employing Advanced Waste and Resource Recovery Technologies (AWRRT) that optimise the recovery of resources from waste streams. Such a facility has the potential to transform the waste management sector and contribute to Melbourne’s liveability and sustainability.

The State Government has allocated funding to the Metropolitan Waste and Resource Recovery Group (MWRRG) from the Sustainability Fund to support Councils to develop a region-wide business case and procurement strategy for procuring AWRRT solutions. The business case and procurement strategy will also inform how State Government departments and agencies might support the procurement and deployment of residual waste processing solutions by local government.

A number of Councils in Melbourne’s south-east are collaborating with the assistance of the MWRRG to facilitate the development of a business case to explore procurement options for AWRRT solutions. Such regional collaboration is imperative to the aggregation of waste volumes to make the establishment of an AWRRT facility a viable proposition. A lack of aggregation due to waste management being distributed among 31 metropolitan municipalities has been a barrier to private sector investment in AWRRT facilities to date.

Council officers have provided the MWRRG with data on Bayside’s waste quantities and composition and have attended a series of briefings and workshops in between June and November 2018 to explore suitable contract models. These forums have also been an opportunity to provide feedback to MWRRG to develop a proposed contract model, which is (or a variation of) a joint venture known as a Special Purpose Vehicle (SPV) where participating Councils form a company to engage and manage a contract to provide a long-
term waste management solution. Councils participate as stakeholders in the company (see Figure 1 below).

**Figure 1 Aggregating Demand From Multiple Councils Through Joint Venture (or SPV)**

The Local Government Act 1989, Section 193 provides the powers for Council to enter into such an arrangement. Contracting options include a simple service provision model, design and construct options, and build/own/operate with variations on ownership of the final facility solution at the end of the contract. A regional business case for procuring AWRRT solutions has been developed and a region-specific business case for a cluster of Councils in Melbourne’s south-east is under development.

Bayside’s landfill diversion targets set within the Council Plan, Recycling and Waste Management Strategy and Environmental Sustainability Framework are 65% by 2020 and 75% by 2025. MWRRG’s target is to divert at least 25% of the residual municipal waste in Greater Melbourne from landfill by 2026.

**Key issues**

MWRRG has compiled the waste quantities and composition data submitted by member Councils and feedback received on the suitability of the procurement and contract model. It is proposed to test options with industry throughout the procurement process.

The findings in the draft regional business case are that the technologies that have the strongest technical and commercial track records of recovering value from municipal waste are 1) mass burn combustion with energy recovery; and 2) mechanical biological treatment, coupled with some form of energy recovery (either combustion or gasification).

MWRRG has taken a waste hierarchy approach (refer Figure 2 below) to identifying a range of potential interventions that could achieve the objectives of restricting the disposal of residual municipal waste to landfill.

**Figure 2 The Waste Management Hierarchy**
The modelling of resource recovery options indicates that for Bayside and other member Councils of MWRRG to reach the landfill diversion objectives, local government could procure and deploy a range of options that include expanding the collection and processing of food and garden waste (FOGO options), together with new waste processing infrastructure to manage residual municipal waste. The initial work on a regional cost-benefit analysis has taken the regional options appraisal to the next level and has considered the following four scenarios:

Scenario 1 – FOGO only with no AWRRT for residual waste
This scenario would increase overall regional landfill diversion (compared to business as usual) from 43% to 50% and would result in additional costs across the region of $211 million over 25 years (in net present value terms). The annual net abatement of carbon emissions averaged over 25 years is 122,702 tonnes CO2-equivalent per year with this scenario.

Scenario 2 – Mass burn combustion of residual municipal waste without FOGO
Scenario 2 would increase overall landfill diversion (compared to business as usual) from 43% to 56%. The annual net abatement of carbon emissions averaged over 25 years is 170,322 tonnes CO2-equivalent per year, producing 17 MW of power.

Scenario 3 – Mass burn combustion of residual municipal waste with FOGO
Combining mass burn combustion with a FOGO service would achieve the highest overall municipal waste diversion rate of 64% (compared to business as usual). The annual net abatement of carbon emissions averaged over 25 years is 287,767 tonnes CO2-equivalent per year, producing 18 MW of power.

Scenario 4 – Mechanical biological treatment (MBT) of residual waste (no FOGO)
This scenario would increase overall municipal waste diversion to 56% (compared to business as usual). The annual net abatement of carbon emissions averaged over 25 years is 173,968 tonnes CO2-equivalent per year, producing 17 MW of power.

Conclusion
Further work on the options assessed in the cost–benefit analysis within the regional business case is required to investigate the following:
- Opportunities for the generation of renewable energy and fuels;
- Climate change and other environmental impacts and opportunities;
- Employment opportunities; and
- Social aspects.

Also, the development of cluster-specific business cases is required to reflect the needs of the councils that are party to the procurement and future contract.
Community engagement is discussed later under Implications and Considerations > Customer Service and Community Engagement.
An indicative timing of the respective stages of an AWRRT project for the south-east cluster is represented by the following Figure 3.

Figure 3 Staging and Timing of AWRRT Milestones

- **2018/19 Pre-procurement**
  - Non-binding participation by Councils for market sounding
- **2019/20 Procurement**
  - Binding agreements with cluster Councils for tendering
  - Formation of SPV
- **2020/21 -23/24 Design & Construct**
  - Capital costs of construction are funded by external grants or within the processing costs for SPV members
- **2023/24 onwards Processing Operations**
  - Service contract in place for processing of kerbside garbage collections

Item 10.5 – Reports by the Organisation
Recommendation

That Council:

1. Supports a contract model that utilises a Special Purpose Vehicle (or Joint Venture) as a means of collaborating with other Councils to aggregate waste volumes necessary to make an Alternative Waste and Resource Recovery facility in the south-east Melbourne region viable;

2. Continues to work with south-east Melbourne region Councils and the Metropolitan Waste Resource Recovery Group to finalise the South-east Cluster Business Case for Alternative Waste and Resource Recovery services;

3. Notes that the business case is being developed in accordance with the State Department of Treasury and Finance guidelines; and

4. Authorises the Chief Executive Officer to enter into agreements required for Council to participate in the establishment of a Special Purpose Vehicle (or Joint Venture) and commencement of the procurement process for Alternative Waste and Resource Recovery services.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
Residential domestic waste management services help residents to keep their property safe and hygienic through regular removal of waste. Greater efficiencies and income generated by increased resource recovery from the municipal waste stream can be invested into other services for the community.

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

Built Environment
Appropriate waste management services contribute to the amenity of urban streetscapes by ensuring they remain free of waste, safe and tidy for the community.

The built environment impacts of a new AWRRT facility will be required to address the relevant planning scheme requirements of the municipality where it is sited.

It is not anticipated that an AWRRT facility would be built in Bayside.

Customer Service and Community Engagement
The disposal of garbage as part of Council’s regular kerbside waste collection service to the community is a core service and any disruption would be undesirable. As the current residential domestic recycling and waste collection services are not affected by the matters raised in this report, there has been no need for community consultation.

The MWRRG is coordinating a collaboration between south-east Melbourne region Councils and has sought input on the suitability of the procurement and contract model to inform the development of the procurement process.

In terms of raising awareness within the broader community on the opportunities of AWRRT, a region-wide community engagement plan that is driven by such agencies and supported by communications and engagement activities by member Councils needs to be developed and implemented prior to commencing the procurement phase 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 issues relevant to this matter. Current contracts exist for disposal of domestic waste. Participation in MWRRG contracts meets the requirements of Section 186 of the Local Government Act 1989.

The establishment of a Special Purpose Vehicle in accordance with Section 193 of the Local Government Act 1989 and relevant specifications and contracts will require extensive and specialised legal advice that is being sourced by the MWRRG. Council will need to seek independent legal advice from time to time on this matter.
Finance

Current garbage collection and transport and landfill disposal costs are factored into the preparation of the recycling and waste management operational budget, which in turn sets the residential waste charge. Landfill costs are increasing and Council currently transports waste to the western suburbs. The 2018/19 budget allocation for recycling and waste management services is $13.9 million.

Bayside’s involvement in a collective procurement process to develop and utilise the services of AWRRT facilities is on the basis that the costs of AWRRT processing are in the order of current landfill gate fees and designed to mitigate future cost increases in landfill and transport costs.

A future AWRRT facility located in the south-east suburbs of Melbourne would provide a shorter delivery route for Bayside’s waste collection vehicles and is expected to reduce transport costs.

Links to Council policy and strategy

The Council Plan 2017 - 2021 includes Goal 5 – Environment:

> Council and the Bayside community will be environmental stewards, taking action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations.

The relevant Strategy under this goal involves the reduction of the Bayside community’s volume and percentage of waste that goes to landfill.

Furthermore, the Bayside Environmental Sustainability Framework highlights the responsible management of waste by Council and sets targets for this outcome.

Recycling and Waste Management Strategy 2018-2027:

> The Bayside community prioritises the avoidance of waste in the first instance, then re-uses and recycles to recover resources when waste is generated and Council utilises technology, such as waste to energy, to divert as much residual waste from landfill as possible.

The continuation of responsible resource recovery will assist Council to achieve these strategies.

Options considered

No other options were considered in the preparation of this report.
Executive summary

Purpose and background

The purpose of this report is to provide an update on recent negotiations with CSIRO relating to the finalisation of legal agreements to facilitate the transfer of land to Council for open space, and conservation purposes.

Council and community advocacy led to successfully securing the retention of 4 hectares of the 9.2 hectare Highett CSIRO site for public open space as part of the Commonwealth’s decision to sell the site in December 2014. Council subsequently reaffirmed its position during 2015, resolving an approach to legal negotiations to facilitate the transfer of open space and its preferred planning controls to support the residential development of the remaining site.

The CSIRO has been provided with draft legal instruments prepared in accordance with Council’s resolution of 24 March 2015 to facilitate and secure the transfer of the open space to Council. In response to the direction provided by Council’s resolution, timeframes have been established in the agreements to ensure the land is transferred to Council promptly, following completion of the land transfer to the new owner/developer.

An overview of these legal agreements is provided at the legal section of this report. It is expected that the Legal Agreements will be executed by December 2018.

As part of sale preparations, the CSIRO is close to completing the process to demolish 27 buildings across the site. Demolition works have been well managed and have caused minor disruption. A very small number of complaints have been received by Council throughout the demolition works. Previous Council decisions have reaffirmed that the land transferred to Council should be free of buildings, remediated and in a condition suitable for public open space.

Key issues

Execution of Legal Agreements

- With the sale process expected to commence early in 2019, it is important that Council is in a position to execute the legal agreements, ensuring the process for the transfer of open space is clear to all parties and secured.

- To enable the execution of the agreements to occur expeditiously, Council resolved at its 27 January 2016 Council meeting to authorise the CEO to execute the agreements with the CSIRO.

Building Demolition

- Council has agreed to the retention of some infrastructure (mainly underground infrastructure such as pipes) in the southern part of the site, where demolition works could compromise the retention of identified significant vegetation including large, healthy and well established trees.

Transfer of Land to Council

The draft agreements provide for access to the 3 hectares of conservation land via a licence which will take effect as soon as the demolition works in the area are completed, and the land
is safe to access. This will allow Council and the Friends of the Highett Grassy Woodland to commence vegetation management works from early 2019.

The transfer of title for the various parcels of land is as follows:

- Southern parcel (3 hectares) – no later than 12 months after settlement
- Northern parcel (1 hectare) – no later than 24 months after settlement
- Additional parcel (3,500sqm) – no later than 12 months following confirmation of Council’s intention to purchase based on the Valuer General’s valuation.

**Recommendation**

That Council:

- Reaffirms its resolution from 27 January 2016 to authorise the Chief Executive Officer to execute the Deed of Agreement with the CSIRO and the Section 173 with the future owner of the CSIRO on Council’s behalf; and
- 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.

**Support Attachments**

1. CONFIDENTIAL- Draft Deed Between Council and CSIRO ↓
2. CONFIDENTIAL - Draft Section 173 Agreement ↓
Considerations and implications of recommendation

Liveable community

Social
Highett has the lowest provision of open space per capita of any suburb within the Bayside municipality. The provision of high quality open space in the Highett neighbourhood will be of significant benefit to the surrounding community, both current and future. The one hectare of open space will facilitate active and passive recreation and community connectedness, whilst the three hectares will be highly valued by current and future generations.

Natural Environment
The CSIRO Highett site contains vegetation of regional significance, forming part of the Highett Grassy Woodlands vegetation community. The provision of three hectares of open space for conservation purposes will protect, enhance and showcase the Grassy Woodlands and enable regeneration of locally indigenous species and fauna.

The legal agreements are drafted to ensure that any land transferred to Council is prepared so that it is suitable for its purpose as public open space, including any necessary environmental remediation.

Built Environment
The legal agreements provide the opportunity for the future owner of the site to negotiate the location and dimensions of the open space with Council, to enable improved urban design and public realm outcomes. The agreements provide for a default position and powers for Council if these negotiations are not successful.

Customer Service and Community Engagement
There are various opportunities to engage with the community following the finalisation of the legal agreements. Council officers will continue to work closely with the Friends of the Grassy Woodlands during the vegetation remediation works. A detailed community engagement and communications plan will be prepared and implemented as the master plan for the open space area is prepared.

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
Draft legal agreements have been prepared (Confidential Attachments 1 & 2). The agreements have been prepared in accordance with Council’s resolution of 24 March 2015.

The key purpose of the Deed between Council and CSIRO is to:

- Enshrine by way of agreement with Council the Commonwealth’s decision and CSIRO’s commitment to provide 4 hectares of land from the site for public open space;
- Agree to an additional parcel of 650sqm to be sold at market value and transferred to Council by the purchaser following settlement;
- Require any necessary environmental remediation works and provision of a Statement of Environmental Audit to ensure the land is suitable for public open space purposes;
- Provide access to Council to the southern parcel, once demolition and remediation works for this area have been completed, to enable the undertaking of vegetation remediation; and
• Require, as part of the Commonwealth’s land sale and transfer process, that the future owner of the site enters into a Section 173 Agreement with Council to fulfil the Commonwealth’s obligations.
  
The key purpose of the Section 173 Agreement, to form part of the contract of sale for the site, to be entered into by the purchaser is to:

• Establish the obligation of the CSIRO onto the purchaser to transfer 4 hectares of land from the site for public open space to Bayside City Council;
• Establish the primary process to facilitate the transfer of land to Council;
• Within set parameters, provide the opportunity for the purchaser to negotiate the northern boundary of the southern parcel (3ha) and the location and dimensions of the northern parcel (1ha) with Council;
• Establish a clear default position and timeframes if agreement cannot be reached; and
• Provide Council with appropriate powers in the event the obligations are not satisfied in accordance with the agreement.

The Commonwealth has resolved to sell the land in its entirety subject to its commitment to provide for 4 hectares of public open space. The legal agreements are necessary to facilitate and secure this land transfer, to occur following the sale from the future land owner. The agreements also acknowledge Council’s prior decision of late 2014 that the transfer of the 4 hectares to Council will satisfy any future requirements (pursuant to the Bayside Planning Scheme, the Subdivision Act 1988 and the Planning and Environment Act 1987) for a public open space contribution as part of the development of the remaining 5.2 hectares of the site.

**Finance**

Any costs associated with the preparation and execution of legal instrument can be accommodated within the current budget. Once Council takes ownership of the public open space and purchased land, ongoing operating, depreciation and maintenance costs will be built into its annual budget and Strategic Resource Plan.

**Links to Council policy and strategy**

**Council Plan 2018 Review**

Securing land for the purposes of conservation, open space and community facilities at the Highett CSIRO site is consistent with the following Council Plan Strategies:

• Provide modern library services that meet the needs of the community;
• Gain access to increased quality open space to meet the needs of Highett and the wider community

The proposed provision of open space also supports and implements the directions of the Bayside Open Space Strategy (2012) and the Bayside Housing Strategy (2012).
Executive summary

Purpose and background
The purpose of this report is to advise Council of the status of the landfill disposal Direct Deed Contract, Contract No: 10/1 with Wyndham City Council (coordinated by the Metropolitan Waste and Resource Recovery Group (MWRRG)) and to extend the current contract for a period of two years, until 31 March 2021. This contract allows for disposal of waste at the Wyndham Refuse Disposal Facility (WRDF).

Council has had a contract to dispose of waste at the WRDF since 1 April 2011 and last executed an extension option on 31 March 2017, for two years until 31 March 2019.

Through the MWRRG, Council has access to two landfill disposal contracts. The other contract allows disposal at Melbourne Regional Landfill (MRL). Having two disposal facilities available mitigates the risks of service disruption if one of the sites is unavailable.

Council currently disposes of domestic waste at MRL due to the delays in the construction of a new cell to increase the longevity and capacity of WRDF.

Key issues
Council utilises landfill to dispose of waste collected as part of ongoing service delivery. Council’s domestic waste has been diverted from WRDF until the landfill is extended. The extension is expected to be operational in February 2019.

Reliable access to landfill is important to service continuity. This is the last extension option available under the contract. There are no identified impediments to the extension of this Contract and it is considered appropriate for Council to exercise this option.

Council staff are currently working with the MWRRG and staff from the Councils in Melbourne’s South East region to develop a contract for disposal of waste post 2021.

Recommendation
That Council authorises the Chief Executive Officer or his delegate to extend the current Landfill Disposal Direct Deed Contract, Contract No. 10/1 (constructed by the Metropolitan Waste and Resource Recovery Group) for waste disposal at the Wyndham Refuse Disposal Facility for the period 1 April 2019 to 31 March 2021 and execute this in accordance with the terms and conditions of the current contract.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
Residential domestic waste management services help residents to keep their property safe and hygienic through the regular removal of waste. These services rely on having a registered disposal facility to dispose of domestic waste.

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

Built Environment
Appropriate waste disposal facilities contribute to the amenity of urban streetscapes by ensuring they remain free of waste and are clean, safe and tidy for the community, through the disposal of waste at an appropriately managed licensed disposal facility.

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

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
Under the Direct Deed Wyndham RDF agrees to comply with all applicable laws (including but not limited to the Environment Protection Act 1970 (Vic) in undertaking their obligations under the Agreement.

Finance
The cost of landfill disposal is provided in Council’s operating budget at a value of approximately $2.1 million per year. This cost forms part of the Waste Charge.

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

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

Options considered
No options have been considered in the preparation of this report.
10.8 CONTRACT CON/18/106 PLAYGROUND IMPROVEMENT PROGRAM CONSTRUCTION 2018/19

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/241461

Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake the Playground Improvement Program Construction 2018/19 under the Contract CON/18/106.

The following six playgrounds are to be upgraded in the 2018/19 financial year:

1. Basterfield Park Playground, 2A Dane Road, Hampton East;
2. Elsternwick Park South Playground (South), 464 St Kilda Street, Brighton;
3. Gypsy Village Playground, 57-59 Bridge Street, Hampton;
4. Brighton Beach Oval Playground, 2 Mair Street (Cnr South Road) Brighton;
5. William Street Reserve Playground, 80 William Street Brighton; and

This contract proposes to deliver the construction of the above playgrounds including landscaping and the necessary amenities. The sites will include new drainage, surface finishes and play equipment.

Key issues
A public tender was advertised and closed on Wednesday 12 September 2018 with the following submissions:

- Citywide Service Solutions Pty Ltd;
- Open Playscapes Pty Ltd; and
- UDL Group Pty Ltd.

From the initial evaluation Open Playscapes was shortlisted and invited for interview.

At interview, Open Playscapes demonstrated a high degree of experience in this area and a detailed understanding of the project. It is committed to complete the work within the specified timeframe.

As shown in Confidential Attachment 1 – CON/18/106 Playground Improvement Program Construction 2018/19 - Tender Evaluation Matrix, the tender evaluation panel concluded that Open Playscapes offer the best value for money and recommends that the contract be awarded to Open Playscapes.
Recommendation

That Council:

1. Awards contract CON/18/106 Playground Improvement Program Construction 2018/19 to Open Playscapes Pty Ltd (ABN:43 399 527 793) for the lump sum price of $1,242,483 (excl. GST) and $1,366,731.3 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/106 Playground Improvement Program Construction 2018/19; and

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/18/106 Playground Improvement Program Construction 2018/19 Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social
These works will improve existing playground infrastructure and provide a destination for families to be physically active and socially connected, and contribute to liveability and neighbourhood character. Play is a critical part of childhood development and helps develop skills such as problem solving, creativity, resilience, fine motor skills and independence.

With housing density increasing and backyards becoming smaller, children have less opportunities to access outdoor play, creating a greater dependence on Council managed open space and playgrounds.

Natural Environment
The works under this contract include the protection of existing vegetation and use natural material where possible.

Built Environment
The work under this contract will enhance and improve the overall playground surfaces and promote intergenerational use. The playgrounds are designed to be sympathetic to the surrounding areas and neighbourhood.

Customer Service and Community Engagement
Designs have been developed through a series of consultation with the community.

Council and the contractor will inform all nearby residents of the works via letter, two weeks prior to the works commencing and will maintain contact with key stakeholders during the construction period.

The works have been scheduled to commence after the first school term holidays in 2019. This is the preferred delivery time as there is less use of playgrounds during that period.
Human Rights

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

Legal

This request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance

The Capital Works Budget for 2018/19 has an allocation of $1,163,555 (excl. GST) for this project. The following table summarises the project budget. Note prices are excluding GST.

<table>
<thead>
<tr>
<th>Contract cost</th>
<th>$1,242,483</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant</td>
<td>$34,500</td>
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<tr>
<td>Contingencies and project management costs (Estimated)</td>
<td>$40,000</td>
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<tr>
<td>Project Cost (excl. GST)</td>
<td>$1,316,983</td>
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</table>

The allocated budget will not be sufficient to complete the project. However, the shortfall can be covered from savings in other recreational projects and the budget forecasts will be amended accordingly.

Links to Council policy and strategy

This project is consistent with the 2017-2021 Council Plan as identified under Goal 4: Open Space – Strategy: Protect and ensure the quality of our open space including beaches and foreshore.

The playgrounds to be reconstructed under this contract are part of the Playground Improvement Program which was developed consistent with Council’s ‘Active by the Bay’ Recreation Strategy 2013-2022 to ‘ensure the provision of quality sporting and recreation facilities and support infrastructure’. The project addresses action item 50 of the strategy to prioritise recreation and sporting infrastructure improvements that among other points increase or maintain participation; meet an identified growth in demand and increase the assets functional life.

Options considered

Not applicable to this report.
Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake Road Reconstruction Works in Chandos Street, Cheltenham under the Contract CON/18/110.

The works under this contract will reconstruct the road pavement, kerb and channel, stormwater drainage and other civil infrastructure assets at Chandos Street from Bay Road to Phillip Street, Cheltenham.

The contract is proposed to commence on 7 January 2019 and be completed within three months.

This work is an asset renewal activity, delivered in accordance with the relevant 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 on Saturday 8 September 2018 and closed on Wednesday 3 October 2018 with the following submissions:

- Blue Peak Constructions Pty Ltd;
- CDN Constructions Pty Ltd;
- Evergreen Civil Pty Ltd; and
- Kaizen Civil Pty Ltd.

After analysing the submissions the tender evaluation panel found that CDN Constructions Pty Ltd was the tenderer that received the highest tender evaluation score shown in Confidential Attachment 1 – Tender Evaluation Matrix.

CDN Constructions Pty Ltd has been conducting road reconstruction works in Melbourne for 25 years and has an extensive history in delivering capital works for State and Local Government. CDN Constructions Pty Ltd has successfully delivered large scale road reconstruction projects for Bayside City Council in the past and passed all Quality Assurance and OH&S requirements.

As shown in Confidential Attachment 1 – CON/18/110 Road Reconstruction Works in Chandos Street - Tender Evaluation Matrix, the tender evaluation panel concluded that CDN Constructions Pty Ltd offer the best value for money and recommends that the contract be awarded to CDN Constructions Pty Ltd.
**Recommendation**

That Council:

1. Awards contract CON/18/110 Road Reconstruction Works in Chandos Street, Cheltenham to CDN Constructions Pty Ltd (ABN: 62 884 294 341) for the lump sum price of $776,132.17 (excl. GST) and $853,745.39 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/110 Road Reconstruction Works in Chandos Street, Cheltenham; and

3. Advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CONTRACT CON/18/110 Road Reconstruction Works in Chandos Street, Cheltenham Tender Evaluation Matrix (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The works under this contract will improve the condition and safety of Civil Infrastructure in Chandos Street, Cheltenham.

Council’s roads and footpaths connect all suburbs within Bayside. Road and footpath assets keep our community mobile and directly enhance the liveability of the Bayside community.

**Natural Environment**

Tenderers are encouraged to offer a price using environmentally friendly construction products. This includes both recycling of asphalt and road materials, use of recycled product in asphalt and crushed rock.

**Built Environment**

Road reconstruction work improves the condition of a road. Damaged or deteriorated road surfaces allow water to ingress into the underlying pavement contributing to road failure and also trigger maintenance works. The reconstruction of the road pavement at Chandos Street will provide a fit-for-purpose road surface for commuters.

**Customer Service and Community Engagement**

Local residents and businesses will be informed in writing of the work duration and any disruptions prior to commencement of the contract.

**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
The 2018/19 Road Reconstruction Program budget is $970,000 Ex GST. The following table summarises the project budget. Note prices are excluding GST.

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract cost</td>
<td>$776,132.17</td>
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<tr>
<td>Consultant and project management costs (Estimated)</td>
<td>$20,000</td>
</tr>
<tr>
<td>Contingencies</td>
<td>$100,000</td>
</tr>
<tr>
<td>Project Cost (excl. GST)</td>
<td>$896,132.17</td>
</tr>
</tbody>
</table>

The allocated budget will be sufficient to complete the project. The remaining funds in the budget will be available to fund any over budget projects. The budget forecast will be updated to reflect the outcomes of this contract.

Links to Council policy and strategy
This project is consistent with the 2017/2021 Council Plan as identified under Goal 1 – Infrastructure – Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

A key objective of this goal is to have a Bayside where infrastructure is fit for purpose for today and into the future.

Options considered
Not applicable to this report.
Executive summary

Purpose and background

The purpose of this report is to appoint a contractor to undertake the RG Chisholm Reserve Pavilion Reconstruction under the Contract CON/18/115. This project includes demolition of the existing sports pavilion, full reconstruction of the sports pavilion, arrangement of all associated services and construction of new associated garden beds and concrete pathways.

RG Chisholm Reserve Pavilion has been identified in the Accelerated Sportsground Pavilion Improvement Plan as a high priority for renewal to ensure it continues to meet the needs of the sporting clubs for any ability, age and gender.

To ensure that the pavilion provides the most effective layout to meet the tenant club’s current and future needs the building will be fully renovated. The renewal includes a unisex design to accommodate for the growing levels of female participation in both cricket and football. The redevelopment will deliver Bayside’s Pavilion standards providing access for all, incorporate public toilets for park users and appropriate social space and kiosk facilities to support club activities.

Key issues

Six companies were invited to tender for the works through a selective tender using the State Government Construction Supplier Register. All invited tenderers have the experience and resources to undertake the project. The following companies submitted tenders on Wednesday 3 October 2018:

1) Bowden Corporation Pty Ltd;
2) Alchemy Construct Pty Ltd;
3) FIMMA Constructions Pty Ltd;
4) Ausbuild Constructions Pty Ltd;
5) Lloyd Group Pty Ltd; and
6) Melbcon Pty Ltd.

Each submission was reviewed at a Tender Evaluation Panel meeting. Input was received from the consultant Architect and Quantity Surveyor.

After the initial evaluation Bowden Corporation Pty Ltd was shortlisted and invited for interview. A number of clarifications on items were requested prior to the interviews.

At interview, Bowden demonstrated a high degree of experience in this area and a detailed understanding of the project. It further showed an understanding and commitment of the technical requirements of the works, experience, subcontractors and resources to deliver the demolition of the existing pavilion and construction of the new pavilion within the specified timeframe.
Bowden Corporation has successfully completed a number of sportsground pavilions of similar size, value and complexity for a range of Victorian Local Councils. Over the last three years they have successfully completed numerous projects for Bayside City Council displaying a proven track record in delivery of projects of this type.

As shown in Confidential Attachment 1 – CON/18/115 RG Chisholm Reserve Pavilion Reconstruction - Tender Evaluation Matrix, the Tender Evaluation Panel concluded that Bowden Corporation placed first and offered the best value for money.

**Recommendation**

That Council:

1. Awards contract CON/18/115 RG Chisholm Reserve Pavilion Reconstruction to Bowden Corporation Pty Ltd (ABN: 55 097 029 993) for the lump sum price of $2,143,113.00 (excl. GST) and $2,357,424.30 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/115 RG Chisholm Reserve Pavilion Reconstruction; and

3. Advises the unsuccessful tenderers accordingly.

4. Notes that $1,081,000 will be required in the 2019/20 Budget to complete the RG Chisholm Reserve Pavilion.

**Support Attachments**

1. Confidential Attachment 1 - CONTRACT CON/18/115 RG Chisholm Reserve Pavilion Reconstruction Tender Evaluation Matrix (separately enclosed)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

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

**Natural Environment**

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

- Rainwater is harvested and re-used;
- Mechanical ventilation is aided by the use of high level fixed ventilation louvres;
- Artificial lighting is minimised by the use of highlight windows providing natural light so lights do not need to be turned on as frequently, and by the use of motion sensor lights that will not stay on when rooms are not in use;
- The building is well insulated minimising the need for artificial heating or cooling; and
- Building materials have high recycled content and low emissions.

**Built Environment**

The RG Chisholm Pavilion was constructed in the early 1970’s and has been identified in the Accelerated Sportsground Pavilion Improvement Plan as a high priority for renewal to ensure the pavilion provides the most effective and functional layout to meet the tenant club’s (junior football and junior/senior cricket) current and future needs, and to allow a clean modern appearance with low maintenance.

**Customer Service and Community Engagement**

Sporting Clubs have been involved in the project from inception to now and the proposal has received wide endorsement.

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

**Human Rights**

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

**Legal**

This request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

**Finance**

The Capital Works Budget for 2018/19 has an allocation of $1,278,000 (excl. GST) for this project. This figure was based on an estimate prepared in the Sportsground Pavilion Improvement Plan 2013. The following tables summarises the project budget. Note prices are excluding GST.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount Excluding GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract cost</td>
<td>$2,143,113</td>
</tr>
<tr>
<td>Consultants (10%)</td>
<td>$120,000</td>
</tr>
<tr>
<td>Contingency</td>
<td>$95,887</td>
</tr>
<tr>
<td><strong>Project Cost (excl. GST)</strong></td>
<td><strong>$2,359,000</strong></td>
</tr>
</tbody>
</table>

The expected project cost of $2,359,000 (ex GST) exceeds the allocated budget by the sum of $1,081,000 (ex GST) due to cost escalation for building works and a change in project requirements since the drafting of the Sportsground Pavilion Improvement Plan. The impacts of these elements were unfortunately not included when the budget was prepared. Additional funds required by this project will require a further budget allocation of $1,081,000 in the 2019/20 budget. This may be reduced if there are savings in the overall 2018/19 Capital Works Budget.
The Sportsground Pavilion Improvement Plan is currently being renewed. This process will include re-estimation of costs for pavilion projects. The costs identified when the plan was originally endorsed require updating to ensure future budget provisions are accurate.

The revised Plan is expected to be presented to Council in early 2019.

<table>
<thead>
<tr>
<th>Project Budget (excl. GST)</th>
<th>2018/19</th>
<th>2019/20</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,278,000</td>
<td>$1,081,000</td>
<td>$ 2,359,000</td>
</tr>
</tbody>
</table>

The East Sandringham Junior Football Club have been successful in securing $42,000 from the AFL and have contributed a further $18,000 (a total project contribution of $60,000) to allow for an extended changeroom area within the pavilion of 20m².

**Links to Council policy and strategy**


**Options considered**

Not applicable to this report.
Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake the beach, bins and amenity cleaning services required by Council. A short term contract is proposed in order for Council to align the end date of this contract with other key services so that amalgamation of services and/or joint procurement with another Council can be evaluated.

The works under this contract comprise the maintenance functions associated with all foreshore and public amenities and cleaning services of assets owned by Council.

The new contract will end 31 October 2019. The contract is a Schedule of Rates Contract.

These works are key service’s provided by Council, the work ensures that over 17 hectares of beach is clean, safe and fit for purpose, and that Council assets such as public toilets, barbeques, bins and other open space furniture is kept clean and available for use.

Key issues

Tenders received
Council undertook a competitive tender process. The tender was public in nature. An advertisement was displayed in The Age and released through Council’s eTendering portal on Saturday 22 September 2018 and closed on Wednesday 17 October 2018. The tender documents were downloaded by 36 potential suppliers. Two submissions were received:

1) Blue Sky Services Pty Ltd; and
2) New Age Cleaning Services Pty Ltd.

Tender evaluation
The result of the tender analysis can be found in Confidential Attachment 1: Evaluation Matrix.

After evaluating the submissions received against the evaluation criteria, it was agreed by the tender evaluation panel that New Age Cleaning Services Pty Ltd was the preferred bidder.

New Age Cleaning are the incumbent contractor and are therefore in a position to provide a beach, bins and amenity cleaning service with continuity.
New Age Cleaning also have the required staff and equipment ready to mobilise for the start of the contract. New Age Cleaning has over 20 years experience in providing beach, bins and amenity cleaning services for local councils, including Bayside City Council.

**Recommendation**

That Council:

1. Awards Contract CON/18/123 Beach, Bins and Amenity Cleaning Services to New Age Cleaning Services Pty Ltd (ABN 31 057 008 509). for the specified schedule of rates in Confidential Attachment 2;

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/123 Beach, Bins and Amenity Cleaning Services; and

3. Formally advises the unsuccessful tenders accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CONTRACT CON18123 Beach Bins and Amenity Cleaning Assessment Matrix (separately enclosed) (confidential)

2. Confidential Attachment 2 - CONTRACT CON/18/123 – Schedule of Rates (extract from New Age Cleaning tender submission) (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The works under this contract will ensure the Bayside foreshore and others areas of open space remain an appealing place for people to use for passive, recreational and social needs.

**Natural Environment**

The works under this contract will ensure the Bayside foreshore and others areas of open space remain clean, tidy and fit for purpose. The works also ensure that litter and rubbish does not build up along streets or the foreshore and ultimately within Port Phillip Bay.

**Built Environment**

The bins and amenity cleaning services aspect of this contract will ensure that Bayside’s built environment is clean, tidy and fit for purpose.

**Customer Service and Community Engagement**

The works under this contract will ensure that Bayside City Council continues to offer the level of service that residents and visitors expect.
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 Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance
The allocation for Beach, Bins and Amenity Cleaning Services in the 2018/19 budget is $1.4 Million.

The extent of work will be managed to ensure that the expenditure does not exceed budget allocations during the total contract period of 12 months.

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

Links to Council policy and strategy
Providing safe, accessible and well maintained open space is a key deliverable outlined within the Bayside Open Space Strategy (BOSS).

Bayside’s Council Plan (2018 Review) states that Council will protect, enhance and increase quality open space to meet the needs of our community. The works outlined within this contract will allow Council staff to deliver on this promise.

The works within this contract will contribute towards achieving Goals 4, 5 and 6 of the Council Plan (2018 Review).
10.12 OPEN SPACE MANAGEMENT - SERVICE REVIEW
Environment, Recreation & Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/265447

Executive summary

Purpose and background
The purpose of this report is to present the key recommendations and supporting context arising from Council's Open Space Management Service Review.

The Open Space Management Service Review (the Review) is part of the rolling program of Service Reviews that Council has conducted since 2015. The purpose of the Review program is to deliver public value through effective and efficient service delivery.

The scope of the Open Space Management Service Review included:

- Parks, sportsground and open space maintenance;
- Foreshore and bushland maintenance;
- Street and park tree maintenance;
- Support of ‘Friends of’ Groups;
- Community Nursery Management;
- Policy and strategy development; and
- Support for community programmes, such as:
  - Gardens for wildlife
  - Spring walks
  - Banksia Bulletin

Key issues
This report provides an overview of the key recommendations contained within the review as well as key information that was relevant in determination of these recommendations. The Review’s Executive Summary is available in Attachment 1.

Cost of Service
The net cost for the last three years across Open Space Management is:

<table>
<thead>
<tr>
<th>Year</th>
<th>2017/18 Net Cost</th>
<th>2016/17 Net Cost</th>
<th>2015/16 Net Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>$10,052,740</td>
<td>$10,034,115</td>
<td>$9,663,743</td>
</tr>
</tbody>
</table>

Table 1: Open space management costs

Net expenditure from the last three years shows a moderate increase of 3.8 per cent from 2015/16 to 2016/17. The increase from 2016/17 to 2017/18 was only 1.97 per cent.

A benchmarking exercise was completed with other Councils. Additional detail is available in Attachment 2.

In summary, five of the benchmarked councils are spending similar amounts on open space management operational budgets. Two Councils have smaller open space areas and the budgeted net cost of open space management per area is higher – particularly for Council E with more visitors and tourists to its beaches, parks and reserves that require a higher level of maintenance. Further details are available in Table 2. Information on Bayside is provided for comparative purposes.
Table 2: Open space costs – benchmarking exercise

<table>
<thead>
<tr>
<th>Council</th>
<th>Council area (ha)</th>
<th>Council open space (ha)</th>
<th>Net cost $000 (2017/18)</th>
<th>$/Open space area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council A</td>
<td>6,251</td>
<td>466</td>
<td>$10,913</td>
<td>$23.42</td>
</tr>
<tr>
<td>Council B</td>
<td>3,867</td>
<td>173</td>
<td>$11,587</td>
<td>$66.98</td>
</tr>
<tr>
<td>Council C</td>
<td>9,131</td>
<td>616</td>
<td>$13,850</td>
<td>$22.48</td>
</tr>
<tr>
<td>Council D</td>
<td>8,145</td>
<td>479</td>
<td>$13,550</td>
<td>$28.29</td>
</tr>
<tr>
<td>Council E</td>
<td>2,058</td>
<td>176</td>
<td>$16,496</td>
<td>$93.73</td>
</tr>
<tr>
<td>Council F</td>
<td>6,425</td>
<td>631</td>
<td>$10,666</td>
<td>$16.90</td>
</tr>
<tr>
<td>Bayside</td>
<td>3,719</td>
<td>297</td>
<td>$10,052</td>
<td>$33.85</td>
</tr>
</tbody>
</table>

Note: A limitation of benchmarking is that Bayside costs includes a range of management costs due to the outsourcing model, management costs allocation for other Councils is not known.

**Service Levels**

An annual park survey is conducted within the City of Bayside to understand community expectations and satisfaction regarding Bayside’s open space. On average, satisfaction with park maintenance is 7.8 out of 10 over the last 9 years.

Council also completed an Annual Community Satisfaction Survey in 2018 which sought feedback from residents about the full range of services provided by Council.

This survey showed the average satisfaction regarding sportsgrounds within Bayside in 2017-2018 was 8.2 out of 10 compared with a Metro average of 7.85. When dissatisfied residents were asked the reason for their dissatisfaction, the top response was that Bayside ‘needs more’ sportsgrounds.

While satisfaction with the provision and maintenance of street trees rated quite highly (7.04 versus a Metro average of 6.97 out of 10), it is the lowest performing service under the Open Space Management portfolio, and provides the biggest gap between community importance (8.74 out of 10) and satisfaction. The main reason for dissatisfaction with street trees was ‘wrong/poor selection of trees’ and trees ‘not well maintained’.

Average satisfaction with the appearance of the beach, foreshore and bushland within Bayside in 2017-2018 was 7.92 out of 10. There is no Metro average for this category. The service was within the average satisfaction range for all Bayside services. The main reason for dissatisfaction with the beach, foreshore and bushland was ‘lack of cleaning, full of rubbish’.

Satisfaction in four out of five open space services are classified as average or higher than all services delivered by Council (two are higher). Only the provision and maintenance of street trees was classified as lower than average against all Council services.

Bayside has performed strongly against the state average in the performance of services currently completed by the Open Space Team.

**Community Nursery**

As part of the service review, Council officers met with the Bayside Community Nursery Steering Committee (NSC) to get its thoughts and ideas on the future management of the Nursery. The NSC are keen to retain the retail aspect of the Nursery as it provided a place to volunteer and share their knowledge with the wider community. The NSC would also like to see the Nursery operated by one entity in order to provide consistency across activities. While an important, visible and valued component of Bayside’s service provision, it is only a small part of the overall suite of open space services.
Key recommendations

The key recommendations recognise that Council’s spend on open space management is comparable to other councils and the community highly rates the importance and satisfaction of services managed under open space management. No changes in service levels are proposed.

Therefore, recommendations focus on developing specifications and processes to enable service providers to complete their tasks efficiently and also for Council staff to develop an appropriate audit regime to monitor compliance and performance of the open space service provider(s).

Recommendations also highlight the need to review the open space team structure to ensure there is appropriate capacity within the team to focus on contractor management (i.e. an increase in auditing) and to be able to continue to offer support to the growing number of ‘Friends of Groups’, volunteer events and community programs that Council currently support. Reviewing the Nursery operating arrangements to ensure ongoing service levels within the improved management systems is also proposed.

Post Service Review Updates

Glyphosate

Following recent developments, and negative press coverage regarding horticulture products that contain glyphosate, Council staff will explore pesticide free weed control methods as part of the future open space services tendering process.

Contract Management

In conjunction with the Open Space Management Service Review, Council staff are currently reviewing the contract framework utilised to deliver open space services. Council staff are investigating how contracts can be structured to allow service providers to identify and realise efficiencies and savings over the course of a long term contract that will benefit both Council and the service provider in terms of performance and cost reductions.

Summary

Overall, the Review has found that Council’s Open Space Management service provides appropriate levels of service that meets the community’s expectations. The model of contracting out services has minimised Council’s exposure to cost increases as contract price adjustments for ‘rise and fall’ have been linked to CPI. If these services were provided by ‘in-house’ staff, wage related costs would have escalated by the relevant Enterprise Agreement, rather than CPI.

Recommendation

That Council adopts the Open Space Management Service Review and recommendations as contained in the Open Space Management Service Review Final Report and recommendations, as referred to in Attachment 1 to the report.

Support Attachments

1. Attachment 1 Open Space Management Service Review - Final Report and Recommendations Executive Summary
Considerations and implications of recommendation

Liveable community

Social
The recommendations within the Open Space Management Service Review will improve and enhance open space within Bayside. The recommendations are designed to have a positive impact on the social fabric within Bayside by encouraging people to use open space more frequently and improve the quality of open space available.

Natural Environment
The recommendations within the Open Space Management Service Review will improve and enhance the natural environment within Bayside by introducing clearly defined levels of service that Council, residents and visitors expect.

Built Environment
There are no built environment implications associated with the proposition included in this report.

Customer Service and Community Engagement
The Open Space Management Service Review will enable Council and the open space contractor to tailor their work towards providing higher levels of customer service.

A number of local groups have contributed towards the Open Space Management Service Review including the Bayside Healthy Aging Reference Group (BHARG) and the Bayside Community Nursery Steering Committee (NSC).

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

Legal
There are no legal implications associated with the proposition included in this report.

Finance
The cost of the open space management service is provided within Council’s operating budget which is $10,664,169. Tendering for a new contract is imminent and a new contract would be in place for commencement on 1 July 2019.

Additional resources (staff) needed to achieve some of the recommendations outlined within the Open Space Management Service Review are already within the Open Space Management budget.

A table has been included below to illustrate the open space management budget for 2018 - 2019 financial year.
Open Space Management 2018/2019 budget

<table>
<thead>
<tr>
<th>Service</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amenities, bins and beach cleaning</td>
<td>$1.4M</td>
</tr>
<tr>
<td>Bushland and foreshore</td>
<td>$990k</td>
</tr>
<tr>
<td>Garden beds</td>
<td>$1.2M</td>
</tr>
<tr>
<td>Infrastructure and playground</td>
<td>$1.2M</td>
</tr>
<tr>
<td>Open space management</td>
<td>$1.4M</td>
</tr>
<tr>
<td>Plant nursery</td>
<td>$155k</td>
</tr>
<tr>
<td>Turf</td>
<td>$1.5M</td>
</tr>
<tr>
<td>Tree management</td>
<td>$2.3M</td>
</tr>
</tbody>
</table>

Links to Council policy and strategy
Providing safe, accessible and well maintained open space is a key deliverable outlined within the Bayside Open Space Strategy (BOSS).

Bayside’s 2018 Council Plan states that Council will protect, enhance and increase quality open space to meet the needs of our community. The recommendations of the Open Space Management Service Review will enable Council staff to deliver on this promise.

The recommendations within the Open Space Management Service Review will contribute towards achieving Goals 4, 5 and 6 of the 2018 Council Plan.
Open Space Management Service Review

Final Report and Recommendations

November 2018
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</tr>
</tbody>
</table>
Executive Summary

A service review has been undertaken to assess the role and function of Bayside City Council's Open Space Management service to ensure it is aligned to community needs, operating efficiently and delivering public value.

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

The scope of the Open Space Management service review covered:
- Parks, sportsground and open space maintenance;
- Foreshore and bushland maintenance;
- Street and park tree maintenance;
- Support of Friends of Groups;
- Community Nursery management;
- Policy and strategy development; and
- Support for community programmes, such as Gardens for Wildlife and Spring Walks.

Open Space Management has elements of mandatory, core and discretionary services. The Open Space Management service is delivered by a mixed internal and external delivery model. Council's Open Space team prepares masterplans, policies, procedures and guidelines and manages delivery contracts. External open space service providers deliver maintenance services.

Overview of recommendations for Council’s Open Space Management Service

Open Space Management contract management

Council contracts out Open Space Maintenance services under major contracts for tree care, park and garden maintenance, beach and facility/toilet cleaning and root maintenance. The annual contracted cost of these services contracts is budgeted at $5.7M, plus additional unscheduled costs that have been required during the life of the existing contract which now total approximately $5M annually. Several contracts are approaching the end of term with Beach Cleaning in October 2018 and Open Space Maintenance in July 2019.

Effective contract management is essential for Council to be confident that it is maintaining Open Space to an appropriate standard and that it is receiving contracted services and achieving value for money. One major Open Space contract specification was developed over 14 years ago at a time when there was less demand on Bayside open space and less need for maintenance. It is being updated as part of the current contract specification review.

Contract management by the Open Space team needs to be strengthened to demonstrate evidence of active contract management with regular meetings, minutes and compliance audits. While there have been few issues or complaints to date, this is an ongoing risk to Council with potential for poor service delivery and under-performance.

The design and administration of new Open Space maintenance contracts will provide for:
- Appropriate contract management with regular meetings, minutes and compliance audits;
- Better specification of service levels to reflect the service required with measureable key performance indicators and outcome measures;
- More focus on meeting quality expectations given increasing demand for open space; and
- More accountability regarding contractor staffing levels and recourse for poor performance.

There is also potential for new contracts to include ‘Partnerships’ with neighbouring councils to provide efficiencies in service delivery.
There is a current vacancy within the Open Space Management team that could provide an opportunity to strengthen the contract management function, particularly for the Open Space Maintenance contract.

**Recommendations**

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendations</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.1</td>
<td>Develop new Open Space Management contracts with improved specification of service levels, measureable key performance indicators and supporting processes to ensure better contract management and compliance.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.1.2</td>
<td>Develop and implement appropriate processes for auditing contract compliance and improving accountability and performance of contractors.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.1.3</td>
<td>Review the Open Space team structure to ensure there is sufficient focus on contract management on the new contracts.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.1.4</td>
<td>Review maintenance program annually and promote work schedule information to the community</td>
<td>Within operating budget</td>
</tr>
</tbody>
</table>

**Community Programs**

Council supports and coordinates various community programs related to Open Space, such as Gardens for Wildlife, Spring Walks, “Friends of” Groups and the Banksia Bulletin publication.

Overall, participants place high value in these programs and are generally well satisfied, however the proportion of program participants is small compared to the general population and there are opportunities to increase participation rates in some programs.

In the future, the design of Bayside community programs for Open Space can feature more performance targets and measures to better assess effectiveness and the overall value of providing the service. Improved performance information could lead to service enhancements (or reductions) depending on the results from the evaluations.

**Recommendations**

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendation</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.1</td>
<td>Retain Spring Walks program.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.3.2</td>
<td>Develop a communications plan for “Friends of” Groups to increase membership rates.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.3.3</td>
<td>Cease printing paper copies of Banksia Bulletin and shift to a digital only version by January 2020, and develop a communications plan to promote the publication to a wider audience.</td>
<td>Anticipated cost savings expected</td>
</tr>
<tr>
<td>4.3.4</td>
<td>Determine the future of “Gardens for Wildlife” program after completing the pilot period.</td>
<td>TBC – once pilot has been completed</td>
</tr>
</tbody>
</table>

**Community nursery**

The Community Nursery is an important, however minor, component of the open space management service. The Nursery is located in Reserve Road, Cheltenham, and is currently partly managed under the Open Space Maintenance contract that expires in June 2019. Council oversees the retail and wholesale functions of the Nursery via a staff member based at the site on a close to full-time basis. The staff member divides their time between managing the nursery functions and supporting Council’s “Friends of” groups.
The Nursery is open to the public on Thursday and Saturday from 10am-12pm between April and October. Wholesale orders are managed as special orders and are ready for collection 10 months post-order for forestry tubes and 16 months post-order for 200mm.

Prior to 2015, the day-to-day management of the Nursery was contracted as part of the Open Space Maintenance contract. Despite Council now directly employing a staff member to oversee the Nursery operations, the contract is still in place and there has been little alteration to the contract relating to its Nursery associated costs. Volunteers have played a crucial role in the operation of the Nursery for many years. While the Nursery is only open to public for six months a year, the volunteers are engaged throughout the year to propagate the plants in preparation for sale.

Since the completion of the renovation and implementing the Revitalisation Plan in 2015, operating costs at the Nursery have increased while revenue has decreased requiring an increased subsidy from Council ($184,510 net cost in 2016/17 and $235,752 in 2017/18). Income is below the $260,000 amount predicted in the Revitalisation Plan. Interviews with Nursery stakeholders have highlighted the existing model governing Council’s and Citywide’s management of the Nursery has added complexity, duplication and inefficiencies that did not exist pre-2015.

Other considerations in relation to the future management and operation of the Nursery include:
- Wholesale plant supply from the Nursery allows for economical ‘purchase’ of plants for Council use including for future open space developments at the CSIRO Highett site and in Essendon.
- Retail competition – there are three retail plant nurseries within 5km of the Community Nursery and nine nurseries within 10km;
- There are constraints on expansion of the site and extremely limited car parking; and
- No other benchmarked councils operate a nursery model like Bayside City Council.

The Service Review identified:
- The Nursery provides strong social, environmental and community benefits to Bayside.
- The Nursery and bushland maintenance components are interdependent and there is value for them to be managed as a single service.
- There current ‘hybrid’ management model adds layers of complexity and inefficiency for all stakeholders.

There is a strong direct relationship between bushland management and the operations of the Nursery. The rate of controlled burns and bushland Friends of action plans inform the propagation regime of the Nursery.

It is recommended to investigate separately specifying the Nursery and Bushland components from the broader open space maintenance specification to emphasise the specialised expertise required of this part of the service.

**Recommendations**

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendations</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.1</td>
<td>Develop specialist contract specifications for the Community Nursery and Bushland Maintenance functions and revise the Nursery management model.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>4.2.2</td>
<td>Council’s Friend of Bayside Support Officer to focus on supporting registered Friends of Groups and community programs including Banksia Bulletin.</td>
<td>Within operating budget</td>
</tr>
</tbody>
</table>

**Operational improvement recommendations**

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

<table>
<thead>
<tr>
<th>#</th>
<th>Service improvements</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1.1a</td>
<td>Improve customer experience by defining responsibility for Open Space Management and work cross-organisationally to map and improve processes.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>Item</td>
<td>People improvements</td>
<td>Indicative cost</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>5.2.1</td>
<td>Establish Service Level Agreement with Urban Strategy regarding activity centre landscaping and maintenance requirements</td>
<td>Within operating budget</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#</th>
<th>Efficiency improvements</th>
<th>Indicative cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.3.1a</td>
<td>Trial concentrated planting at a small number of sites to determine if there are improvements in establishment rates and cost-effective use of resources and, if appropriate, implement across the municipality via a Passive Open Space Improvement Plan.</td>
<td>TBC</td>
</tr>
<tr>
<td>5.3.1b</td>
<td>Map the Street Tree removal, consultation, appeal process and make necessary steps to improve the customer experience.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>5.3.1c</td>
<td>Further review street tree establishment process to reduce the amount of Category B trees (3 – 5 years) that require replacement due to poor health.</td>
<td>Within operating budget - Anticipated cost savings expected</td>
</tr>
<tr>
<td>5.3.2</td>
<td>Provide all new asset data to GIS system at the end of each planting season.</td>
<td>Within operating budget</td>
</tr>
<tr>
<td>5.3.3</td>
<td>Continue exploring opportunities to partner with neighbouring councils to deliver services.</td>
<td>Within operating budget</td>
</tr>
</tbody>
</table>
Glossary and Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTE</td>
<td>Full Time Equivalent (i.e. one employee working full-time)</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information System (a system designed to capture, store, analyse, manage, and present spatial or geographic data)</td>
</tr>
<tr>
<td>LG Act</td>
<td>Local Government Act 1989</td>
</tr>
<tr>
<td>REX</td>
<td>Council's customer request system</td>
</tr>
<tr>
<td>TRIM</td>
<td>Council's records management system</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background

At the Ordinary Council Meeting held on 18 September 2018 Council resolved to commence the statutory procedures, pursuant to section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (the Act), for the discontinuance of the 3.05m wide road adjoining 42 Murphy Street and 55 Brickwood Street, Brighton, shown hatched in Attachment 1 and to sell the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton by private treaty. After giving public notice under Section 223 of Local Government Act 1989 (the Act), Officers received a written submission from Mr Alister Smith of 55 Brickwood Avenue on 29 October 2018.

A Special Committee of Council was held on 1 November 2018 to consider the submission received in accordance with Section 223 of the Act.

Mr Alister Smith spoke in support of his written submission which was received and noted at the Special Committee of Council Meeting. A copy of the submission and minutes of the Special Committee of Council is included in Attachment 3 and 4.

Key issues

The subject Road ends at the southern boundary of the Elsternwick Primary School. Whilst an existing cyclone mesh gate at the end of the road suggests that the road had been used for access to the School in the past, both the School Council and the Department of Education and Training have confirmed that the road is no longer used for access to the School and support the Proposal discontinue and close the road.

The section of road at the rear of 42 Murphy Street and 55 Brickwood Street has not been used for vehicular or pedestrian access for many years, nor do the adjoining property owners require it for access to the rear of their properties. Part of Mr Smith’s submission outlined that he may in the future choose to install a gate in order to access the subject road. The submission also questioned the valuation and requested if Council did seek to sell that land that the price be confirmed to align with the valuation. The valuation is correct and the difference between the amount in the ‘conditional letter of offer’ and the valuation is the share of the costs associated with the Proposal (see table 1 below). Mr Smith has signed the conditional letter of offer for the amount of $41,200 prior to the 18 September 2018 Council meeting.

The submission also contested Council’s ability to sell the road. Council is acting in accordance with Section 3, Schedule 10 of the Act. Under the Act, the subject road falls under the definition of a ‘road’, and is also considered as a ‘public road’ under the Road Management Act 2004. As a result Council has the power to discontinue the subject road.

As per Council’s ‘Road Discontinuance and Sale of Roads, Right of Ways and Drainage Reserve Policy’ (Policy):
"Council will encourage the sale of such land that is not being used for pedestrian or vehicular access and/or is no longer required for other strategic or public use."

Given the above, the subject road is no longer reasonably required as a road for public pedestrian and vehicular access and can be discontinued and sold in accordance with Council’s Policy. As such it is appropriate that procedures be commenced to discontinue and sell the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton.

Recommendation

That Council:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 discontinue the road at the rear of 42 Murphy Street and 55 Brickwood Street, Brighton, shown hatched in Attachment 1;

2. Direct a public notice to be published in the Victoria Government Gazette;

3. Proceed to sell and transfer the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton, by private treaty for the below amounts:

   - 55 Brickwood Street, Brighton = $41,200 (including GST)
   - 42 Murphy Street, Brighton = $41,200 (including GST)

4. Authorise the Director Corporate Services to complete the formal procedures for the discontinuance of the road and sale of the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton including the execution of all relevant documentation; and

5. Advise any party who lodged a submission in relation to the discontinuance of Councils resolution.

Support Attachments

1. Attachment 1 Survey Plan
2. Attachment 2 Title Plan
3. Attachment 3 Submission Letter - 55 Brickwood Street 29th October 2018
4. Attachment 4 Special Committee of Council Minutes 1 November 2018

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.

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. Council has undertaken the necessary procedures under section 189 and 223 of the *Local Government Act* 1989 for the sale of the land by giving public notice of its intention to sell the land and invite submissions from affected parties.

**Human Rights**

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

**Legal**

Council gave public notice of its intention to discontinue and sell the Subject Road, inviting submissions from affected parties. Notification was given on Council’s website and in the relevant newspapers. In addition, all adjoining property owners were advised of the Proposal in writing and informing them of their right to make a submission.

A submission was heard by a Special Committee of Council. After considering the written submission received, this report will be presented to Council to enable the consideration of any submissions and for a final decision on whether to discontinue the road in full, in part or not to discontinue the road.

Council is acting in accordance with Section 3, Schedule 10 of the Act. Under the Act, the subject road falls under the definition of a ‘road’, and is also considered as a ‘public road’ under the *Road Management Act* 2004. As a result Council has the power to discontinue the subject road.

**Finance**

Council’s independent valuer, Matheson Stephen Valuations, has set a value of $35,200.00 for each parcel of land from the Subject Road (inclusive of GST).

In accordance with Council Policy the land has been allocated to the adjoining property owners in accordance with the division shown on Title Plan TP959864B in Attachment 2. The purchase price for each parcel is shown in the below table.

**Table 1:**

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Council’s Cost</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>42 Murphy St, Brighton</td>
<td>19.5m²</td>
<td>$32,000</td>
<td>$3,200</td>
<td>$6,000</td>
<td>$41,200</td>
</tr>
<tr>
<td>2</td>
<td>55 Brickwood St, Brighton</td>
<td>19.5m²</td>
<td>$32,000</td>
<td>$3,200</td>
<td>$6,000</td>
<td>$41,200</td>
</tr>
</tbody>
</table>

Both adjoining property owners have signed conditional ‘Letters of Offer’ to purchase the land for the combined sum of $82,400.00, if the road can be 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.
### Title Plan

**Location of Land**
- Parish: Prahran (at Elsternwick)
- Township: 26
- Crown Allotment: 1 (part)
- Crown Portion: 
- Lost Plan Reference: LOT 1 ON TP930062L (part)
- Derived From: Vol 3568 Fol 443 (part)
- MGA94 Coordinates of approximate centre:
  - E: 325 930
  - N: 5 804 300
- Depth Limitation: DOES NOT APPLY

**Easement Information**

<table>
<thead>
<tr>
<th>Easement Reference</th>
<th>Purpose</th>
<th>Width (Metres)</th>
<th>Origin</th>
<th>Land Benefited In Favour of</th>
</tr>
</thead>
</table>

**Diagram**

- Title Plan
- Easement Reference
- Purpose
- Width (Metres)
- Origin
- Land Benefited In Favour of

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**Certification by Surveyor**

**Sheet 1 of 1 Sheets**

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**License Surveyor**

Raymond Francis Earls

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**Item 10.13 – Reports by the Organisation**

Page 122 of 161
Dear Sir/Madam,

Re: Proposed Discontinuance and sale of road at rear of 42 Murphy Street & 55 Brickwood Street, Brighton VIC 3186

I confirm that I act on behalf of the owners of 55 Brickwood Street, Brighton, Mr Smith and Mrs Campbell-Smith. I have to hand a copy of the Bayside City Council public notice in relation to the discontinuance of the laneway at the rear of 55 Brickwood Street, Brighton. I also have to hand earlier correspondence in this matter including emails between Sharon Fitchett of Council and my clients and Macquarie Lawyers and my clients.

Current Situation

My understanding of the situation is as follows: Council proposes to discontinue the road and then to sell to the adjoining neighbours being 42 Murphy Street and my clients at 55 Brickwood Street. If there is an agreement to purchase from Council by both parties, each party would receive half of the laneway. If there is an indication that one of the parties do not wish to purchase half of the land, then that portion would be offered to the other property owner.

Council has advised that they land valuation of the land is $32,000 plus GST for half of the laneway and all costs of the Council would have to be met by Council. These costs would be in the range of $10,000 to $15,000 for both sections – i.e. if a party was buying half they would pay half of these fees. Council has also advised that the land is not encumbered by any easements to Council (i.e. no properties use the land as a legal point of discharge and there are no Council drainage assets under the laneway) and there are no sewerage or other assets under the laneway. Council has provided a copy of a letter of offer...
showing $41,200 inclusive of GST but this is not representative of the valuation obtained by Council and should be disregarded for the purposes of establishing the price at which the land should be transacted by Council.

If any of the above is incorrect, please be in contact with my office immediately.

Objection to discontinuance and to sale price (if discontinuance were to proceed)

My clients have put Council on notice that they object to the discontinuance. This letter forms as formal notice of objection as required by the public notice.

In the event that the discontinuance is approved despite the objections of my client, my client would seek to ensure that one half of the laneway is purchased by them, but my clients formally objects to the price of $41,200 inclusive of GST as it is not as per valuation and does not appear to be representative of any other calculation. Council policy in relation to Discontinuance and sale of Right of Ways, Roads and Reserves Policy specifies at clause 5.1 that the land be sold at valuation determined by a markter valuer – please confirm that any sale if it were to proceed would proceed on this basis.

Council’s ability to sell the road

Council’s policy in relation to Discontinuance and sale of Right of Ways, Roads and Reserves Policy and power to close roads will only apply to roads that are within Council ownership. That is, it will only apply to land that is legally entitled to be included on the Register of Public Roads. The lane that is proposed to be partly closed is not defined on the Register of Public Roads as maintained by Council. The only lane defined is that that traverses from Murphy street to Brickwood street. As such, it appears that Council has no basis to close this road. Please provide advice to the contrary if documentation exists.

Use of the Road

My clients have owned the property since 2006. Since that time they have used the road to access their property. It is acknowledged that there is no current gate that exists from our client’s property to the road, but this has not always been the status quo. The gate to access the road was only removed when my clients were installing the pool in their yard approximately seven years ago. Until that time, they had used the road for rear access. Since that time, they have used the road for sporadic use, including the use of the land for temporary storage of a trailer which did not interfere with other user’s carriageway easements over the road. The trailer in situ can be seen in the google street view image from July 2017.

My client intends to continue to use the road and will be reinstalling access points to the road which will comply with pool fencing requirements so that the rear access can again be utilised. Had it been anticipated that the rear access could be curtailed through this process and the limited non-use be used as a basis for Council to
propose to close the road, my clients would have retained the rear access point to
the road.

Rights over the road

My clients do not simply enjoy use of the road as a member of the public. My clients
have a registered right of way over the property pursuant to their title, a copy of which
is now attached. A copy of the transfer granting the carriageway easement is also
attached. There has been no abandonment of the easement rights our clients enjoy
over this land.

Submissions

My clients wish to be heard in support of their submission as contained in this letter.
I look forward to your confirmation that the Special Committee of Council will proceed
on Thursday 1 November at 6:30pm at Council Chambers, Boxshall Street Brighton.

Should you have any further enquiries, please do not hesitate to be in contact.

Yours faithfully,

Daniel Prior
PRIOR LAW
Direct email: daniel@priorlaw.com.au
Minutes of the
Special Committee of Council Meeting

to hear submissions in relation to:

Proposed Road Discontinuance and Sale of Land at Rear 42
Murphy Street and 55 Brickwood Street, Brighton

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Thursday 1 November 2018

The Meeting commenced at 6.30pm

Present:
Cr Alex del Porto
Cr James Long BM JP
Cr Laurence Evans (Mayor)
Cr Michael Heffernan
Cr Clarke Martin
Cr Rob Grinter

Officers in attendance:
Mick Cummins Chief Executive Officer
Bill Shanahan Acting Director Corporate
Services
Jason Stubbs Manager Commercial Services
Terry Callant Manager Governance
Table of Contents

1. Welcome and opening of the meeting

2. Apologies

3. Disclosure of any Conflict of Interest

4. Submissions
   4.1 Proposed Road Discontinuance and Sale of land at rear 42 Murphy Street and 55 Brickwood Street, Brighton - Submission - Mr Alister Smith and Mrs Joanna Campbell-Smith of 55 Brickwood Street, Brighton.................................................................3

5. Requests to be heard in support of submissions
   The following submitter has requested to be heard in support of their submission to the Special Committee of Council Meeting:
   - Mr Alister Smith
1. Welcome and opening of the meeting

The Mayor welcomed members of the Special Committee and the submitter to the meeting.

2. Apologies

Moved Cr del Porto Seconded Cr Long

That the apology of Cr Sonia Castelli be received and leave of absence be granted.

CARRIED

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

4.1 PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND AT REAR 42 MURPHY STREET AND 55 BRICKWOOD STREET, BRIGHTON – SUBMISSION: MR ALISTER SMITH AND MRS JOANNA CAMPBELL-SMITH OF 55 BRICKWOOD STREET, BRIGHTON

Corporate Services - Commercial Services
File No: FOL/16/5282 – Doc No: DOC/18/258488

It is recorded that Mr Alister Smith spoke for 4 minutes in support of his submission.

Moved: Cr del Porto Seconded: Cr Martin

That the written submission from Mr Alister Smith and Mrs Joanna Campbell-Smith relating to the proposed road discontinuance and sale of land at rear 42 Murphy Street and 55 Brickwood Street, Brighton be received and noted.

CARRIED

Following consideration of submission, the Chairperson declared the meeting closed at 6.36pm.
Executive summary

Purpose and background

The report presents the third quarter performance against the Council Plan activities, and the financial results compared to budget for the period to 30 September 2018.

The report is designed to ensure consistency with the adopted 2018/19 Budget and Council Plan activities, in compliance with statutory requirements. The performance report includes the following components:

- performance against Council Plan and progress against Council Plan activities
- financial results (including operating results, cash position, and Victorian Auditor-General’s Office indicators);
- summary of community engagement activities undertaken during the reporting period.
- capital program delivery; and

Key issues

59 activities reported against, two activities have been completed, 55 activities are tracking at least 90% of achieved target, three activities are tracking between 60-90% of achieved target and one activity is tracking less than 60% of achieved target.

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community.

Financial Report – 2018/19 Forecast operating result

2018/19 Year to date operating result

The September 2018 result is a surplus of $8.9M which is $2.9M favourable to budget.

2018/19 Forecast operating result

The current forecast for the year is a surplus of $21.8M which is $33k favourable to Budget.

The underlying forecast is unfavourable to budget by ($323k) and excludes the following one off or timing items totalling ($356k):

- ($259k) additional costs associated with the purchase of new smaller bins as part of Council’s “shrink your bin campaign”.
- ($216k) expenditure related to the timing of grant funding for Aged & Disability Regional projects.
- ($90k) for the development and implementation of the State election advocacy.
- $442k additional income from developers relating to drainage contribution unbudgeted.
- $175k sale of discontinuance of Council owned laneways.
• $175k additional grant funding in 2018/19 for ‘Safe Travel in Local Street Program’.
• $129k increase in the grant funding for school crossings subsidy for 2018/19.

Capital program result

The year-to-date net capital result is under to budget by $1.255M. Council is forecast to be net $15.1M under budget for capital works at 30 June 2019. Taking into account the impact of $14.3M net of proposed carry forwards, the capital budget is favourable by $775K.

For 2018/19 there are 155 capital projects to be delivered, with one completed at the end of the first quarter, 128 projects are in progress, and 26 have not yet started.

Recommendation

That Council:

1. notes the Quarter One Performance Report against the Council Plan activities for the period July to September 2018;

2. adopts the financial report to 30 September 2018.

Support Attachments

1. Quarterly Report to Council July - September 2018

Item 10.14 – Reports by the Organisation
Considerations and implications of recommendation

Liveable community

Social
The report summarises progress on a range of programs which contribute to the social environment of the Bayside community, through the delivery of activities in line with the goals of the Council Plan 2017-2021.

Natural Environment
The report summarises progress on a range of programs which contribute to the natural environment of the Bayside community, through the delivery of activities in line with Goal 5 ‘Environment' of the Council Plan 2017-2021.

Built Environment
The report summarises progress on a range of programs which contribute to the built environment of the Bayside community, through the delivery of activities in line with the goals of the Council Plan 2017-2021.

Customer Service and Community Engagement
The performance report provides information within Section 5 on community engagement activities undertaken by Council during the reporting quarter.

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 performance report assists Council to meet the requirements of Section 131 of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*, which require reporting against the Council Plan and preparation of an Annual Report.

Finance
The September 2018 result is a surplus of $8.9M which is $2.9M favourable to budget.

The current forecast for the year is a surplus of $21.8M which is $33k favourable to Budget. The underlying forecast however is unfavourable to budget by ($323k).

Links to Council policy and strategy
The performance report provides information on performance against the Council Plan 2017-2021 and the Annual Budget 2017-18. The eight goals of liveability outlined in the Council Plan are also aligned to and contribute towards achievement of the Bayside Community Plan 2025.
Quarterly Performance Report

July – September 2018
Section 1 – Executive Overview

Introduction

This quarterly performance report provides a detailed report on performance against the Council Plan 2017-2021 and the 2018/19 Annual Budget for the first quarter. This executive summary provides a summary of non-financial and financial issues and highlights for the quarter. The second 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 Capital Works. The fifth section provides a report on Community Engagement activities undertaken during the quarter.

This is also the first quarter reporting for newly appointed Chief Executive Officer after completing 3 months in this role. The CEO has acknowledged the smooth transition is due to the momentum that was created through the period when he was in his Acting role as Bayside’s CEO.

Key areas of focus has been:

- Reviewing and finalising the Organisational Structure
- Setting expectations with the senior leadership team
- Building connections with key community and government stakeholders
- Creating a clear focus for staff on the major priorities for 2018/19 to include
  - Building the sophistication of our community engagement
  - Improving organisational collaboration
  - Driving high performance and addressing under performance
  - Strengthening our project management capability
  - Delivering on the Council Plan actions and Major Projects

Highlights

The latest Staff Engagement results came through in early July with a substantial increase in engagement evident across the organisation. The overall engagement score increased from 56 to 70. This puts Bayside in the top quartile of the 620 organisations that use this survey tool.

The organisation Structure has been finalised and recruitment processes well under way.

The Planning Department metrics continue to improve with 68% of applications determined within 60 days for Q1.
Substantial progress on the development of the Project Management Office with key staff appointed, new project management methodology developed and training for all project managers underway. These improvements will lead to better planning and delivery of projects, both capital and operating.

Completion of the Annual Financial Statements and annual report in a highly professional and effective manner. The financial statements confirm that Council is in a strong financial position.

Opening of Elsternwick Park Oval No1 and Pavilion.

Opening of the Cheltenham Park Pavilion Upgrade.

Successful grant applications for Sandringham Library and Fern Street kindergarten.

Development of Advocacy Statements on key issues for the State and Federal Elections, set up for the State Candidate forums and supporting the Mayor in meetings with local members, candidates, Ministers and Shadows.

Challenges

There have been a number of challenging projects on the agenda during the quarter including Elsternwick Park South (Ovals 3 and 4), Black/Well Street car parking proposed, Dendy Beach Project, Sandringham Golf Course and Sandringham Golf Driving range (for netball relocation). These projects consume substantial quantities of organisational (and Councillor) resources.

Our community consultation processes are the subject of intense scrutiny and need to be more robust going forward.
Performance against Council Plan

Figure 1: Performance against Council Plan

Between July and September 2018, 59 Council Plan activities were reported on for this quarter, 54 activities are in progress; two have completed and three have not started.

This is the first quarterly report against the 2018/19 activities, which align with the goals of the Council Plan 2017-2021.

Progress against Council Plan Activities

Of the 59 activities reported against, two have been completed and 55 activities are tracking at least 90 percent on target. Three activities are tracking between 60-90 percent of target and one activity is less than 60 percent of the quarterly target.
Section 2 - Financial Overview

The financial overview includes:

1. Operating result
2. Cash and investments
3. Victorian Auditor General’s Office (VAGO) Indicators
4. Operating results by division
5. Financial and resource implications

Operating Result

2018/19 Year-to-date operating result

The September 2018 result is a surplus of $8.9M which is $2.9M favourable to budget.

2018/19 Forecast operating result

The current forecast for the year is a surplus of $21.8M which is $33k favourable to Budget.

The underlying forecast is unfavourable to budget by ($323k) and excludes the following one off or timing items totalling ($356k):

- ($259k) additional costs associated with the purchase of new smaller bins as part of Council’s “shrink your bin campaign”.
- ($216k) expenditure related to the timing of grant funding for Aged & Disability Regional projects.
- ($90k) for the development and implementation of the State election advocacy.
- $442k additional income from developers relating to drainage contribution unbudgeted.
- $175k sale of discontinuance of Council owned laneways.
- $175k additional grant funding in 2018/19 for ‘Safe Travel in Local Street Program’.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.
Cash and investments

The cash position of $100.6M has increased by $9.3M from the 2017/18 ending balance of $91.2M.

The YTD favourable variance to budget of $14.9M as at September 2018 is mainly due to:

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

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30-Jun-18</th>
<th>30-Sep-18</th>
<th>Variance</th>
<th>Adjusted Budget</th>
<th>Full Year</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>37,412</td>
<td>48,189</td>
<td>10,777</td>
<td>8,458</td>
<td>23,755</td>
<td>33,371</td>
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<td>Restricted, committed and allocated funds</td>
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<td>52,402</td>
<td>6,633</td>
<td>8,451</td>
<td>37,042</td>
<td>52,915</td>
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<tr>
<td></td>
<td><strong>91,447</strong></td>
<td><strong>100,591</strong></td>
<td><strong>9,166</strong></td>
<td><strong>17,899</strong></td>
<td><strong>60,797</strong></td>
<td><strong>86,286</strong></td>
</tr>
<tr>
<td>Cash &amp; cash equivalents (including investments) consists of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Retail banks</td>
<td>96,526</td>
<td>88,027</td>
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<tr>
<td>Community banks</td>
<td>4,000</td>
<td>4,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cash on hand and at bank</td>
<td>1,721</td>
<td>8,584</td>
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<tr>
<td></td>
<td><strong>92,247</strong></td>
<td><strong>100,591</strong></td>
<td><strong>8,364</strong></td>
<td><strong>17,183</strong></td>
<td><strong>60,797</strong></td>
<td><strong>86,286</strong></td>
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<tr>
<td>Total cash and cash equivalents</td>
<td><strong>91,447</strong></td>
<td><strong>100,591</strong></td>
<td><strong>9,166</strong></td>
<td><strong>17,899</strong></td>
<td><strong>60,797</strong></td>
<td><strong>86,286</strong></td>
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<tr>
<td>Statutory Reserves</td>
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<td></td>
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<td>Recreational Land Reserve</td>
<td>17,005</td>
<td>18,394</td>
<td>1,389</td>
<td>1,716</td>
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<td>Drainage Contribution Reserve</td>
<td>354</td>
<td>354</td>
<td></td>
<td></td>
<td>438</td>
<td>438</td>
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<td>Car Parking Reserve</td>
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<td>407</td>
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<td></td>
<td>416</td>
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<td></td>
<td><strong>18,766</strong></td>
<td><strong>18,715</strong></td>
<td><strong>429</strong></td>
<td><strong>2,130</strong></td>
<td><strong>17,176</strong></td>
<td><strong>18,732</strong></td>
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<td>Total Statutory Reserves</td>
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<td>Funds Subject to Intended Allocation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure Reserve</td>
<td>8,616</td>
<td>8,616</td>
<td>0</td>
<td>0</td>
<td>8,616</td>
<td>8,616</td>
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<td>Dendy Street Beach Improvement Reserve</td>
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<td>Community Facilities Enhancement Reserve</td>
<td>698</td>
<td>904</td>
<td>206</td>
<td>(206)</td>
<td>904</td>
<td>904</td>
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<td>Early Childhood Facilities Reserve</td>
<td>550</td>
<td>550</td>
<td>0</td>
<td>0</td>
<td>550</td>
<td>550</td>
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<td>Defined Superannuation Shortfall</td>
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<td>0</td>
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<td>Unspent Conditional Grants Reserve</td>
<td>1,620</td>
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<td>0</td>
<td>0</td>
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<td>1,620</td>
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<td>Capital Works Carried Forward Reserve</td>
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<td>0</td>
<td>8,616</td>
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<tr>
<td>Street and Park Tree Management Carried Fc</td>
<td>110</td>
<td>110</td>
<td>0</td>
<td>0</td>
<td>110</td>
<td>110</td>
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<td><strong>30,704</strong></td>
<td><strong>28,712</strong></td>
<td><strong>2,000</strong></td>
<td><strong>15,784</strong></td>
<td><strong>28,712</strong></td>
<td><strong>30,712</strong></td>
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<td>Total Funds Subject to Intended Allocation</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Other Reserves</td>
<td>40,410</td>
<td>47,993</td>
<td>7,583</td>
<td>6,667</td>
<td>32,525</td>
<td>47,715</td>
</tr>
<tr>
<td>Committed Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Funds and Deposits</td>
<td>4,425</td>
<td>4,425</td>
<td>0</td>
<td>0</td>
<td>4,425</td>
<td>4,425</td>
</tr>
<tr>
<td></td>
<td><strong>4,425</strong></td>
<td><strong>4,425</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>4,425</strong></td>
<td><strong>4,425</strong></td>
</tr>
<tr>
<td>Total Committed Funds</td>
<td><strong>4,425</strong></td>
<td><strong>4,425</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>4,425</strong></td>
<td><strong>4,425</strong></td>
</tr>
<tr>
<td>Total Restricted, Committed and Allocated funds</td>
<td><strong>53,835</strong></td>
<td><strong>52,805</strong></td>
<td><strong>1,030</strong></td>
<td><strong>12,190</strong></td>
<td><strong>32,940</strong></td>
<td><strong>52,135</strong></td>
</tr>
</tbody>
</table>
## 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><strong>Liquidity</strong></td>
<td>The ability to pay liabilities within the next 12 months. (current assets/current liabilities)</td>
<td>&gt; 150%</td>
<td>530.85%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Self-financing</strong></td>
<td>The ability to replace assets using cash generated from day to day operations (net operating cash flow/underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>29.19%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Capital Replacement</strong></td>
<td>To ensure sufficient spending on capital renewal and new capital works. (Total capital spend: Depreciation)</td>
<td>&gt; 150%</td>
<td>231.64%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Indebtedness</strong></td>
<td>The ability to repay debt from own source revenue being revenue not tied to specific projects. (not current liabilities / own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.77%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Underlying result</strong></td>
<td>Sufficient operating income to cover operating expenses (new surplus/revenue)</td>
<td>&gt; 0%</td>
<td>15.19%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Renewal gap</strong></td>
<td>To ensure sufficient spending on existing capital assets. (Renewal capital spend: depreciation)</td>
<td>&gt; 100%</td>
<td>162.98%</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Operating result by Division

<table>
<thead>
<tr>
<th>Division (in '000s)</th>
<th>2018/19 Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 YTD Budget variance</th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 Year End Forecast</th>
<th>2018/19 Adjusted Budget less Forecast</th>
<th>2018/19 Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>2,020</td>
<td>1,870</td>
<td>150</td>
<td>9,599</td>
<td>9,551</td>
<td>48</td>
<td>0.5%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>2,583</td>
<td>2,742</td>
<td>(159)</td>
<td>9,694</td>
<td>10,101</td>
<td>(406)</td>
<td>-4.2%</td>
</tr>
<tr>
<td>Env Rec &amp; Infrastructure</td>
<td>8,793</td>
<td>8,559</td>
<td>234</td>
<td>36,174</td>
<td>36,484</td>
<td>(310)</td>
<td>-0.9%</td>
</tr>
<tr>
<td>City Planning &amp; Community Services</td>
<td>1,473</td>
<td>636</td>
<td>837</td>
<td>8,758</td>
<td>8,940</td>
<td>(182)</td>
<td>-2.1%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(322)</td>
<td>(579)</td>
<td>257</td>
<td>(3,869)</td>
<td>(4,253)</td>
<td>363</td>
<td>-9.9%</td>
</tr>
<tr>
<td>Underlying Operating</td>
<td>14,546</td>
<td>13,228</td>
<td>1,318</td>
<td>60,357</td>
<td>60,823</td>
<td>(466)</td>
<td>-0.8%</td>
</tr>
<tr>
<td>Rates</td>
<td>(23,888)</td>
<td>(23,995)</td>
<td>107</td>
<td>(95,590)</td>
<td>(95,476)</td>
<td>(114)</td>
<td>0.1%</td>
</tr>
<tr>
<td>Capital Income</td>
<td>(1,205)</td>
<td>(1,683)</td>
<td>478</td>
<td>(4,903)</td>
<td>(5,518)</td>
<td>613</td>
<td>+12.5%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>4,602</td>
<td>3,574</td>
<td>1,029</td>
<td>18,416</td>
<td>18,416</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>(5,945)</td>
<td>(8,876)</td>
<td>2,931</td>
<td>(21,720)</td>
<td>(21,753)</td>
<td>33</td>
<td>-0.2%</td>
</tr>
</tbody>
</table>

Executive forecast favourable $48k

- $163k saving in employee costs due to a long term vacant role and organisational realignment.
- ($90k) unfavourable due to the State election advocacy approved at the Strategic Issues meeting on the 26 June 2018.

Corporate Services unfavourable ($406k)

- ($351k) increase in employee costs mainly due to:
  - ($188k) Additional staff in Human Resources assisting with improving customer service and implementing initiatives identified in the People Strategy 2018/19 as well as organisational realignment partly funded from savings in Strategy & Performance.
  - ($143k) Additional staff in Property and Leasing to assist with the sale of discontinuances. Fully offset by $175k discontinuance income.
- ($113k) increase in costs associated with advertising and recruitment of senior staff vacancies.
- ($100k) increase in annual software support which represents a transition to best of breed cloud solutions as an alternative to capital investment.
- $175k sale of discontinuances.

Environment, Recreation and Infrastructure unfavourable ($310k)

- ($446k) increase in Public Lighting, Electricity charges as a result of the new contracts effective 1 July 2018.
- ($259k) additional costs associated with the purchase of new smaller bins due to the “Shrink your bin and save” campaign.
- $246k savings in the kerbside recycling waste disposal contract as a result of a better price per tonnage negotiated with the recycling processor.
- $99k additional income mainly associated with Open Space permits issued for filming activities within the municipality.
- $65k increase in legal point of discharge income.

City Planning and Community Services unfavourable ($182k)

- ($216k) expenditure for Aged & Disability Regional projects for which funding was received in 2017/18.
- ($148k) expenditure for Customer Journey mapping for City Planning.
- ($67k) increase in employee costs for new Planning Manager role and use of agency staff to backfill vacant roles.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.
- $100k increase in parking fines due to increased patronage.

Corporate Finance favourable $383k

- $310k increase in interest income from general bank accounts and term deposits mainly due to a favourable opening cash position for the year.
- $71k savings in 2018/19 WorkCover premium due to improved claims history.

Rates unfavourable ($114k)

- ($392k) reduction in rates and charges resulting from requests from rate payers for smaller bins.
- $265k increase in supplementary rates over budget.

Financial and resource implications

Operating result

The September 2018 result is a surplus of $8.9M which is $2.9M favourable to budget.

Capital result

The year-to-date net capital result is under to budget by $1.255M. Council is forecast to be net $15.1M under budget for capital works at 30 June 2019. Taking into account the impact of $14.3M net of proposed carry forwards, the capital budget is favourable by $775K.
Section 3 – Financial statements

Income statement

<table>
<thead>
<tr>
<th>Line item</th>
<th>2018/19 YTD</th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 Adjusted Budget Variance</th>
<th>2018/19 Year End Forecast</th>
<th>Adjusted Budget less forecast variance</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Services &amp; New Initiatives Budget</td>
<td></td>
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</tr>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>23,844</td>
<td>23,946</td>
<td>102</td>
<td>95,416</td>
<td>95,301</td>
<td>(115)</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>1,603</td>
<td>1,824</td>
<td>221</td>
<td>6,357</td>
<td>6,607</td>
<td>250</td>
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<td>User Fees</td>
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<td>2,088</td>
<td>192</td>
<td>7,658</td>
<td>7,755</td>
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<td>Rental Income</td>
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<td>1,757</td>
<td>2</td>
<td>4,120</td>
<td>4,122</td>
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<td>Grants - Operating</td>
<td>3,023</td>
<td>3,152</td>
<td>129</td>
<td>10,878</td>
<td>10,936</td>
<td>58</td>
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<tr>
<td>Grants - Capital</td>
<td>705</td>
<td>305</td>
<td>(400)</td>
<td>1,370</td>
<td>1,545</td>
<td>175</td>
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<td>Contributions - Cash - Operating</td>
<td>5</td>
<td>-</td>
<td>(5)</td>
<td>105</td>
<td>105</td>
<td>-</td>
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<td>Contributions - Cash - Capital</td>
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<td>1,378</td>
<td>878</td>
<td>3,213</td>
<td>3,655</td>
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<td>Interest Income</td>
<td>539</td>
<td>671</td>
<td>132</td>
<td>2,155</td>
<td>2,465</td>
<td>310</td>
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<td>Other Income</td>
<td>348</td>
<td>246</td>
<td>(101)</td>
<td>1,713</td>
<td>1,977</td>
<td>264</td>
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<td>Net Profit/(Loss) on Disposal of assets</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>Total Income</td>
<td>34,217</td>
<td>35,308</td>
<td>1,151</td>
<td>132,985</td>
<td>134,470</td>
<td>1,485</td>
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<td>Expenditure</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>10,946</td>
<td>10,339</td>
<td>607</td>
<td>44,929</td>
<td>45,106</td>
<td>(177)</td>
</tr>
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<td>Materials and Services</td>
<td>12,514</td>
<td>12,486</td>
<td>128</td>
<td>47,306</td>
<td>48,580</td>
<td>(1,274)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
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<td>1</td>
<td>(1)</td>
<td>173</td>
<td>174</td>
<td>(1)</td>
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<td>Depreciation and Amortisation</td>
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<td>3,574</td>
<td>1,239</td>
<td>18,416</td>
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<tr>
<td>Other Expenses</td>
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<td>92</td>
<td>18</td>
<td>440</td>
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<tr>
<td>Finance Costs</td>
<td>(0)</td>
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<td>(0)</td>
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<tr>
<td>Total Expenditure</td>
<td>28,272</td>
<td>26,402</td>
<td>1,781</td>
<td>111,295</td>
<td>112,717</td>
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</tr>
<tr>
<td>Operating Result - Surplus</td>
<td>5,945</td>
<td>8,876</td>
<td>2,031</td>
<td>21,720</td>
<td>21,753</td>
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</table>
## Capital Projects

<table>
<thead>
<tr>
<th>CAPITAL in $’000’s</th>
<th>2018/19 YTD</th>
<th>2018/19 Adjusted</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2018/19 Year End Forecast</th>
<th>2018/19 Forecast Balance to Carry Forward</th>
<th>2018/19 Adjusted Budget</th>
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<tbody>
<tr>
<td>Property Expenditure</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Land</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>9,000</td>
<td>-</td>
<td>9,000</td>
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<td>Buildings</td>
<td>1,748</td>
<td>1,292</td>
<td>456</td>
<td>14,979</td>
<td>10,875</td>
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<td>3,543</td>
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<td>Building Improvements</td>
<td>215</td>
<td>113</td>
<td>103</td>
<td>3,241</td>
<td>3,304</td>
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<tr>
<td>Plant &amp; Equipment Expenditure</td>
<td></td>
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<tr>
<td>Fixtures, Fittings and Furniture</td>
<td>39</td>
<td>88</td>
<td>(49)</td>
<td>329</td>
<td>329</td>
<td>-</td>
<td>-</td>
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<td>Arts and Culture</td>
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<td>16</td>
<td>0</td>
<td>130</td>
<td>130</td>
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<td>-</td>
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<td>IT Systems, Network, Servers and Communication</td>
<td>133</td>
<td>604</td>
<td>(471)</td>
<td>2,060</td>
<td>2,307</td>
<td>(247)</td>
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<td>Library Assets</td>
<td>99</td>
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<td>18</td>
<td>400</td>
<td>400</td>
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<tr>
<td>Infrastructure Expenditure</td>
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<td>Foreshore and Conservation</td>
<td>85</td>
<td>60</td>
<td>25</td>
<td>2,700</td>
<td>2,596</td>
<td>106</td>
<td>205</td>
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<td>Parks and Recreation</td>
<td>1,131</td>
<td>732</td>
<td>399</td>
<td>8,640</td>
<td>6,793</td>
<td>1,846</td>
<td>1,550</td>
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<td>Off-Street Car Parks</td>
<td>166</td>
<td>84</td>
<td>82</td>
<td>2,818</td>
<td>2,634</td>
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<td>Drainage Infrastructure</td>
<td>561</td>
<td>411</td>
<td>150</td>
<td>3,599</td>
<td>3,299</td>
<td>300</td>
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<td>Road Infrastructure</td>
<td>696</td>
<td>632</td>
<td>63</td>
<td>9,220</td>
<td>9,990</td>
<td>(770)</td>
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<tr>
<td>Total Expenses</td>
<td>4,889</td>
<td>4,112</td>
<td>777</td>
<td>57,117</td>
<td>42,657</td>
<td>14,460</td>
<td>14,298</td>
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</table>

## Revenue

<table>
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<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants - Capital</td>
<td>(705)</td>
<td>(305)</td>
<td>(400)</td>
<td>(1,370)</td>
<td>(1,545)</td>
<td>175</td>
<td>-</td>
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<tr>
<td>Other Income</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(320)</td>
<td>(320)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>(500)</td>
<td>(1,376)</td>
<td>878</td>
<td>(3,213)</td>
<td>(3,651)</td>
<td>438</td>
<td>-</td>
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<tr>
<td>Total Revenue</td>
<td>(1,205)</td>
<td>(1,683)</td>
<td>478</td>
<td>(4,903)</td>
<td>(5,519)</td>
<td>613</td>
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</table>

Total 3,684 2,429 1,255 52,214 37,141 15,073 14,298
### Balance sheet

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>30-Sep-18</th>
<th>Full Financial Year</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual $'000</td>
<td>Actual Adjusted</td>
<td>Variance</td>
<td>Adjusted</td>
</tr>
<tr>
<td><strong>Current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>1,721</td>
<td>8,564</td>
<td>1,656</td>
<td>6,906</td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>8,207</td>
<td>670</td>
<td>1,247</td>
<td>(577)</td>
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<tr>
<td>Other financial assets</td>
<td>84,525</td>
<td>87,027</td>
<td>84,025</td>
<td>3,001</td>
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<tr>
<td>Inventories</td>
<td>147</td>
<td>147</td>
<td>110</td>
<td>37</td>
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<tr>
<td>Non current assets classified as held for sale</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Other assets</td>
<td>1,534</td>
<td>866</td>
<td>433</td>
<td>433</td>
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<tr>
<td><strong>Total current assets</strong></td>
<td>96,235</td>
<td>97,274</td>
<td>87,472</td>
<td>9,802</td>
</tr>
<tr>
<td><strong>Non-current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>183</td>
<td>183</td>
<td>169</td>
<td>14</td>
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<tr>
<td>Assets Held for Sale</td>
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<td>3,064</td>
<td>-</td>
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<td>230</td>
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<td>Other assets</td>
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<td>55</td>
<td>55</td>
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<tr>
<td><strong>Total non-current assets</strong></td>
<td>3,738,666</td>
<td>3,739,227</td>
<td>3,463,019</td>
<td>336,208</td>
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<td><strong>Total assets</strong></td>
<td>3,834,921</td>
<td>3,839,501</td>
<td>3,480,491</td>
<td>346,010</td>
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<tr>
<td><strong>Current liabilities</strong></td>
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</tr>
<tr>
<td>Trade and other payables</td>
<td>11,396</td>
<td>4,442</td>
<td>2,347</td>
<td>2,095</td>
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<td>Trust funds and deposits</td>
<td>4,425</td>
<td>4,409</td>
<td>4,825</td>
<td>(216)</td>
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<td>Provisions</td>
<td>7,974</td>
<td>8,072</td>
<td>5,457</td>
<td>1,365</td>
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<td>Interest bearing loans and borrowings</td>
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<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Income in Advance</td>
<td>455</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td><strong>Total current liabilities</strong></td>
<td>24,252</td>
<td>16,923</td>
<td>16,429</td>
<td>494</td>
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<td><strong>Non-current liabilities</strong></td>
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<td></td>
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<tr>
<td>Provisions</td>
<td>795</td>
<td>828</td>
<td>1,248</td>
<td>(420)</td>
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<tr>
<td>Interest bearing loans and borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>795</td>
<td>828</td>
<td>1,248</td>
<td>(420)</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>25,047</td>
<td>17,751</td>
<td>17,677</td>
<td>74</td>
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<tr>
<td><strong>Net assets</strong></td>
<td>3,809,874</td>
<td>3,810,750</td>
<td>3,472,814</td>
<td>345,936</td>
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<tr>
<td><strong>Equity</strong></td>
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<tr>
<td>Accumulated surplus</td>
<td>875,870</td>
<td>886,232</td>
<td>886,967</td>
<td>(735)</td>
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<td>Asset revaluation reserve</td>
<td>2,884,594</td>
<td>2,884,696</td>
<td>2,544,521</td>
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<td>Other reserves</td>
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<td>47,922</td>
<td>41,326</td>
<td>6,596</td>
</tr>
<tr>
<td><strong>Total equity</strong></td>
<td>3,809,874</td>
<td>3,810,750</td>
<td>3,472,814</td>
<td>345,936</td>
</tr>
</tbody>
</table>
# Cash flow statement

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18 Inflows (Outflows)</th>
<th>30-Sep-18 Inflows (Outflows)</th>
<th>Full Year Inflows (Outflows)</th>
<th>Variance</th>
<th>Adjusted Budget</th>
<th>Variance</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Cash flows from operating activities</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Rates and charges</td>
<td>88,961</td>
<td>26,827</td>
<td>28,445 (1,618)</td>
<td>95,226</td>
<td>94,811</td>
<td>(415)</td>
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<td>Statutory fees and fines</td>
<td>7,666</td>
<td>910</td>
<td>2,296 (1,316)</td>
<td>6,453</td>
<td>7,090</td>
<td>637</td>
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<td>User charges</td>
<td>9,444</td>
<td>3,557</td>
<td>4,927 (970)</td>
<td>8,059</td>
<td>8,113</td>
<td>44</td>
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<tr>
<td>Rental income</td>
<td>4,171</td>
<td>1,757</td>
<td>1,829 (72)</td>
<td>4,038</td>
<td>4,753</td>
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<tr>
<td>Contributions - monetary</td>
<td>6,598</td>
<td>1,326</td>
<td>540 (888)</td>
<td>3,530</td>
<td>3,798</td>
<td>459</td>
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<tr>
<td>Grants - Operating</td>
<td>11,231</td>
<td>3,158</td>
<td>3,126 (2)</td>
<td>10,702</td>
<td>10,242</td>
<td>(46)</td>
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<tr>
<td>Grants - Capital</td>
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<td>334</td>
<td>23 (311)</td>
<td>1,445</td>
<td>1,888</td>
<td>221</td>
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<tr>
<td>Interest</td>
<td>2,718</td>
<td>856</td>
<td>627 (237)</td>
<td>2,160</td>
<td>3,151</td>
<td>991</td>
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<td>Trust funds and deposits</td>
<td>(234)</td>
<td>3,125</td>
<td>31 (3,094)</td>
<td>123</td>
<td>120</td>
<td>(3)</td>
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<td>(259)</td>
<td>555 (764)</td>
<td>1,678</td>
<td>1,698</td>
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<td>Net CST refund</td>
<td>7,111</td>
<td>2,201</td>
<td>1,986 (515)</td>
<td>7,847</td>
<td>7,165</td>
<td>(682)</td>
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<td>Employee costs</td>
<td>(41,581)</td>
<td>(11,749)</td>
<td>(11,376) (373)</td>
<td>(44,244)</td>
<td>(44,410)</td>
<td>(157)</td>
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<td>Payments to suppliers</td>
<td>(54,379)</td>
<td>(18,807)</td>
<td>(19,910) (173)</td>
<td>(56,595)</td>
<td>(60,309)</td>
<td>(3,714)</td>
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<tr>
<td>Net cash provided by (used in) operating activities</td>
<td>44,644</td>
<td>13,310</td>
<td>13,193</td>
<td>117</td>
<td>41,211</td>
<td>38,799</td>
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<td>Cash flows from investing activities</td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Payments for property, infrastructure, plant &amp; equipment</td>
<td>(40,379)</td>
<td>(3,966)</td>
<td>(5,214)</td>
<td>1,248</td>
<td>(57,117)</td>
<td>(42,960)</td>
<td>14,457</td>
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<td>Proceeds from sale property, infrastructure, plant &amp; equipment</td>
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<td>-</td>
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<td>-</td>
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<tr>
<td>Proceeds from term deposit investments</td>
<td>(9,500)</td>
<td>(2,501)</td>
<td>(10,000)</td>
<td>7,498</td>
<td>15,000</td>
<td>4,000</td>
<td>(11,000)</td>
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<tr>
<td>Net cash used in investing activities</td>
<td>(49,879)</td>
<td>(6,467)</td>
<td>(15,214)</td>
<td>8,747</td>
<td>(42,117)</td>
<td>(38,660)</td>
<td>3,457</td>
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<tr>
<td>Cash flows from financing activities</td>
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<tr>
<td>Finance costs</td>
<td>(124)</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Proceeds from borrowings</td>
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<tr>
<td>Repayment of borrowings</td>
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<td>Net cash used in financing activities</td>
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<tr>
<td>Net increase/(decrease) in cash and cash equivalents</td>
<td>(7,664)</td>
<td>6,843</td>
<td>(2,021)</td>
<td>8,864</td>
<td>(906)</td>
<td>139</td>
<td>1,045</td>
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<tr>
<td>Cash and cash equivalents at the beginning of the period</td>
<td>9,385</td>
<td>1,721</td>
<td>3,677</td>
<td>(1,956)</td>
<td>3,677</td>
<td>1,721</td>
<td>(1,956)</td>
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<tr>
<td>Cash and cash equivalents at the end of the period</td>
<td>1,721</td>
<td>8,564</td>
<td>1,856</td>
<td>6,908</td>
<td>2,771</td>
<td>1,860</td>
<td>(911)</td>
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<tr>
<td>Term Deposits</td>
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<td>84,926</td>
<td>8,091</td>
<td>89,526</td>
<td>27,500</td>
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<tr>
<td>Total cash and cash equivalents at the end of the period</td>
<td>91,247</td>
<td>100,591</td>
<td>85,682</td>
<td>14,909</td>
<td>60,797</td>
<td>87,386</td>
<td>26,589</td>
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<tr>
<td>Unallocated and unrestricted</td>
<td>37,412</td>
<td>48,189</td>
<td>39,731</td>
<td>8,456</td>
<td>23,755</td>
<td>35,271</td>
<td>11,016</td>
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<td>Restricted, committed and allocated funds</td>
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<td>52,402</td>
<td>45,951</td>
<td>6,455</td>
<td>37,042</td>
<td>52,015</td>
<td>14,973</td>
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<td>Total</td>
<td>91,247</td>
<td>100,591</td>
<td>85,682</td>
<td>14,909</td>
<td>60,797</td>
<td>87,386</td>
<td>26,589</td>
<td></td>
</tr>
</tbody>
</table>
Section 4 – Community Engagement

The number of community engagement activities that occurred during July – September 2018 were more than, compared to the same period in 2017.

Listed below are the key engagement activities that continued or were started during this time.

<table>
<thead>
<tr>
<th>Project</th>
<th>Quarter 1 Community Engagement or Research</th>
</tr>
</thead>
</table>
| Southland-Pennydale Structure Plan | • Consultation meetings with resident action group  
                                         • Final draft of Structure Plan released for public comment via HYS  
                                         • Survey on proposed changes via Survey Monkey  
                                         • Outcome - Council endorsement of Structure Plan pending |
| Highett Structure Plan        | • Final draft of Structure Plan released for public comment via HYS, feedback concluded in June 2018  
                                         • Outcome - Council endorsed the Structure Plan September 2018 |
| Graffiti Management Plan      | • Background research on graffiti incidence and locations  
                                         • Quantitative research – telephone surveys across community  
                                         • Stakeholder workshop |
| Public Toilet Strategy        | • Community ‘drop-in’ session – 15 September, Green Point  
                                         • Draft strategy released for public comment via HYS |
- Survey about proposed capital works via HYS
  - Concluding October 2018

| Recycling and Waste Strategy | • Commenced May 2018  
• Listening posts-intercept surveys  
• Survey about FOGO proposals via HYS  
• Draft strategy released for public comment via HYS  
• Survey about proposed service changes via HYS  
• Concluding October 2018 |

| Elsternwick Park South – Ovals 3 & 4 | • Five community information sessions – July & August  
• HYS discussion forums  
• HYS Quick Poll – 2 questions  
• Outcome - Council decision September 2018 |

| Black Street and Well Street carparks | • Two ‘drop-in’ sessions and intercept surveys – August  
• Survey on 4 design options via Survey Monkey  
• Concluding October 2018 |
Section 5 - Capital Works

The year-to-date net capital result is under to budget by $1.255M. Council is forecast to be net $15.1M under budget for capital works at 30 June 2019. Taking into account the impact of $14.3M net of proposed carry forwards, the capital budget is favourable by $775K.

<table>
<thead>
<tr>
<th></th>
<th>$'000's</th>
<th>18/19 YTD Adjusted Budget</th>
<th>18/19 YTD Actuals</th>
<th>Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Current forecast</th>
<th>Forecast Budget Variance</th>
<th>Forecast rollover to 2019/20</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Income</td>
<td>1,205</td>
<td>1683</td>
<td>478</td>
<td>4,903</td>
<td>5,516</td>
<td>613</td>
<td>0</td>
<td>14,298</td>
<td>162</td>
</tr>
<tr>
<td>Capital Expenditure</td>
<td>4889</td>
<td>4112</td>
<td>777</td>
<td>57,117</td>
<td>42,657</td>
<td>14,460</td>
<td>14,298</td>
<td>28,528</td>
<td>36,277</td>
</tr>
<tr>
<td>Grand Total</td>
<td>3,684</td>
<td>2,429</td>
<td>1,255</td>
<td>52,214</td>
<td>37,141</td>
<td>15,073</td>
<td>14,298</td>
<td>52,214</td>
<td>775</td>
</tr>
</tbody>
</table>
Capital revenue

*YTD favourable $478K, forecast favourable $613K*

The forecast favourable variance in capital income of $613K is mainly due to:

- Unbudgeted capital income received for drainage contributions from developers.
- Unbudgeted income received from VicRoads for Church and Male Street Roundabout zebra crossings completed in 2017/18.

Capital expenditure

*YTD favourable $777K, forecast favourable $14.5M*

The forecast favourable variance in capital expenditure of $14.5M is mainly due to:

- Delays with Dendy Street Beach Pavilion due to VCAT and remediation works. This project will roll into 2019/20.
- Delays in Sandringham Village Activity Centre Streetscape due to Melbourne Water approval. This project will roll into 2019/20.
- Delays with William Street Reserve Pavilion due to planning permit requirements. Construction expected to commence in March 2019. This project will roll into 2019/20.
- Delays with Destructor Reserve Pavilion due to approval of design with sporting clubs. Construction expected to commence in May 2019. This project will roll into 2019/20.
- Savings expected on Cheltenham Park Pavilion based on current estimate.
- Savings expected on Simpson Reserve Sportsground Reconstruction due to favourable tender results.
- Savings expected on B9 and B13 Car Park Renewal based on our Engineer’s cost estimate.
Progress Report on significant Capital Works Projects

The following table provides a report on capital projects which are greater than $50K over or under YTD budget as at 30 September 2018.

<table>
<thead>
<tr>
<th>Project Title</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 YTD Adjusted Variance</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footpath Reconstruction Program</td>
<td>399,999</td>
<td>66,481</td>
<td>333,518</td>
<td>1,600,000</td>
<td>Program commenced in late August.</td>
</tr>
<tr>
<td>Durrant Street Drainage, Pavement &amp; Tree Improvements</td>
<td>500,000</td>
<td>232,171</td>
<td>267,829</td>
<td>719,799</td>
<td>Construction works commenced, a few design issues currently being resolved.</td>
</tr>
<tr>
<td>Playground Renewal Projects</td>
<td>658,769</td>
<td>391,560</td>
<td>267,209</td>
<td>1,740,234</td>
<td>Construction was delayed at the North Road playground due to the delivery of the play equipment and unfavourable weather conditions.</td>
</tr>
<tr>
<td>Elsternwick Park South Public Toilet</td>
<td>196,717</td>
<td>73,951</td>
<td>122,766</td>
<td>196,717</td>
<td>Delays with awaiting power connection. Savings expected due to favourable tender results.</td>
</tr>
<tr>
<td>Cheltenham Park Pavilion</td>
<td>518,949</td>
<td>405,607</td>
<td>113,342</td>
<td>2,922,059</td>
<td>Minor delay with construction. Construction work will increase as project progresses. Savings also expected based on current estimate.</td>
</tr>
<tr>
<td>Activity Centre Masterplan – Beaumaris Concourse</td>
<td>85,004</td>
<td>12,339</td>
<td>72,665</td>
<td>685,684</td>
<td>Detailed design due for completion in October 2018.</td>
</tr>
<tr>
<td>506 Balcombe Road Retaining Wall</td>
<td>51,131</td>
<td>1,081</td>
<td>50,050</td>
<td>154,898</td>
<td>Design works delayed. Due for completion in October.</td>
</tr>
<tr>
<td>Kerb and Channel Replacement Program</td>
<td>0</td>
<td>427,753</td>
<td>[427,753]</td>
<td>866,000</td>
<td>Construction commenced earlier than expected.</td>
</tr>
<tr>
<td>Project Title</td>
<td>2018/19 YTD Adjusted Budget</td>
<td>2018/19 YTD Actuals</td>
<td>2018/19 YTD Adjusted Variance</td>
<td>2018/19 Adjusted Budget</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
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<td>-------------------------------</td>
<td>-------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Elsternwick Park Oval 2 Sportsground Lighting</td>
<td>1,281</td>
<td>81,514</td>
<td>(80,233)</td>
<td>175,552</td>
<td>Construction works commenced earlier than expected.</td>
</tr>
<tr>
<td>Stormwater Harvesting Brighton Golf Course and Dendy Park</td>
<td>1,131</td>
<td>68,556</td>
<td>(67,425)</td>
<td>154,898</td>
<td>Works ahead of schedule.</td>
</tr>
<tr>
<td>Simpson Reserve Oval Reconstruction</td>
<td>0</td>
<td>309</td>
<td>-309</td>
<td>1,100,000</td>
<td>Works commenced</td>
</tr>
<tr>
<td>Castlefield Pavilion</td>
<td>450,000</td>
<td>384,913</td>
<td>65,087</td>
<td>512,039</td>
<td>Scheduled to be opened in November</td>
</tr>
<tr>
<td>Sandringham Library &amp; MCH</td>
<td>50,000</td>
<td>309</td>
<td>49,691</td>
<td>991,128</td>
<td>Architects engaged</td>
</tr>
<tr>
<td>Sandringham Masonic Hall Refurbishment</td>
<td>50,000</td>
<td>0</td>
<td>50,000</td>
<td>150,000</td>
<td>Architects engaged</td>
</tr>
<tr>
<td>North Road Playground</td>
<td>538,682</td>
<td>682,417</td>
<td>178,945</td>
<td>717,627</td>
<td>Works commenced</td>
</tr>
<tr>
<td>Sandringham Beach Road Public Toilet</td>
<td>70,000</td>
<td>1,396</td>
<td>68,604</td>
<td>70,000</td>
<td>Completed</td>
</tr>
</tbody>
</table>
Capital Budget Status

For 2018/19 there are 155 capital projects to be delivered, with one completed at the end of the first quarter, 128 projects are in progress, and ten have not yet started.
10.15 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/268084

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 20 November 2018.

Key issues
This report contains resolutions of Council that require a further report to Council.

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting report November 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>
<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>DCPCS</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented at a future Council meeting for adoption.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>10.7</td>
<td><strong>Childrens’ Sensory Garden Investigation</strong>&lt;br&gt;That Council:&lt;br&gt;1. notes the typical elements of a suburban sensory garden;&lt;br&gt;2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;&lt;br&gt;3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and&lt;br&gt;4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
<td>DERI</td>
<td>A further report will be provided to a future Council meeting.</td>
</tr>
<tr>
<td>21/06/16</td>
<td>10.3</td>
<td><strong>Bayside Public Transport Advocacy Statement</strong>&lt;br&gt;That Council:&lt;br&gt;2. receives further updates of the Bayside Public Transport Advocacy Statement as part of the annual Integrated Transport Strategy (ITS) update report required as part of Council’s resolution for adopting the ITS to seek the endorsement of any new advocacy issues and positions that are evolved.</td>
<td>DERI</td>
<td>Further updates on the Bayside Public Transport Advocacy Statement will be provided to Council for adoption for any new advocacy issues when they arise.</td>
</tr>
<tr>
<td>28/02/17</td>
<td>10.4</td>
<td><strong>Potential Land Purchase</strong>&lt;br&gt;1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and&lt;br&gt;2. receives a further report on the outcomes of these negotiations</td>
<td>DCorp</td>
<td>A further report will be submitted to Council following the negotiations.</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>
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<td>-----------------</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.1</td>
<td>Amendment C151 – Hampton East (Moorabbin) Structure Plan</td>
<td>DCPCS</td>
<td>A report will be submitted to Council following the Minister for Planning’s decision in 2018.</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.16</td>
<td>HMVS Cerberus – Heritage Works Permit Update</td>
<td>DERI</td>
<td>A further report will be presented to a future Council meeting following Heritage Victoria’s assessment of the Planning Application.</td>
</tr>
<tr>
<td>21/11/17</td>
<td>10.1</td>
<td>National Disability Insurance Scheme</td>
<td>DCPCS</td>
<td>A report is included on the agenda on this matter under the heading of “Building Inclusive Communities Funding Update”.</td>
</tr>
<tr>
<td>19/12/17</td>
<td>10.15</td>
<td>Bayside Film Festival</td>
<td>DCCC</td>
<td>A report will be submitted to Council at the December 2018 meeting</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>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td>------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>19/6/18</td>
<td>10.6</td>
<td><strong>Seasonal Sports Infrastructure Contributions Framework</strong>&lt;br&gt;That Council defer adoption of the Seasonal Sports Club Infrastructure Contributions Framework pending the completion of the 5 year review of Council’s Sportsground Pavilion Improvement Plan.</td>
<td>DERI</td>
<td>A report will be submitted to Council at the December 2018 meeting.</td>
</tr>
<tr>
<td>19/6/18</td>
<td>10.17</td>
<td><strong>Building Inclusive Communities Funding Update</strong>&lt;br&gt;That Council receives a further report no later than 30 June 2019, with options for Council’s ongoing role in relation to disability inclusion, advocacy and planning beyond the cessation of the Building Inclusive Communities funding in June 2019.</td>
<td>DERI</td>
<td>A report will be submitted to Council at the May 2019 meeting.</td>
</tr>
<tr>
<td>24/7/18</td>
<td>10.2</td>
<td><strong>Elsternwick Park Golf Course Decommissioning Plan</strong>&lt;br&gt;That Council:&lt;br&gt;1. postpones a decision of the future of the buildings on the site of the old Elsternwick Park Golf Course pending the evaluation of potential community use and consultation with community groups and the Elsternwick Park Association;&lt;br&gt;2. adopts four key priorities for the site: i) environment, ii) public amenity, iii) flood mitigation, and iv) water quality&lt;br&gt;3. continues to work with Melbourne Water, City of Port Phillip and City of Glen Eira on the development of a plan to implement a passive open space/environmentally focussed reserve and negotiate funding arrangements and partnerships regarding planning, capital works improvements, ongoing site management and maintenance;&lt;br&gt;4. establishes a community reference panel including representatives from the Elsternwick Park Association to: a. provide input into the development of the park and to consider future management models; and b. develop a project plan for the park;&lt;br&gt;5. continues to maintain the area of the former golf course at Elsternwick Park North as an area of publicly accessible open space while the planning work and consultation for the</td>
<td>DERI</td>
<td>A report to be submitted to Council in December 2018.</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>7.1</td>
<td><strong>Petition - To ban the burning of solid fuel materials outdoors for cooking of food and heating</strong>&lt;br&gt;That the petition be received and a report be submitted to the November Ordinary Meeting of Council on this matter.</td>
<td>DCP</td>
<td>A report is included in this agenda.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.5</td>
<td><strong>Hampton Street Activity Centre Social Infrastructure Needs Assessment - Hampton Hub</strong>&lt;br&gt;That Council receives a progress report every four months.</td>
<td>DCP</td>
<td>A report will be submitted to the Council Meeting in December 2018.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.7</td>
<td><strong>Early Year’s Infrastructure Plan</strong>&lt;br&gt;That Council:&lt;br&gt;4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;&lt;br&gt;7. receives a further report following a review of the Infrastructure Plan in year five.</td>
<td>MCS</td>
<td>A further report will be provided to Council on the completion of the development works.</td>
</tr>
<tr>
<td>Date</td>
<td>Item</td>
<td>Description</td>
<td>Decision Type</td>
<td>Notes</td>
</tr>
<tr>
<td>-------</td>
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<td>-------------------------------------------------------------------------------------------------</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.10</td>
<td><strong>Ceasing the Bright n Sandy Food and Wine Festival and establish a Local Festivals and Events Fund</strong>&lt;br&gt;That Council receives a report at the end of the 2018/19 financial year on the performance of the Bright and Sandy Food and Wine Festival.</td>
<td>DERI</td>
<td>That Council receives a report at the June 2019 Council Meeting.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.12</td>
<td><strong>Response to Notice of Motion - 266 - Commuter Shuttle Bus Service</strong>&lt;br&gt;That Council conducts a review after three months of operation with a report to Council in February 2019.</td>
<td>DERI</td>
<td>That Council receives a report in February 2019.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.15</td>
<td><strong>Statutory Planning - Service, Performance and Delegations</strong>&lt;br&gt;That Council&lt;br&gt;  c) receives a further report in August 2019 on the success of the trial; and&lt;br&gt;  d) reviews Statutory Planning performance KPIs during the preparation of the 2019/20 Council Plan</td>
<td>DCP</td>
<td>That Council receives a report in August 2019 and reviews KPIs in April 2019 as part of the Council Plan review.</td>
</tr>
<tr>
<td>18/9/18</td>
<td>7.1</td>
<td><strong>Petition – Requesting a Hydrotherapy Pool Accessible to all residents</strong>&lt;br&gt;That the petition be received and a report be submitted to the December Ordinary Meeting of Council on this matter.</td>
<td>DERI</td>
<td>Report to be submitted to Council in December 2018.</td>
</tr>
<tr>
<td>Date</td>
<td>Item</td>
<td>Resolution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
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<td>------------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 23/10/18 | 10.1  | **Update on the mid-century Modern Heritage Voluntary Inclusion Process**
That Council:
1. Notes the revised timeframes for the proposed nomination process stages as:
   - Stage 1 Nominations for Heritage Listing: November 2018 – March 2019
   - Stage 2 Assessing Heritage Properties: March 2019 – May 2019
   - Stage 3 Planning Scheme Amendment: June 2019 – September 2019;
2. Develops a communication strategy to assist in the implementation of Stage 1; and
3. Receives a report at the June 2019 Ordinary Meeting of Council on which mid-century modern properties to pursue a planning scheme amendment deemed to be of heritage significance through the voluntary expression of interest process. |
| 23/10/18 | 10.2  | **Black and Well Street Brighton Car Park Redevelopment**
That Council:
1. defers consideration of the Black and Well Street car parking proposal;
2. investigates maximising the use of existing parking capacity in streets within a short walk to the Church Street activity centre using an electronic parking data collection system integrated with real-time parking availability signage and app-based driver assistance and receives a further report on the options and costs of proceeding with this technology in February 2019; and
3. undertakes further community consultation on options to improve car parking availability including the use of the technology options outlined in part 2 of the resolution. |
<p>|        |      | DCP        |
|        |      | DCorp      |
|        |      | Report to be submitted to Council in February 2019. |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Item Number</th>
<th>Description</th>
<th>Responsible</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>23/10/18</td>
<td>10.6</td>
<td><strong>Indian Myna Control Program 2017/18 Program Update</strong></td>
<td>DERIS</td>
<td>A report in induced on this agenda.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That this matter be deferred to the November Ordinary Meeting of Council to enable further discussion with BiMAG.</td>
<td></td>
<td><strong>COMPLETED</strong></td>
</tr>
<tr>
<td>23/10/18</td>
<td>13.1</td>
<td><strong>Nom 276 – Review and identification of operational protocols as they relate to tree retention and landscape implementation</strong></td>
<td>DCP</td>
<td>A report to be submitted to Council in December 2018.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council receives a report, at the December 2018 Ordinary Meeting of Council, that:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- provides a review of existing operational protocols and methods used in the issuing and management of Planning Permits in Bayside as they relate to tree retention and landscape implementation; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- identifies potential additional protocols that result in tree retention and landscape implementation, and explores their feasibility.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11. Reports by Delegates

1. Association of Bayside Municipalities – Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Director Environment, Recreation & Infrastructure
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – The Mayor Cr Michael Heffernen
6. Metropolitan Local Government Waste Forum – Cr Clarke Martin

12. Urgent Business

13. Notices of Motion

Nil