Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday 23 July 2019
at 7pm

Agenda
Members of the Gallery

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

Section 92 The Chair’s Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
8. Minutes of Advisory Committees
   8.1 Assembly of Councillors Record
9. Reports by Special Committees
   9.1 Minutes of the Special Committee of Council held on 10 July 2019 to Hear Submissions in relation to: Intention to Lease North Point Café (2b North Road, Brighton)
10. Reports by the Organisation
    10.1 Billilla Homestead Expression of Interest & Leasing
    10.2 Proposal to redevelop and enter into a 21 year Lease of North Point Cafe, Brighton
    10.3 Hampton Community Infrastructure Masterplan
    10.5 Vegetation Protection Overlay (Schedule 3) Controls & Implementation
    10.6 Sustainable Victoria ‘Love Food Hate Waste’ Program
    10.7 Use of Recycled Glass in Construction
    10.8 Local Government Bill 2019 - A Reform Proposal
    10.9 May 2019 Financial Report
    10.10 CONTRACT CON/18/159 Civil Infrastructure and Open Space Maintenance Contract
    10.11 CONTRACT CON/19/35 Sandringham Library and Maternal Child Health Redevelopment
10.12 Council Action Awaiting Report ............................................................. 131

11. Reports by Delegates

12. Urgent Business

13. Notices of Motion
   13.1 Notice of Motion 283 - Bayside’s Indigenous History.................. 140
   13.2 Notice of Motion 284 - Nepean Highway footpath and bike path .......................................................... 141

14. Confidential Business
   14.1 CONTRACT CON/18/159 Civil Infrastructure and Open Space Maintenance Contract - Holding Report ......................... 143
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 25 June 2019.

6. **Public Question Time**

7. **Petitions to Council**
Executive summary

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

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

Recommendation

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

- 9 July 2019 Acting CEO and Councillors only Briefing

Support Attachments

1. Record of Assembly of Councillors - Acting CEO and Councillors only Briefing - 9 July 2019

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

<table>
<thead>
<tr>
<th>Meeting Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Meeting Name/Type</strong></td>
<td>CEO and Councillor only briefing</td>
</tr>
<tr>
<td><strong>Meeting Date</strong></td>
<td>Tuesday 9 July 2019</td>
</tr>
<tr>
<td><strong>Start Time</strong></td>
<td>6.30 pm</td>
</tr>
<tr>
<td><strong>Matters discussed</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Matters raised by the CEO</strong></td>
<td></td>
</tr>
<tr>
<td>• Southern Basketball Association</td>
<td></td>
</tr>
<tr>
<td>• Elsternwick Park Nature Reserve – buildings</td>
<td></td>
</tr>
<tr>
<td><strong>Matters discussed</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Matters raised by the Councillors</strong></td>
<td></td>
</tr>
<tr>
<td>• International Campaign to Abolish Nuclear Weapons</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attendees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Councillors</strong></td>
<td>Mayor, Cr. Michael Heffernan</td>
</tr>
<tr>
<td></td>
<td>Cr. Alex del Porto</td>
</tr>
<tr>
<td></td>
<td>Cr. Laurence Evans</td>
</tr>
<tr>
<td></td>
<td>Cr. Rob Grinter</td>
</tr>
<tr>
<td></td>
<td>Cr. James Long</td>
</tr>
<tr>
<td></td>
<td>Cr. Clarke Martin</td>
</tr>
</tbody>
</table>

| **Staff** | Steven White  |
| Acting Chief Executive Officer |  |

| Apologies |  |
| **Councillors** | Cr. Sonia Castelli |

| Conflict of Interest disclosures |  |
| **Matter No** | Councillor making disclosure  |
| Councillor left meeting |  |
| Nil |  |

Reviewed June 2012
Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Intention to Lease North Point Café (2B North Road, Brighton).

Council, at its meeting on 23 April 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the Intention to Lease North Point Café (2B North Road, 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 10 July 2019. It is proposed that Council considers the submissions received in conjunction with the report listed as part of this agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 10 July 2019 to hear submissions in relation to the Intention to Lease North Point Café (2B North Road, Brighton).

Support Attachments

1. 10 July 2019 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.
Special Committee of Council

To hear submissions in relation to:

Intention to Lease North Point Café
(2b North Road, Brighton)

Council Chambers
Civic Centre, Boxshall St. Brighton

Wednesday 10 July 2019
at 6.30pm
PRESENT:

Chairperson:  Cr Michael Heffernan (Mayor)

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

Officers:  Steven White      Acting Chief Executive Officer
           Jill Colson       Director Corporate Services
           Nick Beck        Acting Manager Commercial Services
           Terry Callant    Manager Governance and Corporate Reporting
           Keryn Fisher     Manager Communication and Engagement
           Pauline Lawson   Acting Property Coordinator
Table of Contents

1. Welcome and opening of the meeting
2. Apologies
3. Disclosure of any Conflict of Interest
4. Submissions
   4.1 Intention to Lease North Point Café (2b North Road, Brighton) - Submission - Ms Alison Joseph
   4.2 Intention to Lease North Point Café (2b North Road, Brighton) - Submission - Mr Howard Komesaroff
   4.3 Intention to Lease North Point Café (2b North Road, Brighton) - Submission - Mr Andre Salem
   4.4 Intention to Lease North Point Café (2b North Road, Brighton) - Submission - Mr Andrew Iser
5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to the Special Committee of Council Meeting.
   1. Ms Alison Joseph
   2. Mr Howard Komesaroff
   3. Mr Andre Salem
1. Welcome and opening of the meeting

The Mayor welcomed Councillors, Council Officers and members of the public to the Special Committee Meeting established to hear submissions in relation to the Intention to Lease North Point Café (2b North Road, Brighton).

2. Apologies

An apology from Cr Castelli was submitted to the meeting.

Moved Cr del Porto
Seconded Cr Evans

That the apology of Cr 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

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received four (4) written submissions in relation to the Intention to Lease North Point Café (2b North Road, Brighton).

Three (3) submitters requested to be heard in support of their written submission:

1. Ms Alison Joseph
2. Mr Howard Komesaroff
3. Mr Andre Salem

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

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 INTENTION TO LEASE NORTH POINT CAFÉ (2B NORTH ROAD, BRIGHTON) - SUBMISSION - MS ALISON JOSEPH

Corporate Services - Commercial Services
File No: PSF/19/960 – Doc No: DOC/19/162075

It is recorded that Ms Alison Joseph spoke for 8 minutes 40 seconds in support of her submission.

4.2 INTENTION TO LEASE NORTH POINT CAFÉ (2B NORTH ROAD, BRIGHTON) - SUBMISSION - MR HOWARD KOMESAROFF

Corporate Services - Commercial Services
File No: PSF/12/3032 – Doc No: DOC/19/163578

It is recorded that Mr Howard Komesaroff spoke for 4 minutes and 50 seconds in support of his submission.

4.3 INTENTION TO LEASE NORTH POINT CAFÉ (2B NORTH ROAD, BRIGHTON) - SUBMISSION - MR ANDRE SALEM

Corporate Services - Commercial Services
File No: PSF/12/3032 – Doc No: DOC/19/165176

It is recorded that Mr Andre Salem spoke for 9 minutes and 30 seconds in support of his submission.

4.4 INTENTION TO LEASE NORTH POINT CAFÉ (2B NORTH ROAD, BRIGHTON) - SUBMISSION - MR ANDREW ISER

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/165190

It is recorded that a submission from Mr Andrew Iser was received, and Mr Iser did not request to be heard in support of his submission.
Moved: Cr Martin  
Seconded: Cr Grinter (Deputy Mayor)

That the submissions received in relation to the Intention to Lease North Point Café (2b North Road, Brighton) be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 23 July 2019.

CARRIED

Following consideration of submissions, the Chairperson declared the meeting closed at 6.57pm.
10. Reports by the Organisation

10.1 BILLILLA HOMESTEAD EXPRESSION OF INTEREST & LEASING

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/182010

Executive summary

Purpose
This report seeks a Council resolution to conduct an ‘Expression of Interest’ (EOI) campaign for the Billilla Homestead at 26 Halifax Street, Brighton.

Background
The Homestead was originally leased to the Society of Jesus in Victoria (Xavier College) commencing 9 March 2005. The Planning Permit allows for use as an education and exhibition centre to operate Monday to Friday 8am-6pm, Saturday 9am-5pm, and Sunday 10am-5pm. Additionally, the planning permit allows for up to 10 staff and up to 75 students on site at any one time.

In 2011, Xavier sought to assign the remaining balance of its lease term after an EOI campaign to find a suitable tenant. Three formal submissions were received for an education health centre and restaurant, photographic studio and a school. In October 2012, Xavier College, with Council’s consent, assigned the lease to the current tenant, Yesodei HaTorah College (YHT). YHT is an independent religious school for boys. The school has consistently met rental payments and undertaken maintenance of the building as required. There has however, been a number of community complaints about security guards and impact on lawns over a portion of the licenced area at the school. It should be noted that as Council officers report complaints received to YHT, YHT have sought to address the matters raised.

Key issues

Request for Lease by YHT

The assigned lease expires on 9 March 2021. Council received a proposal on 18 October 2018 from YHT citing clause 6.1 of Council’s Lease & Licence Policy 2018. This clause enables officers, subject to Council approval, to negotiate a new lease with the incumbent tenant on the basis of performance, proposed investment, community need and community benefit.

Council has received more than 30 verbal and written complaints over 7 years regarding the school’s security acting in a manner seen as intimidating to members of the public within the gardens. These complaints have been progressively addressed with the school.

Additionally, Council licences a small portion of the public gardens to the school for recess and lunch time exercise. This licence allows shared access for the school and the community. YHT use the site 6 days per week for broader school activities. This has caused severe degradation of the grassed area due to the students playing soccer in recess breaks. It should be noted that the school has been proactive in replacing the turf at its expense generally over the summer break. However, for a large portion of the year, the area in question is in poor condition.

In February 2019, officers raised the above matters as part of potential lease discussions with YHT. YHT proposed the following terms in order to both address Council’s concerns and obtain a new long term lease:
YHT has advised that it will take several years to find an alternative site due to the nature of the school. As such, it has asked for a prompt resolution to its request to lease. YHT currently pays over $85,000 in rental income.

**Early Expression of Interest process**

Undertaking an early EOI to test the market allows Council to determine whether the financial return and current use of the site is the highest and best from a financial and community perspective.

One benefit for YHT in allowing this process would be Council’s acceptance or rejection of it’s offer more than 12 months from the lease expiry date allowing it a reasonable amount of time to locate alternative premises.

Previous commercial uses at the site have not proven successful; however, since 2005 the market may have moved significantly and alternative uses may be viable that were not in the past.

Accordingly, it is proposed to undertake an EOI process on the following terms:

- **Term:** 10 years
- **Options:** 5 years (15 years total)
- **Commencement Date:** 9 March 2021
- **Expiry Date:** 8 March 2036
- **Rent:** To be determined by the submitter.
- **Turnover Rent:** To be determined by the submitter.
- **Market Review:** Every 5 years by Market Valuation
- **Escalation:** CPI Melbourne all groups (per annum)

Below is the proposed EOI timeline with inspection dates not yet confirmed by YHT. It is planned to utilise a commercial agent to manage the EOI process, however, officers will be on site to answer questions at each advertised inspection.
**EOI Timeline:**

- 23 July 2019 – Council Meeting
- 13 August 2019 – Commence EOI (8 week period)
- 19-23 August 2019 – Onsite Inspection (Weeknight) (tbc)
- 1 or 8 September 2019 – Onsite Inspection (Sunday) (tbc)
- 16-20 September 2019 – Onsite Inspection (Weeknight) (tbc)
- 8 October 2019 – 5pm Close of EOI
- 6 November 2019 – Councillor Briefing
- 19 November 2019 – Ordinary Meeting

An EOI process allows Council to test the market, noting a new lease would not start until March 2021.

The EOI process will need to be followed by the statutory process to lease.

**Recommendation**

That once inspection dates are confirmed, Council undertake an EOI campaign for the future leasing of Billilla Homestead at 26 Halifax Street, Brighton, proposing the following lease:

- **Term:** 10 years
- **Options:** 5 years (15 years total)
- **Commencement Date:** 9 March 2021
- **Expiry Date:** 8 March 2036
- **Rent:** To be determined by the submitter.
- **Turnover Rent:** To be determined by the submitter.
- **Market Review:** Every 5 years by Market Valuation
- **Escalation:** CPI Melbourne all groups (per annum)

**Support Attachments**

1. Lease and Licence Areas ↓
Considerations and implications of recommendation

Liveable community
The homestead is currently used as a school and utilised 6 days a week. As part of the agreement with YHT, it is able to use part of the grounds on a non-exclusive arrangement.

Social
The school is well utilised for 6 days per week during school terms and provides diverse alternative schooling options to the community.

Natural Environment
It is unclear what potential environmental implications of an EOI process there would be until submissions are reviewed.

Built Environment
Billilla was built circa 1878 and used as a family residence until 1973, when the former City of Brighton acquired the property subsequently reserving it for public purpose. The property is currently occupied by a high school that has adapted the mansion into a series of class rooms. There is currently no public access to the building.

Over the years, the property has been used for a variety of other purposes including catering and wedding events.

Customer Service and Community Engagement
Concerned community members met with Council officers on 11 June 2019 to raise issues with the tenancy. These relate to the need for and presence of security guards and feelings on how this impacts on use and enjoyment of the grounds by the community, intensity of use 6 days a week and impact on the building and grounds, noise especially on Sunday mornings, sense that the use is not in-keeping with Billilla and that there are better and more harmonious uses for the site.

The existing tenant is responsive to Council when issues are raised and has also sought feedback from residents in terms of its use of the site.

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
Any lease process will trigger a requirement to comply with section 190 and 223 of the Local Government Act 1989.

The existing lease has provisions which relate to lease renewal. This allows open for inspections and letting processes to commence 6 months before the end of lease. Council officers are negotiating an arrangement which allows this to be undertaken earlier to provide certainty to YHT and the community through an early EOI process.
Finance
Council currently receives $85,165 + GST per annum from YHT. Any renewal of lease would be determined by a market valuation.

An EOI would lead to respondents providing rental terms as part of any submission.

Links to Council policy and strategy
The following policies are also associated with the delivery of the strategy:

- Lease and Licence Policy 2018
- Property Strategy 2018-2021
Executive summary

Purpose and Background
Council, at its 23 April 2019 Ordinary Council Meeting, considered a report in relation to a proposal to demolish and rebuild the North Point Café as well as an amendment to the existing liquor licence and resolved to:

1. **Provide Landlord Consent for the tenant to apply for a Planning Permit to rebuild the café subject to detailed design having been approved by the Director of Corporate Services.**

2. **Provide Landlord Consent for the tenant to apply for a Planning Permit to amend the liquor licence to a ‘Restaurant and Café Licence’ for the below hours:**
   - Monday - Wednesday: 11:30am – 9:30pm
   - Thursday - Sunday: 11:30am – 11:00pm
   - Public Holiday: 11:30am – 11:00pm
   - Public Holiday Eve: 11:30am – 11:00pm.

3. **In the event the tenant is unable to obtain a planning permit for the demolition, rebuild and/or amendment to the liquor licence, authorise officers to negotiate a refurbishment of the existing building with final approval being at the sole discretion of the Director of Corporate Services.**

4. **Authorise the Director of Corporate Services to commence the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 to lease part of 2b North Road Brighton to the current tenant on the below terms:**
   - **Term:** 21 Years
   - **Base Rent:** to be determined by Council’s Valuer
   - **Turnover Rent:** 7.5% of turnover that exceeds 12.5 times the base rent
   - **Rent Escalation:** C.P.I Melbourne All Groups

5. **In the event a submission is received, authorise the Director of Corporate Services to convene a Section 223 Special Committee of Council meeting on Wednesday 10 July 2019 commencing at 6.30pm at the Council Chambers, Boxshall Street Brighton to hear any submitters that wish to be heard.**

6. **In the event no submissions are received, authorise the Director of Corporate Services to execute the lease with the tenant on the terms set out in point 4.**

In accordance with part 4 of the resolution, Council gave public notice of the proposal in the Bayside Leader, The Age and Council’s website. Four written submissions were received from Ms Alison Joseph, Mr Howard Komesaroff, Mr Andre Salem (the tenant) and Mr Andrew Iser.

A Special Committee of Council meeting was held on 10 July 2019 to consider the submissions and hear persons who requested to be heard, being Ms Joseph, Mr Komesaroff and Mr Salem, in accordance with Section 223 of the **Local Government Act 1989**. Minutes of the meeting were considered under item 9.1 of this agenda.
Summary

A number of key issues were raised in the submissions process which are summarised in Attachment 1 together with officers’ responses.

Further advice is being sought on the use of the café in a Public Park and Recreation Zone and a further report will be provided to Council in August 2019.

Recommendation

That Council:

1. Resolve to terminate the current statutory procedures notifying of an intention to lease North Point Café (2b North Road Brighton) as per Sections 190 and 223 of the Local Government Act 1989.

2. Receive a further report on the intention to lease North Point Café (2b North Road, Brighton) at the August 2019 Ordinary Council meeting.

3. Consider recommending the statutory procedures notifying of an intention to lease North Point Café (2b North Road, Brighton) after receiving the report referred to in paragraph 2 of this Resolution.

Support Attachments

1. Summary of Section 223 Submission for North Point Cafe (2b North Road, Brighton)
Considerations and implications of Recommendation

Liveable community
The café is presently well utilised and a new lease and financial investment into the property will be beneficial to the surrounding community through the opportunity of greater utilisation.

Social
The café is well attended which is confirmed by a review of the confidential audited financial statements that the tenant is required to supply Council on a yearly basis. Based on this information, the social contribution this commercial property makes to the local and greater community is positive and should continue.

Natural Environment
There will be no removal or disturbance of vegetation as a result of the lease and any future plans.

Built Environment
The current building condition audit shows the building to be in good condition; however, has been added to a number of times over the years in a piecemeal fashion to meet changing needs. It is not considered functional and presents drainage issues that will progressively deteriorate into the future.

The purpose of this report is to consider a new long term lease and not any planning or building permits required.

Customer Service and Community Engagement
Council is required under section 190 and 223 of the Local Government Act 1989 to publish notice of its intention to lease the café. Council advertised its intention in the local Bayside Leader Newspaper on 14 May 2019 and The Age on 13 May 2019 as well as on its public website throughout the advertising period.

Further Council conducted extensive community engagement in relation to the property from December 2018 to February 2019.

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

Legal
This report recommends that Council seeks advice, and recommences the public notice process under section 190 and 223 of the Local Government Act 1989, prior to any decision on the lease being made.

Finance
As part of the proposal, the tenant has accepted Council's commercial leasing terms. The agreement between Council and the Tenant is subject to statutory approval, but in effect, it secures Councils income stream for the duration of the lease.
Capital Expenditure

Under the current proposal, the building is to be demolished and rebuilt at the tenant's expense.

Links to Council policy and strategy

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

- Lease and Licence Policy 2018
- Property Strategy 2018-2021

Options considered

Option 1 – Approve the 21 year lease

<table>
<thead>
<tr>
<th>Summary</th>
<th>This option is to execute the 21 year lease with the existing tenant having complied with Section 190 and Section 223 of the Local Government Act 1989.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council would be making efficient and timely decisions.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council may not be making decisions on a fully informed basis given the legal questions that remain in question.</td>
</tr>
</tbody>
</table>

Option 2 – Terminate the process

<table>
<thead>
<tr>
<th>Summary</th>
<th>This is the preferred approach. This option is to terminate the S190 and S223 process pending further legal advice.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>This option responds to the request by submitters for Council to “hit pause” on the Section 190 and Section 223 process.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council has spent considerable financial and staff resourcing getting to this point.</td>
</tr>
</tbody>
</table>
Summary of Section 223 submissions for North Point Café

(2b North Road, Brighton)

Note: The original submissions received were presented to all Councillors in totality at a Special Committee of Council held 10 July 2019

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer of Title of the Land to Council?</td>
<td>Council is recorded as the registered proprietor of the fee simple estate of land known as 2b North Road, Brighton.</td>
</tr>
<tr>
<td>Is or was the Land Crown Land?</td>
<td>The Land is not Crown land. It is Torrens Land owned by Council and of which Council is the valid registered proprietor. The land was unalienated Crown Land prior to its grant to Council.</td>
</tr>
<tr>
<td>Has Council complied with Division 1 of Part 9 of the Act?</td>
<td>To date, Council has complied with Division 1 of Part 9 of the Local Government Act 1989.</td>
</tr>
<tr>
<td>Is the Café use contrary to the purpose the land was vested in Council?</td>
<td>This question is raising the legality of the use of land as a café. The land was vested in Council by an Act of Parliament in 1877 and a caveat was added to the Title which restricted the use of the land to ‘Public Resort and Recreation’, and the land is zoned ‘Public Park and Recreation Zone’ under the Bayside Planning Scheme. Further advice is being sought on this matter and a report will be provided back to Council on this question in August 2019. It is proposed that Council terminate the current process until this matter is resolved.</td>
</tr>
<tr>
<td>Heritage</td>
<td>The building is not on the Victorian Heritage Register, or National Trust, nor affected by a Heritage Overlay under the Bayside Planning Scheme.</td>
</tr>
<tr>
<td>Planned use of Building</td>
<td>The current tenant outlined his plan for the building’s use including Children’s birthday parties.</td>
</tr>
</tbody>
</table>
10.3 HAMPTON COMMUNITY INFRASTRUCTURE MASTERPLAN

City Planning & Amenity - Urban Strategy
File No: PSF/19/954 – Doc No: DOC/19/182280

Executive summary

Purpose
To provide Council with an update in relation to the Hampton Community Infrastructure Feasibility and Masterplan project.

Background
Council appointed a consultant team led by Navire Advisory to undertake the necessary investigations, analysis and stakeholder engagement to inform the preparation of a community infrastructure masterplan and development feasibility assessment for the Hampton Street Major Activity Centre. The investigations have considered the existing conditions of each Council owned site, the broader strategic planning context of the centre, traffic and parking conditions, the opportunities and constraints, and the anticipated future needs of our community.

Councils existing community facilities in the centre, including the Community Centre, Playhouse, Maternal and Child Health building, Senior Citizens Centre and Scout Hall were all constructed in the 1950s or earlier and have been identified as potentially needing renewed, modern and flexible spaces.

To meet future community needs, the anticipated minimum floorspace provision is expected to exceed 3,500 square metres, an increase of approximately 25% from the existing space available.

Given the identified constraints of a number of the existing sites which prevent expansion, opportunities are being explored as a way to deliver future community floorspace needs through a ‘hub’ model.

Council has not yet considered a future budget allocation for the works needed to deliver the actions identified by this project.

Key issues

Outcomes from Stage 1 Consultation
Council undertook a community consultation process to validate a set of place values drawn from previous community consultation feedback.

This resulted in six draft place values being tested with the community:

- Hampton is safe and accessible;
- Hampton has a ‘village’ scale and feel;
- Hampton is green and people focused;
- Hampton has high quality public space and community amenities;
- Hampton offers an active community life;
- Hampton is sustainable and ready for the future.
Each place value also included a draft criteria to allow future options to be measured against each value. Workshops were held with existing facility users, managers and key community organisations to discuss the place values and criteria. Participants were invited to review the draft place values and identify any gaps in the success criteria.

Overall, there was support for the values, with comments generally focusing on what was missing from the criteria for each place value.

This has helped inform the final criteria that the options developed will be assessed against.

Development of options for future community facilities

Council’s consultant team have developed two options in response to the social needs assessment. Each option provides for the minimum 3,500 square metres required and includes opportunities to incorporate an additional 3,500 square metres for uses that are not presently available within the activity centre, for example, a potential kindergarten, toy library, youth facilities and flexi-spaces.

There are two options that are being taken forward for community consultation, being a centralised option and a ‘village’ option.

The centralised option nominates all uses to be located in one consolidated site, similar to the concept outlined in the Hampton Willis Street Precinct Urban Design Framework 2013. The hub would be located within the Willis Street Precinct and would accommodate the co-location of new and upgraded community infrastructure with a single site. This would incorporate the senior citizens centre, community centre, playhouse, MCH, U3A, library, arts and culture space, meeting rooms and similar.

The village option presents two smaller facilities (each comprising approximately 3,500 square metres or above) providing two ‘anchor points’ within the centre, and clustering uses with a certain centre. For example, one facility would focus on early years services and would include the playhouse, MCH with the second facility comprising the community centre, library, U3A and meeting rooms.

Each option has opportunities and constraints and responds to the place values in different ways. How these options represent the place values will be explored in further detail with the community as part of the Stage 2 consultation.

Stage 2 Consultation on options

The consultation and engagement process on the options has commenced through targeted consultation with key stakeholders and meetings with other community and interest groups.

The community consultation will occur throughout July and into August 2019, before a final option for more detailed consideration is presented to Council at its 17 September 2019 Ordinary Meeting. This report will include a high level analysis of costs and potential revenue sources.

Recommendation

That Council notes this report and receives a report at its 17 September 2019 Ordinary Meeting in relation to the outcome of the community consultation process.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
Hampton is facing an increasingly ageing population, and growth in the number of families with children.

By the year 2036, there will be a gap in future service provision of the following services/facilities in the Hampton suburb: Three and four year old kindergarten places; Playgroups; Long day childcare centres (typically provided by the private sector); Toy library; Neighbourhood house programs; Centre based libraries; Flexible space for community meetings, events, programs, art and culture; Potential future gap in the provision of youth spaces and an arts and culture centre.

How and where to locate these facilities is the key outcome of the Hampton community infrastructure masterplan.

The options prepared consider the future social needs and represent the minimum amount of additional floorspace Council will require in order to meet community needs.

Natural Environment
New buildings associated with the development of any future hub will be required to employ sustainability measures to reduce the ecological footprint of the facility including but not limited to passive thermal comfort, water recycling initiatives and solar panels. The options prepared do not go to this level of detail; however, this will be considered in future stages of the project.

Built Environment
Council has a number of aging buildings and infrastructure within the Hampton Major Activity Centre in need of significant maintenance and renewal. The options prepared do not go to the level of detail required to provide design advice in relation to specific buildings, but include general built form outcomes to inform the feasibility components of the masterplan.

Customer Service and Community Engagement
The Stage 2 consultation process has commenced, with a number of drop-in sessions planned for August 2019.

The broader community will be able to voice their opinions on the options through the following mechanisms:

- 1:1 meetings with the project team and tenants with existing lease agreements;
- 1:1 meetings with the project team and identified key stakeholders;
- 4 x community drop-in sessions, where members of the public and stakeholder groups will be able to find out more about each of the options and their implications;
- Direct mail to residents surrounding existing Council owned sites within the activity centre;
- General communications including advertisements in the Bayside Leader, Council’s website, and content for displaying in each Council facility within the activity centre; and
- Have Your Say website to provide all project information and outline the opportunities for feedback.

The findings of stage 2 will be reported back to Council in September 2019.

**Human Rights**

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

**Legal**

There are no legal implications associated with this report; however, depending on future directions, legal advice may be required for specific land and leasing matters.

**Finance**

Council has allocated budget to progress with the community engagement activities outlined within this report. However, the cost associated with works needed to deliver the actions identified by this project has not been included within Council’s long term financial plan. The final option recommended for more detailed consideration is to be presented to Council at its 17 September 2019 Ordinary Meeting and will include a high level analysis of costs and potential revenue sources.

**Links to Council policy and strategy**

Providing community infrastructure to meet community service needs in the Hampton Street MAC is aligned to the following strategies:

**Council Plan 2017 - 2021**

Relevant strategies of the Council Plan include:

- Plan for the future of recreation centres, senior centres, U3A and similar community facilities to ensure the assets meet future service needs and deliver strategies for renewal;

- Provide fit for purpose, modern multi-use facilities that are effectively utilised for our children’s early years; and

- Provide modern library services that meet the needs of the community.

**Hampton Willis Street Precinct Urban Design Framework 2013 (UDF)**

Council adopted the UDF as its preferred development vision for the Willis Street Precinct. The UDF includes a number of short to long term implementation actions that seek to improve the Precinct, including consideration of the opportunity to create an integrated community hub within the Willis Street precinct.
Hampton Street Structure Plan Review 2016

The purpose of the Structure Plan Review was to examine the effectiveness of the implementation of the Hampton Street Structure Plan 2006 to ensure that the key strategic planning issues facing the centre are identified and considered. One of the recommendations made by the review is that Council prepare a Community Infrastructure Study to ensure that the social and community infrastructure needs of the community are considered.

At its 19 June 2018 Council Meeting, Council resolved to undertake this work in 2019/20 and the work has therefore been brought forward.

Bayside Housing Strategy 2012

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

Bayside Open Space Strategy 2012: Suburb Analysis and Action Plan

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

**Purpose and background**


Council has a suite of policies that are related to tree protection and which are due for review.

*Management of Tree Protection on Private Property Policy*

At the Council meeting of 18 December 2018 it was resolved “That Council: …Undertake the review of the Management of Tree Protection on Private Property Policy 2015 in the 2019/20 financial year”.

Bayside City Council has had a tree protection on private property Local Law since 1998 and was one of the first councils to implement such a law. The Local Law is guided by a policy for the assessment of tree removal applications and the policy is due for review.

Tree protection on private property can be a contentious area for the community due to the competing interests of property owners and other stakeholders. The competing interests can relate to the aesthetic and environmental value of canopy trees, as well as development, safety or building structure factors. As a result, a strong community engagement approach is required for the policy review, underpinned by robust, evidence-based information.

*Significant Tree Management Policy*

Council created a register of significant trees in 1996, following a Landscape Victoria report which identified a number of trees within the municipality that were considered to be of an exceptional nature for either their historic, social or scientific characteristics. The assessment in the report was based on National Trust selection criteria.

The Bayside Register of Significant Tree Management Policy was originally endorsed by Council in 2000. The policy outlined the approved methods by which a tree or group of trees can be admitted or removed from the register as well as the characteristics by which a tree is assessed. The policy was intended to protect, promote and improve the highly valued tree canopy in the municipality.

The Significant Tree Management Policy was reviewed in 2013 and only minor changes were made. The policy has been recently reviewed and relatively minor changes proposed.

*Tree Reward and Vandalism Policy*

The Tree Reward and Vandalism Policy 2013 is designed to ensure that Council’s approach to the issue of rewards for information concerning tree vandalism is managed in a consistent, transparent and appropriate manner through the development of clearly defined eligibility criteria. The eligibility criteria describes who and under what circumstances a person is
eligible for a reward for information given regarding vandalism of Council’s trees, together with their entitlement.

The Tree Reward and Vandalism Policy was adopted in 2013. The policy has been recently reviewed and relatively minor changes are proposed.

**Key issues**

*Management of Tree Protection on Private Property Policy*

As noted above, tree protection on private property can be a contentious issue and therefore strong community engagement and a detailed evidence based approach is required for the review. It is proposed that the review will take a holistic approach to potential issues and will consider aspects including:

- The level of community support for different restriction levels on tree removal;
- Mechanisms to ensure tree owners and the community have confidence in the policy and its application;
- The appropriate methodologies and criteria for assessing the safety and property damage implications of tree removal / retention;
- How to achieve high rates of compliance with tree replanting requirements; and
- The costs of different approaches.

The review will also include three aspects that are outside the direct scope of the current policy. The first aspect is the appropriate criteria for triggering Local Law tree protection. Currently, the criteria lists trees included on the Significant Tree Register or Canopy trees that have a circumference of 155cm measured at 1m above the ground. However, the criteria vary significantly depending on the Council.

While the criteria is prescribed in the Local Law rather than the policy and therefore the criteria will be formally reviewed as part of the Local Law review process (commencing late 2020), significant changes to the Local Law criteria will have obvious significant implications for the policy. As a result, an initial assessment of the criteria will be considered in parallel with the policy review.

The second aspect that will be considered is the implications of the policy on vulnerable community groups such as our aging demographic. There appears to be an increasing motivation for tree removals by this demographic due to issues such as difficulty with home maintenance or leaf collection. While support programs for vulnerable community groups are outside the scope of the policy, it is important to consider the implications.

The third aspect will be the potential linkages to innovations such as the current investigation of remote monitoring of vegetation data, 3D imagery and the development of an Urban Forest Strategy.

There are a number of steps within the review process, (coupled with community and stakeholder engagement), which will include technical research and local government benchmarking, position papers on key aspects, policy drafting, updating and finalisation. It is expected that the draft policy and the final proposed policy will be presented to Council, with the project completed in May 2020.

*Significant Tree Management Policy*

The review concluded that the policy was operating effectively, with 86 trees listed on Council’s Significant Tree Register and five nominations presented to Council for significant tree listing in the last 12 months. All nominations were resolved by Council to be listed on the Significant Tree Register. Nominators and/or tree owners are typically positive about the process, with the
key exception being that one nomination was delayed because the tree owner did not support the nomination and Council officers could not gain access to the property. As a result, only relatively minor changes are proposed and broad community consultation was not undertaken.

The content of the proposed Policy (Attachment 1) includes the following changes to the 2013 policy (marked changes in Attachment 3):

- Updating the selection criteria to align with National Trust changes. The National Trust have simplified the selection criteria into four categories: Scientific, Social, Historic and Aesthetic. The National Trust Selection Criteria is widely used by the arboriculture industry, local government, VCAT and state government departments and the relevant criteria at that time has been used in previous policies;

- Removing reference to public trees. Public trees are not required to be on the Significant Tree Register because Council’s current Street & Park Tree Policy 2016 provides adequate protection and scope to determine if a public tree should be retained;

- Additional details to clarify the process to remove a tree from the register have been included; and

- A range of specific editorial changes that do not impact on the policy intent or application.

**Tree Reward and Vandalism Policy**

The review identified that the Significant Tree Reward and Vandalism Policy continues to be appropriate, but that a range of relatively minor and technical changes should be made to ensure clarity in intent and application. A key consideration in the review was whether there were benefits in providing a reward for information that leads to a successful prosecution of a tree investigation, as well as the appropriate size of the reward to offer. The key factors considered were:

- Council has only ever issued one reward (in 2012) which was divided amongst a number of witnesses;

- Council does receive invaluable information from the public regarding tree vandalism; however, the reporting is generally motivated by community spirit rather than a reward. In most cases, the reporting of illegal tree removal is anonymous;

- During an investigation, officers place notification signs at the base of the vandalised tree and hand deliver local letters requesting information on the alleged vandalism. The reward is referenced in the information, which demonstrates Council's commitment to tree protection and may deter further offences; and

- The maximum reward in the previous policy was $20,000, which would need to be increased to $25,000 to align with penalty increases. While this is a significant monetary reward, the actual reward could be significantly less depending on the significance of the tree.

The draft policy proposes a maximum reward of $25,000 and is included as Attachment 2. The previous policy with marked up changes is included as Attachment 4.
Recommendation

That Council:


- Notes the commencement of a full review, with community engagement, of Council’s Management of Tree Protection on Private Property Policy 2015, with completion of the review in the 2019/20 financial year.

Support Attachments

1. Significant Tree Management Policy 2019
2. Tree Reward and Vandalism Policy 2019
4. Tree Reward and Vandalism Policy 2013 - Marked Changes
Considerations and implications of recommendation

Liveable community

Social
Private and public trees within the municipality provide significant social benefits but can also negatively impact on property owners or neighbouring properties. The policies in this report are intended to provide a transparent, consistent and equitable approach to the protection of significant and other trees on private property and supporting prosecution of tree vandalism through appropriate rewards.

Natural Environment
Protection against the loss of trees and vegetation is a growing concern, especially for communities that live closer to developing areas. With an understanding of climate change, the community is aware of the importance natural vegetation and the tree canopy play in preventing soil erosion, providing habitats for animals and decreasing the temperatures in the suburbs and urban areas.

Built Environment
Trees can have a range of positive impacts on the built environment, however, there can also be concerns raised regarding the potential impact of tree roots and branches on the structural integrity of buildings.

Customer Service and Community Engagement
The review of the Significant Tree Management and Tree Reward and Vandalism Policy has been based on direct feedback during community members experience with the policies. Formal community consultation was not undertaken as part of these reviews, but due to the contentious nature of the policy, will be considered as part of the full review of the Management of Tree Protection on Private Property Policy.

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
Under the Councils Local Law No.2 Neighbourhood Amenity and Bayside Planning Scheme, Council protects significant and native trees located in the vegetation protection overlay.

Finance
Management of Tree Protection on Private Property Policy

Links to Council policy and strategy
The Community Plan 2025 highlights that protection against the loss of trees and vegetation is a growing concern, especially for communities that live closer to developing areas. With an understanding of climate change, the community is aware of the importance natural vegetation and the tree canopy play in preventing soil erosion, providing habitats for animals and decreasing the temperatures in the suburbs and urban areas.

The Council Plan 2017-2021 includes in Goal 5 Environment, that we protect and enhance Bayside’s tree canopy and vegetation on public and private land.
1. Policy intent

To protect, promote and improve the highly valued tree canopy in the municipality.

2. Purpose/Objective

The purpose of the Significant Tree Management Policy is to effectively administer the nomination of a significant tree onto or the removal of a significant tree from the Significant Tree Register. The deletion of a significant tree from the Significant Tree Register can only be endorsed by Council at an Ordinary Meeting of Council.

The Bayside Planning Scheme (VPO) and Local Law No. 2 “Neighbourhood Amenity” assist Council to protect and expand the tree canopy of the entire municipality. Clause 36 (1) (a) and (b) of Council’s Local Law No. 2 “Neighbourhood Amenity” protects significant trees and a Local Law permit is required to destroy, damage, remove, cut, trim, lop, prune any tree listed on the Significant Tree Register.

It is recognised that trees are an integral part of neighbourhood amenity, provide natural beauty and a sustainable environment.

3. Scope

The Significant Tree Management Policy 2019 is limited in its application to trees that:

- are located on private property and are protected under Bayside City Council’s Local Law No. 2 – ‘Neighbourhood Amenity’; or

- are currently listed on Council’s Significant Tree Register; and

- in rare circumstances do not meet the protection criteria under the Local Law.
This policy does not impact on the exemptions and determinations made by the responsible authority regarding trees protected by the Bayside Planning Scheme. This includes but is not limited to:

- Heritage Overlay;
- Native vegetation (Clause 52.17 Planning Scheme);
- Vegetation Protection Overlay; and
- Property specific planning permits.

Roles and Responsibilities

Implementing and providing advice on the policy and resolution of disputes or differences that may arise in interpretation of this Policy will be the role of the Manager responsible for the protection of trees on private property:

- Receiving nominations and assessment of trees on private property.
- Receiving requests for the deletion of a tree from the significant tree register.

4. Policy statement

Bayside City Council is committed to providing high-quality living environments for residents, ratepayers and visitors. The significance of trees in the Bayside community is reflected in the existing planning policy and local law controls covering Bayside. Some trees, through age, size, and rarity of planting or association with historical events achieve a higher level of importance than others on private land, and Council is committed to acknowledging their existence.

6.1 Nominating trees to the register

Who can nominate?

Any person can nominate trees located on private property anywhere in the municipality.

Nomination form

Nominations must be made on the approved nomination form (see Appendix 1) and should include the written support of the tree owner. It is the nominator’s responsibility to obtain the tree owner’s written support.

Nomination forms received without written owner’s consent will delay the assessment process and may limit the accuracy of the assessment of the tree.

Further nominations

Council will not accept a further nomination to list a tree on Council’s Significant Tree Register within two years of an unsuccessful nomination. An unsuccessful nomination is where the assessment did not consider the tree to be significant.
Nomination fee
Currently, there is no fee and the policy does not prescribe one. Fees are set by Council each financial year.

6.2 Assessing nominated trees

Criteria for assessment

To access the significance of trees Bayside Council replicates the criteria used by the National Trust of Australia (Victoria) for their Significant Tree Register (see Appendix 2).

Process for assessment of nominated trees

When a nomination is received a Council Arborist will inspect the tree to determine if it has the characteristics of a significant tree. If the inspection identifies the tree as potentially significant, a consulting arborist will be engaged at Council’s cost to conduct an assessment.

The consulting arborist will forward a report detailing the assessment against the policy criteria to Council Officers. If the report concludes that the tree is significant, the delegated officer prepares a report for Council recommending listing the tree on Council’s Significant Tree Register.

Council notifies the nominator and the tree owner of the outcome.

6.3 Process for deleting trees from the Significant Tree Register

Requesting deletion from the register

Requests to delete trees from the register will only be accepted from the owner/s of the tree. The owner/s of the tree should make a written submission including the reasons why the tree should be deleted from the register with an accompanying independent arborist report. All owners of the tree must support the application.

Processing requests for deletion

Council will arrange for a consulting arborist to undertake an inspection of the tree at Council’s cost. If the consulting arborist determines that the tree is no longer significant the Delegated Officer prepares a report for full Council recommending the tree be deleted from the register.

The report to Council is to include a copy of the consulting arborist’s report.

Council notifies the tree owner of the outcome.

If the consulting arborist recommends that the tree is retained on the register, the arborist’s report is to detail the reasons that lead to this conclusion. The report is then to be forwarded to the Delegated Officer to formally respond to the tree owner.
Council will not process a further request to delete a tree from the register within two years of a failed request, unless there are exceptional circumstances relating specifically to the condition of the tree.
6.4 Appeals

In accordance with Council’s meeting procedure and Local Law, any person has a right to be heard at a Council meeting.

6.5 Removal of trees included in the Council’s Significant Tree Register

A tree listed on the Significant Tree Register cannot be removed until it has been deleted from the Register and an appropriate Local Law permit issued. This does not apply if a tree is removed under the exemption provisions in the Local Law.

7. Related documents


<table>
<thead>
<tr>
<th>Policies</th>
<th>Management of Tree Protection on Private Property Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plans</td>
<td>Bayside Community Plan 2025</td>
</tr>
<tr>
<td>Strategies</td>
<td>Bayside Tree Strategy 2011 (revised)</td>
</tr>
<tr>
<td>Procedures</td>
<td></td>
</tr>
<tr>
<td>Guidelines</td>
<td></td>
</tr>
<tr>
<td>Legal</td>
<td>Local Law No 2 - Neighbourhood Amenity</td>
</tr>
<tr>
<td></td>
<td>Bayside Planning Scheme (VPO)</td>
</tr>
<tr>
<td></td>
<td>Charter of Human Rights &amp; Responsibilities Act 2006</td>
</tr>
</tbody>
</table>

8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegated Officer</td>
<td>Has the same meaning as a Senior Officer in the Local Government Act 1989.</td>
</tr>
<tr>
<td>Exceptional circumstances</td>
<td>In an emergency, any tree that is an immediate threat to life and or property.</td>
</tr>
<tr>
<td>Private Land</td>
<td>Any land not under the control of Council, State or federal Government.</td>
</tr>
<tr>
<td>Tree Owner</td>
<td>Is the owner(s) of the property where the tree is located.</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
Appendix 1: Council’s Significant Tree Register - nomination form

Nomination form

Botanical name: 
Common name: 
Address of tree: 
Position on property: 

Height: 
Canopy spread: 
   east-west 
   north-south 
   metres 
   metres 

Reason for tree nomination

History of the tree: 
(please attach a separate sheet if required)

Nominator name: 
Nominator address: 
Contact phone number: 
Owner’s name: 
Owner’s Signature – (consent for nomination)
Date: 

For further information refer to Management of Significant Tree Policy 2019 or telephone Council on 9599 4444.
National Trust Australia (Victoria) Significant Tree Ratings

Appendix 2: Registration criteria and significance ratings

The categories used to define significant trees are:

<table>
<thead>
<tr>
<th>Scientific</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horticultural or genetic value</td>
</tr>
<tr>
<td>Important source of seed or propagating stock</td>
</tr>
<tr>
<td>Particularly resistant to disease or exposure</td>
</tr>
<tr>
<td>Species or variety that is rare or of a very localised distribution</td>
</tr>
<tr>
<td>Remnant native vegetation</td>
</tr>
<tr>
<td>Outstanding for its size</td>
</tr>
<tr>
<td>An outstanding example of the species</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique location or context</td>
</tr>
<tr>
<td>Contribution to landscape</td>
</tr>
<tr>
<td>Associated with Aboriginal activities</td>
</tr>
<tr>
<td>Important landmark</td>
</tr>
<tr>
<td>Spiritual and religious associations</td>
</tr>
<tr>
<td>Contemporary association with the community</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forms part of an historic park, garden or town</td>
</tr>
<tr>
<td>Commemorative plantings</td>
</tr>
<tr>
<td>Associated with an important event</td>
</tr>
<tr>
<td>Associated with an important person, group or institution</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Aesthetic</th>
</tr>
</thead>
<tbody>
<tr>
<td>A really great looking tree</td>
</tr>
<tr>
<td>Exhibits curious growth form or unusual physical features</td>
</tr>
<tr>
<td>Is a better than average example of its species, or a tree in its location</td>
</tr>
</tbody>
</table>
1. Policy intent

To protect and retain public trees to improve the visual and environmental quality of streetscapes, open space and the foreshore areas within the municipality.

2. Purpose/Objective

This policy is designed to ensure that Council’s approach to the issue of rewards for information concerning public tree vandalism is managed in a consistent, transparent and appropriate manner through the development of clearly defined eligibility criteria. The eligibility criteria will describe who and under what circumstances a person is eligible for a reward for information given regarding vandalism of public trees, together with their entitlement.

3. Scope

This policy applies to all requests for a reward for information concerning the vandalism of public trees.

4. Roles & Responsibilities

In evaluating a request for a reward for information under this policy, the Delegated Officer must submit a report to the Director when the prosecution, including all avenues of appeal, have been completed and the alleged offender has been found guilty of the offence. This report must contain an executive summary of the proceeding together with details of any other relevant information to the nature of the offence and vandalism.

Should the Director determine that a person could be eligible for a reward under this policy the Delegated Officer is to prepare a report for consideration and determination by Council.
Council will consider each application on its own merits giving due consideration to the nature of vandalism and the effect on the general amenity and aesthetics of the area in accordance with this policy.

5. Monitoring, evaluation & review

Eligibility Criteria

In order for a person to be eligible for consideration of a reward for information concerning the vandalism of public trees and is protected by any law:-

- The alleged offender must be found guilty of the alleged offence by a Court of competent jurisdiction from a prosecution launched by the Council or Victoria Police.
- The applicant must have been willing to give sworn evidence in Court when and if required.
- In the opinion of the Delegated Officer, the applicant did not knowingly allow the alleged offender to commit the act in order to obtain a reward.

Evaluation of an Application

In evaluating a request for a reward for information under this policy, the Delegated Officer must submit a report to the Director when the prosecution, including all avenues of appeal have been completed and the alleged offender has been found guilty of the offence.

The report must contain an executive summary of the proceeding together with a Council and independent arborist report including the value of the tree. In addition, the report should contain details of any other relevant information pertaining to the nature of the offence and vandalism.

The value of the reward will be determined by the scoring of the report according to a number of weighting factors comprising:

- Monetary value of the tree value of the tree as calculated by Council’s Arborist;
- Location of the tree;
- Amenity of the tree;
- The level of publicity relating to the successful prosecution;
- The law that protects tree;
- The level of penalty/fine relating to the offence; and
- The amount of damage to the tree.

The report should be scored according to the Tree Reward Criteria and Score table (Table 1) and then the reward calculated by using the weighted calculation table (Table 2).
### Table 1 Tree Reward Criteria and Score

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Tree value</td>
<td>&gt;$50,000</td>
</tr>
<tr>
<td>Location/amenity</td>
<td>High</td>
</tr>
<tr>
<td>Publicity/media</td>
<td>National</td>
</tr>
<tr>
<td>Law</td>
<td>Act</td>
</tr>
<tr>
<td>Penalty as proportion</td>
<td>&gt;80%</td>
</tr>
<tr>
<td>Damage</td>
<td>Complete removal</td>
</tr>
</tbody>
</table>

### Table 2 Tree Reward Score Weighted Score Calculation Table

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
<th>Score</th>
<th>Weighted score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree value</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location/Amenity</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publicity/media</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penalty received</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Damage</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Max weighted score = 500

Weighted score as a percentage of max

Reward total ($25,000) as a percentage of weighted score
Should the Director determine that a person could be eligible for a reward under this policy the Delegated Officer is to prepare a report for consideration and determination by Council.

Council will consider each application on its own merits giving due consideration to the nature of vandalism and the effect on the general amenity and in accordance with the above criteria.

Notification of Application
All applications for reward must be acknowledged in accordance with Council’s Customer Service Charter.

The applicant will be informed in writing of the outcome of their request and the method of payment if applicable.

6. Promotion of Policy

It is Council’s intent to inform the community and media of any action taken regarding public tree vandalism and rewards. To help achieve this signs will be erected for unlawfully removed trees or unlawful pruning, lopping or poising that will result in the death of the tree. In addition signs may be erected for unlawful pruning, lopping, root damage to a public tree as well as additional actions to promote the policy which may include screens, ribbons, large signs, screens as well as replacement planting.

Signs will be erected as close to the location of the removed/damaged tree as is possible for a minimum of twelve months to be reviewed annually by the Director responsible for management of public trees.

7. Reward

A reward of up to $25,000 will be considered by Council for information relating to any premeditated unlawful action (pruning, poisoning, removal, root damage), which results in major damage of any public tree that results in a successful prosecution and or fine.

The value of the reward will be based on the criteria listed section 5.

The above reward criteria are to be used as a guide and any allocation of a monetary reward and the amount offered is at the discretion of Council.

Rewards will be issued to eligible persons upon receipt of a written submission, and after the cases are finished in court and the 28-day appeal period had passed.

Where there is more than one applicant the reward amount will be divided at the discretion of Council. As a general guide, each applicant will be evaluated on it’s merits, and if successful, the applicant will receive a percentage of the total amount that would be awarded on a single claim.

The percentage awarded will be based on the evidence the applicant provided to Council and whether that evidence was critical in the successful prosecution at Court. The Director responsible for the management of public trees will present a report to Council for determination.
8. Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bayside Planning Scheme.</td>
</tr>
<tr>
<td></td>
<td>Summary Offences Act 1986 Section 9 - Wilful destruction, damage etc. of Property.</td>
</tr>
<tr>
<td></td>
<td>Crimes Act 1958 – Section 197 - Destroying or damaging property.</td>
</tr>
<tr>
<td></td>
<td>Local Government Act 1989</td>
</tr>
<tr>
<td></td>
<td>Council’s Local Laws</td>
</tr>
</tbody>
</table>

9. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Means the person/s who actually witnessed the vandalism and is/are seeking a reward for the information supplied.</td>
</tr>
<tr>
<td>Director</td>
<td>Means a Director as appointed from time to time.</td>
</tr>
<tr>
<td>Council</td>
<td>Means BAYSIDE CITY COUNCIL.</td>
</tr>
<tr>
<td>Public Tree</td>
<td>Means a tree that is on land that is either owned by or under the control vested in Council.</td>
</tr>
<tr>
<td>Delegated Officer</td>
<td>Has the same meaning as a Senior Officer in the Local Government Act 1989</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
1. Policy intent

To protect, promote and improve the highly valued tree canopy in the municipality.

2. Purpose/Objective

The purpose of the Significant Tree Management Policy is to effectively administer the nomination of a significant tree onto or the removal of a significant tree from the Significant Tree Register. The deletion of a significant tree from the Significant Tree Register can only be endorsed by Council at an Ordinary Meeting of Council.

The Bayside Planning Scheme (VPO) and Local Law No. 2 "Neighbourhood Amenity" assist Council to protect and expand the tree canopy of the entire municipality. Clause 36 (1) (a) and (b) of Council’s Local Law No. 2 ‘Neighbourhood Amenity’ protects significant trees and a Local Law permit is required to destroy, damage, remove, cut, trim, lop, prune any tree listed on the Significant Tree Register.

It is recognised that trees are an integral part of neighbourhood amenity, provide natural beauty and a sustainable environment.

3. Scope

The Significant Tree Management Policy 2019 is limited in its application to trees that:
- are located on private property and public land and are protected under Bayside City Council’s Local Law No. 2 – ‘Neighbourhood Amenity’; or
- are currently listed on Council’s Significant Tree Register; and
- in rare exceptional circumstances do not meet the protection criteria under the Local Law.
This policy does not impact on the exemptions and determinations made by the responsible authority regarding trees protected by the Bayside Planning Scheme. This includes but is not limited to:

- Heritage Overlay;
- Native vegetation (Clause 52.17 Planning Scheme);
- Vegetation Protection Overlay; and
- Property specific planning permits.

Roles and Responsibilities

Implementing and providing advice on the policy and resolution of disputes or differences that may arise in interpretation of this Policy will be the role of the Manager responsible for the protection of trees on private property;

- Receiving nominations and assessment of trees on private property.
- Receiving requests for the deletion of a tree from the significant tree register.

4. Policy statement

Bayside City Council has is committed to providing high-quality living environments for residents, ratepayers and visitors. The significance of trees in the Bayside community is reflected in the existing planning policy and local law controls covering Bayside. Some trees, through age, size, and rarity of planting or association with historical events achieve a higher level of importance than others on private land, and Council is committed to acknowledging their existence.

6.1 Nominating trees to the register

Who can nominate?

Any person can nominate trees located on any public or private property anywhere in the municipality.

Nomination form

Nominations must be made on the approved nomination form (see Appendix 1) and should include the written support of the tree owner. It is the nominator’s responsibility to obtain the tree owner’s written support.

Nomination forms received without written owner’s consent will delay the assessment process and may limit the accuracy of the assessment of the tree.

Further nominations

Council will not accept a further nomination to list a tree on Council’s Significant Tree Register within two years of an unsuccessful nomination. An unsuccessful nomination is where the assessment did not consider the tree to be significant.
Nomination fee
Currently, there is no fee and the policy does not prescribe one. Fees are set by Council each financial year.

6.2 Assessing nominated trees

Criteria for assessment

As part of the original study in 1990, a set of criteria for assessing trees was created. To access the significance of trees Bayside Council replicates the criteria used by the National Trust of Australia (Victoria) for their Significant Tree Register (see Appendix 2).

Process for assessment of nominated trees

When a nomination is received a Council Officer, Arborist will inspect the tree to determine if it has the characteristics of a significant tree. If the inspection identifies the tree as potentially significant, a consulting arborist will be engaged at Council’s cost to conduct an assessment.

The consulting arborist will forward a report detailing the assessment against the policy criteria to Council Officers. If the report concludes that the tree is significant, the delegated officer prepares a report for Council recommending listing the tree on Council’s Significant Tree Register.

Council notifies the nominator and the tree property owner of the outcome.

6.3 Process for deleting trees from the Significant Tree Register

Requesting deletion from the register

Requests to delete trees from the register will only be accepted from the owner/s of the tree. The owner/s of the tree should make a written submission including the reasons why the tree should be deleted from the register with an accompanying independent arborist report. All owners of the tree must support the application.

Processing requests for deletion

Council will arrange for a consulting arborist to undertake an inspection of the tree at Council’s cost. If the consulting arborist determines that the tree is no longer significant the Delegated Officer prepares a report for full Council recommending the tree be deleted from the register.

The report to Council is to include a copy of the consulting arborist’s report.

Council notifies the tree owner of the outcome is notified of Council’s decision.

If the consulting arborist recommends that the tree is retained on the register, the arborist’s report is to detail the reasons that lead to this conclusion. The report is then to be forwarded to the Delegated Officer appropriate Council officer to prepare a formally respond to the tree owner.
Council will not process a further request to delete a tree from the register within two years of a failed request, unless there are exceptional circumstances relating specifically to the condition of the tree.
6.4 Appeals

In accordance with Council’s meeting procedure and Local Law, any person has a right to be heard at a Council meeting.

6.5 Removal of trees included in the Council’s Significant Tree Register

A tree listed on the Significant Tree Register cannot be removed until it has been deleted from the Register and an appropriate Local Law permit issued. This does not apply if a tree is removed under the exemption provisions in the Local Law.

7. Related documents


<table>
<thead>
<tr>
<th>Policies</th>
<th>Management of Tree Protection on Private Property Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plans</td>
<td>Bayside Community Plan 2025</td>
</tr>
<tr>
<td>Strategies</td>
<td>Bayside Tree Strategy 2011 (revised)</td>
</tr>
<tr>
<td>Procedures</td>
<td></td>
</tr>
<tr>
<td>Guidelines</td>
<td></td>
</tr>
<tr>
<td>Legal</td>
<td>Local Law No 2 - Neighbourhood Amenity</td>
</tr>
<tr>
<td></td>
<td>Bayside Planning Scheme (VPO)</td>
</tr>
<tr>
<td></td>
<td>Charter of Human Rights &amp; Responsibilities Act 2006</td>
</tr>
</tbody>
</table>

8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegated Officer</td>
<td>Has the same meaning as a Senior Officer in the Local Government Act 1989.</td>
</tr>
<tr>
<td>Exceptional circumstances</td>
<td>In an emergency, any tree that is an immediate threat to life and or property. Has the same meaning as a tree that meets either National or State significance.</td>
</tr>
<tr>
<td>Private Land</td>
<td>Any land not under the control of Council, State or federal Government.</td>
</tr>
<tr>
<td>Responsible Authority</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td></td>
<td>VCAT</td>
</tr>
<tr>
<td></td>
<td>Planning Minister</td>
</tr>
<tr>
<td>Tree Owner</td>
<td>Is the owner(s) of the property where the tree is located.</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
Appendix 1: Council’s *Significant Tree Register* - nomination form

**Nomination form**

<table>
<thead>
<tr>
<th>Botanical name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Common name:</td>
<td></td>
</tr>
<tr>
<td>Address of tree:</td>
<td></td>
</tr>
<tr>
<td>Position on property:</td>
<td></td>
</tr>
<tr>
<td>Height:</td>
<td></td>
</tr>
<tr>
<td>Canopy spread:</td>
<td></td>
</tr>
<tr>
<td>east-west</td>
<td></td>
</tr>
<tr>
<td>north-south</td>
<td></td>
</tr>
<tr>
<td>metres</td>
<td></td>
</tr>
<tr>
<td>metres</td>
<td></td>
</tr>
</tbody>
</table>

Reason for tree nomination

History of the tree:
*(please attach a separate sheet if required)*

Nominator name:

Nominator address:

Contact phone number:

Owner’s name:

Owner’s Signature –
(consent for nomination)

Date:

For further information refer to *Management of Significant Tree Policy 2019* or telephone Council on 9599 4444.
Appendix 2: Registration criteria and significance ratings

The categories used to define significant trees are:

Criteria 1: Horticultural value
Any tree that is of horticultural or genetic value and could be an important source of propagating stock, including specimens that are particularly resistant to disease or exposure.

Criteria 2: Location or context
Any tree that is in a unique location or context and so provides a contribution to the landscape, including remnant indigenous vegetation, important landmarks, and trees that form part of a historic garden, park or town.

Sub-criteria:
1. Historic garden or park
2. Historic cemetery
3. Important landmark
4. Remnant indigenous
5. End of natural range
6. Contribution to landscape
7. Historic town
8. Historic planting style

Criteria 3: Rare or localised
Any tree of a species or variety that is rare or of very localised distribution.

Sub-criteria:
1. Only known specimen
2. 1 to 10 known specimens
3. 10 to 50 known specimens
4. In the wild
5. End of natural range
6. Disjunct community

Criteria 4: Particularly old
Any tree that is particularly old or venerable.

Criteria 5: Outstanding size
Any tree outstanding for its large height, trunk circumference, or canopy spread.

Sub-criteria:
1. Height
2. Circumference
3. Canopy spread
4. Height x circumference
5. Spread x circumference
6. Height x circumference x spread

Criteria 6: Aesthetic value
Any tree of outstanding aesthetic significance.

Criteria 7: Curious growth form
Any tree that exhibits a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage, or unusually pruned forms.

Sub-criteria:
1. Abnormal outgrowths
2. Fusion of branches
3. Unusually pruned
4. Unusually damaged.
Criteria 8: Historical value
Any tree commemorating a particular occasion (including plantings by royalty) or with association to an important historical event.
   Sub-criteria:
   1. Cultural group
   2. Public feature
   3. World War I
   4. World War II
   5. British royalty
   6. Non-British royalty
   7. Visiting dignitary
   8. Australian public figure
   9. Victorian public figure.

Criteria 9: Aboriginal culture
Any tree associated with Aboriginal activities.
   Sub-criteria:
   1. Stained tree
   2. Corroboree tree.

Criteria 10: Outstanding example of species
Any tree that is an outstanding example of the species.

Grading of significance
As well as identifying significant trees and the nature of their significance, Council's Significant Tree Register documents the level of significance of the trees. Five grades are used to classify the level of significance. The grades are consistent with those used for the classification of heritage buildings and places. The definition of 'cultural significance' is consistent with the Burra Charter (article 1.2). The grades are:

1. National significance (N) - Any tree of major significance and essential to the national heritage.
2. State significance (S) - Any tree of major significance and essential to the state heritage.
3. Regional significance (R) - Any tree of significance and contributing to the Melbourne metropolitan region's heritage.
4. Local significance (L) - Any tree of significance and contributing to the municipality of Bayside City Council.
5. Neighbourhood significance (Nb) - Any tree of significance and contributing to the streetscape or neighbourhood landscape in the municipality of Bayside City Council.
### National Trust Australia (Victoria) Significant Tree Ratings

#### Appendix 2: Registration criteria and significance ratings

The categories used to define significant trees are:

<table>
<thead>
<tr>
<th>1 Scientific</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horticultural or genetic value</td>
</tr>
<tr>
<td>Important source of seed or propagating stock</td>
</tr>
<tr>
<td>Particularly resistant to disease or exposure</td>
</tr>
<tr>
<td>Species or variety that is rare or of a very localised distribution</td>
</tr>
<tr>
<td>Remnant native vegetation</td>
</tr>
<tr>
<td>Outstanding for its size</td>
</tr>
<tr>
<td>An outstanding example of the species</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2 Social</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique location or context</td>
</tr>
<tr>
<td>Contribution to landscape</td>
</tr>
<tr>
<td>Associated with Aboriginal activities</td>
</tr>
<tr>
<td>Important landmark</td>
</tr>
<tr>
<td>Spiritual and religious associations</td>
</tr>
<tr>
<td>Contemporary association with the community</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3 Historic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forms part of an historic park, garden or town</td>
</tr>
<tr>
<td>Commemorative plantings</td>
</tr>
<tr>
<td>Associated with an important event</td>
</tr>
<tr>
<td>Associated with an important person, group or institution</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4 Aesthetic</th>
</tr>
</thead>
<tbody>
<tr>
<td>A really great looking tree</td>
</tr>
<tr>
<td>Exhibits curious growth form or unusual physical features</td>
</tr>
<tr>
<td>Is a better than average example of its species, or a tree in its location</td>
</tr>
</tbody>
</table>
1. Policy intent

Bayside City Council is committed to ensuring the To protect and retain of its public trees in open space to improve the visual and environmental quality of streetscapes, open space and the foreshore areas within the municipality.

2. Purpose/Objective

This policy is designed to ensure that Council’s approach to the issue of rewards for information concerning public tree vandalism is managed in a consistent, transparent and appropriate manner through the development of clearly defined eligibility criteria.

The eligibility criteria will describe who and under what circumstances a person is eligible for a reward for information given regarding vandalism of Council’s public trees, together with their entitlement.

3. Scope

This policy applies to all requests for a reward for information concerning the vandalism of all public trees on public land that is Council owned or managed land including foreshore where Council is the Committee of Management.

4. Roles & Responsibilities

In evaluating a request for a reward for information under this policy, the Responsible Delegated Officer must submit a report to their relevant Director when the prosecution, including all avenues of appeal, has have been completed and the alleged offender has been found guilty of the offence. This report must contain an executive summary of the proceeding together with details of any other relevant information to the nature of the offence and vandalism.

Should the Director determine that a person could be eligible for a reward under this policy the Responsible Delegated Officer is to prepare a report for consideration and determination by Council.
Council will consider each application on its own merits giving due consideration to the nature of vandalism and the effect on the general amenity and aesthetics of the area in accordance with this policy.

5. Monitoring, evaluation & review

Eligibility Criteria

In order for a person to be eligible for consideration of a reward for information concerning the vandalism of vegetation on Council owned or managed land including foreshore where Council is the Committee of Management public trees and the tree is protected by any law:-

- The alleged offender must be found guilty of the alleged offence by a Court of competent jurisdiction from a prosecution launched by the Council or Victoria Police.
- The applicant must be have been willing to give sworn evidence in Court when and if required.
- In the opinion of the Responsible Delegated Officer, the applicant did not knowingly allow the alleged offender to commit the act in order to obtain a reward.

Evaluation of an Application

In evaluating a request for a reward for information under this policy, the Responsible Delegated Officer must submit a report to their relevant Director when the prosecution, including all avenues of appeal have been completed and the alleged offender has been found guilty of the offence.

The report must contain an executive summary of the proceeding together with a Council and independent arborist report including the value of the tree. In addition, the report should contain details of any other relevant information pertaining to the nature of the offence and vandalism.

The value of the reward will be determined by the scoring the submission of the report according to a number of weighting factors comprising:

- Monetary value of the tree value of the tree as calculated by Council’s Arborist;
- Location of the tree;
- Amenity of the tree;
- The level of publicity relating to the successful prosecution;
- The law that protects tree;
- The level of penalty/fine relating to the offence; and
- The amount of damage to the tree.

The applicant submission report should be scored according to the Tree Reward Criteria and Score table (Table 1) and then the reward calculated by using the weighted calculation table (Table 2).
Table 1 Tree Reward Criteria and Score

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Tree value</td>
<td>&gt;$50,000</td>
</tr>
<tr>
<td>Location/amenity</td>
<td>High</td>
</tr>
<tr>
<td>Publicity/media</td>
<td>National</td>
</tr>
<tr>
<td>Law</td>
<td>Act</td>
</tr>
<tr>
<td>Penalty as proportion of max</td>
<td>&gt;80%</td>
</tr>
<tr>
<td>Damage</td>
<td>Complete removal</td>
</tr>
</tbody>
</table>

Table 2 Tree Reward Score Weighted Score Calculation Table

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
<th>Score</th>
<th>Weighted score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree value</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location/Amenity</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publicity/media</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penalty received</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Damage</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max weighted score</td>
<td>500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weighted score as a percentage of max</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reward total ($25,000) as a percentage of weighted score</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Should the Director determine that a person could be eligible for a reward under this policy the Responsible Delegated Officer is to prepare a report for consideration and determination by Council.

Council will consider each application on its own merits giving due consideration to the nature of vandalism and the effect on the general amenity and in accordance with the above criteria.

Notification of Application
All applications for reward must be acknowledged in accordance with Council’s Customer Service Charter.

The applicant will be informed in writing of the outcome of their request and the method of payment if applicable.

6. Promotion of Policy
It is Council’s intent to inform the community and media of any action taken regarding public tree vandalism and rewards. To help achieve this signs will be erected for unlawfully removed trees or unlawful pruning, lopping or poising that will result in the death of the tree. In addition signs may be erected for unlawful pruning, lopping, root damage to a public tree as well as additional actions to promote the policy which may include screens, ribbons, large signs, screens as well as replacement planting.

Signs will be erected as close to the location of the removed/damaged tree as is possible for a minimum of twelve months to be reviewed annually by the Director responsible for management of public trees.

7. Reward
Application of Policy
Up to $20,000–$25,000
A reward of up to $20,000–$25,000 will be considered by Council for information relating to any premeditated unlawful action (pruning, poisoning, removal, root damage), which results in major damage of any public tree on public land that is Council-owned or managed land including foreshore where Council is the Committee of Management that results in a successful prosecution and or fine.

The value of the reward will be based on the criteria listed section 5.

The above reward criteria are to be used as a guide and any allocation of a monetary reward and the amount offered is at the discretion of Council.

Rewards will be issued to eligible persons upon receipt of a written submission, and after the cases are finished in court and the 28-day appeal period has passed.

Where there is more than one applicant the reward amount may be divided at the discretion of Council. As a general guide, each applicant will be evaluated on its merits, and if successful, the applicant will receive a percentage of the total amount that would be awarded on a single claim.

The percentage awarded will be based on the evidence the applicant provided to
Council and whether that evidence was critical in the successful prosecution at Court. The Director responsible for the management of public trees will present a report to Council for determination.
8. Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Bayside Planning Scheme</td>
</tr>
<tr>
<td>• Summary Offences Act 1966 Section 9 -</td>
</tr>
<tr>
<td>• Crimes Act 1958 – Section 197 -</td>
</tr>
<tr>
<td>• Destroying or damaging property.</td>
</tr>
<tr>
<td>• Local Government Act 1989</td>
</tr>
<tr>
<td>• Council’s Local Laws</td>
</tr>
</tbody>
</table>

9. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Means the person/s who actually witnessed the vandalism and is/are seeking a reward for the information supplied.</td>
</tr>
<tr>
<td>Director</td>
<td>Means a Director as appointed from time to time.</td>
</tr>
<tr>
<td>Council</td>
<td>Means BAYSIDE CITY COUNCIL.</td>
</tr>
<tr>
<td>Council Public Tree</td>
<td>Means a tree that is on land that is either owned by or under the control vested in Council.</td>
</tr>
<tr>
<td>Responsible Delegated Officer</td>
<td>Means the person responsible for the investigation and coordination of the respective program. Has the same meaning as a Senior Officer in the Local Government Act 1989</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
Executive summary

Purpose and background
To provided Council information in relation to the opportunities to strengthen the implementation of the Vegetation Planning Overlay (Schedule 3) (VPO3).

At its Council Meeting of 25 June 2019 it was resolved

“That Council:

1. Receives a report at the 23 July 2019 Ordinary Meeting of Council on the below mechanisms to ensure the intent of the Vegetation Protection Overlay, Schedule 3 (VPO3) are achieved, with the report addressing the following aspects and associated impact:
   a) Review of the current auditing program in relation to compliance with tree retention, replanting and landscape plans requirements;
   b) Identify areas and actions to improve compliance with tree retention, replanting and landscape plans requirements;
   c) Investigate the benefit of ecological reports in considering statutory tree removal applications in response to the effect on fauna and vegetation corridors; and
   d) A high level evaluation on the ability to introduce a bond framework on private property to ensure the implementation of landscape plans.

2. Notes that as per Council resolution of 19 March 2019, a suburb case study, looking at Beaumaris, is currently being developed to assist to define the scope of a Future Urban Strategy. The case study benefits, limitations and opportunities will be reported to the Ordinary Meeting of Council of 17 December 2019.”

This resolution was a result of Councillor and community concerns, particularly in the Beaumaris and Black Rock areas, regarding the protection of the natural landscape.

Key issues
This report discusses the aspects in the resolution sequentially, and also includes additional information relevant to VPO3 implementation.

Vegetation Protection Overlay (Schedule 3) (VPO3) permit assessments
The VPO3 requires a planning permit to be sought to remove, destroy or lop any vegetation native to Australia, unless:

- The vegetation is less 2 metres high or has a single trunk circumference of less than 0.5 metre at a height of 1 metre above ground level or
- The pruning of vegetation to remove that part of any branch which overhangs an existing dwelling or is within 2 metres of an existing dwelling.

As part of the Responsible Authorities assessment of a permit application, Council’s Arborist provides an independent arboriculture assessment of the tree(s) proposed for removal. The
assessment typically considers the health, structure, and form of the trees to assist in determining if the removal of the tree is able to be justified. However, the VPO3 decision guidelines are based on broader considerations than covered in arboriculture reports and it has been suggested that ecological reports could also assist the assessment process.

Ecological surveys are generally undertaken at a macro level to identify the habitats and/or species and vegetation communities that exist within an area. While there is significant value in using an ecological report for the development of strategic plans, such as the proposed Urban Forrest Strategy, the benefit may be significantly reduced when assessing the implications of removing a small number of trees on urban allotments. Therefore, requiring all VPO3 tree removal applications to include an ecological report would significant increase the complexity and cost for applications, with potentially little benefit in some scenarios.

It is proposed that Council will engage an ecologist to undertake ecological reports as part of three VPO3 assessments in the next six months. In parallel with the Urban Forest Strategy pilot in Beaumaris, this will enable the benefits, costs and appropriate application of ecological reports to be determined and reported to Council in December.

Auditing

In approving VPO3 tree removals, conditions are included to require replanting of vegetation to compensate for the removal. As part of the planning permit, the Responsible Authority will require landscaping plans to be submitted and endorsed.

In 2018, Council’s Planning Investigations Team commenced pro-active audits to ensure that VPO3 replanting was completed and maintained in accordance with the planning approval. The majority of permits back to 2017 were audited (70 of 76), identifying that only seven sites (10%) were in compliance with the replanting requirements. Compliance increased to 100% following enforcement action. Some of the reasons provided for the failure to comply were related to lack of awareness - due to change of ownership and/or a different person applying for the planning permit (arborist instead of the owner).

It is apparent that auditing is a critical activity and the following activities are proposed:

- Increasing general education activities so that property owners understand the potential for landscape permit conditions to apply to their property and progressing the development of user friendly digital tools to identify protected vegetation;
- 100% auditing of landscape plans at year 2 and 10 post permit;
- Auditing historical landscape plans (which extend for over a decade) progressively over 5 years, due to the number of properties that need to be audited;
- Progressing satellite imagery digital tools to support audits;
- Conducting an annual review of the auditing program; and
- Reporting audit data on a quarterly basis to the Planning and Amenity Committee.

Bonds

It has been suggested that the use of bonds may be an effective way to place a financial burden on the property owner to ensure works are completed, as an alternative to auditing. Landscaping bonds are used throughout Victoria primarily in relation to public assets. For example, bonds are taken to protect existing street trees, as well as public open space landscaping often found within subdivision applications. Bonds are typically 150-200% of the value of public works and are returned once works and any associated maintenance period (generally 1-2 years) has been completed. Alternatively, the bond will called upon if the Responsible Authority is required to undertake the works on the applicant’s behalf.

The use of Bonds on private properties is uncommon. However, if it was considered to implement such a bond arrangement on private property landscaping requirements, the mechanism required for such a process would be limited to that of a Section 173 agreement.
As part of this process, the Responsible Authority would be required to manage the drafting and ending of the Section 173 agreement, ensure it was registered and removed from the title, inspect the site to ensure that planting is undertaken in accordance with the agreement, and receiving and refunding bond monies. If the works were not completed the Responsible Authority would need to manage the works on the private property.

While the above provides a legal framework to ensure replanting, auditing and enforcement is considered a less onerous and easier approach and is the preferred initial option. The use of bonds could be reinvestigated after there is longer experience with auditing.

**Enforcement**

The Planning Investigation Team manage enforcement of unlawful vegetation removal. Where evidence is sufficient, enforcement action will be taken against the owner of the land and/or developer, with the financial implications:

- Planning Infringement Notice (PINs) approximately $1,600;
- Local Law Infringement $500; and
- Magistrates Court - Maximum fine of $193,428 (planning scheme), $2,000 (under the Local Law).

Bayside Council has recorded successful prosecutions with fine and costs exceeding $40,000. An alternate method is to seek a VCAT enforcement order on the land where trees have been removed. Enforcement orders generally request that trees be replanted in the same position from where they were removed and provides the strong disincentive for illegal tree removals by significantly constraining potential future development. This is a relatively new approach and Bayside has recently been successful with a VCAT enforcement order to address the poisoning of four native trees at 3 Glebe Avenue, Cheltenham.

**Tree protection during construction**

While the construction risks to retained VPO3 trees are typically addressed in planning permits, there has been a potential gap in the protection of on-site or neighbouring property trees during construction that only requires a building permit from a Private Building Surveyor. As a result of Council advocacy, the Victorian Building Authority has recently initiated a program to educate Private Building Surveyors on the need to protecting trees during construction work.

**Recommendation**

That Council:

a) Endorses the auditing of all Vegetation Protection Overlay (Schedule 3) vegetation removal permits in the 2nd and 10th year post the issue of the planning permit;

b) Receives a quarterly report to be present to the Planning and Amenity Committee on the auditing activities;

c) Obtains Ecology Reports in association with three Vegetation Protection Overlay (Schedule 3) applications and reports to Council in December 2019 on the benefits and limitations of using ecology reports in the assessment of tree removal planning applications; and

d) Notes that a bond system in association with Vegetation Protection Overlay (Schedule 3) tree removal applications will not be implemented at this point in time.
Support Attachments
Nil

Considerations and implications of proposition

Liveable community

Social
The implementation of the VPO3 was to protect the valued Beaumaris, Black Rock and surrounds native vegetated character. This was aimed to ensure that the highly valued Urban Forest was protected for the community.

Natural Environment
The natural environment is critical in protecting and maintaining the vegetated character of the location and maintaining the important habitat corridors of native fauna to move. The need for robust consideration of planning applications seeking to remove trees, and the associated management of replanting are necessary for ensure this natural asset is maintained into the future.

Built Environment
The assessment of protected vegetation for removal plays an important part in determining the built form outcomes being proposed as part of new developments. There is a need to achieve a balance in allowing selected vegetation removal to facilitate development outcomes with the need to protect and enhance the valued character of the VPO3 area.

Customer Service and Community Engagement
The introduction of Planning Controls such as the VPO3 and the consideration of vegetation removal applications are both required to undertake robust public engagement. In considering applications for the removal of protected vegetation, public notification is undertaken (except VicSmart Applications) providing an opportunity for community feedback.

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

Legal
The Planning & Environment Act 1987 and the Bayside Planning Scheme set out the legal framework to consider planning application for the removal of vegetation. This report and any action proposed would need to be compliant with the limitations these document contain.

Finance
The immediate activities proposed within this report are anticipated to be delivered within the existing budget. The adoption of bonds or routine arboriculture reports would result in increased operational costs, including for applicants.
Links to Council policy and strategy
The Council Plan 2017-21 has strategic objectives relating to the environment which seeks to protect and enhance Bayside's tree canopy and vegetation on public and private land.

Options considered

Option 1 – Use of Ecology Reports

<table>
<thead>
<tr>
<th>Summary</th>
<th>Require Ecological Reports in association with all Vegetation Removal Applications.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Ecological reports would provide a macro assessment of the impact of vegetation removal on the vegetation communities and habitat corridors. This would ensure that the impact of vegetation removal is understood in the wider context of the VPO3 area.</td>
</tr>
<tr>
<td>Issues</td>
<td>Ecological reports are generally a more strategic assessment and the value of the assessment in association with a single urban allotment may not be realised. The cost of such a report may also be excessive in context with the cost of the works being proposed.</td>
</tr>
</tbody>
</table>

Option 2 – Use of Bonds

<table>
<thead>
<tr>
<th>Summary</th>
<th>Requirement for Bonds to be paid to Council to ensure planting requirements associated with Planning Permits are implemented.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The use of a bond arrangement via a Section 173 agreement provides a legal framework and a financial incentive to ensure that the replanting of vegetation is undertaken and maintained.</td>
</tr>
<tr>
<td>Issues</td>
<td>The use of the bond to obtain compliance with planning permits will place a significant financial and administrative burden on both Council and the applicant.</td>
</tr>
</tbody>
</table>

Option 3 – Use of Auditing and Enforcement

<table>
<thead>
<tr>
<th>Summary</th>
<th>The use of proactive auditing and enforcement to ensure planting requirements associated with Planning Permits are completed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>This is a proactive and reactive approach to ensuring replanting required by Planning Permits have been undertaken. The approach provides Council with an option of allocating resources (as required) to undertake inspections and to determine what action (enforcement) is necessary when there has been a failure to comply. This approach also provides an ability for strong publicity and community awareness. The more activity undertaken in the community by Council, the greater the likelihood there will be greater compliance.</td>
</tr>
<tr>
<td>Issues</td>
<td>Undertaking an audit and enforcement approach to replanting will place additional costs or a refocus of existing resources.</td>
</tr>
</tbody>
</table>
10.6 SUSTAINABLE VICTORIA ‘LOVE FOOD HATE WASTE’ PROGRAM

Environment, Recreation & Infrastructure - Environment
File No: PSF/19/955 – Doc No: DOC/19/178954

Executive summary

Purpose and background
The purpose of this report is to inform Councillors on the Sustainability Victoria ‘Love Food Hate Waste’ program and the feasibility of Council facilitating this program for appropriate local businesses.

The ‘Love Food Hate Waste’ program is a free program offered by Sustainability Victoria for businesses in the hospitality sector that aims to prevent food waste, reduce costs and increase profits.

The program is open to all Victorian hospitality businesses such as cafes, restaurants, pubs, clubs, hotels and takeaway venues. Businesses that join the program will receive a participation kit including food waste trackers, action plan templates and other tools and resources to help reduce food waste in their business.

Key issues

Food waste at businesses
The average food business in Victoria throws away more than 100 kilograms of wasted food every week, over half of which could have been prevented. This is not just a waste of good food and a loss in profits, it also wastes valuable natural resources that can end up in landfill.

Hospitality businesses generate food waste at many points including purchasing, storage and preparation to plate. The ‘Love Food Hate Waste’ program helps businesses by preventing food waste before it happens and assists to overcome common challenges faced by businesses to reduce food waste, such as menu planning and customer preferences.

Council can promote and facilitate this free program for local businesses through a Communications Plan. This is likely to include a webpage on Council’s website using the resources from Sustainability Victoria. Promotion directly to food businesses can occur through communications with appropriate hospitality businesses, traders associations, and engagement as part of visits by Environmental Health Officers.

Recommendation
That Council engage with hospitality businesses within Bayside as part of its annual community education program to encourage their participation in the Sustainability Victoria ‘Love Food Hate Waste’ program.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
Hospitality businesses such as cafes, restaurants, pubs, clubs, hotels and takeaway venues contribute positively to the community by encouraging and facilitating social interactions. These businesses produce on average 100 kilograms per week of waste food. This program seeks to minimise the amount of food waste generated by hospitality businesses.

Natural Environment
The waste hierarchy prioritises the avoidance of waste, with landfill as the least preferred option, as reflected in figure 1 below. The ‘Love Food Hate Waste’ program seeks to help businesses by preventing food waste in the first place. The hospitality sector is the biggest producer of food waste within Bayside and through this program, their reliance on the landfilling of waste can be influenced and reduced.

![Figure 1. The Waste Hierarchy](image)

Built Environment
Appropriate waste management and the treatment of food waste 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 reduction of food waste at hospitality businesses.

Customer Service and Community Engagement
Council can promote this free program for businesses through a Communications Plan. This will include a webpage on Council’s website using the resources from Sustainability Victoria. Promotion directly to food businesses will occur through communications with traders’ associations, and engagement as part of visits by Environmental Health Officers.

No community engagement is required to promote the program.
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
It has been assessed that there are no legal implications to Council in facilitating this program for appropriate local businesses.

Finance
Council can facilitate the promotion of this program for appropriate local businesses within the operational budget for 2019/20 for Waste Education programs.

Links to Council policy and strategy
Wasted food was one of the key issues and findings from the Recycling and Waste Management Strategy 2018-2027.

Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Engage with hospitality businesses within Bayside to encourage their participation in the Sustainability Victoria ‘Love Food Hate Waste’ program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Hospitality businesses will be able to access free resources to reduce food waste and promote their participation in the program.</td>
</tr>
<tr>
<td></td>
<td>The Bayside community will be more aware of the need to avoid and reduce food waste, following on from Council’s ‘Don’t Feed the Bins’ program.</td>
</tr>
<tr>
<td>Issues</td>
<td>As an unbudgeted program for 2019/20, successful delivery of the program will rely on capacity within Council’s Recycling and Waste Management, Communications, Economic Development and Environmental Health teams.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not engage with hospitality businesses within Bayside to encourage their participation in the Sustainability Victoria ‘Love Food Hate Waste’ program, and promote the program solely to the community.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Promotion of the program solely to the community without engaging businesses does not require any further resources from Council.</td>
</tr>
<tr>
<td>Issues</td>
<td>Hospitality businesses will not be able to access free resources to reduce food waste and promote their participation in the program.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background

The purpose of this report is to advise Council of the extent of the use of recycled glass and other recycled products in Council’s road re-sheeting and reconstruction projects.

As part of Council’s commitment to being sustainable and using environmentally sustainable products, road maintenance and improvement works are carried out using recycled products where practicable.

The use of recycled products can provide a range of long-term benefits which include:

- reduced impact on the environment through less demand on extractive industries (natural resources);
- reduced waste to landfill;
- reduced energy required to produce pavement construction materials. Recycled products are generally less energy intensive to produce than quarry materials;
- reduced use of scarce quarry materials; and
- reduction in transportation as many quarry materials are located in distant locations.

Key issues

This financial year, approximately 13,000 tonnes of asphalt pavement material has been placed in Bayside’s resurfacing and reconstruction works. Much of the works has included the use of Green Roads PolyPave™ – an innovative, high performance asphalt product containing recycled materials, including high density polyethylene plastic (plastic bottles), glass and RAP (Recycled Asphalt Pavement).

The following quantities of recycled products have been used:

- Green Roads PolyPave (RAP, Glass and HDPE Pellets) 4,067 tonnes
- Recycled Asphalt Pavement (RAP) and Glass 3,544 tonnes
- Recycled Asphalt Pavement (RAP) 4,985 tonnes

This means that Council has used the following quantities of recycled materials:

- A total of recycled asphalt in the asphalt laid of 2,645 tonnes;
- A total of 721 tonnes of glass which equates to approximately 3,605,000 bottles; and
- HDPE plastic that equates to approximately 101,000 2L milk bottles.

Streets that have been completed with the use of recycled products in 2018/19 include:

- Haywood Street, Beaumaris
- Michael Street, Beaumaris
- Cave Street, Beaumaris
- Rene Street, Beaumaris
- Church Street, Beaumaris
- Bickford Court, Beaumaris
- Hardie Street, Hampton
By utilising these products, Bayside has reduced materials that would be sent to landfill by almost 4,000 tonnes and carbon emissions by more than 21,606 kilograms and reduced the carbon footprint by around 65 per cent.

Bayside roads have reused more than 100,000 2L milk bottles and 3.6 million glass bottles. This is the equivalent of 9,188 wheelie bins of waste glass and plastic, or the annual kerbside recycling for 350 households.

**Recommendation**

That Council notes the information provided in this report.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
The provision of good quality roads contributes to the community being able to safely and effectively travel throughout the municipality.

Natural Environment
The use of recycled products has significant environmental benefits which include a reduced carbon footprint, significant reduction in landfill and a reduction in use of virgin quarry products.

Built Environment
To ensure Bayside roads meet appropriate condition standards through regular upgrades to the road network. Condition audits are undertaken to ensure roads are maintained in a fit for purpose state at all times.

Customer Service and Community Engagement
Residents are advised of any upcoming road works prior to commencement and we ensure our contractors work with our community to provide appropriate access to properties while the works are being undertaken.

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
It has been assessed that there are no legal implications to Council in utilising recycled products in these works.

Finance
The use of recycled products in these works does not have any significant cost impost and therefore the use of recycled products offers the best value option for the community.

Links to Council policy and strategy
To reduce the volume of waste that goes to landfill.

The use of recycled products in our roads contributes to the achievement of these goals as well as being in line with Council’s Sustainable Procurement Guidelines.

Options considered
Not applicable to this report.
Executive summary

Purpose and background

The purpose of this report is for Council to note the submissions on the 2019 Local Government Bill – A Reform Proposal (Attachment 1).

The Local Government Bill 2018 was introduced in Parliament in May 2018. The 2018 Bill was passed by the Legislative Assembly, but lapsed in the Legislative Council when Parliament expired before the November 2018 Victorian election.

It is now proposed that a new Bill, The Local Government Bill 2019, be presented to Parliament during 2019.

In essence, the new 2019 Bill will retain the substance of the 2018 Bill and includes additional reforms designed to further improve and strengthen it. A concise summary of the 2018 proposed provisions and the 2019 new reforms is outlined below:

<table>
<thead>
<tr>
<th>2018 Bill</th>
<th>New Reforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Enhanced leadership role and responsibilities for Mayors</td>
<td>• Simplified franchise</td>
</tr>
<tr>
<td>• Each Council to formally elect a Mayor and a Deputy Mayor</td>
<td>• Standardised electoral structures</td>
</tr>
<tr>
<td>• Community engagement policy</td>
<td>• Training</td>
</tr>
<tr>
<td>• Integrated strategic planning and reporting processes</td>
<td>✓ Candidate training</td>
</tr>
<tr>
<td>• Community Vision statement to inform the Council Plan</td>
<td>✓ Councillor Induction Training</td>
</tr>
<tr>
<td>• 10 year financial plans and asset plans</td>
<td>• Donation reform</td>
</tr>
<tr>
<td></td>
<td>• Improved conduct</td>
</tr>
<tr>
<td></td>
<td>✓ Code of Conduct</td>
</tr>
<tr>
<td></td>
<td>✓ Arbitration process</td>
</tr>
<tr>
<td></td>
<td>• Community accountability</td>
</tr>
<tr>
<td></td>
<td>✓ Disqualification</td>
</tr>
<tr>
<td></td>
<td>✓ Community Initiated Commission of Inquiry</td>
</tr>
<tr>
<td></td>
<td>– Petition process for an inquiry</td>
</tr>
</tbody>
</table>

Local Government Bill 2019
Key issues

The proposed 2019 Bill changes include:

- **Simplified voter franchise** requiring non-resident property owners to apply to vote rather than automatically be included from the council’s rates records.

- **Single member wards** will be mandated except where a Ministerial exemption is granted for an un-subdivided municipality on the basis of a small population and large geographic area.

- **Mandatory candidate training** prior to nomination and **mandatory Councillor induction training** prior to being eligible for the councillor allowance.

- **Gift Disclosure Threshold** of $250 and all gifts, including campaign donations, to be included in a Gift Register.

- **Standards of Conduct**, specified in regulations, will form part of all Councillor Codes of Conduct and are intended to be readily enforceable.

- **Voter petitions** with support from more than 25% of voters within a municipality will lead to a **Commission of Inquiry (CoI)**. Where the CoI finds a councillor has caused or contributed to a failure of the Council’s good governance, the councillor will be disqualified for 4 years. We understand that councils are likely to pay for any CoI.

- **Council election donations** from a single donor limited to $1,000 per donor ($4k City of Melbourne) and foreign donations prohibited.

- **Internal Arbitration Process** to enable a councillor, councillors or the council to apply for a finding of misconduct within three months of the alleged breach. Applications (together with a yet to be determined fee which will be refunded unless the application is assessed as lacking in substance etc.) will be lodged with the State’s Principal Councillor Conduct Registrar (PCCR). The PCCR will assess the application and, unless assessed as lacking in substance etc., will appoint an arbiter. The arbiter may impose penalties including suspension for one month or an apology.

- **Repeated serious misconduct disqualification** for a period of 4 years where a councillor has been subject to findings of serious misconduct twice within an 8 year period.

- **Rates & Charges** current *Local Government Act 1989*, provisions to continue to apply until after the completion of the State’s Rating System Review in March 2020.

- **Mayoral and Councillor Allowances** to be determined by council, instead of the Minister of Tribunal as proposed in the 2018 Bill.
Implementation of the Bill

The 2018 Bill proposed that the provisions of the Bill commence in stages to enable councils to implement the changes effectively and orderly leading up to the 2020 Council Elections. The government also indicated that support and guidelines would be provided to assist councils during the transition. It is proposed that this approach will also apply to the 2019 Bill.

Local Government Victoria has indicated that if the Bill is enacted, the provisions of the Bill would be implemented in stages up until late 2021.

Council officers have written to local members of parliament expressing concern with the lack of consultation with the local government sector and that the timeframe precludes the opportunity for many councils to consider a submission prior to submitting it by 17 July 2019.

The submission seeks the Bill to be deferred for 12-18 months to enable appropriate examination of the new issues proposed by the Bill. However, the submission supports the reintroduction of the 2018 Bill.

Submissions / Comments

Submissions on the Bill were proposed to close on 17 July 2019. However, as a result of advocacy by the local government sector, as recent as Monday 15 July the Minister has announced he intends to extend the period for submissions until 31 July.

Summary

The attached submission prepared by Council officers highlights the proposed reforms, how they may work and includes commentary and a position from Council officers.

It should be noted that the submission and the position Bayside has taken is consistent across the local government sector.

Recommendation

That Council:

1. Endorses Bayside’s submission on the Local Government Bill 2019 – A Reform Proposal.

2. Continues to advocate to local members of parliament on Council’s position on the 2019 Bill and seek a deferment until early 2021.

Support Attachments

1. Local Government Bill 2019 Submission to the Minister for Council Meeting ↓
Considerations and implications of recommendation

Liveable community

Social
The Local Government Bill 2019 proposes a change to the electoral structures of Bayside and the wider local government sector which diminishes the communities’ democratic right to be involved in developing democratic structures within their respective municipalities.

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

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

Customer Service and Community Engagement
The Local Government sector has been provided a small window of opportunity to respond to the proposed reforms and does not enable Council to formally consider a submission through the council meeting cycle given the timeframes

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

Legal
There are no legal implications associated with this report.

Finance
There are no financial implication associated with this report.

Links to Council policy and strategy
This item does not directly relate to the Council Plan, policy or strategy; however, forms the basis through which local government will operate through legislation.
Bayside City Council’s submission
to the
Local Government Bill 2019

Bayside City Council welcomes the opportunity to provide feedback on the Local Government Bill 2019.

The proposed Bill provides a number of enhancements to the 2018 Bill and also provides additional reforms which have not been previously raised with the sector.

Bayside City Council’s submission is outlined below and highlights areas of concern.

Concern is expressed in regards to the implementation of the reforms leading up to the 2020 Council Elections, and the need for comprehensive guidance material to be developed in consultation with the sector.

Bayside is of the view that the new reforms will complement the 2018 Bill which provides for greater accountability, transparency and integrity.

<table>
<thead>
<tr>
<th>2018 Bill</th>
<th>New Reforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Enhanced leadership role and responsibilities for Mayors</td>
<td>• Simplified franchise</td>
</tr>
<tr>
<td>• Each Council to formally elect a Mayor and a Deputy Mayor</td>
<td>• Standardised electoral structures</td>
</tr>
<tr>
<td>• Community engagement policy</td>
<td>• Training</td>
</tr>
<tr>
<td>• Integrated strategic planning and reporting processes</td>
<td>✓ Candidate training</td>
</tr>
<tr>
<td>• Community Vision statement to inform the Council Plan</td>
<td>✓ Councillor Induction Training</td>
</tr>
<tr>
<td>• 10 year financial plans and asset plans</td>
<td>• Donation reform</td>
</tr>
<tr>
<td></td>
<td>• Improved conduct</td>
</tr>
<tr>
<td></td>
<td>✓ Code of Conduct</td>
</tr>
<tr>
<td></td>
<td>✓ Arbitration process</td>
</tr>
<tr>
<td></td>
<td>• Community accountability</td>
</tr>
<tr>
<td></td>
<td>✓ Disqualification</td>
</tr>
<tr>
<td></td>
<td>✓ Community Initiated</td>
</tr>
<tr>
<td></td>
<td>Commission of Inquiry –</td>
</tr>
<tr>
<td></td>
<td>Petition process for an inquiry</td>
</tr>
</tbody>
</table>

Local Government Bill 2019
Conclusion

In summary, Council supports the implementation of the Local Government Bill 2018 proposed provisions, subject to extended timeframes leading into the 2020 Council Elections cycle.

However Council strongly opposes the introduction of the Local Government Bill 2019 – Proposed Reform as this time, given the lack of consultation for the sector on all 6 reforms and the fast tracking of feedback through the submission process without an exposure draft of the Bill.

The 2019 Bill could be introduced in early 2021 once the 2018 provisions have been implemented by the sector, and following the 2020 elections.

On this basis we suggest the Local Government Bill 2019 be deferred.
Council's proposed position on the Local Government Bill 2019

Reform 1 - Simplified Voter Franchise

State’s Proposal
It is proposed to make council electoral rolls more closely aligned with the State electoral roll. Voters whose only entitlement is as an owner or lessee of a property in the municipality will be required to lodge an enrolment form to vote in that municipality’s election if they want to vote.

How will it work?
Changing the voter franchise is proposed to be done in two stages over two election cycles. There are two reasons for this:
• firstly, it will allow time to ensure every person with a voting entitlement has a reasonable opportunity to exercise their rights; and
• secondly, it will allow time to review electoral structures to address changes in the distribution of voters between the wards of some councils.

Bayside’s Response
Bayside supports the proposed changes, as it will eliminate the need for duplicate names arising from combining the State Electoral Roll with council’s ratepayer records. It will also increase voter participation overall because less than 50 per cent of non-resident voters cast a vote.

Bayside also welcomes the two stage phasing of the reform of over the 2020 and 2024 council elections.
Reform 2 - Electoral Structure - Single Member Wards

State’s Proposal
Representative structures and election processes are to be simplified and made consistent. It is proposed to move to a single consistent model of single member wards, unless it is impractical to subdivide a council into wards. Currently Victorian councils may be constituted in one of five structural models.

How will it work?
It is proposed that an unsubdivided municipality model option will be available to those councils whose demographic profile make division into wards inappropriate, e.g. councils with large geographical areas and small populations (such as some rural councils). It is intended that the Electoral Representation Advisory Panel will investigate and advise the Minister in relation to structures for those councils that are of the type specified by the Minister as being potentially permitted for unsubdivided arrangements.

The option for councils to be constituted as multi-member wards will be removed.

Bayside’s Response
Bayside strongly opposes the mandatory single member ward structure across the sector. This limits the flexibility in various models to provide a fair and equitable electoral structure. The current system of electoral representation reviews undertaken by the VEC as a third party has worked well, and ensure an electoral structure that suits individual councils.

It’s important to understand that not one structure fits all. Moreover, the proposal of mandatory single member structure flies in face of enabling local democracy to have a say in the democratic structure of their community. The existing electoral representation review process enables the community to have a say and be part of the democratic structure.

Bayside has been fortunate to have the experience of both single and multi-member wards and there are significant benefits to the community for multi-member wards.

As indicated above, Bayside strongly opposes one size fits all mentality as proposed for mandatory single member structures across the local government sector.

In addition should single ward structures be introduced, the Independent Remuneration Tribunal should give due recognition to the increase expectation of workload associated with a single member ward and increase the councillor and mayoral allowances to reflect the increased hours and workload undertaken by one single representative.
Reform 3 - Training

State’s Proposal
Communities deserve the highest calibre councillors representing local community issues. It is proposed to introduce new requirements on candidates and councillors to improve competency, skills and transparency.

All candidates for council elections will be required to undertake mandatory training as a precondition to the VEC accepting a nomination.

Election Candidates – Mandatory Training
All candidates for council elections will be required to undertake mandatory training as a condition of their candidature. The level of training required will be carefully balanced against the need to not create an unnecessary barrier to participation.

Within the first nine months in office councillors are required to make major strategic decisions and develop council and financial plans, a budget, and other matters. Councillors who come into office with a strong understanding of the strategic decision-making role a councillor must perform, will be better equipped to contribute to this important work.

How will it work?
All candidates in council elections will be required to demonstrate that they have undertaken relevant training. The VEC will reject any nominations that fail this test.

The nature of the mandatory training will be the subject of further consultation with the local government sector and then prescribed in Regulations.

Bayside’s Response
Bayside supports this reform as it will enable some form of commitment from candidates to gain an understanding of the role of a councillor and council rather than just stand as a candidate to assist others in the electoral process. It is however important that a consistent training program be provided across the sector. Furthermore consideration should be given to the sanctions where candidates do not attend candidate training and some form of auditable attendance record that can be provided to the VEC if required.

Councillor Induction Training

Why is this proposed?
Requiring all councillors to complete mandatory training will improve their standards and capability to meet the requirements of office. A lack of understanding of the requirement of the role of councillor has been identified as a cause of diminished operational effectiveness in many councils.

How will it work?
Councillor induction training will be arranged by the Chief Executive Officer for councillors within six months of being elected. It will contain information relating to the role of a councillor, the Councillor Code of Conduct, conflicts of interest and any other prescribed matters, and will be subsequently prescribed in Regulations.
If a councillor fails to take the councillor induction training within the specified time, their allowance will be withheld until such time the councillor has taken the training, at which point the allowance will be refunded.

**Bayside’s Response**

Bayside supports the mandatory Councillor Induction training program, as it provides a clear understanding to all councillors of the roles and responsibilities. It also enables in-depth conversations regarding code of conduct expectations and conflict of interest provisions.

It is suggested that a best practice guide on Councillor Induction be developed in consultation with the sector, to ensure a consistent approach is delivered to all councillors across the sector.

Regulations should also be developed to ensure existing councillors, or previous councillors attend training courses and no exemptions be provided.
Reform 4 - Donation reform

State's Proposal
A number of recent changes to the electoral campaign donations arrangements in Victorian Parliamentary elections will be extended to local government elections.

Foreign donations will be banned; individual donations will be capped at $1,000; the gift disclosure threshold will be lowered from $500 to $250 and; councils will be required to have a gift register and publicly transparent gift policy.

How will it work?

- Foreign donations will be banned. Donors will need to be an Australian citizen or resident, or a business with an Australian Business Number.
- Electoral campaign donations to individual candidates and candidate groups from a single donor will be capped at an aggregated amount of $1000 for Victorian local government elections, in respect of each ‘donation period’ – that is, commencing 30 days after the last general election or 30 days after the last election for which a candidate was required to give a return (whichever is later), and 30 days after the election day of the current election.
- The ‘gift disclosure threshold’ which applies to campaign donations and other gifts received by councillors, subject to requirements of the Bill, will change from the $500 proposed in the 2018 Bill, to $250 for all councils.
- All councils will be required to have a gift register and a publicly transparent gift policy covering the acceptance and disposal of gifts by councillors and staff.

Bayside's Response
Bayside fully supports the reform concerning donation reform and gift disclosure threshold. This process will enable greater transparency in relation to gifts.
Reform 5 - Improved Conduct

State’s Proposal
Councillor conduct is an ongoing challenge for the local government sector. It is proposed to introduce mandatory standards of conduct, a clear and consistent arbitration process and provide the arbiter powers to impose sanctions.

Prescribed standards of conduct

How will it work?
Under this proposal, the 2019 Bill will no longer include the Councillor Conduct Principles. Instead it will require each council to adopt a councillor code of conduct that includes the standards of conduct prescribed in Regulations.

The standards will define specific acts and omissions of behaviour that apply to all councillors in all councils. Councils will retain discretion to include additional material in their codes (but not to the standards of conduct). The standards of conduct will be developed in consultation with the local government sector and the community.

This will provide a clearer understanding of what is required of councillors and support arbiters when investigating alleged breaches of the standards.

Bayside’s Response

Bayside supports the standardisation of conduct prescribed in regulations. This will ensure mandatory requirements are included in the Code of Conduct. Bayside also welcomes the opportunity for the standards to be developed in consultation with the sector.

Internal arbitration process

The arbitration process will become a legislated process managed by the Principal Councillor Conduct Registrar (PCCR) rather than requiring each council to develop and adopt its own process.

How will it work?
It is proposed the 2019 Bill will replace internal resolution procedures developed by councils with internal arbitration processes. The 2019 Bill will specify that the internal arbitration processes will include:

- the appointment of an arbiter by the PCCR from a pre-approved list of qualified arbiters;
- an application fee that will be refunded at the end of the arbitration process unless the application is deemed frivolous, vexatious, misconceived or lacking in substance; and
- arbiters being empowered to directly impose minor disciplinary penalties, such as requiring an apology or imposing a one-month suspension.

The terminology of the Act will change to accommodate these reforms:

- A finding by an arbiter that a councillor has breached the standards of conduct will be a finding of ‘misconduct’.
LOCAL GOVERNMENT BILL 2019

- Any adverse finding by a Councillor Conduct Panel against a councillor will be a finding of ‘serious misconduct’.

The term ‘gross misconduct’ will continue to relate only to a finding of the Victorian Civil and Administrative Tribunal that results in the disqualification of a councillor.

Bayside’s Response

Bayside supports this proposal in principle given the internal resolution procedures can be problematic, particularly in the appointment of an Arbiter and how Councils deal with the adverse findings of arbitration. We also think the sector should be involved in the development of the internal arbitration process.
Reform 6 - Community Accountability

It is proposed to make councillors more accountable through stronger sanctions for serious conduct violations and the introduction of a community initiated Commission of Inquiry.

There will be two clear new pathways that can lead to disqualification, these are:

1. where a councillor has been subject to a finding of Serious Misconduct on two occasions over an eight year period; or
2. where a community initiated Commission of Inquiry, appointed as a result of a petition, makes a finding that a councillor has caused or contributed to:
   a. a failure by the council to provide good governance; or
   b. a failure by the council to comply with a governance direction.

Disqualification - conduct

How will it work?

Two new processes will be able to result in a councillor being removed from office and prohibited from being a councillor of any council for a period of four years.

Disqualification – Repeated Serious Misconduct

Councillor Conduct Panels hear allegations of serious misconduct against councillors. Serious misconduct can relate to bullying, conflicts of interest, improper direction of council staff, disclosing confidential information, sexual harassment or failing to comply with an arbitration process. If a panel makes a finding of serious misconduct against a councillor twice within eight years, that councillor will be automatically disqualified.

A disqualified councillor will be ineligible to contest another council election for the next four years.

Bayside’s Response

Bayside does not support the community initiated Commission of Inquiry avenue for disqualification of a councillor or council.
Community initiated Commission of inquiry

Under the LG Act the Minister may appoint a Commissioner to conduct an inquiry into the affairs of a Council or councils. This power was included in the 2018 Bill along with some minor changes to ensure the powers of the commission align to the Inquiries Act 2014.

It is intended to create a second pathway for a Commission of Inquiry above the powers proposed in the 2018 Bill. Under this pathway, the Minister must appoint a Commission of Inquiry into a Council on receiving a petition signed by eligible voters in the municipal district, whose total numbers are greater than 25 per cent of the total enrolment number on the voters’ roll prepared at the council’s most recent general election (see petition process below).

In setting the terms of reference for the Commission of Inquiry the Minister must have regard to the reasons included in the application for the petition.

The Commission of inquiry may make a finding that a councillor has significantly caused or contributed to:

- a failure by the council to provide good governance; or
- a failure by the council to comply with a governance direction.

Before a Commission proposes to make an adverse finding, that councillor must have an opportunity to respond to those matters. The Commission must consider the response before making the finding. If a Commission of Inquiry appointed as a result of a petition, makes a finding that a councillor should be disqualified, the subject councillor will be disqualified from being a councillor for four years (subject to the report being tabled in Parliament).

The Minister must provide notice of the outcome of a petition for a Commission of Inquiry to the applicant, the VEC and the council. The VEC must publish notice of the outcome in a manner prescribed in regulation.

The Minister maintains the discretion to appoint a Commission of Inquiry into the affairs of Council. Where a Commission of Inquiry (appointed at the Minister’s discretion) makes a finding against a councillor, the Minister has the discretion to take appropriate action, including issue a governance direction, suspend or dismiss a Council. However, the Minister will not have the power to disqualify a Councillor under these circumstances.

Commission on Inquiry - Petition process

The process for petition will be set through regulations. The process is outlined below.

The requirements for a petition will be treated as seriously as an election. An application for a petition will be made to the VEC accompanied by the prescribed fee. This application will require specific information including a statement of up to 200 words providing grounds for why a petition is sought.

Applications will be limited to people who are enrolled or entitled to be enrolled on the voters’ roll for the municipal district. Councillors, members of staff of the council and people who have previously been an applicant or nominated representative during the current council term will not be permitted to receive approval for a petition.

The VEC will provide a copy to the council named in the petition for a response of up to 200 words. The VEC will provide public notice of the petition and include the relevant response, if any. The applicant and nominated representatives will be allowed to collect signatures to the petition for 60 days from the date of the public notice.
The applicant and nominated representatives must collect signatures in the prescribed manner and must reasonably believe that the persons signing the petition are enrolled, or entitled to be enrolled, in the municipal district and are providing informed consent to be included in the petition.

The applicant may lodge a petition with the Minister within five days of the end of the 60-day period. Upon receipt of a petition, the Minister must provide it to the VEC to provide advice on validity and percentage of signatures represented by the petition.

**Bayside’s Response**

Bayside strongly opposes the petition process as a second method of disqualification of a councillor or council. The role of the VEC is not clear but it is understood that it will not undertake an investigation into the accusation. This may trigger public perception that something untoward has occurred and therefore the petition process begins without any evidence, detail or investigation, which is of grave concern to Council.

The petition process, without proper professional investigation and evidence based facts, will have significant implications for council and individual councillors both in terms of damage to reputation and cost involved in an inquiry without proper investigation processes being undertaken.

Furthermore, the petition process is aimed at supporting political parties with influence to implement a costly process to achieve 25% of the total enrolment number of the voter’s roll.

Also there is a lack of detail as to whom will audit the petition to ensure all petitioners are eligible voters.

The community initiated process has not been successful elsewhere and no evidence or data to suggest this process is warranted.

Further discussion with the sector on this reform is required.
Additional changes from the 2018 Bill

Rates and charges

State's Proposal
It is proposed to retain the existing rating provisions in the Local Government Act 1989 in the new Bill for the time being. New rating provisions are proposed to be enacted after the Victorian Local Government Rating System Review has been completed in March 2020.

Bayside's Response
Bayside supports the retaining of the rating provisions as this point in time until such time as the rating review has been completed.
Executive summary

Purpose and background
This report provides a summary and analysis of Council’s financial performance for eleven months to 31 May 2019.

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

Key issues
Operating result
The current forecast for the year is a surplus of $28.2M which is $6.5M favourable to Budget. The favourable budget result is mainly due to

- $4.2M additional income from developers related to open space and drainage contributions. These funds are to be transferred to reserves to fund open space and drainage infrastructure
- ($2.1M) reduction in capital funding related to the timing or delay in project delivery
- $1.4M increase in parking infringement revenue after taking into account lodgement costs
- $479k increase in parking fees
- $486k increase in crane, skip bin, and filming permits
- $745k increase in interest income due to favourable operating results and carry forward of capital projects to 2019/20
- $619k increased revenue related to the sale of discontinued laneways
- $582k net savings expected in Aged & Disability predominantly due to clients transitioning to NDIS

The underlying year end forecast is favourable to budget by $3.8M.

Capital Result
Capital expenditure is forecast to be underspent by $22.4M for the year driven mainly by the $16.5M forecast carry forward of project budgets to 2019/20 including $9 million for the purchase of the CSIRO site. Excluding the $9 million allocated to purchase the CSIRO site, the forecast at the end of May indicates that 73% of the 2018/19 budget will be spent by June 2019.

The underlying savings against the capital budget is forecast to be $5.9M.

Any end-of-year surplus that is favourable to budget is quarantined in Council’s infrastructure reserve which is used to fund capital works in future years or other unavoidable projects. There will be a significant drawdown on these cash reserves over the next 4 years to fund an expansion of major capital projects.
Victorian Auditor General’s Office (VAGO) Indicators
Current forecasts indicate that Council will achieve VAGO indicator targets.

Local Government Performance Reporting Framework (LGPRF) Indicators
Current forecasts indicate that Council will achieve LGPRF indicator targets.

Recommendation
That Council notes the operating and capital financial report for eleven months to 31 May 2019.

Support Attachments
1. May 2019 Finance Report ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

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

No community engagement has been undertaken in preparing this report.

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

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

Finance
The year-end forecast operating result is a surplus of $28.2M which is $6.5M favourable to budget. The underlying operating result is forecast to be $3.8M favourable to budget.

Capital expenditure is forecast to be underspent by $22.4M for the year driven mainly by the forecast carry forward of project budget to 2019/20 including $9 million for the purchase of the CSIRO site. Excluding the $9 million allocated to purchase the CSIRO site, the forecast at the end of May indicates that 73% of the 2018/19 adjusted budget will be spent by June 2019.

Links to Council policy and strategy
The monthly financial report is identified within Goal 8 Governance in the Council Plan 2017-2021. We want an organisation that is financially stable and with decision making that is open, transparent and informed by the community.
Bayside City Council Financial Report 31 May 2019

Operating Result

2018/19 Forecast operating result
The year end forecast result is a surplus of $28.2M which is $6.6M favourable to Budget.

The underlying year end forecast is favourable to budget by $3.8M

<table>
<thead>
<tr>
<th>Line item $'000s</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 Adjusted Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast 2018/19</th>
<th>Adjusted Budget less forecast variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates and Charges</td>
<td>87,429</td>
<td>87,533</td>
<td>104</td>
<td>95,416</td>
<td>95,531</td>
<td>115</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>5,828</td>
<td>7,197</td>
<td>1,369</td>
<td>6,357</td>
<td>7,863</td>
<td>1,496</td>
</tr>
<tr>
<td>User Fees</td>
<td>7,219</td>
<td>8,341</td>
<td>1,122</td>
<td>7,658</td>
<td>8,785</td>
<td>1,128</td>
</tr>
<tr>
<td>Rental Income</td>
<td>4,107</td>
<td>4,226</td>
<td>120</td>
<td>4,120</td>
<td>4,287</td>
<td>167</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>10,618</td>
<td>9,616</td>
<td>(1,002)</td>
<td>10,878</td>
<td>11,176</td>
<td>298</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>725</td>
<td>1,235</td>
<td>510</td>
<td>1,370</td>
<td>1,325</td>
<td>(45)</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>18</td>
<td>144</td>
<td>126</td>
<td>105</td>
<td>154</td>
<td>49</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,833</td>
<td>5,856</td>
<td>4,024</td>
<td>3,213</td>
<td>6,290</td>
<td>3,047</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,975</td>
<td>2,958</td>
<td>983</td>
<td>2,155</td>
<td>3,145</td>
<td>990</td>
</tr>
<tr>
<td>Other income</td>
<td>1,607</td>
<td>1,548</td>
<td>(59)</td>
<td>1,713</td>
<td>1,819</td>
<td>106</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of Assets</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>121,358</strong></td>
<td><strong>128,657</strong></td>
<td><strong>7,299</strong></td>
<td><strong>132,985</strong></td>
<td><strong>140,334</strong></td>
<td><strong>7,349</strong></td>
</tr>
</tbody>
</table>

Expenditure

<table>
<thead>
<tr>
<th>Line item</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 Adjusted Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>40,069</td>
<td>38,699</td>
<td>1,369</td>
<td>44,929</td>
<td>43,697</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>41,982</td>
<td>42,972</td>
<td>(990)</td>
<td>47,206</td>
<td>49,327</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>10</td>
<td>14</td>
<td>(4)</td>
<td>173</td>
<td>336</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>16,875</td>
<td>16,818</td>
<td>57</td>
<td>18,416</td>
<td>18,416</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>372</td>
<td>360</td>
<td>12</td>
<td>440</td>
<td>431</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(0)</td>
<td>-</td>
<td>(0)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>99,307</strong></td>
<td><strong>98,863</strong></td>
<td><strong>444</strong></td>
<td><strong>111,265</strong></td>
<td><strong>112,107</strong></td>
</tr>
</tbody>
</table>

Operating Result - Surplus

<table>
<thead>
<tr>
<th>Line item</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 Adjusted Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td><strong>22,051</strong></td>
<td><strong>29,794</strong></td>
<td><strong>7,742</strong></td>
<td><strong>21,720</strong></td>
<td><strong>28,227</strong></td>
</tr>
</tbody>
</table>
### Operating Result by Division

<table>
<thead>
<tr>
<th>Division (in '000s)</th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>Budget Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget</th>
<th>Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>2,756</td>
<td>2,683</td>
<td>73</td>
<td>3,216</td>
<td>3,065</td>
<td>161</td>
<td>5.0%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>7,004</td>
<td>6,577</td>
<td>427</td>
<td>8,429</td>
<td>8,267</td>
<td>162</td>
<td>1.9%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>32,874</td>
<td>32,165</td>
<td>710</td>
<td>36,264</td>
<td>35,935</td>
<td>360</td>
<td>1.0%</td>
</tr>
<tr>
<td>City Planning &amp; Amenity</td>
<td>2,389</td>
<td>(254)</td>
<td>2,652</td>
<td>3,485</td>
<td>1,630</td>
<td>1,655</td>
<td>47.5%</td>
</tr>
<tr>
<td>Community and Customer Experience</td>
<td>10,784</td>
<td>9,217</td>
<td>1,567</td>
<td>12,801</td>
<td>11,422</td>
<td>1,379</td>
<td>10.8%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(4,276)</td>
<td>(1,954)</td>
<td>(2,322)</td>
<td>(3,869)</td>
<td>(3,601)</td>
<td>(268)</td>
<td>6.9%</td>
</tr>
<tr>
<td><strong>Net cost of services</strong></td>
<td><strong>51,541</strong></td>
<td><strong>48,434</strong></td>
<td><strong>3,107</strong></td>
<td><strong>60,367</strong></td>
<td><strong>56,908</strong></td>
<td><strong>3,449</strong></td>
<td><strong>5.7%</strong></td>
</tr>
<tr>
<td><strong>Rates</strong></td>
<td>(87,589)</td>
<td>(87,939)</td>
<td>350</td>
<td>(95,590)</td>
<td>(95,951)</td>
<td>361</td>
<td>-0.4%</td>
</tr>
<tr>
<td><strong>Capital Income</strong></td>
<td>(2,876)</td>
<td>(7,107)</td>
<td>4,229</td>
<td>(4,903)</td>
<td>(7,600)</td>
<td>2,697</td>
<td>-55.0%</td>
</tr>
<tr>
<td><strong>Depreciation</strong></td>
<td>16,875</td>
<td>16,918</td>
<td>57</td>
<td>18,416</td>
<td>16,416</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>(22,051)</strong></td>
<td><strong>(29,794)</strong></td>
<td><strong>7,742</strong></td>
<td><strong>(21,720)</strong></td>
<td><strong>(28,227)</strong></td>
<td><strong>6,607</strong></td>
<td><strong>-30.0%</strong></td>
</tr>
</tbody>
</table>

**Executive forecast favourable $161k**
- $161k decrease in project expenditure costs.

**Corporate Services favourable $162k**
- $205k increased revenue related to the identification and sale of discontinued laneways
- $55k additional funding from Department of Treasury and Finance for the transition of the centralised valuations contract.
- $50k reduction in software licences required.
- ($170k) additional costs associated with increased sale of discontinued laneways and other leasing matters.
- ($113k) consulting fees related to Black and Well St consultation & traffic study and Sandringham Golf Course redevelopment proposal.

**Environment, Recreation and Infrastructure favourable $360k**
- ($259k) additional costs associated with the purchase of new smaller bins due to the “Shrink your bin and save” campaign.
- ($54k) additional cost relating to the commuter bus trial approved by Council.
- ($55k) increase in the number of green waste collections.
- $240k savings in the kerbside recycling waste disposal contract as a result of a better price per tonnage negotiated with the recycling processor.
- $139k savings in landfill tipping fees due to a lower disposal rate and lower tonnage volumes.
- $136k additional income, mainly associated with open space permits issued for filming activities within the municipality.
- $102k some delays for SFLC Facility Master Plan Stage 1, to be completed in 2019/20.
- $55k increase in legal point of discharge income.

**City Planning and Amenity favourable $1.655M**
- $1.19M increase in parking fines.
- $443k increase in infringement court recoveries related to parking fines.
- $479k increase in parking fees due to higher patronage along foreshore.
- $180k increase in hoarding and crane permits
- $170k higher number of skip bin permits.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.
• ($300k) reduction in statutory planning application income due to the economic uncertainty and downturn in the housing market.
• ($282k) increase in number of infringement lodgement fees due to higher number of parking fines.
• ($279k) contract and consultation costs for Hampton Community Infrastructure feasibility Assessment and Master Plan.
• ($148k) expenditure for Customer Journey mapping for City Planning.

Community & Customer Experience favourable $1.38M
• $562k net savings expected in aged & disability predominantly due to clients transitioning to NDIS.
• $176k additional grant funding received for domestic care programs
• $214k savings in aged and disability employee costs due to staff vacancies
• $197k savings in customer experience employee costs due to staff vacancies
• $161k savings in youth employee employee costs due to staff vacancy
• ($115k) development and implementation of the State & Federal Election Advocacy Campaigns.

Corporate Finance unfavourable ($268k)
• ($1.5M) lease surrender costs.
• ($257k) net reduction in income due to a bathing box unlikely to be sold in 2019/20.
• $414k sale of discontinuance of Council owned laneways
• $745k increase in interest income from general bank accounts and term deposits mainly due to a favourable opening cash position for the year.
• $107k savings in 2018/19 workcover premium due to improved claims history.

Rates favourable $361k
• $454k increase in supplementary rates in excess of the budget.
• $245k interest charged on late payment of rates.
• ($354k) reduction in rates and charges resulting from requests from rate payers for smaller bins.
Cash and Investments

The YTD favourable variance to budget of $35.5M as at May 2019 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.
- $9.9M favourable variance in operating activities and $13M YTD favourable variance in investing activities.

Restricted funds include trust funds and reserves.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>37,412</td>
<td>64,207</td>
<td>37,273</td>
<td>26,934</td>
<td>23,765</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>53,035</td>
<td>51,856</td>
<td>42,294</td>
<td>9,552</td>
<td>37,042</td>
</tr>
<tr>
<td></td>
<td>90,447</td>
<td>116,063</td>
<td>79,567</td>
<td>36,466</td>
<td>60,707</td>
</tr>
</tbody>
</table>

Cash & cash equivalents (including investments) consists of:

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Retail banks</td>
<td>85,526</td>
<td>103,027</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community banks</td>
<td>4,006</td>
<td>6,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash on hand and at bank</td>
<td>1,721</td>
<td>7,036</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total cash and cash equivalents</td>
<td>91,274</td>
<td>116,063</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Statutory Reserves

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Recreational Land Reserve</td>
<td>17,905</td>
<td>21,006</td>
<td>16,484</td>
<td>4,584</td>
<td>16,760</td>
</tr>
<tr>
<td>Drainage Contribution Reserve</td>
<td>394</td>
<td>394</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Parking Reserve</td>
<td>407</td>
<td>407</td>
<td>416</td>
<td>(9)</td>
<td>416</td>
</tr>
<tr>
<td>Total Statutory Reserves</td>
<td>18,706</td>
<td>21,809</td>
<td>16,900</td>
<td>4,905</td>
<td>17,176</td>
</tr>
</tbody>
</table>

Funds Subject to Intended Allocation

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Infrastructure Reserve</td>
<td>8,235</td>
<td>8,234</td>
<td>6,344</td>
<td>1,890</td>
<td>466</td>
</tr>
<tr>
<td>Dandy Street Beach Improvement Reserve</td>
<td>2,157</td>
<td>2,157</td>
<td>2,752</td>
<td>(595)</td>
<td>-</td>
</tr>
<tr>
<td>Community Facilities Enhancement Reserve</td>
<td>968</td>
<td>882</td>
<td>988</td>
<td>(106)</td>
<td>835</td>
</tr>
<tr>
<td>Early Childhood Facilities Reserve</td>
<td>5,550</td>
<td>5,550</td>
<td>5,371</td>
<td>179</td>
<td>5,081</td>
</tr>
<tr>
<td>Defined Superannuation Shortfall</td>
<td>2,500</td>
<td>2,500</td>
<td>2,958</td>
<td>(458)</td>
<td>3,000</td>
</tr>
<tr>
<td>Unspent Conditional Grants Reserve</td>
<td>1,620</td>
<td>1,620</td>
<td>1,620</td>
<td>1,620</td>
<td>-</td>
</tr>
<tr>
<td>Capital Works Carried Forward Reserve</td>
<td>9,564</td>
<td>4,787</td>
<td>2,915</td>
<td>2,652</td>
<td>5,167</td>
</tr>
<tr>
<td>Street and Park Tree Management Carried Fc</td>
<td>110</td>
<td>110</td>
<td>110</td>
<td>110</td>
<td>110</td>
</tr>
<tr>
<td>Total Funds Subject to Intended Allocation</td>
<td>30,704</td>
<td>25,840</td>
<td>20,718</td>
<td>5,122</td>
<td>15,149</td>
</tr>
</tbody>
</table>

Total Other Reserves

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Total Other Reserves</td>
<td>49,410</td>
<td>47,709</td>
<td>37,618</td>
<td>10,901</td>
<td>32,325</td>
</tr>
</tbody>
</table>

Committed Funds

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Trust Funds and Deposits</td>
<td>4,425</td>
<td>4,147</td>
<td>4,706</td>
<td>(559)</td>
<td>4,717</td>
</tr>
<tr>
<td>Total Committed Funds</td>
<td>4,425</td>
<td>4,147</td>
<td>4,706</td>
<td>(559)</td>
<td>4,717</td>
</tr>
</tbody>
</table>

Total Restricted, Committed and Allocated funds

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Total Restricted, Committed and Allocated funds</td>
<td>53,835</td>
<td>51,856</td>
<td>42,324</td>
<td>9,532</td>
<td>37,042</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>Liquidity</td>
<td>The ability to pay liabilities within the next 12 months. (current assets/current liabilities)</td>
<td>&gt; 150%</td>
<td>569.21%</td>
<td>Yes</td>
</tr>
<tr>
<td>Self-financing</td>
<td>The ability to replace assets using cash generated from day to day operations (net operating cash flow/underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>33.52%</td>
<td>Yes</td>
</tr>
<tr>
<td>Capital Replacement</td>
<td>To ensure sufficient spending on capital renewal and new capital works. (Total capital spend: Depreciation)</td>
<td>&gt; 150%</td>
<td>188.63%</td>
<td>Yes</td>
</tr>
<tr>
<td>Indebtedness</td>
<td>The ability to repay debt from own source revenue being revenue not tied to specific projects. (not current liabilities / own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.73%</td>
<td>Yes</td>
</tr>
<tr>
<td>Underlying result</td>
<td>Sufficient operating income to cover operating expenses (new surplus/revenue)</td>
<td>&gt; 0%</td>
<td>19.31%</td>
<td>Yes</td>
</tr>
<tr>
<td>Renewal gap</td>
<td>To ensure sufficient spending on existing capital assets. (Renewal capital spend: depreciation)</td>
<td>&gt; 100%</td>
<td>132.73%</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Local Government Performance Reporting Framework Indicators

<table>
<thead>
<tr>
<th>LGPRF Performance Indicators</th>
<th>Expected Range</th>
<th>2018/19 Forecast</th>
<th>Within Range?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average residential rate per residential property assessment*</td>
<td>$700 to $2,000</td>
<td>$2,100</td>
<td>✗</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,443</td>
<td>✓</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>259.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings compared to rates</td>
<td>0% to 70%</td>
<td>0.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings repayments compared to rates</td>
<td>0% to 20%</td>
<td>0.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Adjusted underlying surplus (or deficit)</td>
<td>-20% to 20%</td>
<td>15.6%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>72.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to property values**</td>
<td>0.15% to 0.75%</td>
<td>0.14%</td>
<td>✗</td>
</tr>
</tbody>
</table>

*The 2018/19 forecast for average residential rate includes the additional waste levy required to fund increases in recycling costs
**Property values in Bayside have increased significantly in the last two years and are proportionately higher in Bayside compared to other Councils
Capital Results

<table>
<thead>
<tr>
<th>$000's</th>
<th>Adjusted Budget</th>
<th>Actuals</th>
<th>Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Variance to 2019/20</th>
<th>Forecast Rollover</th>
<th>Variance including Rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditure</td>
<td>39,155</td>
<td>27,558</td>
<td>11,597</td>
<td>52,117</td>
<td>34,240</td>
<td>22,377</td>
<td>16,486</td>
<td>5,911</td>
</tr>
</tbody>
</table>

June 2019 capital forecast expenditure - under budget $22.4M includes:

Projects currently on hold with budget savings quarantined in the infrastructure reserve for future budget considerations - $3.1M

- $1.34M Recycling and Waste Transfer Station Pit Enclosure – design budget has been carried forward to 2019/20. Investigation being carried out to determine if works will occur in future years.
- $895k Drain Renewal Howell Avenue Beaumaris – current scope not feasible. Investigation being carried out to determine if any works can be done.
- $866k Basketball Stadium – project commenced, construction works delayed to 2022/23.

Savings/(overspend) in project delivery - $2.8M to be transferred to the infrastructure reserve

- $1.2M Sandringham Village Activity Centre streetscaping – budget for detailed design has been included 2019/20 with construction foreshadowed in 2020/21 and 2021/22 in four year capital program.
- $382k Cheltenham Park Pavilion redevelopment – minor delay with construction. Cost savings based on current estimates.
- $370k B9 & B13 Car Park renewal construction – savings expected due to favourable tender price.
- $302k Highett Road Activity Centre streetscaping – some delays, design work to be carried out in 2019/20.
- $284k Brighton Beach Oval Precinct redevelopment – project on hold until 20/21, scope not approved with club.
- $244k Red Bluff to Half Moon Bay Masterplan Implementation – project on hold until 2019/20.
- $220k Sportsground Reconstruction Simpson Reserve – savings due to favourable tender results.
- $210k Drain Champion Street Brighton – project no longer proceeding.
- $199k Elternwick Park Oval 2 Sportsground Reconstruction – savings due to favourable tender results.
- $165k Boss James Reserve – project now delayed until 2020/21.
- ($1.01M) Durrant St Drainage, Pavement & Tree Improvements – unfavourable tender results received through selective re-tender process in late April 2018.
- ($240k) Active Transport Facility Improvement Program – two roundabouts to be completed in 2018/19 of which funding will be received in 2019/20. An additional $175k grant income from VicRoads expected in 2018/19 for project completed in 2017/18 (Church St/Male St roundabout raised zebra crossing).
- ($250k) Elternwick Park Nature Reserve remediation – preliminary works to be carried out.
- ($200k) New Telecommunication Solution – variations for line connection and changes to headsets.
- ($198k) Pavilion Redevelopment E’Wick Park Oval 2 – additional spend on nets.
- ($120k) Beach Access Paths Upgrade Dendy Street Beach – Project cost underestimated at planning stage.
- ($148k) Playground Renewal Projects – Completion of project in 18/19, unfavourable tender results and some delays due to the delivery of equipment and weather conditions.
- ($140k) Depot E-waste Shed construction, funding received from Sustainability Victoria.
- ($111k) Drain Hawthorn Road – VicRoads no longer carrying out required drainage works. Waiting on streetscape design to be completed.
Forecast carry forward of projects $16.5M to be completed in 2019/20

- $2.54M Dendy St Beach Masterplan implementation – VCAT and remediation works.
- $966k William Street Reserve Pavilion redevelopment – planning approval required, construction is not anticipated to commence until 2019.
- $789k Destructor Reserve Pavilion redevelopment – project currently underway and expected to be carried forward to 2019/20.
- $640k Sandringham Library redevelopment – additional approvals required and expected to be carried forward to 2019/20.
- $277k AW Oliver Reserve Pavilion redevelopment – project currently underway and expected to be carried forward to 2019/20.
- $244k 7 Wall Street Brighton-Conversion to Car Parking – Awaiting rezoning of land, anticipated to be completed in 2019/20.
- $230k Activity Centre Masterplan – Hawthorn Road Village – project currently underway and expected to be carried forward to 2019/20.
- $220k Drain The Esplanade and Grosvenor Street Brighton – awaiting VicRoads and expected to be carried forward to 2019/20.
- $189k Integrated Water Management Strategy implementation Yr1 – project currently underway and expected to be carried forward to 2019/20.
- $138k Invoice Scanning & Civica Authority Workflow – Project on hold expected to proceed in 2019/20.
- $129k Church Street Shopping Centre pedestrian improvement – project currently underway and expected to be carried forward to 2019/20.
- $120k Customer Data Management – project currently underway and expected to be carried forward to 2019/20.
- $114k Cricket Net Renewal Banksia Reserve – project on hold expected to proceed in 2019/20.
- $100k HMVS Preservation Works – Further planning is required and expected to be carried forward to 2019/20.
- $100k Netball Indoor Court – project currently underway and expected to be carried forward to 2019/20.
- $100k New Street Bridge & Brickwood Street Bridge Renewal – project currently underway and expected to be carried forward to 2019/20.
- $85k Contract Management System – Project on hold expected to proceed in 2019/20.
- $75k Drain Myrtle Street Brighton – delayed due to underground service issues. Expected to be carried forward to 2019/20.
- $75k Bi-Directional Integration with REX and Intramaps – project currently underway and expected to be carried forward to 2019/20.
- $75k Project Management Office – project currently underway and expected to be carried forward to 2019/20.
- $58k Public Art Collection – delayed due to consultation with conservation society and local traders expected to commence in 2019/20.
- $41k Planning Building & Asset Protection Application Software – project on hold expected to proceed in 2019/20.
- $51k MagIQ Powerbudget Reporting and Analysis Upgrade – Project on hold expected to proceed in 2019/20.
- $41k Authority Integration into Website – project currently underway and expected to be carried forward to 2019/20.
- $27k High Resolution Aerial Imagery – Project on hold expected to proceed in 2019/20.
- $25k Recycling and Waste Transfer Station Pit Enclosure – project currently underway and expected to be carried forward to 2019/20.
- $14k Online Rec & Events Booking and Payment System – project currently underway and expected to be carried forward to 2019/20.
### Detailed Schedules

#### 1. Income Statement

<table>
<thead>
<tr>
<th>Line Item</th>
<th>2018/19 YTD</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Adjusted Budget Variance</th>
<th>2018/19 YTD Adjusted Budget Variance Forecast</th>
<th>Year End Forecast 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Services &amp; New Initiatives Budget</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>87,429</td>
<td>87,533</td>
<td>104</td>
<td>95,416</td>
<td>95,531</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>5,828</td>
<td>7,197</td>
<td>1,369</td>
<td>6,357</td>
<td>7,553</td>
</tr>
<tr>
<td>User Fees</td>
<td>7,219</td>
<td>8,341</td>
<td>1,122</td>
<td>7,658</td>
<td>8,785</td>
</tr>
<tr>
<td>Rental Income</td>
<td>4,107</td>
<td>4,226</td>
<td>120</td>
<td>4,120</td>
<td>4,287</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>10,018</td>
<td>9,016</td>
<td>(1,002)</td>
<td>10,678</td>
<td>11,176</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>725</td>
<td>1,235</td>
<td>510</td>
<td>1,370</td>
<td>1,325</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>18</td>
<td>144</td>
<td>126</td>
<td>105</td>
<td>154</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,833</td>
<td>5,856</td>
<td>4,024</td>
<td>3,213</td>
<td>6,260</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,975</td>
<td>2,958</td>
<td>983</td>
<td>2,155</td>
<td>3,145</td>
</tr>
<tr>
<td>Other Income</td>
<td>1,607</td>
<td>1,548</td>
<td>(59)</td>
<td>1,713</td>
<td>1,619</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>121,358</td>
<td>128,867</td>
<td>7,299</td>
<td>132,985</td>
<td>140,334</td>
</tr>
<tr>
<td>Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>40,069</td>
<td>38,099</td>
<td>1,970</td>
<td>44,020</td>
<td>43,507</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>41,982</td>
<td>42,972</td>
<td>(990)</td>
<td>47,306</td>
<td>49,327</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>10</td>
<td>14</td>
<td>(4)</td>
<td>173</td>
<td>336</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>16,875</td>
<td>16,818</td>
<td>57</td>
<td>18,416</td>
<td>18,416</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>372</td>
<td>360</td>
<td>12</td>
<td>440</td>
<td>431</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(0)</td>
<td>(0)</td>
<td>(0)</td>
<td>(0)</td>
<td>(0)</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td>99,307</td>
<td>98,863</td>
<td>444</td>
<td>111,265</td>
<td>112,107</td>
</tr>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td>22,051</td>
<td>29,794</td>
<td>7,742</td>
<td>21,720</td>
<td>28,227</td>
</tr>
</tbody>
</table>
### 2. Statement of Capital Works

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>9,000</td>
<td>9,000</td>
</tr>
<tr>
<td>Buildings</td>
<td>11,611</td>
<td>6,803</td>
<td>4,718</td>
<td>14,970</td>
<td>7,875</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings Improvements</td>
<td>2,611</td>
<td>1,152</td>
<td>1,459</td>
<td>3,241</td>
<td>1,520</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Plant &amp; Equipment Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixtures, Fittings and Furniture</td>
<td>323</td>
<td>207</td>
<td>116</td>
<td>320</td>
<td>382</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arts and Culture</td>
<td>130</td>
<td>16</td>
<td>114</td>
<td>130</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IT Systems, Network, Servers and Communication</td>
<td>1,708</td>
<td>941</td>
<td>867</td>
<td>2,060</td>
<td>1,421</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Assets</td>
<td>367</td>
<td>351</td>
<td>16</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Infrastructure Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreshore and Conservation</td>
<td>1,525</td>
<td>1,157</td>
<td>368</td>
<td>2,700</td>
<td>1,759</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>7,613</td>
<td>5,172</td>
<td>2,441</td>
<td>8,640</td>
<td>6,821</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Street Car Parks</td>
<td>2,502</td>
<td>1,453</td>
<td>1,049</td>
<td>2,818</td>
<td>1,953</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage Infrastructure</td>
<td>2,733</td>
<td>2,459</td>
<td>274</td>
<td>3,569</td>
<td>2,704</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Infrastructure</td>
<td>8,031</td>
<td>7,853</td>
<td>178</td>
<td>9,220</td>
<td>9,788</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>39,155</td>
<td>27,555</td>
<td>11,599</td>
<td>57,117</td>
<td>34,740</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>(725)</td>
<td>(1,235)</td>
<td>510</td>
<td>(1,370)</td>
<td>(1,325)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(45)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(755)</td>
</tr>
<tr>
<td>Other Income</td>
<td>(320)</td>
<td>(15)</td>
<td>(305)</td>
<td>(320)</td>
<td>(45)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(360)</td>
</tr>
<tr>
<td>Contributions - Cash- Capital</td>
<td>(1,853)</td>
<td>(5,856)</td>
<td>4,024</td>
<td>(3,213)</td>
<td>(6,263)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,047</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(1,213)</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>(2,878)</td>
<td>(7,107)</td>
<td>4,229</td>
<td>(4,903)</td>
<td>(7,600)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,697</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(1,968)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>36,277</td>
<td>20,449</td>
<td>15,829</td>
<td>62,214</td>
<td>27,139</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25,075</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14,498</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cashflow Statement - period ended 31 May 2019</th>
<th>30-Jun-18</th>
<th>31-May-19</th>
<th>Adjusted Budget</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Cash flows from operating activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts</td>
<td>88,061</td>
<td>93,405</td>
<td>91,221</td>
<td>2,184</td>
</tr>
<tr>
<td></td>
<td>95,226</td>
<td>96,034</td>
<td>(192)</td>
<td></td>
</tr>
<tr>
<td>Rates and charges</td>
<td>7,099</td>
<td>6,580</td>
<td>5,882</td>
<td>508</td>
</tr>
<tr>
<td></td>
<td>6,453</td>
<td>8,085</td>
<td>1,632</td>
<td></td>
</tr>
<tr>
<td>Statutory fees and fines</td>
<td>9,444</td>
<td>9,012</td>
<td>7,694</td>
<td>1,118</td>
</tr>
<tr>
<td></td>
<td>8,069</td>
<td>9,042</td>
<td>973</td>
<td></td>
</tr>
<tr>
<td>User charges</td>
<td>4,171</td>
<td>4,227</td>
<td>4,523</td>
<td>(206)</td>
</tr>
<tr>
<td></td>
<td>4,538</td>
<td>4,942</td>
<td>404</td>
<td></td>
</tr>
<tr>
<td>Rental income</td>
<td>6,506</td>
<td>6,001</td>
<td>1,870</td>
<td>1,431</td>
</tr>
<tr>
<td></td>
<td>3,339</td>
<td>6,317</td>
<td>2,978</td>
<td></td>
</tr>
<tr>
<td>Contributions - monetary</td>
<td>11,231</td>
<td>9,648</td>
<td>10,713</td>
<td>(1,065)</td>
</tr>
<tr>
<td></td>
<td>10,972</td>
<td>11,325</td>
<td>353</td>
<td></td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>719</td>
<td>1,264</td>
<td>45</td>
<td>1,219</td>
</tr>
<tr>
<td></td>
<td>1,445</td>
<td>1,428</td>
<td>(17)</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>2,716</td>
<td>3,145</td>
<td>2,003</td>
<td>1,142</td>
</tr>
<tr>
<td></td>
<td>2,160</td>
<td>3,797</td>
<td>1,637</td>
<td></td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>(224)</td>
<td>1,055</td>
<td>112</td>
<td>1,143</td>
</tr>
<tr>
<td></td>
<td>123</td>
<td>120</td>
<td>(3)</td>
<td></td>
</tr>
<tr>
<td>Other receipts</td>
<td>2,007</td>
<td>1,003</td>
<td>1,458</td>
<td>(305)</td>
</tr>
<tr>
<td></td>
<td>1,878</td>
<td>1,747</td>
<td>(131)</td>
<td></td>
</tr>
<tr>
<td>Net GST refund</td>
<td>7,111</td>
<td>4,800</td>
<td>6,425</td>
<td>(1,505)</td>
</tr>
<tr>
<td></td>
<td>7,847</td>
<td>6,292</td>
<td>(1,555)</td>
<td></td>
</tr>
<tr>
<td>Employee costs</td>
<td>(41,581)</td>
<td>(30,401)</td>
<td>(36,036)</td>
<td>235</td>
</tr>
<tr>
<td></td>
<td>(44,244)</td>
<td>(42,074)</td>
<td>1,270</td>
<td></td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(54,378)</td>
<td>(49,284)</td>
<td>(50,318)</td>
<td>1,054</td>
</tr>
<tr>
<td></td>
<td>(58,595)</td>
<td>(58,588)</td>
<td>(1,993)</td>
<td></td>
</tr>
<tr>
<td>Net cash provided by (used in) operating</td>
<td>44,464</td>
<td>52,224</td>
<td>42,292</td>
<td>9,932</td>
</tr>
<tr>
<td>activities</td>
<td>41,211</td>
<td>46,567</td>
<td>5,356</td>
<td></td>
</tr>
<tr>
<td>Cash flows from investing activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for property, infrastructure, plant &amp;</td>
<td>(40,378)</td>
<td>(27,408)</td>
<td>(40,308)</td>
<td>12,900</td>
</tr>
<tr>
<td>equipment</td>
<td>(57,117)</td>
<td>(34,739)</td>
<td>22,378</td>
<td></td>
</tr>
<tr>
<td>Proceeds from sale property, infrastructure,</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>plant &amp; equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from term deposit investments</td>
<td>(9,500)</td>
<td>(19,501)</td>
<td>(1,000)</td>
<td>(18,501)</td>
</tr>
<tr>
<td></td>
<td>15,000</td>
<td>(9,000)</td>
<td>(24,000)</td>
<td></td>
</tr>
<tr>
<td>Net cash used in investing activities</td>
<td>(49,878)</td>
<td>(46,009)</td>
<td>(41,398)</td>
<td>(5,511)</td>
</tr>
<tr>
<td></td>
<td>(42,117)</td>
<td>(43,739)</td>
<td>(1,622)</td>
<td></td>
</tr>
<tr>
<td>Cash flows from financing activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance costs</td>
<td>(124)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Repayment of borrowings</td>
<td>(1,126)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Net cash used in financing activities</td>
<td>(2,250)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Net increase/(decrease) in cash and cash</td>
<td>(7,664)</td>
<td>5,315</td>
<td>894</td>
<td>4,421</td>
</tr>
<tr>
<td>equivalents</td>
<td>(906)</td>
<td>2,828</td>
<td>3,734</td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents at the beginning of</td>
<td>9,385</td>
<td>1,721</td>
<td>3,677</td>
<td>(1,956)</td>
</tr>
<tr>
<td>the period</td>
<td>3,677</td>
<td>1,721</td>
<td>(1,956)</td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents at the end of the</td>
<td>1,721</td>
<td>7,036</td>
<td>4,571</td>
<td>2,466</td>
</tr>
<tr>
<td>period</td>
<td>2,771</td>
<td>4,549</td>
<td>1,778</td>
<td></td>
</tr>
<tr>
<td>Term Deposits</td>
<td>89,526</td>
<td>109,027</td>
<td>75,026</td>
<td>34,001</td>
</tr>
<tr>
<td></td>
<td>58,026</td>
<td>98,526</td>
<td>40,500</td>
<td></td>
</tr>
<tr>
<td>Total cash and cash equivalents at the end of</td>
<td>91,247</td>
<td>116,063</td>
<td>79,597</td>
<td>36,466</td>
</tr>
<tr>
<td>the period</td>
<td>60,797</td>
<td>103,075</td>
<td>42,278</td>
<td></td>
</tr>
</tbody>
</table>

Item 10.9 – Reports by the Organisation
4. Balance Sheet

<table>
<thead>
<tr>
<th>Current assets</th>
<th>30-Jun-18 Actual</th>
<th>31-May-19 Budget</th>
<th>Variance $'000</th>
<th>Full Financial Year Budget</th>
<th>Forecast Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>1,721</td>
<td>7,038</td>
<td>4,571</td>
<td>2,265</td>
<td>2,771</td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>8,207</td>
<td>327</td>
<td>4,698</td>
<td>(4,571)</td>
<td>9,064</td>
</tr>
<tr>
<td>Other financial assets</td>
<td>84,526</td>
<td>104,027</td>
<td>75,026</td>
<td>28,001</td>
<td>58,026</td>
</tr>
<tr>
<td>Inventories</td>
<td>147</td>
<td>147</td>
<td>110</td>
<td>37</td>
<td>112</td>
</tr>
<tr>
<td>Non current assets classified as held for sale</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other assets</td>
<td>1,634</td>
<td>851</td>
<td>1,401</td>
<td>(550)</td>
<td>1,570</td>
</tr>
<tr>
<td>Total current assets</td>
<td>96,235</td>
<td>112,388</td>
<td>86,006</td>
<td>26,382</td>
<td>72,173</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-current assets</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade and other receivables</td>
<td>183</td>
<td>183</td>
<td>169</td>
<td>14</td>
<td>169</td>
</tr>
<tr>
<td>Property, infrastructure, plant and equipment</td>
<td>3,730,154</td>
<td>3,737,970</td>
<td>3,425,476</td>
<td>312,494</td>
<td>3,442,157</td>
</tr>
<tr>
<td>Assets Held for Sale</td>
<td>3,064</td>
<td>5,985</td>
<td>-</td>
<td>5,985</td>
<td>2,500</td>
</tr>
<tr>
<td>Financial assets</td>
<td>5,230</td>
<td>5,230</td>
<td>230</td>
<td>5,000</td>
<td>230</td>
</tr>
<tr>
<td>Other assets</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>Total non-current assets</td>
<td>3,738,688</td>
<td>3,749,423</td>
<td>3,425,930</td>
<td>323,493</td>
<td>3,442,611</td>
</tr>
</tbody>
</table>

Total assets: 3,834,921 3,861,811 3,511,936 349,875 3,514,784 3,635,752 120,968

Current liabilities

<table>
<thead>
<tr>
<th>Current liabilities</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade and other payables</td>
<td>11,308</td>
<td>6,888</td>
<td>7,044</td>
<td>(1,056)</td>
<td>10,062</td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>4,425</td>
<td>4,147</td>
<td>4,700</td>
<td>(559)</td>
<td>4,717</td>
</tr>
<tr>
<td>Provisions</td>
<td>7,974</td>
<td>10,178</td>
<td>9,215</td>
<td>963</td>
<td>9,306</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Income in Advance</td>
<td>455</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>943</td>
</tr>
<tr>
<td>Total current liabilities</td>
<td>24,252</td>
<td>21,213</td>
<td>21,865</td>
<td>(652)</td>
<td>24,085</td>
</tr>
</tbody>
</table>

Non-current liabilities

<table>
<thead>
<tr>
<th>Non-current liabilities</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions</td>
<td>795</td>
<td>930</td>
<td>1,399</td>
<td>(469)</td>
<td>1,424</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,017</td>
</tr>
<tr>
<td>Total non-current liabilities</td>
<td>795</td>
<td>930</td>
<td>1,399</td>
<td>(469)</td>
<td>1,424</td>
</tr>
</tbody>
</table>

Total liabilities: 25,047 22,143 23,264 (1,121) 25,059 25,498 11

Net assets: 3,809,874 3,839,668 3,486,672 350,996 3,489,275 3,810,254 120,979

Equity

| Accumulated surplus                        | 875,870          | 907,364          | 906,533        | 831                        | 912,429           |
| Asset revaluation reserve                  | 2,884,594        | 2,884,594        | 2,544,521      | 340,074                    | 2,544,521         |
| Other reserves                             | 49,410           | 47,709           | 37,018         | 10,091                     | 32,325            |
| Total equity                               | 3,809,874        | 3,839,668        | 3,486,672      | 350,996                    | 3,489,275         |

Page 11
Executive summary

Purpose and background

The purpose of this report is to appoint a contractor for Council’s maintenance services. The services include maintenance of Trees, Open Space, Civil Infrastructure, Street and Shopping Centre Cleansing, Foreshore and Toilet Cleansing, and graffiti removal.

Through a competitive tender process, a head contractor has been sought for the Civil Infrastructure and Open Space Contract (CON/18/159). The contract brings together services that were previously managed under multiple contracts. These include Tree Management, Open Space Maintenance, Civil Maintenance, Street and Shopping Centre Cleansing, and Foreshore and Toilet Cleansing. All services undertaken throughout the new seven year (plus three year option) contract period will be consistent with Council’s strategic plans and strategies for ‘Making Bayside a Better Place’ as updated from time to time during the Contract period.

Through this contract Council aims to achieve:

- Prolonged life of public assets within the municipality;
- Environmentally friendly, innovative and improved service provision over the contract term;
- Development of an effective partnering relationship with the service provider;
- Minimisation of any risk to public safety and Council’s exposure to public liability or service failure;
- Maintained and enhanced aesthetic value of the municipality;
- Enhanced asset management and works management systems; and
- Improved responsiveness to any volunteer groups that assist in service delivery.

External experts in the field of commercial procurement, probity and contract law have assisted the Tender Evaluation Panel throughout the procurement process. This has included undertaking comprehensive financial analysis and evaluation of the financial proposals submitted by the tenderers, as well as extensive legal advice and assistance on contract documentation.

A probity adviser has overseen the governance of the tendering, evaluation and contract award process.

Council maintains a significant asset portfolio including:

- 371km of local roads;
- 737km of residential footpaths;
- Additional 45km of Open Space footpaths;
- 45,835 street trees;
- 46 sportsgrounds (26 locations);
- 155.8ha of Foreshore; and
- 242.6ha of Open Space.
Key issues

Council is required to provide public realm infrastructure and open space that is safe and fit for its intended use. Bayside uses an outsourced model of service delivery. In preparing for the end date of the existing contracts, a review of this service model and business case was undertaken. This concluded that an outsourced service model was the preferred approach.

The Contract model has an outcome focus rather than being as prescriptive as the previous contracts. This is expected to ensure that the primary focus of all maintenance works is on what needs to be done now to meet service and customer outcomes.

The combining of four previous contracts plus some other services into one large contract ensures there is a single management fee which leads to cost reduction based on economies of scale. There are continuous improvement expectations within the contract as well as commitments to an increased use in technology.

An annual review will be undertaken to ensure services meet service and customer outcomes regardless of changes to expectations or assets.

Cost saving incentives are included with a commitment for annual increase to be kept at CPI less 1%. Additionally, to ensure continued service outcomes are met, an abatement regime is included within the contract.

Companies were invited to tender for the contract through a public tender process. The following companies submitted tenders:

(1) Programmed Facility Management Pty Ltd (Programmed);
(2) Fulton Hogan Industries Pty Ltd (Fulton Hogan); and
(3) Citywide Service Solutions Pty Ltd (Citywide).

Each of these companies is an established service provider in the specified areas. Each has the capability and capacity to deliver the services required by Council.

A number of other companies expressed an interest but declined to provide a tender submission.

Each submission was reviewed thoroughly by the Tender Evaluation Panel including expert external procurement and legal advice throughout the process. Council appointed Probity advisors to oversee the process.

From the initial evaluation, all three companies were shortlisted based on the evaluation criteria and invited for interview. All three companies were deemed to have the appropriate resources, experience and capacity to undertake the services successfully.

At interview, greater understanding was achieved on what the tenderers knowledge of the contract expectations were and the assumptions they had made. The tenderers were permitted to take questions on notice and provided further clarifications back in writing.

Further clarity was then provided to the tenderers through providing them with more detailed information on schedules and contract.

The tenderers were then invited to provide a reprice based on the more detailed information provided.
A best and final offer (BAFO) was then requested from all tenderers and on the basis of the results of the BAFO on tenderer was advised that we would not be progressing with their submission.

Given the complexity of the contract, it is recommended that this item be deferred to Confidential Business to enable further contractual discussions to occur. Following Council’s resolution on this matter, it is recommended that the resolution be made public.

**Recommendation**

That Council:

1. Defer the consideration of this item to Confidential Business in accordance with Section 89 (2) (d) given it relates to a contractual matter.
2. Make public the Council resolution following Council’s decision in Confidential Business on this matter.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
The provision of maintenance services is critical in ensuring the ability for the community to engage in social activities and conduct their everyday lives within the municipality.

Natural Environment
Maintenance services are undertaken using environmentally appropriate products at all times and all care is taken to ensure works do not cause any negative impact on the environment. The contract specification requires all works to be undertaken in an environmentally sensitive manner and to utilise products that minimise negative impact on the environment.

Built Environment
Maintenance services ensure that Council-built assets are maintained to a safe and fit for purpose standard.

Customer Service and Community Engagement
Residents and community groups are advised when any maintenance works are to occur and consulted when the works may impact short term on their use or amenity. The maintenance contracts have strict timelines to ensure the provision of high quality customer service.

The contract requires the implementation of a new technology solution to allow better management and transparency of works to provide a better customer experience.

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.

The works under this contract will maintain infrastructure complying with Council’s responsibility under Road Management Act 2004.

The works under this contract will maintain street trees in accordance with Council’s powerline clearance responsibilities.

Finance
The Contract expenditure is expected to be in line with the current and future budgets. The 2018/19 budget for the works was $16.72 million per year. Going to market with an aggregated service offering was selected to minimise any cost increases or price shock and hoped to achieve cost savings in the second and subsequent years and some service improvements through allowing contractors to achieve economies of scale and having a single management structure over all services areas. The aggregated specification includes the requirement to deliver a new technology solution as part of the contract.
To promote ongoing productivity improvements by the contractor, annual contract cost increases are proposed to be limited to CPI less 1%.

**Links to Council policy and strategy**

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

The works under the contracts directly relate to ensuring assets and infrastructure continue to meet current and expected needs.
10.11 CONTRACT CON/19/35 SANDRINGHAM LIBRARY AND MATERNAL CHILD HEALTH REDEVELOPMENT

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/130159

Executive summary

Purpose and background

The purpose of this report is to appoint a contractor for the construction of Sandringham Library and Maternal Child Health Redevelopment under Contract CON/19/35.

Sandringham Library is located at 6-8 Waltham Street Sandringham and was constructed in 1985 and no longer meets the needs of the community such as size and services provided.

The works will include internal strip out and alterations to allow for the full refurbishment of the existing building. The refurbishment works includes the roof replacement and stormwater upgrade, a new maternal child health centre, a new library space including all furniture, shelving, information technology and audio visual systems and other required fit out items.

External works include an upgrade of the onsite parking car spaces and perimeter pathways, new landscaping such as paved areas and garden beds and the reconciliation of the existing services coming into the site.

This project will deliver a library facility which is fresh, flexible and up to date for use by current and future users. The new maternal child health centre will achieve a welcoming, flexible and comfortable community health space.

Key issues

Six companies were invited to tender for the works through a selective tender process utilising the State Government Construction Supplier Register. All invited tenderers had the experience and resources to undertake the project. The following companies submitted tenders:

1. Arete Australia Pty Ltd;
2. 2Construct Pty Ltd;
3. Commercial Industrial Construction Group Pty Ltd;
4. FIMMA Constructions Pty Ltd;
5. SJ Higgins Pty Ltd; and
6. Stokes Rousseau Pty Ltd.

Each submission was reviewed by the Tender Evaluation Panel including advice from Council’s appointed Quantity Surveyor and Architect.

From the initial evaluation, 2Construct Pty Ltd was shortlisted based on the evaluation criteria and invited for an interview.

At interview, 2Construct Pty Ltd demonstrated a good understanding of the technical requirements of the works and has an excellent track record of experience in undertaking projects of this scale. 2Construct Pty Ltd confirmed it has resources to deliver the works in a staged method and within the nominated timeframes.
Over the last five years, 2Construct Pty Ltd has completed a number of successful construction projects of similar type, size, value and complexity for Victorian local governments such as Kingston and Melton City Councils and also for the Department of Economic and Community Development and Department of Education and Training. Reference checks have been undertaken for 2Construct Pty Ltd and confirmed the company’s ability to deliver quality construction services in a timely and professional manner.

As shown in Confidential Attachment 1 – Evaluation Matrix, the Tender Evaluation Panel concluded that Melbcon offered the best value for money.

Recommendation

That Council:

1. Awards Contract CON/19/35 Sandringham Library and Maternal Child Health Redevelopment to 2Construct Pty Ltd (ABN 281 095 171 88) for the lump sum price of $3,447,469.00 (excl. GST) and $3,792,215.90 (incl GST).

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/19/35 Sandringham Library and Maternal Child Health Redevelopment.

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/19/35 Sandringham Library and Maternal Child Health Tender Evaluation Matrix (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
The project is in line with the Victorian Public Libraries 2030 Strategic Framework to maintain current and future visitation of council library facilities which need to creative and community minded. This project will provide affordable access to the community to its services, accessible by all abilities and achieve gender equity.

Natural Environment
The new building has the following Environmental Sensitive Design (ESD) features:
- The new roof with high rating insulation will achieve best possible energy standards
- Roof area to be utilised to its maximum with installation of solar energy system to reduce power consumption.
- The air conditioning design will achieve high level air quality and energy efficiency which includes a BMS (building management system) to allow the different building users flexible control to match hours of use in each area.
- Skylight window will provide natural light into the library entry lobby area creating an inviting and welcoming space.
- Motion sensor lights will turn off the lights after a set period when a room is left vacant
- Double auto doors creating an air lock to both entries to minimise heating and cooling loss and maintain building user comfort.
- Where possible, the building materials selected have high recycled content and are of low emissions.
- Building materials from the demolition of internal walls and external paving will be recycled, reused or reinstated.

Built Environment
The proposed new library space and maternal child health centre has been designed in consultation with the key stakeholders and incorporates requirements such as an efficient library service desk, dedicated areas for children, youth, reading, staff offices and amenity including kitchenette and storage. Multipurpose spaces, public meeting rooms, all abilities public amenities and a parent's room are also included.

The maternal child health centre is in a separable area to enable its use independent of library hours and includes a flexible waiting room able to be used for teaching, a separate private baby feeding space and two consult rooms.

In line with Bayside Planning Scheme, this project was subject to planning permit requirements. The planning permit has been approved.

Customer Service and Community Engagement
This project forms part of the Sandringham Precinct Masterplan which has had extensive community engagement undertaken. Included in these communications was the community information update of the statutory planning advertising process required for 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

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 combined Capital Works Budget for 2018/19 & 2019/20 of $3,881,128.00 (ex GST) plus an approved library grant of $700,000 provides total budget of $4,581,128.00 (ex GST). The following table summarises the project budget.

<table>
<thead>
<tr>
<th>Project Budget</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Cost (this contract)</td>
<td>$3,447,469.00</td>
</tr>
<tr>
<td>Construction Contingency (10%)</td>
<td>$350,000.00</td>
</tr>
<tr>
<td>Consultant fees and other costs</td>
<td>$350,000.00</td>
</tr>
<tr>
<td>Total contracts and commitments</td>
<td>$4,147,469.00</td>
</tr>
</tbody>
</table>

All costs declared in the table above are GST exclusive.

The expected project cost is $4.15M (ex GST) which is within the allocated project budget. The expected savings in this project are available to contribute to expected cost pressures in the redevelopment of the Masonic Hall project.

Links to Council policy and strategy


Options considered

Not applicable to this report.
10.12 COUNCIL ACTION AWAITING REPORT

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 23 July 2019.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting Report to 23 July 2019
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 24/05/16        | 10.2   | **Sandringham Village Streetscape Masterplan**  
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. | CP&A     | 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. |
| 24/05/16        | 10.7   | **Children’s Sensory Garden Investigation**  
That Council:  
1. notes the typical elements of a suburban sensory garden;  
2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;  
3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and  
4. receives a further report detailing the financial implications associated with the establishment of a sensory garden. | ERI      | A future report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site.  
The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence. |
| 24/10/17        | 10.1   | **Amendment C151 – Hampton East (Moorabbin) Structure Plan**  
That Council following the Minister for Planning decision in relation to the above receives a report that outlines the scope for an additional study for precincts 3, 5 and 6 including costs, funding options and timing. | CP&A     | The Minister for Planning has approved Amendment C151 in its entirety. The CEO has written to the Minister for Planning seeking further clarification on the circumstances of the approval. A report relating to options for Council will be presented to Council once the approved amendment documents have been released and the implications considered. |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>10.12</th>
<th>REPORTS BY THE ORGANISATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>21/01/18</td>
<td>10.3</td>
<td>That Council receives a further report presenting the progress of the Integrated Transport Strategy during 2016/17.</td>
<td></td>
</tr>
<tr>
<td>21/01/18</td>
<td>10.4</td>
<td>That Council receives a further report detailing progress against its overall targets and success of actions and reviewing issues and risks.</td>
<td></td>
</tr>
<tr>
<td>21/01/18</td>
<td>10.7</td>
<td>Early Years Infrastructure Plan Plan in year five.</td>
<td></td>
</tr>
</tbody>
</table>

A report will be submitted to the Council Meeting in August 2019.

A report will be submitted to the Council Meeting in August 2019.

A report will be submitted to the Council Meeting in August 2019.

A report will be provided to Council on the completion of the development works.

A future report will be presented to Council if the permit approved method of concrete infill proves problematic or beyond the current Council approved budget.

That Council receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocation works are completed.

That Council.

That Council.

That Council.

That Council.

That Council.
<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>21/8/18</td>
<td>10.13</td>
<td><strong>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financial Update</strong>&lt;br&gt;That Council receives a further report no later than August 2019 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td>ERI</td>
<td>A report will be submitted to the August 2019 Council Meeting.</td>
</tr>
<tr>
<td></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</td>
<td>CP&amp;A</td>
<td>A report will be submitted to Council in August 2019.</td>
</tr>
<tr>
<td>20/11/18</td>
<td>10.6</td>
<td><strong>CSIRO - Legal Agreements Update</strong>&lt;br&gt;That Council:&lt;br&gt; Receives a report following the execution of the Deed of Agreement with the CSIRO which outlines the details of the Deed agreement and next steps.</td>
<td>Corp</td>
<td>A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.</td>
</tr>
<tr>
<td>18/12/18</td>
<td>10.6</td>
<td><strong>Tulip Street Basketball Courts Extension - Project and Funding Update</strong>&lt;br&gt;That Council:&lt;br&gt; 2. Receives a further report at a future meeting detailing State Government grant opportunities and preferred funding model for the Tulip Street Basketball Courts Extension project;</td>
<td>ERI</td>
<td>A report will be submitted to a future 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>
<td>------</td>
<td>---------------------</td>
<td>----------</td>
<td>-----------------</td>
</tr>
</tbody>
</table>
| 18/12/18       | 10.8 | Community Engagement Plan for Wilson Reserve and Brighton Recreational Centre Masterplan  
That Council:  
2. Receives a report detailing the outcomes of the community engagement and the draft Masterplan by June 2020. | ERI | A report will be submitted to Council by June 2020. |
| 19/3/19        | 10.2 | Hampton Community Infrastructure Feasibility Assessment and Masterplan  
That Council notes this report and receives a further progress report at or before the 23 July 2019 Ordinary Meeting. | CP&A | A report is included in this Agenda. |
| 19/3/19        | 10.3 | Proposal for an Urban Forest Strategy  
2. Receives a further report at the 17 December 2019 Ordinary Meeting of Council reporting on the outcomes of the case study. | CP&A | A report will be submitted to the December 2019 Ordinary Council Meeting. |
| 23/4/19        | 10.1 | Response to Petition - To Ban Smoking in and around Ricketts Point Marine Sanctuary  
2) Receives a progress report on the various stages of developing the Local Law following the completion of the engagement, research and risk assessment process, to determine specific areas proposed to be declared as smoke free. | CP&A | A report will be submitted to a future meeting. |
| 23/4/19        | 10.3 | Update on Nursery Management and Bushland Maintenance Model  
1. Receives a further report at or before the September 2019 Council meeting on the merits and costs of providing Nursery and/or bushland services via an in-house service delivery model. | ERI | A report will be submitted to the September 2019 Ordinary Council Meeting. |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>23/4/19</td>
<td>10.4</td>
<td><strong>2019 Bright n Sandy Food and Wine Festival Service Review</strong>&lt;br&gt;4. Provides a report on an event review following the 2020 Bright n Sandy Food and Wine Festival.</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting, following the 2020 Bright n Sandy Food and Wine Festival.</td>
</tr>
<tr>
<td>21/5/19</td>
<td>10.8</td>
<td><strong>Bayside Planning Scheme Review 2019</strong>&lt;br&gt;• Considers the proposed changes to the local and state sections of the Bayside Planning Scheme proposed under the Smart Planning Program in a further report to be presented to Council in the 2019/2020 financial year.</td>
<td>CP&amp;A</td>
<td>A report will be submitted to a future meeting in the 2019/2020 financial year (<strong>at or before</strong> June 2020)</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.11</td>
<td><strong>Mid-Century Modern Heritage Study - Preliminary Assessment finalised</strong>&lt;br&gt;3. Receives a further report with the final citations at or before its 19 November 2019 Ordinary Meeting.</td>
<td>CP&amp;A</td>
<td>A report will be submitted to a future meeting <strong>at or before</strong> the November 2019 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.12</td>
<td><strong>3D Modelling Tool</strong>&lt;br&gt;2. Receives a report at the 15 October 2019 Ordinary Meeting of Council that presents the anticipated costs of such a model.</td>
<td>CP&amp;A</td>
<td>A report will be submitted to the October 2019 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.14</td>
<td><strong>Small Neighbourhood Activity Centre Building Height Review (Amendment C126)</strong>&lt;br&gt;2. Receives a report at its 15 October 2019 Ordinary Meeting with the findings and recommendations from the study.</td>
<td>CP&amp;A</td>
<td>A report will be submitted to the October 2019 Ordinary Council 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>
<td>------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.15</td>
<td><strong>Housing Strategy Review - Engagement Update</strong></td>
<td>CP &amp; A</td>
<td>A report will be submitted to the October 2019 Ordinary Council Meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Receives a report at the October 2019 Ordinary Council meeting to consider the draft updated Housing Strategy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.17</td>
<td><strong>Bayside Tennis Strategy</strong></td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.20</td>
<td><strong>Parking Technology, Church Street Major Activity Centre - Engagement Findings</strong></td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• If the project has proven successful, the development of a multi-year program to install parking management technology (i.e. parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>From the 20/3/18 Meeting:</strong></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 Heffernan
6. Metropolitan Local Government Waste Forum – Cr Clarke Martin

12. Urgent Business
13. Notices of Motion

13.1 NOTICE OF MOTION 283 - BAYSIDE’S INDIGENOUS HISTORY

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/183554

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 23 July 2019 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

“That Council supports the Boon Wurrung Foundation to research the local indigenous history and cultural heritage of the municipality of Bayside, and Council officers share resources and information to assist in this research project.”

Cr Clarke Martin

Support Attachments

Nil
13.2 NOTICE OF MOTION 284 - NEPEAN HIGHWAY FOOTPATH AND BIKE PATH

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/188143

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 23 July 2019 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

“That Council write to the Minister, Jacinta Allan in her capacity as Minister for Transport Infrastructure and VicRoads, requesting both parties to consider expanding the current rebuilding of the footpath along Nepean Highway in Bayside to extend to the abutting bike path.”

Cr Alex del Porto

Support Attachments

Nil
14. Confidential Business

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayers;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

14.1 CONTRACT CON/18/159 CIVIL INFRASTRUCTURE AND OPEN SPACE MAINTENANCE CONTRACT - HOLDING REPORT
(LGA 1989 Section 89(2)(d) contractual matters.)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins

Chief Executive Officer