Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday 23 June 2020 at 7pm

Agenda
Important Notice

Council is closely monitoring the State Government’s gradual easing of social restrictions. Over the coming weeks, we will review our temporary meeting procedures with a view to restoring limited public participation when practicable. Until this time, **Council and Committee meetings will continue to be held without members of the public present; however, meetings will to be live-streamed via Council's website: http://stream.bayside.vic.gov.au/**

**Alternative arrangements are in place for members of the community to make a submission** in relation to items listed on the agenda, or to **submit a public question**, via the following links:

**Requests to be heard**

**Ask a question at an Ordinary Meeting of Council**

For further queries, please contact the Governance office on 9599 4444
Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
   7.1 Petition to construct a covered structure for all weather at Landcox Park
8. Minutes of Advisory Committees
   8.1 Assembly of Councillors Record
   8.2 Minutes of the Audit & Risk Management Committee meeting held on 18 May 2020
9. Reports by Special Committees
   9.1 Minutes of the Bayside Arts Board meeting held on 3 June 2020
10. Reports by the Organisation
    10.1 Protection of Heritage properties in Bayside
    10.2 Neighbourhood Character Review 2019 - Project Update and Next Steps
    10.3 Update on translation to new format Planning Scheme
    10.4 Submissions to State Government Proposed changes to Planning Schemes
    10.5 Hydrotherapy/Warm Water Pool Feasibility Study
    10.6 Response to Notice of Motion - 294 - Proposed Roundabout Upgrade and Pedestrian Crossing At The Corner of Church/St Andrews Streets, Brighton
    10.7 Public participation at Council and Committee meetings
    10.8 Re-appointment of Bayside Arts Board Members
    10.9 Audit & Risk Management Committee - Appointment of External Independent Member
10.10 Local Economy recovery, extended support to small businesses in response to COVID-19 ......................................................... 201

10.11 COVID-19 Rent and Building Insurance Premium Relief for Designated Community Tenants and Amendment to Financial Delegations for all Rent Relief ............................................. 205

10.12 Events in Public Places Policy 2020 ....................................... 215

10.13 Procurement Policy - Annual Review ..................................... 229

10.14 Council Action Awaiting Report ........................................... 247

11. Reports by Delegates

12. Urgent Business

13. Notices of Motion

13.1 Notice of Motion - 295 - Hurlingham Park tennis clubhouse .... 257

13.2 Notice of Motion - 296 - Protected bicycle lanes in Bayside .... 259

13.3 Notice of Motion - 297 - Feasibility for restoration of the Hampton Hill Mural ........................................................................ 261

13.4 Notice of Motion - 298 - Interim greenhouse gas emissions reduction targets ........................................................................ 263

14. Confidential Business

14.1 Financial support for Council tenant ........................................ 265
1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

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

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

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

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 19 May 2020.

6. **Public Question Time**
Petition from residents requesting Council to construct a covered structure for all weather at Landcox Park (10 petitioners – all Bayside residents).

“We the undersigned hereby petition Bayside City Council to construct a covered structure for all weather at Landcox Park.”

Petition Requirements
The submitted petition containing 10 valid signatures meets the required format of a petition in accordance with Council’s Governance Local Law No: 1 Clause 65.

It is noted that a further 206 names/signatures were submitted; however, these did not meet the format required for a petition.

Recommendation
That a report be presented to the 18 August 2020 Ordinary Meeting of Council outlining the feasibility and strategic alignment of the proposed shelter for Landcox Park in Brighton East.

Support Attachments
Nil
Executive summary

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

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

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

- 26 May Strategic Issues Discussion
- 2 June 2020 Councillor Briefing; and
- 16 June 2020 Strategic Issues Discussion.

Support Attachments
1. Record of Assembly of Councillors - 26 May 2020 Strategic Issues Discussion
2. Record of Assembly of Councillors - 2 June 2020 Councillor Briefing
3. Record of Assembly of Councillors - 16 June 2020 Strategic Issues Discussion
### Meeting Information

<table>
<thead>
<tr>
<th>Meeting Name/Type</th>
<th>Strategic Issues Discussion</th>
</tr>
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<tbody>
<tr>
<td>Meeting Date</td>
<td>26 May 2020</td>
</tr>
<tr>
<td>Start Time</td>
<td>4pm</td>
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</tbody>
</table>

#### Matters discussed

- 3.1 Outcome of discussions with Beaumaris RSL to lease part of Banksia Reserve Pavilion
- 3.2 Draft Climate Emergency Action Plan & Community Engagement
- 3.3 Mid-Century Modern Heritage Discussion
- 3.4 State Government funding for Sandringham College - Opportunities for Council to co-invest in community sporting facilities
- 3.5 Results of 2020 Community Satisfaction Survey

#### Attendees

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

**Staff**
- Mick Cummins – Chief Executive Officer
- Jill Colson – Director Corporate Services
- Bryce Craggs – Director Community & Customer Experience
- Adam McSwain – Director Environment, Recreation & Infrastructure
- Hamish Reid – Director City Planning & Amenity
- Juliana Aya – Manager Urban Strategy
- Terry Gallant – Manager Governance & Corporate Reporting
- Keryn Fisher – Manager Communication & Engagement
- Jason Stubbs – Manager Commercial Services
- Damien Van Trier – Manager Open Space, Recreation & Wellbeing
- Tom Vercoe – Strategic Planning Coordinator

#### Apologies

- Nil

#### Conflict of Interest disclosures

<table>
<thead>
<tr>
<th>Matter No</th>
<th>Councillor making disclosure</th>
<th>Councillor left meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Outcome of discussions with Beaumaris RSL to lease part of Banksia Reserve Pavilion</td>
<td>Mayor, Cr Clarke Martin</td>
<td>Yes</td>
</tr>
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</table>
# Record of Assembly of Councillors

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

## Meeting Information

<table>
<thead>
<tr>
<th>Meeting Name/Type</th>
<th>Councillor Briefing</th>
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<tr>
<td><strong>Meeting Date</strong></td>
<td>2 June 2020</td>
</tr>
<tr>
<td><strong>Start Time</strong></td>
<td>4pm</td>
</tr>
<tr>
<td><strong>Matters discussed</strong></td>
<td></td>
</tr>
<tr>
<td>4.1 Hydrotherapy/Warm Water Pool feasibility report outcomes</td>
<td></td>
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<tr>
<td>4.2 Events In Public Places Policy 2018</td>
<td></td>
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<tr>
<td>4.3 Response to Notice of Motion 294 - Proposed Roundabout Upgrade and Pedestrian Crossing at the Corner of Church/St Andrews Streets, Brighton</td>
<td></td>
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<tr>
<td>4.4 COVID-19 Rent and Building Insurance Premium Relief for Designated Community Tenants and Amendment to Financial Delegations for all Rent Relief</td>
<td></td>
</tr>
<tr>
<td>4.5 Cheltenham Golf Club - Appeal against rates methodology and amount</td>
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<tr>
<td>4.6 Financial support for Public Swimming Pool</td>
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</tr>
<tr>
<td>4.7 Opportunity for a commuter car park on Council owned land in Hampton</td>
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</tr>
<tr>
<td>4.8 Neighbourhood Character Review Project - Progress Update and Engagement Approach</td>
<td></td>
</tr>
<tr>
<td>4.9 Amendment C163bays - Pennylane Structure Plan – Update</td>
<td></td>
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<tr>
<td>4.10 Bayside 2050 Community Vision project update #5</td>
<td></td>
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<tr>
<td>4.11 Media Policy and Social Media Policy Review and Update</td>
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</tbody>
</table>

## Attendees

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

## Staff

- Mick Cummins – Chief Executive Officer
- Jill Colson – Director Corporate Services
- Bryce Craggs – Director Community & Customer Experience
- Adam McSwain – Director Environment, Recreation & Infrastructure
- Hamish Reid – Director City Planning & Amenity
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- Keryn Fisher – Manager Communication & Engagement
- Jason Stubbs – Manager Commercial Services
- Damien Van Trier – Manager Open Space, Recreation & Wellbeing
- Tom Vercoe – Strategic Planning Coordinator

## Apologies

- Nil

## Conflict of Interest disclosures

- Nil

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**Item 8.1 – Minutes of Advisory Committees**

Page 13 of 265
### Record of Assembly of Councillors

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

<table>
<thead>
<tr>
<th>Meeting Information</th>
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</tr>
<tr>
<td><strong>Meeting Date</strong></td>
</tr>
<tr>
<td><strong>Start Time</strong></td>
</tr>
</tbody>
</table>
| **Matters discussed**| 3.1 Future Leasing of part of Banksia Reserve Pavilion  
3.2 Public participation at Council and Committee meetings  
3.3 Sandringham Secondary College - Opportunities for co-investment  
3.4 CSIRO site - Community facilities |

<table>
<thead>
<tr>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Councilors</strong></td>
</tr>
</tbody>
</table>
| Mayor, Cr Clarke Martin  
Cr Sonia Castelli  
Cr Alex del Porto  
Cr Laurence Evans  
Cr Rob Grinter  
Cr Michael Heffernan  
Cr James Long |
| **Staff** |
| Mick Cummins – Chief Executive Officer  
Jill Colson – Director Corporate Services  
Bryce Creggs – Director Community & Customer Experience  
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Hamish Reid – Director City Planning & Amenity  
Terry Callant – Manager Governance & Corporate Reporting  
Keryn Fisher – Manager Communication & Engagement  
Jason Stubbs – Manager Commercial Services  
Damien Van Trier – Manager Open Space, Recreation & Wellbeing |
| **Other Attendees** |
| Representatives from Beaumaris RSL (Item 3.1)  
Representatives from Beaumaris Football Club (Item 3.1) |

<table>
<thead>
<tr>
<th>Apologies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Councilors</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conflict of Interest disclosures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Matter No</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>3.1 Future Leasing of part of Banksia Reserve Pavilion</td>
</tr>
</tbody>
</table>
8.2 MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 18 MAY 2020

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/150915

The minutes of the Audit & Risk Management Committee meeting held on 18 May 2020 which forms an attachment are presented in camera in accordance with the Local Government Act 2020 Section 66(2)(a) – as it is Council business information that would prejudice the Council’s position in commercial negotiations if prematurely released.

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

Executive summary

Purpose and background
To advise Council of the business transacted at the Audit & Risk Management Committee held on 18 May 2020.

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

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

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

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

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

The internal, external auditors and other assurance providers support the Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
Key issues
The matters discussed at the meeting on 18 May 2020 include:

Chief Executive Officer’s Update
The Chief Executive Officer reported on a VAGO Parliamentary Report concerning Managing Development Contributions and undertook a self-assessment against the findings of the report.

The Chief Executive Officer provided the Committee with a summary of the organisation’s response to COVID-19 and the implementation of Council Business Continuity Plan and Pandemic Plan.

The Chief Executive Officer also indicated that the Draft Proposed Budget for 2020/21, Strategic Resource Plan and Long Term Financial Plan was endorsed by Council in May, which will commence the community engagement process.

VAGO Interim Management Letter for the year ended 30 June 2020
The External Auditor tabled the interim management letter for the financial year ending 30 June 2020.

Internal Audit Review – Parking Infringements and Ticketing
The Internal Auditor presented the Internal Audit Report regarding Parking Infringement and Ticketing.

The objectives of the internal audit were to:
Part A - Ticket Machine Payments and Maintenance:
Assess the adequacy of internal controls around ticket machine collections and maintenance, including:

1. The overall control environment from the perspective of cashless payment and machine maintenance.
2. The processes for ensuring that all payments made are received and banked by Council.
3. The controls and the segregation of duties between payment management and cashless ticket machine maintenance functions.
4. The processes for ensuring that all ticket machines are properly and promptly maintained.
5. The management and operational reports used to monitor the probity and operation of the parking payment methods and operations.

Part B - Parking Enforcement and Penalty Infringement Notices (PINs):
Assess the adequacy of internal controls around parking enforcement and penalty infringement notices, including:
1. The overall control environment, from the undertaking of street patrols to the PinForce recording, issuing and registration of PINs.

2. The process of undertaking of street patrols, including:
   - adequacy and extent of rostering;
   - coverage and frequency of patrols;
   - rotation of staff routes/rosters;
   - staff numbers, ‘street time’ and the practice of operating in pairs;
   - changes in personnel;
   - concentration of ‘hot spots’;
   - patrol transportation and equipment; and
   - coverage of special events.

3. The processes for ensuring the appropriateness of the issuing of PINs.

4. The processes for managing the infringement appeal process, including:
   - escalation;
   - record keeping; and
   - resolution.

5. The processes for ensuring that infringement notices can only be withdrawn with proper authorisation.

The internal audit excluded:

- complaints handling;
- VicRoads confidentiality requirements and processes and the management of parking permits.

Overall, the Internal Auditor found that the current controls in place over parking infringement and ticketing maintained by Council can be further strengthened. The internal audit identified a range of controls that should be improved in order to reduce the identified weaknesses and exposures.

The Audit report did not identify any high-risk issues.

The following table is a summary of issues and risk ratings arising during the internal audit.

<table>
<thead>
<tr>
<th>Finding No.</th>
<th>Rpt. section</th>
<th>Report section/title</th>
<th>Medium</th>
<th>Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.1</td>
<td>Agreement with EasyPak</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>3.2</td>
<td>Reconciliation of banked revenue</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>3.3</td>
<td>Contractor invoicing</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4</td>
<td>3.4</td>
<td>Parking Operation Process procedure</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5</td>
<td>3.5</td>
<td>Emergency alarms and incident response</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
The Committee congratulated the organisation on the provision of the service and the strategic approach taken on this service.

**Internal Audit Review – Information Technology – Security and Access Controls**

The Internal Auditor presented the Internal Audit report regarding IT Security and Access Controls.

The objectives of the internal audit were to review the adequacy of IT general controls operating in the following key areas:

1. Logical access policies, standards and processes over the network
2. Border security management including firewall and intrusion detection
3. Physical security management over the key production servers
4. Operating system patch management
5. Internet/Intranet and email management
6. System availability management
7. Anti-virus management.

The internal audit also considered Council’s processes with respect to the Essential Eight as published by the Australian Cyber Security Centre (ACSC).

The Auditor assessed Council’s maturity against the Essential Eight.

As part of the review the Auditors sought feedback from staff on their awareness of IT security issues and management practices through an online survey distributed to all staff with a valid council email address.

**Note:** The scope of work performed did not include specific application system configuration controls. Meaningful assessment of such controls is best performed as part of business process reviews of the functional areas supported by the particular application/s.

In addition, a review of line department processes and operations was excluded.

Overall, the Internal Auditor found that the current controls in place over IT Security and Access maintained by council need strengthening. The internal audit identified a range of controls that should be implemented and improved in order to reduce the identified weaknesses and exposures.

Council has undertaken a number of initiatives to increase the maturity of the IT environment. Initiatives include: establishing a change management process, performance of routine penetration testing and routinely investigating new, cost-effective methods of minimising vulnerabilities within the IT environment.

The audit report identifies one high risk issue relating to training and awareness.

The following table is a summary of issues and risk ratings arising during the internal audit.

<table>
<thead>
<tr>
<th>Finding No.</th>
<th>Rpt. section</th>
<th>Report section/title</th>
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<th>Medium</th>
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<tbody>
<tr>
<td>1</td>
<td>3.1</td>
<td>IT Security policy</td>
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<tr>
<td>2</td>
<td>3.2</td>
<td>Manage the potential for applications whitelisting</td>
<td></td>
<td></td>
<td>X</td>
</tr>
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</table>
### Draft Annual Internal Audit Plan 2020/21 - Discussion

The committee discussed a draft internal audit plan for 2020/21, however given the impact of COVID-19 it was agreed not to present a draft internal audit plan at this time but re-access the situation in the coming months.

### March 2020 Quarter Financial Report


### Procurement Policy Annual Update

The Committee discussed the annual review of the Procurement Policy and provided feedback.

### Child Safe Standards Internal Audit Report – Implementation of Recommendations

The Director Community and Customer Services tabled the report and discussed the implementation action framework prepared by the Australian Childhood Foundation on behalf of Bayside.

The Director indicated that the Internal Auditor has been consulted to ensure the internal audit report recommendations have been addressed through the development of the action framework.

The Internal Auditor was extremely supportive of the initiative by the organisation to further explore the recommendation to include a National Child Safe Standards.

### Draft Audit and Risk Committee Charter

The Manager Governance presented a draft Charter the Audit and Risk Committee in accordance with the Local Government act 2020. The Committee agreed to further discuss the proposed Charter off-line.

---

**Table: Risk Assessment Matrix**

<table>
<thead>
<tr>
<th>Finding No.</th>
<th>Rpt. section</th>
<th>Report section/title</th>
<th>High</th>
<th>Medium</th>
<th>Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>3.3</td>
<td>Restrict administrative privileges</td>
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<td>4</td>
<td>3.4</td>
<td>Multi-factor authentication</td>
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<td></td>
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<td>5</td>
<td>3.5</td>
<td>Server room physical and environmental controls</td>
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<td>6</td>
<td>3.6</td>
<td>ICT management reporting on cyber security</td>
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<td>7</td>
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<td>End user training and awareness</td>
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<tr>
<td>8</td>
<td>3.8</td>
<td>Integration of IT risk management</td>
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<tr>
<td>9</td>
<td>3.9</td>
<td>User Access Review</td>
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</tbody>
</table>
Recommendation
That Council notes the minutes of the Audit & Risk Management Committee meeting held on 18 May 2020.

Support Attachments
1. 18 May 2020 Audit and Risk Management Committee Minutes (separately enclosed) (confidential)
9. Reports by Special Committees

9.1 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 3 JUNE 2020

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/150892

Executive summary

Purpose and background
To present the minutes of the Bayside Arts Board meeting held on 3 June 2020 to Council for noting.

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

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

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

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

The Gallery Board membership comprises three Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 3 June 2020 to consider the following matters:

- Summary report of outstanding matters
- Quarterly report for the period January to March 2020
- 2020/21 Billilla Artists Studio Program
- Bayside Arts and Gallery Response to COVID-19
- Wall/Mural Art
- Committee Charter and appointment of members
- Gallery Air conditioning replacement.

A copy of the 3 June 2020 minutes of the Bayside Arts Board meeting is attached for Council’s information.

Recommendation
That Council notes the minutes of the Bayside Arts Board meeting held on 3 June 2020.

Support Attachments
1. 3 June 2020 Bayside Arts Board (Section 86 Committee) Minutes ↓
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are no financial implications associated with this report.

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

held remotely via Microsoft Teams
on
Wednesday 3 June 2020
The Meeting commenced at 6pm

1. Welcome and opening of the meeting

The Chairman Cr Long declared the meeting opened at 6:05pm and welcomed members of the Board to the meeting.

2. Present

Councillors: Cr James Long (Chairman)
Cr Sonia Castelli
Cr Alex del Porto

External Members Ms Tiziana Borghese
Ms Angelina Beninati
Ms Bo Rutecki
Ms Sarah Morris

Officers in attendance Bryce Craggs – Director Community and Customer Experience
Terry Callant – Manager Governance and Corporate Reporting
Emil Klesman – Manager Customer and Cultural Services
Giacomina Pradolin – Arts and Culture Program Coordinator

3. Apologies

It was noted that Mr Avind Vasan indicated that he would be joining the meeting at approximately 7:00pm.

4. Disclosure of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.
5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 12 February 2020.

Moved: Ms Borghese                Seconded: Cr del Porto

That the minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 12 February 2020, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Reports

6.1 SUMMARY REPORT

Community and Customer Experience - Customer & Cultural Services
File No: PSF/20/115 – Doc No: DOC/20/140737

The Arts and Culture Program Coordinator discussed the summary report based on matters emanating from business meetings.

Ms Morris provided the Committee with an outline of the selection process for the public art commission at Elsternwick Park South. The Arts and Program Coordinator indicated it is proposed that the commission will be completed in September 2020 and appropriate unveiling of the commission will take place.

Moved: Ms Morris                Seconded: Ms Rutecki

That the summary report be noted.

CARRIED

6.2 QUARTERLY REPORT JANUARY - MARCH 2020

Community and Customer Experience - Customer & Cultural Services
File No: PSF/20/115 – Doc No: DOC/20/140739

The Arts and Culture Program Coordinator presented the quarterly report for the period January 2020 to March 2020.

It was noted that the report acknowledged the successful Jazz Festival which took place in the gardens at Bililila Historic mansion, and it was suggested that these types of activities should continue in Bililila gardens in the future. Cr del Porto requested that details of the successful festival be made available to all Councillors.

Moved: Ms Borghese                Seconded: Ms Beninati

That the Board notes the quarterly report for the period January 2020 to March 2020.

CARRIED
6.3 2020-2021 BILLILLA ARTISTS STUDIO PROGRAM

Community and Customer Experience - Customer & Cultural Services
File No: PSF/20/115 – Doc No: DOC/20/140784

Moved: Ms Borghese        Seconded: Cr Castelli

That the Bayside Arts Board approves the following artists for inclusion in the 2020-2021 program at Billilla and allocate the studios as follows:

Martina Copley – Grainger Studio
Julia Gorman – Laundry Studio
Dana Milkins – Marshall Studio
Hayden Spencer and Cartia Farrer Spencer – Traill Studio
Adrian Spurr – Parr Studio
Debbie Symons – Taylor Studio
Lushan Tan – Beckett Studio.

CARRIED

6.4 BAYSIDE ARTS AND GALLERY RESPONSE TO COVID-19

Community and Customer Experience - Customer & Cultural Services
File No: FOL/20/433 – Doc No: DOC/20/144109

The Manager Customer and Cultural Services outlined some the activities undertaken by the Gallery staff during the COVID-19 period and highlighted the high level of engagement through on-line programs.

The Manager Customer and Cultural Services also indicated that preparations are underway to re-open the Gallery on Monday 29 June 2020.

Moved: Ms Morris        Seconded: Ms Borghese

That the Bayside Arts Board notes the content of this report and acknowledges the activities undertaken by staff to continue to provide this service to the Bayside community throughout the COVID-19 pandemic.

CARRIED
7. **General Business**

7.1 **Wall Art**

Cr del Porto referred to previous emails to Board members concerning the proposed provision of wall art across the municipality on suitable sites. The Board expressed a desire to explore wall art/murals further, and it was suggested that Members bring forward prior to the next meeting suggestions locations where murals could be investigated.

Moved: Ms Borghese  
Seconded: Ms Beninati

That Board Members investigate potential locations for murals across the municipality, prior to the July meeting, with a view to further exploring suggested locations at the July meeting.  

CARRIED

7.2 **Committee Charter and appointment of members.**

The Manager Governance advised the meeting that both Ms Tiziana Borghese and Ms Angelina Beninati agreed to extend their term of appointment for a further 12 months. It is was indicated that Council at its meeting in June would formalize this process.

The Manager Governance also advised the Board that due to the introduction of the Local Government Act 2020, the current status of the Section 86 Board meeting will no longer exist as from 1 September, therefore it will be necessary to convert the functions and responsibilities of the Board over to an Advisory Committee of Council. It was indicated no substantial change to role and functions will occur but rather the name and status of the Committee. The Manager Governance indicated that the draft Charter would be considered at the July meeting.

7.3 **Gallery Air Conditioning replacement**

The Director Community and Customer Experience advised the Board that Council has allocated some funds in the draft 2020/21 budget to investigate various options to replace air conditioning for the Gallery. Subject to the outcome of those investigations, it is proposed that a capital works project be developed as part of the 2021/22 Capital Works Program. The Director Community and Customer Experience also advised that the organization has made application to the State government through Regional Development Australia – Melbourne to try and fund this project under COVID-19 Recovery Funding for Local Government.

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

The next meeting of the Board will be held on Wednesday 15 July 2020 at 6:00pm via Microsoft Teams or zoom.

*The Chairperson declared the meeting closed at 7:09pm.*
10. Reports by the Organisation

10.1 PROTECTION OF HERITAGE PROPERTIES IN BAYSGIDE

City Planning & Amenity - Urban Strategy
File No: PSF/20/17 – Doc No: DOC/20/153082

Executive summary

Purpose

To present Council with an approach to protecting heritage properties in Bayside (including mid-century modern properties), in light of a recent letter from the Minister for Planning in relation to Council’s voluntary nomination process.

Background

Council commissioned the Inter-war and Post-War Heritage Study in 2008 to identify and assess places of heritage significance across the municipality that were under-represented in previous heritage studies, focusing primarily on inter-war and post-war places. Though the study was partially implemented through planning scheme amendments C75 and C76, a considerable number of properties identified in the study remain without heritage protection as Council resolved to abandon implementation of the study.

When Council adopted its Heritage Action Plan in 2017, it resolved to commence a mid-century modern heritage study with the first stage focusing on Beaumaris and Black Rock. Council also resolved to apply interim heritage controls to properties in Beaumaris and Black Rock identified in the Inter-War and Post-War Heritage Study.

In April 2018, it was resolved that Council (inter alia):

1. Does not proceed with the mid-century modern heritage study;

2. Abandons Planning Scheme Amendments C158 and C159 and advises the Minister for Planning of Council’s decision;

3. Seeks voluntary nominations from property owners of mid-century modern properties in Beaumaris and Black Rock for investigation for inclusion in a Heritage Overlay.

Through the voluntary nomination process, 8 residential properties and 11 public buildings were identified as being of heritage significance and the Heritage Overlay is to apply to the properties through Amendment C178, currently with the Minister for Planning for a decision.

At its 19 November 2019 Ordinary Meeting, it was also resolved that Council receives a report reviewing the voluntary nomination process following the gazettal of heritage controls forming Amendment C178bays, applying heritage controls to the 19 properties identified through the voluntary nomination process.

Key issues

Minister’s letter

The Minister for Planning wrote to Council on 24 May 2020 expressing his concerns about the voluntary process that Council has undertaken (Attachment 1). The Minister’s letter highlights Council’s responsibilities to ensure that places of scientific, aesthetic, architectural or historical interest are conserved.
The Minister outlines that “the self-nomination process is not appropriate to protect places of heritage significance” and further states that:

“In order to support the council in this important work, (he) intend(s) to make a decision on Amendment C178bays shortly. However, following any decision made on this amendment, the council is requested to respond to the following matters:

- Confirmation from your council to review, update and implement the Inter-War and Post-War Heritage Study which formed part of the abandoned Amendment C158 and C159. The council must ensure this heritage study and citations are up to date and address any outstanding need for further heritage assessment or review.

- Confirmation from your council that it will seek a request for authorisation for a planning scheme amendment to apply the Heritage Overlay to the properties identified in the above review, as well as the proposed timing for exhibition of the amendment, so that the need for heritage protection can be balanced with the requirement to afford natural justice to the land owners of affected properties.

- Ensure that the heritage study and review is undertaken by a suitably qualified and experienced heritage expert, especially in the field of Inter-War and Post-War buildings.

I am advised that there are several locally significant heritage places that are currently under threat of demolition and areas experiencing development pressure, resulting in the loss of buildings and degradation of heritage values. I therefore encourage your council to provide a timely response to the matters outlined in this letter to ensure certainty for the community and provide appropriate protection of heritage places, as required by the Act”.

In relation to the 51 properties within Amendments C158 and C159 which have had citations prepared in the past, there are currently no properties that have lodged section 29A applications besides the Beach Road property which is subject to current VCAT proceedings.

Next steps
Council has the following options to move forward:

- Proceed with the review, update and implementation of the Inter-War and Post-War Heritage Study and investigating mid-century modern architecture in Bayside, drawing upon properties previously considered as significant as well as new assessments

- Write to the Minister for Planning advising that Council will not revisit its decision to pursue a voluntary nomination approach for mid-century modern properties in Beaumaris and Black Rock.

Whilst the voluntary nomination process has resulted in some mid-century properties being protected, the Minister has made it clear that he considers that this is not a satisfactory approach to protecting heritage.

Having regard to the Minister’s letter, it is recommended that Council review the Inter-War and Post-War Heritage Study and progress a mid-century modern heritage study. It appears that proceeding with a study and subsequent planning scheme amendment process is the preferred approach to considering heritage value of a property and that through a Planning Panel process is the preferred method for providing recommendations to Council as to how to proceed on matters such as this.

Whilst Council may continue with a voluntary nomination process if it wishes, a voluntary approach should not be in place of a more detailed study that identifies properties but something that complements Council’s various heritage studies.
An updated Bayside Heritage Action Plan (the Action Plan) is attached to this report (Attachment 2). The updated Action Plan identifies future studies to be implemented in a staged approach to deliver a robust review and implementation of the Inter-War and Post-War Heritage Study. The Action Plan also consolidates studies previously identified to provide a holistic approach to heritage that ensures the protection of places of local heritage significance is achieved over the next 15 years. The long-term program facilitates the consideration of future heritage studies and implementation in future budget processes. It is proposed that a municipal mid-century modern heritage study commences in 2020/21, to be funded from savings in the operation budget and any additional financial support made available by the State Government.

**Recommendation**

That Council:

1. Adopts the revised Heritage Action Plan 2020 (Attachment 2 to this report), which sets out a holistic approach to assessing and managing heritage, including:
   a. Prioritisation of the Mid-Century Modern Heritage Study to commence in 2020/21 to be funded via savings from the operational budget; and
   b. Prioritisation of the Inter-War and Post-War Heritage Study to commence in 2021/22.
2. Continues with an option for a voluntary nomination process where land owners self-nominate their properties for assessment as part of the preparation of future heritage studies.
3. Writes to the Minister for Planning to inform him of Council’s decision and request that additional funding be provided to assist in the preparation of the studies requested by the Minister in his letter.

**Support Attachments**

1. Letter to Bayside City Council - Bayside City Council Heritage Matters ↓
2. Revised Heritage Action Plan 2020 ↓
Considerations and implications of recommendation

Liveable community

Social
Bayside has a rich history and heritage, which the Bayside community is proud to celebrate and possess. Historic buildings, landscapes, places and objects all contribute to Bayside’s liveability, character and community cohesion. Protecting and celebrating these places, objects and artefacts is therefore a vital function of Council, for current and future generations. This is consistent with the Bayside community’s desire to see neighbourhoods and amenity protected, with development sympathetic or responsive to the natural and built environment.

Natural Environment
Protecting Bayside’s unique natural environment and landscape is a priority of the Heritage Action Plan through the recommendations which complement Council existing policies related to the environment, and further work to be undertaken in relation to the identification, assessment and documentation of places of Aboriginal cultural heritage.

Built Environment
Protecting Bayside’s rich history and heritage is a priority of the Heritage Action Plan through the recommendations which complement Council existing policies. Protecting and celebrating these places, objects and artefacts is therefore a vital function of Council, for current and future generations. This is consistent with the Bayside community’s desire to see neighbourhoods and amenity protected, with development sympathetic or responsive to the built environment.

Customer Service and Community Engagement
Implementation of the individual studies outlined in the Heritage Action Plan will be subject to community consultation. Whilst there are divided views in the community in relation to the protection of mid-century modern heritage buildings, opportunity for community engagement will occur through the development of the study and any subsequent planning scheme amendment process.

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

Legal
Council has a responsibility for heritage preservation, consistent with the objective located at Section 4(1)(d) of the Planning and Environment Act 1987 (‘the Act’) to “conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”.

Through his letter, the Minister for Planning suggests that Councils voluntary nomination process is not adequately fulfilling Council’s responsibilities under the Act.
Natural justice to affected land owners will be afforded through a planning scheme amendment process.

**Finance**

It is proposed to reprioritise operational budgets to support the preparation of the municipal mid-century modern heritage study in 2020/21. However, additional support from the State Government should be explored to undertake the heritage studies given the current financial challenges provided by rate capping and the COVID-19 environment.

Council will need to consider funding for individual strategies outlined in the heritage action plan through its annual budget process. It is proposed to stage the Inter-War and Post-War Heritage Study to limit the financial burden.

**Links to Council policy and strategy**

The preparation of the Heritage Action Plan 2017 derives from a recommendation made by the Bayside Planning Scheme Review 2015 to “Ensure important cultural and heritage elements are identified in the planning scheme and afforded appropriate protection”.

To address this recommendation and other heritage related issues identified in the Bayside Planning Scheme Review 2015, the Review identified that Council would develop a Heritage Action Plan in the 2015/16 financial year to review sites/precincts of heritage significance.

The proposed revisions to the Heritage Action Plan will improve the clarity and provide a more realistic timeframe for completing the various studies specified within the Plan.
## Options considered

### Option 1

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Through the revisions to the Heritage Action Plan, commit to undertaking a review of the Inter-War and Post-War Heritage Study and prepare a mid-century modern heritage study.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>This option will ensure that potentially significant properties are identified and the appropriate process undertaken to ensure protection of heritage buildings.</td>
</tr>
<tr>
<td></td>
<td>This will ensure Council is fulfilling its statutory obligations in relation to the identification and protection of significant buildings and places.</td>
</tr>
<tr>
<td></td>
<td>This will allow affected land owners an opportunity to participate in the process through a planning scheme amendment process.</td>
</tr>
<tr>
<td></td>
<td>The revised implementation timeline for the Heritage Action Plan provides a staged approach to the completion of the various studies outlined in the Plan. This provides a more manageable and realistic approach to completing this work.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>There is expected to be opposition from affected property owners about revisiting this issue, given Council has previously abandoned these studies.</td>
</tr>
</tbody>
</table>

### Option 2

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Write to the Minister for Planning advising that Council will not undertake the steps referred to in his letter.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>As Council has previously abandoned these studies, this would be consistent with Council’s adopted position.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>The Minister for Planning has a range of powers available and whilst it is not clear how the Minister may proceed, the Minister may intervene and make a decisions in relation to heritage properties without Council’s involvement.</td>
</tr>
<tr>
<td></td>
<td>This could be perceived to be Council abandoning its obligations under the Planning and Environment Act 1987 in relation to heritage. The consequences of undertaking this approach are unclear as officers are not aware of any other Council pursuing this pathway.</td>
</tr>
</tbody>
</table>
Dear Mayor,

BAYSIDES CITY COUNCIL HERITAGE MATTERS

On 7 April 2020, I received a request from your council to exercise my powers under section 20(4) of the Planning and Environment Act, 1987 to prepare, adopt and approve Bayside Planning Scheme Amendment C178bays. The request seeks to apply the Heritage Overlay to 19 post-war buildings located in Beaumaris and Black Rock, of which, 11 are council owned and eight are privately owned.

I am advised that in late 2018, the council abandoned Amendments C158 and C159, which were municipal-wide planning scheme amendments to apply the Heritage Overlay to 51 inter-war and post-war buildings, due to opposition from some property owners and members of the community. As a result, the council undertook a voluntary nomination process for proposed Amendment C178bays, where owners nominated their properties for heritage assessment and the council subsequently undertook a heritage assessment of places to determine its significance.

I have concerns with the council’s self-nomination approach to the protection of heritage places in your municipality. As a planning authority, your council has a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved. This objective is set out in section 1(d) of the Act and supported by council’s duties as a planning authority under section 12. Further guidance to councils is set out in Planning Practice Note 1 Appraising the Heritage Overlay (August 2018).

Local communities expect local heritage places to be identified and protected, and landowners need certainty when making decisions to sell, purchase or improve their properties. Whilst I note the council’s effort to protect the 19 buildings proposed as part of Amendment C178bays, this self-nomination approach is not appropriate to protect places of heritage significance.

In order to support the council in this important work, I intend to make a decision on Amendment C178bays shortly. However, following any decision made on this amendment the council is requested to respond to the following matters:

- Confirmation from your council to review, update and implement the Inter-War and Post-War Heritage Study which formed part of the abandoned Amendment C158 and C159. The council must ensure this heritage study and citations are up to date and address any outstanding need for further heritage assessment or review.

- Confirmation from your council that it will seek a request for authorisation for a planning scheme amendment to apply the Heritage Overlay to the properties identified in the above review, as well as the proposed timing for exhibition of the amendment, so that the need for heritage protection can be balanced with the requirement to afford natural justice to the landowners of affected properties.
• Ensure that the heritage study and review is undertaken by a suitably qualified and experienced heritage expert, especially in the field of Inter-War and Post-War buildings.

I am advised that there are several locally significant heritage places that are currently under threat of demolition and areas experiencing development pressure, resulting in the loss of buildings and degradation of heritage values. I therefore encourage your council to provide a timely response to the matters outlined in this letter to ensure certainty for the community and provide appropriate protection of heritage places, as required by the Act.

If you would like further information, please contact Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning on (03) 8683 0975 or email jane.homewood@delwp.vic.gov.au.

Yours sincerely

[Signature]

HON RICHARD WYNNE MP
Minister for Planning

24 / 05 / 2020
Bayside City Council

Heritage Action Plan
June 2020
Contents

1. Introduction ........................................................................................................... 3
2. Purpose of the Heritage Action Plan ................................................................. 3
3. Policy Context ....................................................................................................... 4
4. Methodology ......................................................................................................... 5
5. Achievements and Challenges ........................................................................ 6
  5.1. Achievements .................................................................................................... 6
  5.2. Challenges ....................................................................................................... 8
6. Implementation ...................................................................................................... 9
7. Action Plan ........................................................................................................... 11
8. Monitoring and Review ...................................................................................... 11
9. Action Plan Initiatives ....................................................................................... 12

Appendix 1 – Criteria for assessing Cultural Heritage Significance ..................... 18

  Theme 1 – Knowing (identification, assessment and documentation of heritage places) ..................................................................................................................... 19
  Theme 2 – Protecting (statutory protection, policy development, appropriate management) ........................................................................................................... 20
  Theme 3 – Supporting (assistance, advice and incentives to help conserve heritage places) .............................................................................................................. 21
  Theme 4 – Communicating and Promoting (assistance, advice and incentives to help conserve heritage places) ........................................................................ 21

Appendix 3 – Action implementation program ...................................................... 23
1. Introduction

Bayside has a rich history and heritage, of which the Bayside community is proud to celebrate and possess. Historic buildings, landscapes, places and objects all contribute to Bayside’s liveability, character and community cohesion. Protecting and celebrating these places, objects and artefacts is therefore a vital function of Council, for current and future generations.

The purpose of this Heritage Action Plan is to guide Council’s heritage work program, particularly as it relates to the identification, protection, management and promotion of Bayside’s heritage assets for the next 15 years.

The Heritage Action Plan has been developed with reference to Heritage Victoria’s Municipal Heritage Strategies: A guide for Councils (October 2012), which recommends using the following four themes to assist with the identification of issues and opportunities for heritage planning:

- Knowing (identification, assessment and documentation of heritage places).
- Protecting (statutory protection, policy development, appropriate management).
- Supporting (assistance, advice and incentives to help conserve heritage places).
- Communicating and promoting (measures to raise awareness and appreciation of the heritage of the area).

Key recommendations of the Heritage Action Plan include:

- **Heritage studies**: Complete and implement new heritage studies and review and implement outstanding actions from previous heritage studies.
- **Heritage Interpretation**: Prepare a Heritage Interpretative and Communications Plan to guide Council’s program of interpretive signs, walks, exhibitions and other promotional activities.
- **Design guidelines**: Prepare a consolidated set of design guidelines to assist planning permit applicants and residents.
- **Staff training**: Deliver training about Bayside’s indigenous and post-contact history and heritage conservation and explore opportunities to share heritage knowledge throughout the organisation.
- **Access to heritage information**: Improve community access to information about Bayside’s history and heritage places via Council’s website and mobile technologies.
- **Engagement**: Build stronger relationships with community groups, historical societies and other groups involved in heritage related matters.

This Plan builds on the work outlined within the Bayside Heritage Action Plan 2017 having regard to subsequent decisions made by Council and the progress made in delivering the actions from plan.

2. Purpose of the Heritage Action Plan

The purpose of the Bayside Heritage Action Plan is to:

- Identify and assess positive heritage measures already employed by Council;
- Identify opportunities to improve the protection, management and promotion of the Council’s heritage assets (including public and private buildings, parks, gardens, public spaces, objects and other features); and
- Identify and prioritise Council’s future heritage work program over a 15 year period.
The Bayside Heritage Action Plan aims to:

- Ensure the identification, management and protection of Bayside’s heritage assets reflects Bayside’s history and pattern of development;
- Increase community knowledge, appreciation and awareness of Bayside’s history, historic buildings, places and objects;
- Support the community, including community groups, to conserve and promote Bayside’s history, heritage places and heritage objects; and
- Increase community awareness and adoption of best practice heritage conservation techniques.

3. Policy Context

The Bayside Heritage Action Plan has been informed by the following Commonwealth, State and Local policies and strategies:

Australia International Council on Monuments and Sites (ICOMOS)
  First adopted in 1979, the Burra Charter is periodically updated to reflect developing understanding of the theory and practice of cultural heritage management. The current version of the Burra Charter was adopted in 2013.

Commonwealth Federal Government
- Australian Heritage Council Act 2003
- Environment Protection and Biodiversity Conservation Act 1999

Victorian State Government
- Heritage Act 1995
- Aboriginal Heritage Act 2006
- Planning and Environment Act 1987

Bayside City Council
- Making Bayside a Better Place: Bayside City Council Plan (2015 Review)
- Bayside Community Plan 2025
- Bayside Housing Strategy September 2012
- Bayside Library, Arts and Culture Strategy 2012-2017
- Bayside Retail, Commercial and Employment Strategy 2016
- Bayside Open Space Strategy April 2012
- Bayside Environmental Sustainability Framework 2016–2025
- Bayside Coastal Management Plan November 2014
- The Gallery At Bayside Arts and Cultural Centre Board Strategic Plan 2017–2021
- Bayside Art and Heritage Collection Policy 2013
- Bayside City Council Bluestone Kerb and Channel Replacement Policy 2015
- Bayside Heritage Action Plan 2017

Bayside Planning Scheme
4. Methodology

The scope and format of the *Bayside Heritage Action Plan 2017* was informed by Heritage Victoria’s *Municipal Heritage Strategies: A guide for Councils*, October 2012. The 2017 Plan has been used as a guide and updated to have regard to the decisions made by Council since adopting the Plan and provides a revised schedule for implementing the further strategic work outlined within the Plan.

The following activities were undertaken to identify issues and opportunities, which ultimately informed the actions contained in the Plan:

- Audit of previous Council heritage studies in terms of scope and level of implementation;
- Review of the *Bayside Thematic History*;
- Investigation of previous and current heritage communication and interpretive projects;
- Review of heritage related procedures;
- Involvement of relevant Council staff through informal discussion and feedback on the Heritage Action Plan.

The Plan was adopted in July 2017 and updated in June 2020 to have regard to correspondence from the Minister for Planning incorporating a review of the Bayside Inter-War and Post-War Heritage Study 2008.
5. Achievements and Challenges

5.1. Achievements

Council has completed 10 heritage studies and local history projects since it was created by the former Cities of Brighton and Sandringham, and parts of the former Cities of Moorabbin and Mordialloc. Achievements to date include:

Knowing:
- Completion of the Bayside Thematic History, which provides a historical context to Bayside’s development.
- Completion of 10 area based heritage studies and reviews by the Cities of Brighton, Sandringham and Bayside.
- Completion of individual heritage assessments that have resulted in places being included in the Heritage Overlay.
- Completion of the Indigenous Heritage Study.
- Adoption and implementation of standard criteria for assessing places of heritage significance as adopted by the Heritage Council on 7 August 2008 (Appendix 1).
- Completion of the Art and Heritage Collection Inventory Project 2015-2016.
- Completion of a voluntary nomination process for mid-century modern homes in Beaumaris and Black Rock that resulted in 19 buildings places being protected.

Protecting:
- Inclusion of more than 1500 properties in the Heritage Overlay.
- Inclusion of a local Heritage Policy in the Bayside Planning Scheme which provides the foundation for decision making.
- Identification and protection of historic and culturally significant trees and landscapes.
- Conservation of Council owned buildings listed on the Victorian Heritage Register, including:
  - Billilla
  - Black Rock House
  - Brighton Civic Centre
  - Brighton Town Hall
  - Higginbotham Hall
  - Kamesburgh House and Gardens.
- In relation to the CSIRO site in Highett, adopting a draft Development Plan Overlay in May 2015 to protect of the Highett Grassy Woodland.
- Preparation and implementation of the Bluestone Kerb and Channel Replacement Policy 2015, which seeks to preserve bluestone kerb and channel during capital works projects by setting out standards and requirements.
- Acknowledging the contribution the coast and open spaces make to Bayside’s heritage through the preparation and implementation of the Bayside Open Space Strategy 2012 and the Bayside Coastal Management Plan 2014.
Supporting:
- Provision of a Heritage Advisory Service through employment of a contract heritage advisor who provides advice to the Development Services department regarding planning permit applications.
- Collaboration with community groups and historical societies on projects by sharing information and exploring how this information can be used to inform events about Bayside’s history.
- Providing space to community groups and historical societies to meet and operate.
- Commencement of the implementation of the recommendations made in the Bayside Arts and Culture Service Review regarding the use and activation of Council owned and managed heritage buildings.
- Provision of genealogy research services via the Bayside Library Service.

Communicating and promoting:
- Provision of heritage property information via Council’s ‘Heritage’ and ‘Planning Scheme Amendments’ webpages.
- Provision of Heritage Reference Documents from the Bayside Planning Scheme on Council’s ‘Planning Scheme Amendments’ webpage.
- Inclusion of the following trails on Council’s website and integrating them on the Bayside Walks and Trails smartphone app:
  - Trail 1 - Kamesburgh Walk (Brighton)
  - Trail 2 - Landcox Walk (Brighton East)
  - Trail 3 - Castlefield Walk (Hampton)
  - Trail 4 - A Taste of Brighton (Brighton)
  - Trail 5 - Battle of Trafalgar (Sandringham)
  - Trail 6 - Heathland Walk (Sandringham)
  - Trail 7 - Golf Links Lane Walk (Black Rock & Cheltenham)
  - Trail 8 - Whispers and Vistas (Cheltenham)
  - Trail 9 - Moysey Walk (Beaumaris)
  - Coastal Trail (including Art, History, Indigenous and Environment)
  - Architectural Trail
- Inclusion of audio tours on the Bayside Walks and Trails smartphone app.
- Provision of information on Council’s website about the history of Bayside, heritage studies and information related to obtaining a planning permit.
- Activating the Brighton Town Hall by using it as the Bayside Arts and Culture Centre and as the location of the Brighton Historical Society.
- Running exhibitions from the Bayside Arts and Culture Centre that focus on Bayside’s history.
- Activating Council owned and managed heritage buildings to hold events such as the Bayside Design Market and Bayside Artist in Residence program at Billilla Historic Mansion.
- Activating Council owned and managed heritage places by making them available for hire for events such as weddings.
- Installation of interpretive signs throughout the municipality.
- Inclusion of the ‘best heritage renovation or restoration’ category in the annual Bayside Built Environment Awards.
- Activating Council owned heritage buildings by leasing them to organisations such as schools and community groups.
- Availability of Heritage Studies from the Bayside Library Service.
5.2. Challenges

During the preparation of the Heritage Action Plan, several issues were identified which could impact in Council’s ability to achieve its heritage objectives. These challenges include:

Knowing:
- Closing gaps in Council’s knowledge of Bayside’s heritage places, particularly inter-war and post-World War II buildings, structures and features.
- Recording Bayside’s indigenous history, including pre- and post-contact indigenous history.
- Responding to unscheduled requests for heritage assessments of individual properties and places, including parks, gardens and the public realm.
- Enhancing organisational knowledge about Bayside’s history and the conservation and management of Bayside’s heritage places, including how to locate such knowledge.

Protecting:
- Closing the gaps in Bayside’s heritage overlays, particularly inter-war and post-World War II places, heritage properties and heritage precincts identified for protection in previous heritage studies and in the *Bayside Thematic History*.
- Protecting potentially significant heritage buildings not included in the Heritage Overlay from demolition or significant alterations.
- Identifying and protecting historically significant vegetation.
- Correcting anomalies in existing Heritage Overlays.
- Ensuring heritage citations are current, accurate and comprehensive, and can inform heritage planning permit assessments.
- Ensuring public works conserve and enhance Bayside’s heritage places, objects and landscapes.
- Ensuring Council complies with the requirements of the *Aboriginal Heritage Act 2006* in relation to the protection and management of Indigenous heritage.
- Ensuring the objects in Council’s Art and Heritage Collection are documented and stored appropriately.
- Managing the objectives of heritage conservation with other Council and State Government objectives such as environmentally sensitive design, *Disability Discrimination Act 1992* compliance and activity centre policies.

Supporting:
- Building stronger relationships with historical societies, ‘friends of groups and other heritage related organisations to ensure their capacity, sustainability and capability to contribute to Council-led activities.
- Working with developers and landowners to achieve appropriate restoration and conservation outcomes for heritage places.
- Providing training opportunities to Council officers relating to indigenous cultural heritage, post-contact heritage architecture and heritage assessment and restoration processes.
- Implementing the findings of service reviews to reflect community expectations.

Communicating and Promoting:
- Improving access to information about Bayside’s history, heritage places and historical resources, especially via online and mobile technology.
- Promoting best practice conservation techniques amongst the Bayside community.
• Increasing community awareness of Bayside’s Indigenous and post-contact history and about the requirements of the Aboriginal Heritage Act 2006.
• Developing and implementing a consistent interpretive and exhibition program which could include the installation of signs, the development of heritage material (brochures, online apps and online resources) and exhibition of objects related to Bayside’s history.
• Improving community awareness of existing federal and state funding opportunities for conservation works and promotional projects.
• Ensuring that information related to heritage places and objects is easily accessible for the community and Council officers.
• Maintaining Council’s heritage databases, including Heritage Victoria’s Heritage Management Electronic System (HERMES).

6. Implementation

Effective stakeholder relationships are vital to ensuring Bayside’s heritage places are valued and protected now and for future generations. Council works with a broad range of stakeholders such as Heritage Victoria, historical societies, land owners, residents and consultants to identify, protect, manage and promote Bayside’s heritage places.

Within Council, several departments are involved in delivering Council’s heritage commitments and obligations. Figure 1 sets out which departments are responsible for different heritage functions and projects.
### Figure 1 – Council Departmental Responsibilities

<table>
<thead>
<tr>
<th>Theme</th>
<th>Implementation Task</th>
<th>Urban Strategy</th>
<th>Development Services</th>
<th>Open Space, Recreation and Wellbeing</th>
<th>Arts and Culture</th>
<th>City Assets and Projects</th>
<th>Commercial Services</th>
<th>Amenity Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowing</td>
<td>Heritage studies and assessments</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Referrals</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Protecting</td>
<td>New Heritage Overlays</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Conservation Management Plans</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Implementation of Aboriginal Heritage Act 2006</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Conservation works to Council owned buildings and places</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Historically significant trees</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Supporting</td>
<td>Leasing of Council owned heritage buildings and places</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Support historical societies, museums and other heritage</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>related organisations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Communicating and Promoting</td>
<td>Website content</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Heritage brochures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Heritage walks</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Interpretive signs and Plaques</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Historic collections and displays</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
7. Action Plan

The Heritage Action Plan provides initiatives to address the challenges set out in Section 5.2. The Plan identifies the Council department responsible for implementing the initiative. Each initiative is allocated a priority grading.

In order to allocate resources, projects have been prioritised on a scale of 'higher' to 'lower.' While each initiative is subject to Council’s normal budgetary processes, the following timeframe provides a general guide for how the Action Plan should be delivered:

- **Higher:** commence action/project within 1-5 years of adoption of the Heritage Action Plan
- **Medium:** commence action/project in 5-10 years of adoption of the Heritage Action Plan
- **Lower:** commence action/project in 10-15 years of adoption of the Heritage Action Plan
- **Ongoing:** action/project is completed on an ongoing basis.

Each initiative has also been categorised with reference to Heritage Victoria’s *Municipal Heritage Strategies: A guide for Councils* (October 2012), which recommends using the following four themes to assist with the identification of issues and opportunities for heritage planning:

- Knowing (identification, assessment and documentation of heritage places);
- Protecting (statutory protection, policy development, appropriate management);
- Supporting (assistance, advice and incentives to help conserve heritage places); and
- Communicating and promoting (measures to raise awareness and appreciation of the heritage of the area).

The resource requirements listed in the Heritage Action Plan are indicative and are likely to change depending on the final scope and methodology for the different projects. Where budget is required, these are expected to be subject to Council’s annual budget process to secure project funding.

8. Monitoring and Review

The Heritage Action Plan will be monitored every five years through the preparation of a progress report. This report should outline which recommendations have been completed and make recommended adjustments to the Plan as required. The next scheduled review of the Heritage Action Plan will take place in 2025.
9. Action Plan Initiatives

Higher Priority Actions (1-5 years)

<table>
<thead>
<tr>
<th>#</th>
<th>Proposed Initiative</th>
<th>Issue</th>
<th>Source</th>
<th>Theme (as per Heritage Victoria guide)</th>
<th>Council Department Responsible</th>
<th>Effort</th>
<th>Budget allocation requirement (approximate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>H1</td>
<td>Bayside Mid-Century Modern Heritage Study</td>
<td>Undertake a municipal wide heritage assessment of mid-century modern architecture within Bayside.</td>
<td>Bayside Community Plan 2025</td>
<td>Knowing</td>
<td>Urban Strategy</td>
<td>Moderate - High</td>
<td>Yes $150k+</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community sentiment indicates a strong concern regarding the loss of buildings from this era. A Council Output of the Bayside Community Plan 2025 is to &quot;Ensure that areas and places of heritage, environmental and vegetation significance are protected.&quot;</td>
<td>City of Bayside Inter-War and Post-War Heritage Study Planning and Environment Act 1997</td>
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<tr>
<td></td>
<td></td>
<td>The heritage overlay contains a lower proportion of places from the mid-century modern era compared with earlier eras such as the Victorian and Edwardian eras.</td>
<td>Review of Heritage Provisions in Planning Scheme Advisory Committee Consultation Paper March 2007</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Suburbs in the south of the municipality are underrepresented in the Heritage Overlay and this period of architecture is intrinsic to its historical development.</td>
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<tr>
<td></td>
<td></td>
<td>Pursuant to section 4(1)(d) of the Planning and Environment Act 1997, one of the objectives of planning in Victoria is &quot;to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.&quot;</td>
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</tr>
<tr>
<td>H2</td>
<td>Review of the Inter-War and Post-War Heritage Study</td>
<td>Undertake a review of the Bayside Inter-War and Post-War Heritage Study to ensure that properties identified as being of heritage significance are appropriately protected.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>As this is expected to be a municipal wide heritage study, it is anticipated that the project be split into stages to ensure the project is manageable. For example:</td>
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<tr>
<td></td>
<td></td>
<td>- Priority investigation of residential places</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Investigate Maxx Activity Centres</td>
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<tr>
<td></td>
<td></td>
<td>- Investigate Neighbourhood Activity Centres.</td>
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</tr>
<tr>
<td>H3</td>
<td>Review the procurement panel for heritage advice</td>
<td>Following the completion of the three year appointment concluding in 2021, review the effectiveness of having a procurement panel for heritage advice.</td>
<td>Council currently has 7 consultants appointed to its heritage panel.</td>
<td>Urban Strategy</td>
<td>Supporting</td>
<td>Moderate - High</td>
<td>Nil Staff time - $5k</td>
</tr>
<tr>
<td>H4</td>
<td>Approach to ad hoc requests for identifying and assessing places of heritage significance</td>
<td>Develop a clear approach to identify and assess places of potential heritage significance in response to community requests or advocacy.</td>
<td>Heritage Victoria Heritage Strategy Assessment.</td>
<td>Urban Strategy</td>
<td>Protecting</td>
<td>Low</td>
<td>Nil Staff time - $5k</td>
</tr>
<tr>
<td>#</td>
<td>Proposed Initiative</td>
<td>Issue</td>
<td>Source</td>
<td>Theme (as per Heritage Victoria guide)</td>
<td>Council Department Responsible</td>
<td>Effort</td>
<td>Budget allocation requirement (approximate)</td>
</tr>
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</tr>
<tr>
<td>1.1</td>
<td>Indigenous Cultural Heritage</td>
<td>Indigenous cultural heritage is afforded little recognition in the Bayside Planning Scheme. Recommendations to identify, assess and document places of Aboriginal cultural significance were made in the Bayside Planning Scheme Review 2015 and 2011. The Bayside Library, Arts and Culture Strategy 2012-2017 and Bayside Coastal Management Plan November 2014 also make references to the importance of protecting and recognising cultural heritage. The City of Bayside Indigenous Heritage Study was prepared in 2006. The study identified six significant sites. This needs to be balanced with the existing legislation relating to Aboriginal Cultural Heritage and an appropriate approach defined.</td>
<td>City of Bayside Indigenous Heritage Study 2007</td>
<td>Knowing Urban Strategy, Arts and Culture, Open Space, Recreation and wellbeing</td>
<td>Moderate-High</td>
<td>Nil Staff time - &lt;$1k</td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Bayside Heritage Consultative Committee</td>
<td>Investigate the need for the establishment of a Bayside Heritage Consultative Committee to provide input and advice on heritage related matters.</td>
<td>Council does not have a community heritage advisory committee to provide input and advice.</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Supporting Urban Strategy, Communications, Customer and Cultural Services</td>
<td>High</td>
<td>Nil Staff time - &lt;$1k</td>
</tr>
<tr>
<td>1.3</td>
<td>Supporting owners of properties in Heritage Overlay</td>
<td>Investigate how Council could better support owners of heritage properties listed in the Bayside Planning Scheme. Investigate opportunities for funding initiatives from State and Federal Government to establish a heritage financial assistance program to assist owners of heritage places listed in the Bayside Planning Scheme.</td>
<td>While Council’s heritage consultants provide feedback regarding planning permit applications, their role could be expanded. Council does not have a heritage financial assistance program (e.g. a small grants scheme, a loan revolving fund or a rate incentives scheme) to assist owners of places listed in the planning scheme. A business case would need to be investigated.</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Supporting Urban Strategy, Communications, Customer and Cultural Services</td>
<td>Moderate-High</td>
<td>Nil Staff time - &lt;$1k</td>
</tr>
<tr>
<td>1.4</td>
<td>Heritage Interpretime and Communications Plan</td>
<td>Preparing a Heritage Interpretime and Communications Plan that: Promotes walks and trails, Council-owned heritage properties, events, interpretive signage, cultural heritage, Indigenous and post-contact history, planning and heritage (i.e. Heritage Overlay), and the exhibition of Council-owned heritage objects including the use of mobile technologies, social media and traditional media. Investigate how a library/museum repository of publications, guidelines and other material on heritage conservation for use by the community could be established. Investigate how to strengthen relationships with community organisations and key stakeholders related to heritage. Investigate opportunities to improve community engagement relating to Heritage. Develops a plan to inform community organisations and residents of grant programs run by State and Commonwealth agencies. Considers and improves access to heritage knowledge within the organisation, including use of systems, legislation/statutory requirements, process mapping, identify training opportunities and informal briefings. The following issues relate to heritage: process/communication/engagement: There is a need to unify interpretive programs. Heritage information is located in different places on Council’s website. Policy, processes and roles related to Heritage could be clarified to improve service delivery. Trails and walks are promoted on Council’s website, in the media and in brochures. Council has built relationships with heritage related organisations, however these could be stronger.</td>
<td>Interpretive signage emerged from the Amendment C7/P Panel Report (City of Bayside Heritage Review: Brighton Town Hall Precinct) regarding the former fire station at 15-15 Rosehall Street, Brighton. Bayside Library, Arts and Culture Strategy 2012-2017 Other issues emerged from the preparation of the Heritage Action Plan.</td>
<td>Communicating and Promoting Communications, Customer and Cultural Services Urban Strategy</td>
<td>High</td>
<td>Nil to investigate implementation if progressed may have some cost.</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Proposed Initiative</td>
<td>Issue</td>
<td>Source</td>
<td>Theme (as per Heritage Victoria Guide)</td>
<td>Council Department Responsible</td>
<td>Effort</td>
<td>Budget allocation requirement (approximate)</td>
</tr>
<tr>
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</tr>
<tr>
<td>M5</td>
<td>Cooper Street Heritage Precinct Review</td>
<td>Undertake a review of the Cooper Street Brighton Heritage Precinct (H0654).</td>
<td>Cooper Street Precinct (H0654); Panel recommendation to update statement of significance and conduct review of boundary extent has not been progressed.</td>
<td>Amendment C37 and C38 Panel Report (Bayside Heritage Review)</td>
<td>Knowing</td>
<td>Urban Strategy</td>
<td>Low</td>
</tr>
</tbody>
</table>
| M6 | Heritage guidelines | Develop a set of heritage guidelines to supplement the Heritage Policy (Clause 22.05 – Bayside Planning Scheme) and Heritage Overlay (Clause 43.01 – Bayside Planning Scheme). The guidelines should:  
* Clarify the intention of the policies contained within the Bayside Planning Scheme, and  
* Provide appropriate guidance for the development of heritage properties, including adapting buildings to modern living standards.  
Bayside Housing Strategy September 2012  
<table>
<thead>
<tr>
<th>Issue</th>
<th>Source</th>
<th>Effect</th>
<th>Budget allocation</th>
<th>Notes per Heritage Victoria guide</th>
</tr>
</thead>
</table>
| 2. Density planning controls | Bayside Heritage Strategy, April 2012 | Moderate | Nil | $1k to $5k
| 3. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 4. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 5. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 6. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 7. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 8. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 9. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k
| 10. By-ward heritage areas | Bayside Heritage Strategy, April 2012 | Low | Nil | $1k to $5k

Item 10.1 – Reports by the Organisation
## Ongoing Actions

<table>
<thead>
<tr>
<th>#</th>
<th>Proposed initiative</th>
<th>Issue</th>
<th>Source</th>
<th>Theme (as per Heritage Victoria guide)</th>
<th>Council Department Responsibility</th>
<th>Effort</th>
<th>Budget allocation requirement</th>
</tr>
</thead>
</table>
| OG1 | Public Geographic Information System - Heritage                                       | Investigate the need for implementing a public Geographic Information System that provides information on zones and overlays, the following information specific to Heritage should be included:  
- Properties and precincts included in the Heritage Overlay  
- Link to heritage citation study  
- For buildings in heritage precincts, whether a property is contributory or non-contributory to a precinct | Community consultation for the Bayside Planning Scheme Review found that the online version of the Bayside Planning Scheme could be more interactive. The State Government needs the electronic version of the Planning Scheme and Council cannot alter how it is shown or accessed. However, Council is currently considering options to provide a public GIS system that may be able to provide information on town planning such as zones and overlays. If connected to the Planning Scheme text, this would provide easier access to site specific planning information. | Bayside Planning Scheme Review 2013  
- An external feasibility assessment, undertaken as part of the 2015 Arts and Culture service review, assessed the most appropriate governance model for the Gallery at Bayside Arts and Cultural Centre was the establishment of a section 86 Committee, which would best meet growing and changing community expectations. | Communicating and Protecting  
- Urban Strategy, Information Services | High | TEC |
| OG2 | Gallery@BACC Board                                                                  | Continues using the Gallery@BACC Board (Section 86 Committee established under the Local Government Act 1989) to build on the strategic direction and management of the Gallery at Bayside Arts and Cultural Centre and Bayside Art and Heritage Collection | Bayside Arts and Culture Service Review 2015  
- The Gallery At Bayside Arts and Cultural Centre Board Strategic Plan 1971–2001 | Knowing, Protecting, Supporting, Communicating and Promoting  
- Communications, Customer and Cultural Services | High | Yes |
| OG3 | HERMES database review                                                               | Bayside’s HERMES database requires maintenance to  
- Ensure that the heritage status is correctly applied to listed properties.  
- Identify other places that are suitable for inclusion in the HO. | Heritage Review Lindsay House, 9 Bass Street, Brighton, David Hefne Heritage Planning, May 2014  
- Issue emerged during the preparation of the Heritage Action Plan | Protecting  
- Urban Strategy | Low | No |
| OG4 | Bluestone Kerb and Channel Replacement Policy                                       | Council uses its Bluestone Kerb and Channel Replacement Policy to guide public works. | Bluestone Kerb and Channel Replacement Policy | Protecting  
- City Assets and Projects | Low | No |
| OG5 | Bayside Built Environment Awards                                                     | The annual Bayside Built Environment Awards includes a category for ‘Best heritage renovation or restoration’ and for ‘Best renovation/extension to an existing building.’ | Heritage Victoria Heritage Strategy Assessment  
- Communicating and Promoting  
- Urban Strategy | Moderate | No |
| OG6 | Activation of Council owned heritage buildings                                      | Council activates historic buildings by using them for community purposes and public events. | Communications, Customer and Cultural Services  
- Bayside Environmental Sustainability Framework 2016–2025 | Communicating and Promoting  
- Communications, Customer and Cultural Services, Commercial Services | High | No |
| OG7 | Promoting opportunities to hire heritage buildings                                   | Council promotes places such as Brilli Gardens, Kalamang Banu (Gardens and the Brighton Town Hall) for hire as event venues. | Council website  
- Recreation and Events  
- Urban Strategy | Communicating and Promoting  
- Urban Strategy | High | No |
<table>
<thead>
<tr>
<th>#</th>
<th>Proposed Initiative</th>
<th>Issue</th>
<th>Source</th>
<th>Theme (as per Heritage Victoria guide)</th>
<th>Council Department Responsible</th>
<th>Effort</th>
<th>Budget allocation requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>OQ8</td>
<td>Promote trails and walks</td>
<td>Council promotes heritage trails and walks, events and programs its website</td>
<td>Council website</td>
<td>Communicating and Promoting</td>
<td>Urban Strategy</td>
<td>High</td>
<td>No</td>
</tr>
<tr>
<td>OQ9</td>
<td>Availability of Heritage Reference Documents</td>
<td>Heritage Reference Documents are available on 'Planning Scheme Amendments' webpage</td>
<td>Urban Strategy</td>
<td>Communicating and Promoting</td>
<td>Urban Strategy</td>
<td>Low</td>
<td>No</td>
</tr>
<tr>
<td>OQ10</td>
<td>Waiving planning permit fees</td>
<td>Council waives fees for planning permits if the Heritage Overlay is the only requirement for a planning permit</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Supporting</td>
<td>Development Services</td>
<td>Low</td>
<td>No</td>
</tr>
<tr>
<td>OQ11</td>
<td>Heritage training opportunities</td>
<td>Council provides ongoing training opportunities staff on the management of places of heritage significance. Staff to attend relevant events and share this knowledge with the organisation and the community</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Supporting</td>
<td>Urban Strategy, Human Resources</td>
<td>Low</td>
<td>Moderate</td>
</tr>
<tr>
<td>OQ12</td>
<td>Review of Art and Heritage Collection Policy</td>
<td>Further guidance is required from Council's Art and Heritage Collections Policy regarding what heritage objects are being collected and how they are stored</td>
<td>Communications, Customer and Cultural Services</td>
<td>Knowing/Protesting/Supporting/Communicating and Promoting</td>
<td>Communications, Customer and Cultural Services</td>
<td>Moderate</td>
<td>Nil Staff time - &lt;$1k</td>
</tr>
<tr>
<td>OH13</td>
<td>Audit of Council owned heritage buildings</td>
<td>There is no register of Council owned and Council managed heritage places/objects/ collections that are easily accessible and interpretable outside the Planning Scheme and Council's GIS system</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Knowing/Protesting/Communicating and Promoting</td>
<td>Urban Strategy</td>
<td>Low</td>
<td>Nil Staff time - &lt;$1k</td>
</tr>
<tr>
<td>OQ14</td>
<td>Audit of Commonwealth’s Register of the National Estate and National Trust of Australia (Victoria)</td>
<td>It is unclear if properties included on the Commonwealth’s Register of the National Estate and if properties currently classified by the National Trust of Australia (Victoria) are included in the Heritage Overlay.</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Protecting</td>
<td>Urban Strategy</td>
<td>Low</td>
<td>Nil Staff time - &lt;$1k</td>
</tr>
<tr>
<td>OQ15</td>
<td>Conservation Management Plan audit</td>
<td>It is unclear if Council has prepared a CMP for each of the heritage assets it owns and or manages.</td>
<td>Bayside Arts and Culture Review</td>
<td>Heritage Victoria Heritage Strategy Assessment</td>
<td>Protecting/Supporting</td>
<td>Communications, Customer and Cultural Services, Recreation and Events, City Assets and Projects</td>
<td>Low</td>
</tr>
</tbody>
</table>
Appendix 1 – Criteria for assessing Cultural Heritage Significance

These criteria were adopted by the Heritage Council on 7 August 2008 pursuant to sections 8(1)(c) and 8(2) of the Heritage Act 1996 and are also set out in the State Government’s Planning Practice Note 1: Applying the Heritage Overlay for the purposes of assessing the heritage values of a place.

These model criteria have been broadly adopted by heritage jurisdictions across Australia and should be used for all new heritage assessment work. The adoption of the below criteria does not diminish heritage assessment work undertaken before 2012 using older versions of criteria.

Criterion A:
Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B:
Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).

Criterion C:
Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

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

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

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

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

Criterion H:
Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

The Heritage Action Plan has been developed with reference to Heritage Victoria’s *Municipal Heritage Strategies: A guide for Councils* (October 2012). An assessment using the Heritage Strategy Checklist set out in the document was undertaken in order to formulate recommendations in the Heritage Action Plan.

Heritage Victoria recommends using the following four themes to assist with the identification of issues and opportunities for heritage planning:

- Knowing (identification, assessment and documentation of heritage places).
- Protecting (statutory protection, policy development, appropriate management).
- Supporting (assistance, advice and incentives to help conserve heritage places).
- Communicating and promoting (measures to raise awareness and appreciation of the heritage of the area).

**Theme 1 – Knowing (identification, assessment and documentation of heritage places)**

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Has a heritage study to identify places of heritage significance across your municipality been completed?</td>
<td>Yes</td>
</tr>
<tr>
<td>1.2</td>
<td>If a heritage study has been completed, there may still be gaps in the information base. For example:</td>
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<td></td>
<td>• Are there geographical gaps in your heritage study? (Are there parts of the municipality which have not been surveyed as part of a heritage study)?</td>
<td>Yes</td>
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<tr>
<td></td>
<td>• Are there any gaps in the types of places which your heritage study covers? (Does the heritage study primarily concentrate on buildings? Does the heritage study address other types of heritage places including structures, gardens, significant cultural landscapes, public art, monuments and places of significance to people from diverse backgrounds? Does the heritage study adequately consider inter-war and post-war heritage?)</td>
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<tr>
<td></td>
<td>• Is there a need to identify, assess and document places of Aboriginal, archaeological or natural significance?</td>
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<td></td>
<td>• Are there places identified in your heritage study that need to be further researched and documented?</td>
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<tr>
<td>1.3</td>
<td>Has a thematic environmental history been completed for your municipality?</td>
<td>Yes</td>
</tr>
<tr>
<td>1.4</td>
<td>If you have undertaken a heritage study/ies, is the documentation available in the HERMES database?</td>
<td>Yes – review required</td>
</tr>
<tr>
<td>1.5</td>
<td>Are there locally important objects and collections that require assessment?</td>
<td>Yes</td>
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<tr>
<td>1.6</td>
<td>Does the Council allocate modest resources on a regular basis for the identification, assessment and documentation of additional emerging places?</td>
<td>Yes</td>
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<tr>
<td>1.7</td>
<td>Does the Council engage with Registered Aboriginal Parties and Traditional Owner groups?</td>
<td>Yes</td>
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<tr>
<td><strong>Council heritage:</strong></td>
<td></td>
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</tr>
<tr>
<td>1.8</td>
<td>Have all Council-owned and Council-managed heritage places/objects/ collections been adequately assessed and documented?</td>
<td>Yes</td>
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</tbody>
</table>
### Theme 2 – Protecting (statutory protection, policy development, appropriate management)

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<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
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</thead>
<tbody>
<tr>
<td>1.9</td>
<td>Has a register of Council-owned and Council-managed heritage places/objects/collections been compiled? Does this include significant Aboriginal places?</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>If you have undertaken a heritage study/ies, are all places which are recommended in the study/ies for statutory protection listed in your planning scheme (using the Heritage Overlay, Significant Landscape Overlay or other relevant planning scheme instrument)?</td>
<td>No</td>
</tr>
<tr>
<td>2.2</td>
<td>Are all places included in the planning scheme correctly scheduled and mapped (including having the relevant controls triggered) and do each have a statement of significance?</td>
<td>Yes, however older statements of significance should be revised to have regard to criteria in Planning Practice Note 1 Applying the Heritage Overlay.</td>
</tr>
<tr>
<td>2.3</td>
<td>Are places which are currently included on the Commonwealth’s Register of the National Estate provided with statutory protection through your planning scheme? (NB Property on the Register of the National Estate does not have statutory protection. The inclusion of these places in the planning scheme is therefore important. Further information is available at <a href="http://www.environment.gov.au/heritag/places/me">www.environment.gov.au/heritag/places/me</a>)</td>
<td>Further action required</td>
</tr>
<tr>
<td>2.4</td>
<td>Are places which are currently classified by the National Trust of Australia (Victoria) provided with statutory protection through your planning scheme? (NB Places which are solely included on the National Trust Register do not have statutory protection. The inclusion of these places in the planning scheme will ensure a basic compliance with the requirements of the Planning and Environment Act.)</td>
<td>Further action required</td>
</tr>
<tr>
<td>2.5</td>
<td>Are Council staff aware of places that are currently being assessed for their heritage significance (to enable action under s 29 of the Building Act 1993 if required)?</td>
<td>Yes</td>
</tr>
<tr>
<td>2.6</td>
<td>Does Council have a current and effective heritage policy in the Local Planning Policy Framework of its planning scheme? (Does it adequately guide Council’s discretion in assessing permit applications for heritage places?)</td>
<td>Yes</td>
</tr>
<tr>
<td>2.7</td>
<td>Has Council adopted effective heritage guidelines for heritage places? Are these publicly accessible?</td>
<td>No</td>
</tr>
<tr>
<td>2.8</td>
<td>Are all Council staff aware of the statutory requirements of the different types of heritage protection (such as the Heritage Act 1995, the Aboriginal Heritage Act 2006 or the Environment Protection and Biodiversity Conservation Act 1999)?</td>
<td>Yes – relevant staff</td>
</tr>
</tbody>
</table>

**Council heritage:**

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.9</td>
<td>Are all Council-owned or managed heritage assets afforded statutory protection under the planning scheme or other statutory instrument (such as the Heritage Act 1995, the Aboriginal Heritage Act 2006 or the Environment Protection and Biodiversity Conservation Act 1999)?</td>
<td>In the majority of cases, yes</td>
</tr>
<tr>
<td>2.10</td>
<td>Has Council prepared a Conservation Management Plan (CMP) for each of the heritage assets it owns and/or manages?</td>
<td>Further action required</td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Yes/No/Further information required</td>
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<tr>
<td>2.11</td>
<td>Are all Departments within Council aware of the CMPs and do they use them to guide decision-making?</td>
<td>Further action required</td>
</tr>
<tr>
<td>2.12</td>
<td>Does Council have a Redundant Assets Policy and an Assets Transfer Policy to ensure heritage values are adequately protected beyond the use-life of the asset or when it is transferred into the ownership of another?</td>
<td>No</td>
</tr>
<tr>
<td>2.13</td>
<td>Does Council have policies in place for managing and protecting historic infrastructure such as laneways, kerbing and street furniture?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Theme 3 – Supporting (assistance, advice and incentives to help conserve heritage places)**

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Does your Council have a heritage advisor?</td>
<td>Yes</td>
</tr>
<tr>
<td>3.2</td>
<td>Does the availability of the heritage advisor meet demand from the community and Council staff? (Council might also consider a regional heritage advisor program in partnership with neighbouring municipalities)</td>
<td>Yes – available upon request</td>
</tr>
<tr>
<td>3.3</td>
<td>Is the heritage advisor encouraged to perform a public education/education/heritage promotion role?</td>
<td>No</td>
</tr>
<tr>
<td>3.4</td>
<td>Does your Council have a community heritage advisory committee?</td>
<td>No</td>
</tr>
<tr>
<td>3.5</td>
<td>Does your Council have a library and/or online repository of publications, guidelines and other material on heritage conservation for the use of the community?</td>
<td>Yes</td>
</tr>
<tr>
<td>3.6</td>
<td>Does your Council have its own heritage financial assistance program (e.g. a small grants scheme, a loan revolving fund or a rate incentives scheme) to assist owners of places listed in the planning scheme? (Councils might also consider a regional assistance program in partnership with neighbouring municipalities)</td>
<td>No</td>
</tr>
<tr>
<td>3.7</td>
<td>Does your Council require a fee to accompany a planning application for conservation work in the Heritage Overlay? (NB – Some councils waive planning permit fees for minor works or conservation works in the Heritage Overlay)</td>
<td>No application fee applies if the Heritage Overlay is the only trigger for a planning permit.</td>
</tr>
<tr>
<td>3.8</td>
<td>Does Council inform community organisations of grant programs run by State and Commonwealth agencies?</td>
<td>No</td>
</tr>
<tr>
<td>3.9</td>
<td>Does your Council provide support to local historical societies, museums and other heritage-related organisations?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Council Heritage**

| 3.10 | Are Council staff who are responsible for the day-to-day management of heritage assets able to access the heritage advisor or other heritage expertise for advice?                  | Yes                                 |

**Theme 4 – Communicating and Promoting (assistance, advice and incentives to help conserve heritage places)**

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Is heritage place information available to the community through the Victorian Heritage Database?</td>
<td>Yes</td>
</tr>
<tr>
<td>4.2</td>
<td>Does your Council have a publication or other product that provides information about places of heritage significance within the municipality?</td>
<td>Yes – heritage studies</td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Yes/No/Further information required</td>
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<tr>
<td>-----</td>
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<td>---------------------------------------------</td>
</tr>
<tr>
<td>4.3</td>
<td>Does your Council have a program of interpreting places of heritage significance (e.g. plaques or sign boards, heritage trails etc.)?</td>
<td>Yes – where relevant</td>
</tr>
<tr>
<td>4.4</td>
<td>Does your Council have a brochure or does your website provide an explanation of Council’s heritage services and statutory controls?</td>
<td>Yes</td>
</tr>
<tr>
<td>4.5</td>
<td>Does Council use its newsletter or some other publication to promote heritage?</td>
<td>As required</td>
</tr>
<tr>
<td>4.6</td>
<td>Does your Council send periodic reminders to owners of places listed in the planning scheme about the heritage controls in place and any heritage services which Council may provide to owners?</td>
<td>No</td>
</tr>
<tr>
<td>4.7</td>
<td>Is there a heritage award or recognition program operating within the municipality?</td>
<td>Yes – Bayside Built Environment Awards</td>
</tr>
<tr>
<td>4.8</td>
<td>Has Council considered undertaking any collaborative heritage projects (with neighbouring Councils, State Government, education institutions, tourism bodies, local historical societies, multicultural organisations, Registered Aboriginal Parties or Traditional Owner groups etc.)?</td>
<td>Further action required</td>
</tr>
<tr>
<td>4.9</td>
<td>Is there a “main street” program operating within the municipality?</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

**Council Heritage**

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Yes/No/Further information required</th>
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</thead>
<tbody>
<tr>
<td>4.10</td>
<td>Does your Council provide on-going training opportunities for councillors and staff on the management of places of heritage significance (including through &quot;informal briefings&quot; by the heritage advisor and planning staff and through formal training programs like DPCD’s PLANET course)?</td>
<td>Yes</td>
</tr>
<tr>
<td>4.11</td>
<td>Are Council staff responsible for heritage identification, protection and management on Heritage Victoria’s HeritageChat network?</td>
<td>No</td>
</tr>
<tr>
<td>4.12</td>
<td>Does Council’s heritage advisor and planning staff responsible for heritage attend Heritage Victoria’s regular &quot;Local Government Heritage Workshop&quot;?</td>
<td>Yes</td>
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</table>
## Appendix 3 – Action Implementation program

### Higher Priority Actions

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<thead>
<tr>
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<tbody>
<tr>
<td>Mid-Century Modern</td>
<td>H1</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Prepare study</td>
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<tr>
<td>Implementation</td>
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<tr>
<td>Review of Inter-War and Post-War Heritage Study</td>
<td>H2</td>
<td></td>
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<tr>
<td>Prepare staged study</td>
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<tr>
<td>Implementation</td>
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<tr>
<td>Review Heritage Panel</td>
<td>H3</td>
<td></td>
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<tr>
<td>Develop an approach to managing ad hoc requests for heritage protection</td>
<td>H4</td>
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</table>

### Medium Priority Actions

<table>
<thead>
<tr>
<th>Project</th>
<th>Action</th>
<th>2023/24</th>
<th>2026/27</th>
<th>2027/28</th>
<th>2028/29</th>
<th>2029/30</th>
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<tbody>
<tr>
<td>Indigenous Cultural Heritage</td>
<td>M1</td>
<td></td>
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<tr>
<td>Review study</td>
<td></td>
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<tr>
<td>Implement study</td>
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<tr>
<td>Investigate a Bayside Heritage Consultative Committee</td>
<td>M2</td>
<td></td>
<td></td>
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<tr>
<td>Investigate supporting owners of heritage properties</td>
<td>M3</td>
<td></td>
<td></td>
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<tr>
<td>Heritage Interpretive and Communications Plan</td>
<td>M4</td>
<td></td>
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<tr>
<td>Prepare plan</td>
<td></td>
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<tr>
<td>Implement plan</td>
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<tr>
<td>Cowper Street Brighton Heritage Precinct Review</td>
<td>M5</td>
<td></td>
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<tr>
<td>Heritage Guidelines</td>
<td>M6</td>
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<tr>
<td>Review Castlemfeld Precinct Heritage Guidelines</td>
<td>M7</td>
<td></td>
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<tr>
<td>Prepare Heritage Guidelines</td>
<td></td>
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<tr>
<td>Implement Heritage Guidelines</td>
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</table>
### Lower Priority Actions

<table>
<thead>
<tr>
<th>Project</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of Existing Heritage Citations</td>
<td>L1</td>
</tr>
<tr>
<td>Audit and Gaps Analysis</td>
<td>L2</td>
</tr>
<tr>
<td>Thematic History Implementation</td>
<td>L3</td>
</tr>
<tr>
<td>Review Thematic History</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Geographic Information System (GIS) - Heritage</td>
<td>O61</td>
</tr>
<tr>
<td>Continue supporting Gallery@BACC Board</td>
<td>O62</td>
</tr>
<tr>
<td>HERMES database review</td>
<td>O63</td>
</tr>
<tr>
<td>Bluestone Kerb and Channel Replacement Policy</td>
<td>O64</td>
</tr>
<tr>
<td>Bayside Built Environment Awards</td>
<td>O65</td>
</tr>
<tr>
<td>Activation of Council owned heritage buildings</td>
<td>O66</td>
</tr>
<tr>
<td>Promoting opportunities to hire heritage buildings</td>
<td>O67</td>
</tr>
<tr>
<td>Promote trails and walks</td>
<td>O68</td>
</tr>
<tr>
<td>Availability of Heritage Reference Documents</td>
<td>O69</td>
</tr>
<tr>
<td>Waiving planning permit fees</td>
<td>O610</td>
</tr>
<tr>
<td>Heritage training opportunities</td>
<td>O611</td>
</tr>
<tr>
<td>Review of Art and Heritage Collection Policy</td>
<td>O612</td>
</tr>
<tr>
<td>Audit of Council owned heritage buildings</td>
<td>O613</td>
</tr>
<tr>
<td>Audit of Commonwealth’s Register of the National Estate and National Trust of Australia (Victoria)</td>
<td>O614</td>
</tr>
<tr>
<td>Conservation Management Plan audit</td>
<td>O615</td>
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</table>

### Ongoing Actions
Executive summary

Purpose

To present Council with an update on the progress of the Neighbourhood Character Review project and outline the proposed approach for community engagement.

Background

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

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

At its 17 December 2019 Ordinary Meeting, Council was presented with an overview of the scope of the project and the key stages. The key stages of the review are:

**Stage 1 and 2:** Research and analysis of Bayside’s planning scheme and any other policies which guide neighbourhood character. This stage included consultation with internal stakeholders including statutory and strategic planners and arborists. (Completed)

**Stage 3:** Using the information gained from the research and consultation, the consultants prepared a detailed analysis evaluating the effectiveness of the neighbourhood character provisions, having regard to metropolitan strategy, State policy, VCAT case law, existing developments and preferred directions for character. (Completed)

**Stage 4:** Following evaluation of existing policy, draft updated Neighbourhood Character Guidelines are being prepared for Neighbourhood Residential Zoned areas and residential precincts within Major Activity Centre boundaries.

During this stage, officers will also undertake community engagement to increase awareness of the project. The engagement aims to:

- provide a clear contextual understanding of the scope of the project;
- increase awareness of neighbourhood character for residents; and
- seek feedback on the draft character guidelines.

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

Stages 1, 2 and 3: Complete
The project has been progressing as scheduled despite disruptions in working conditions during the outbreak of the COVID-19 pandemic. Stages 1, 2 and 3 have now been completed.

The background research was undertaken in conjunction with internal stakeholder consultation in order to provide the consultants with a strong understanding of the issues associated with neighbourhood character policy. Bayside’s existing neighbourhood character controls have been reviewed including site visits to each precinct. The criteria for assessing the effectiveness of Bayside’s existing policy was:

- The legibility of the policy and controls
- Whether the provisions are up to date and contain correct decision-making guidance
- Whether other policy responses or controls have emerged
- Whether policy is redundant
- How have decision-makers used and applied the policy.

Stage 4 - Proposed Engagement Approach
The consultant is currently finalising draft updated Neighbourhood Character Guidelines for officer review. These will be considered and tested before the recommendations and revisions to the preferred character statements are presented for community consultation through the next stage of the project.

For many residents, the preservation of neighbourhood character is seen as a way to manage increased density and change. For this reason, the Bayside community has high expectations as to what this project will be able to deliver. However, an improved neighbourhood character policy will not prevent increased housing development across Bayside. This is for a number of reasons which will be clearly articulated to the community during the engagement period.

Despite having a robust neighbourhood character planning framework, the neighbourhood character controls in the Planning Scheme can only guide and manage built-form to a certain degree.

As a result of this mismatch between expectations and reality, a key component of this engagement will be managing expectations of the community to ensure they match the reality of what can be delivered through this project. This will be done through an extensive ‘inform and educate’ process.

It will be important to provide substantial background information for residents so they understand exactly what neighbourhood policy is (and what it is not), how much Planning Schemes can influence built form outcomes and how this Review has been carried out.

Residents will be invited to the project webpage where they will be able to locate their address via an interactive map and learn which neighbourhood character precinct they are in. They will then be able to view the description of their precinct and any proposed changes to the preferred character statement. Feedback on the description will be able to be provided via this webpage. The provision of background information to ensure the remit of neighbourhood character policy is clear will be critical, and the use of short educational videos and factsheets addressing questions and the misconceptions that often arise around neighbourhood character issues.
Wide spread promotion of the project will be important in reaching a significant portion of the municipality. In addition, further opportunities for comment from the community will be available through the Planning Scheme Amendment process.

**Negotiables of the engagement process:**
Through the engagement process, the primary areas that the community will be able to influence include:

- Whether the edited preferred character statements are supported
- Identification of any additional character elements that residents feel the consultants have not captured
- Localised precinct boundary changes.

**Non-negotiables of the engagement process:**
It will be important for the community to understand that the following items cannot be meaningfully influenced through the engagement process:

- That protecting neighbourhood character is not about stopping or restricting development, but rather the built form characteristics that new development is required to respond to
- The application of large scale Neighbourhood Character Overlays are not within the scope of the amendment, as there is strict circumstances for when this tool can be used, and it is not within the scope of this project
- Preferred architectural styles cannot be encouraged or discouraged over other types of development.

**Stage 5: Still to come**
Following community consultation, the final stage will be the documentation for implementing the updated policy into the Bayside Planning Scheme. This stage will be undertaken once community and stakeholder consultation has taken place as the feedback received will inform the final content of the updated policy.

**Next steps:**
Officers are continuing to work with the consultants to refine the recommendations and the preferred neighbourhood character statements before these are presented to the community for consideration. This is expected to occur in late 2020 / early 2021.

Following consultation, Council will consider the feedback received and prepare the appropriate planning scheme amendment documents before June 2021.

**Recommendation**
That Council notes the update on the Neighbourhood Character Review project.

**Support Attachments**
Nil
Considerations and implications of recommendation

Liveable community

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

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

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

Customer Service and Community Engagement
Council already has a robust neighbourhood character planning framework and the review project will identify the areas that the framework can be improved. A key component of this project will be managing expectations to ensure residents understand what can and cannot be achieved through neighbourhood character controls. To achieve this, residents will need to be well informed on the context of Bayside’s Neighbourhood Character policy so they understand the limitations and the opportunities for improvements. Background information will assist residents in understanding how this review has been carried out and how much Planning Schemes can influence built form outcomes.

The proposed tools for achieving this are:

- An interactive map which participants can search for their property and see which precinct they are in
- Detailed information on what changes are proposed for that precinct
- Brief subject-specific videos on key interest topics
- Frequently Asked Question Factsheets
- Phone meetings with project officers.

Wide spread promotion of the project will be important in reaching a significant portion of the municipality. The proposed tools for notification are:

- An article in Let’s Talk Bayside
- On-hold message
- Email blasts to interested parties and key resident stakeholder groups
• Municipal-wide notification.

Neighbourhood character has historically been a contentious issue for the community. It is expected there will be a high level of engagement with this project and an approach that is upfront and transparent on what can realistically will be achieved is proposed to manage any negative reaction from the community. Clear messaging what the community can and cannot be delivered is vital in delivering an outcome that will be acceptable to the community.

**Human Rights**

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

**Legal**

The Neighbourhood Character Review is not considered to have any legal implications. Should the review recommend changes to Bayside Planning Scheme, an amendment will need to be prepared and exhibited pursuant to the *Planning and Environment Act 1987*.

**Finance**

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

**Links to Council policy and strategy**

*Bayside City Council Plan 2017 – 2021*

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

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

City Planning & Amenity - Urban Strategy
File No: PSF/20/17 – Doc No: DOC/20/169764

Executive summary

Purpose and background
To present Council with an update on the State Government changes to the Planning Scheme, which integrate the State and Local Planning Policy Frameworks into the new Planning Policy Framework (PPF).

The Deputy Secretary for Planning from the Department of Environment, Land, Water and Planning (DELWP) wrote to Councils in April 2018 to advise that DELWP intended to implement changes to the form and content of planning schemes in June 2018 in accordance with its Smart Planning Program.

Planning Scheme Amendment VC148 was gazetted in July 2018 which made substantial changes to the structure of all Planning Schemes. In addition to a substantial editing process to relocate and remove sections of the Scheme, the State and Local Planning Policy Frameworks are to be integrated into one section (now to be known simply as the Planning Policy Framework) with a new Municipal Planning Strategy clause which provides for the local vision of a municipality (restricted to 5,000 words).

At its 21 May 2019 Ordinary Meeting, it was resolved that Council (inter alia):

- 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.

Key issues
Since January 2019, Council has been liaising with DELWP to agree on revised draft planning scheme ordinance to ensure that the existing planning scheme can be translated into the new format without losing any of the existing policy guidance contained within the LPPF.

The objective of the discussions has been to ensure that the unique characteristics of Bayside are reflected in the revised controls, and to ensure that it is clear how each policy statement within the current scheme aligns with a State objective.

Overall, the preliminary outcomes have been positive with officers and DELWP able to agree on most items. The primary changes have been to avoid duplication of policy and ensure policy statements are made clearer.

DELWP has taken longer than anticipated to respond to Council’s comments on the first draft, which has resulted in the translation process being delayed. Officers are continuing to negotiate with DELWP on a final version of the new Planning Scheme, which is expected to be presented to Council in the coming months.

Recommendation
That Council notes the report and receives a further report with the final new format Planning Scheme at or before the 18 August 2020 Ordinary Meeting of Council.
Considerations and implications of recommendation

Liveable community

Social
There are no social implications arising from this report.

Natural Environment
As the translation process will be policy neutral, there are no implications for the natural environment.

Built Environment
As the translation process will be policy neutral, there are no implications for the built environment.

Customer Service and Community Engagement
There are no customer service or community engagement implications for this report as the translation process is being led by the State Government and is to be policy neutral.

Human Rights
The implications arising from this report will not breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal
There are no legal implications arising from this report. Once Council endorses the draft Planning Scheme, a planning scheme amendment process will be initiated by the Minister for Planning.

Finance
There are no financial implications arising from this report.

Links to Council policy and strategy
The changes to the format of the Planning Scheme is a result of the State Governments Smart Planning initiative.
Executive summary

Purpose and background
To present Council with officer submissions made to the Department of Environment, Land, Water and Planning (DELWP) on behalf of Council regarding:

1. Proposed changes to the planning legislation relating to potentially contaminated land
2. Proposed changes in relation to planning controls for non-government schools.

The timelines for providing input into both processes did not allow sufficient time for Council to consider and endorse the officer submissions prior to them being made.

Key issues

Environment Protection Act
In response to reforms to the Environment Protection Amendment Act 2018, there are reforms proposed to the controls within Planning Schemes, as well as a ministerial direction and Planning Practice Note, to guide how planning authorities deal with potentially contaminated land.

The changes have been developed in partnership with the Environment Protection Authority (EPA) and propose a range of improvements to ensure an efficient process for dealing with planning permit applications for potentially contaminated land.

Primarily, the main focus of the changes is to make administrative changes to integrate environment protection framework into planning provisions. There are also limited updates that accommodate newer approaches and address known operational issues. The officer submission is provided at Attachment 1.

Overall, the changes are considered positive and whilst Council is submitting that further changes should be incorporated and some clarifications provided, these are largely minor and will not substantially alter the intent of the proposed provisions.

VC176 – Changes to Planning Schemes in relation to non-government schools
The proposed reforms to be introduced through VC176 will implement a fast-track process for all non-government schools and broaden the Minister for Planning’s role as responsible authority for new schools and significant expansions to existing schools. The officer submission is provided at Attachment 2.

In summary, the amendment proposes to:

- Provide greater clarity in the Planning Scheme that schools should be treated differently to residential uses
- Provide for any works on non-government schools within a residential zone with an estimated cost of less than $500,000 to be subject to a VicSmart process
- Exempt all development on non-government school sites from public notice requirements

- Make the Minister for Planning the responsible authority for applications on non-government school land where the cost of works is over $4 million. For these applications, Councils will be provided a referral as a recommending referral authority.

Whilst officers support the need to ensure that non-government schools can be subject to a fast track process for minor works, Council’s submission outlines that there is insufficient explanation provided as to why these particular changes are proposed. Council considers that the proposed value for VicSmart applications should be reduced to $200,000 to provide for minor works, considering that there is a lot that can be built for $500,000 which may deserve a more thorough assessment.

Council does not support all applications on non-government schools from being exempt from public advertising. Council is suggesting that a criteria be developed to ensure that particular circumstances may be exempt. However, if significant works are proposed within a specified distance of a boundary to a residential property (and other circumstance), Council is suggesting that these should be subject to public advertising to ensure that nearby residents have an opportunity to provide input and negotiate an outcome where appropriate.

Council does not support the Minister for Planning becoming the responsible authority for applications over $4 million. There is no reason provided as to how this will benefit the assessment process. Council’s submission indicates that this appears to be an attempt to minimise the role that Councils and communities play in planning outcomes rather than a meaningful attempt to improve the process for the assessment of developments.

The idea of reforms are supported through Council’s submission. However, the submission indicates that the changes proposed lack robust justification and should be substantially revised before being implemented.

**Recommendation**

That Council endorses the submissions made by officers regarding:

1. Proposed changes to the planning legislation relating to potentially contaminated land.

2. Proposed changes in relation to planning controls for non-government schools.

**Support Attachments**

1. Attachment 1 - Council submission on Integrating Environmental Protection Reform into Land Use Planning ↓

2. Attachment 2 - Council submission proposed Amendment VC176 - Non-Government School Planning Changes ↓
Considerations and implications of recommendation

Liveable community

Social
The changes proposed by DELWP have an indirect relationship to social impacts in terms of whether land use activity is appropriately located to minimise impacts to human health. Higher amenity urban areas generally foster greater levels of physical activity and social interaction.

Natural Environment
The changes proposed in relation to managing potentially contaminated land will ensure that environmental impacts are properly considered through the planning permit assessment process.

Built Environment
The reforms proposed are intended to improve the operations of the Planning Scheme and therefore ensure that built environment outcomes are delivered more efficiently and with greater certainty for proponents.

Customer Service and Community Engagement
No community engagement has occurred through the development of Council’s submissions to the DELWP processes.

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

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

Finance
There are no financial implications as a result of this report. There may be minor impacts in relation to reduced planning permit fees should the changes to non-government schools be introduced.

Links to Council policy and strategy
The 2011 and 2015 Bayside Planning Scheme Reviews identified the need to provide greater certainty as to the future development outcomes on non-government school sites. The reforms proposed are generally consistent with Council’s approach to improving certainty, although a different approach to achieving this is proposed.
Engage Victoria - Your submission has been received on Integrating environment protection reform into land use planning

Hi Guest,

Thank you for your submission on Integrating environment protection reform into land use planning through Engage Victoria.

A copy of your submission is provided below:

For each of the proposed changes your submission could:

- state your (or your organisation's) position on the proposed policy amendments.
- explain your position, supporting your explanation with evidence as you see fit
- explain any other change you would like

a. Feedback on proposed changes to VPP clause 13.04-15 Potentially contaminated land
Council considers that the proposed drafting clearly articulates the expectations on land owners when making an application for land deemed as being potentially contaminated. It is noted that the Practice Note, whilst not specifically referenced within the Clause, will provide planning authorities the appropriate guidance on which level of assessment to require from applicants.

b. Feedback on proposed changes to VPP clause 45.03 Environmental Audit Overlay
The changes are positive and can be supported. • The proposed changes clarify (expand) the definition of "sensitive use". • The addition of the “preliminary risk screen assessment” is welcome as an audit is not always necessary. The current provision provides no other option. • The inclusion of a number of exemptions is a logical improvement on the current provision. Council observes that the purpose of the EAO has been amended to remove reference to implementing the Municipal Planning Strategy and Planning Policy Framework. Council considers that these are important elements that should be retained in the purpose to the control, so that there is a clear link across the Scheme. It would be beneficial to understand DELWP's reasons for removing this, as it is not easily understood from the draft documentation available. Council considers that there is
opportunity to improve the drafting of the EAO to ensure that it is clear how the provision will
be applied. For example, the proposed EAO requires that a notice be given when no permit is required. Whilst the Practice Note references that enforcement is to be undertaken by the
Planning Authority, it appears that this relates to instances where permit conditions have not been complied with and not with a situation where no planning permit is required regardless of compliance with the provision. The Practice Note states that a responsible
authority becomes aware that an occupier is failing to comply with requirements set out in the
planning scheme or planning permission, enforcement procedures under the Planning and Environment Act 1987 are available. These may include planning infringement notices, enforcement orders or prosecution through the Magistrates Court. Where the failure to comply with Statement conditions results in a site not being suitable for its current use, EPA may issue a Notice under the
Environment Protection Act 2017. This also applies where the non-compliance results in pollution or a likelihood of pollution of another segment of the environment. EPA is responsible for ongoing management under a site management order or other remedial notice issued under the
Environment Protection Act 2017. Depending on the nature of the conditions, other agencies may
also have a role in enforcement. It is considered that the drafting of the EAO can potentially create scenarios where no permission is required under the Planning Scheme however the planning
authority is responsible for enforcing compliance, despite having no other role in the assessment
process (given the EPA are the authority in relation statements of audit). In those situations,
Council's only available approach to achieve compliance is to write to land owners informing them
of their responsibilities under the EAO, and to encourage the land owner to liaise with the EPA to
ensure it is complying with the EAO requirements. This is not an efficient use of Council resources
given the requirements are clear within the Environment Protection Act 2017 and the overlay
provisions should be revised. A potential solution may be to redraft the provision to specify that no
planning permit is required for a sensitive use provided an environmental audit statement is
granted. This would encourage land owners to achieve compliance so that they are not requiring a
permit for 'use', and if an application is made, Council must consider the appropriate pathway for
an assessment as outlined in the Practice Note. Alternatively, the EAO could be amended to
specify that a planning permit is required to operate a sensitive use on land within the EAO. This
would ensure that the appropriateness of a sensitive use on land affected by an EAO is assessed
under the Planning Scheme whether or not the use requires a permit under the zone. In addition,
the second exemption outlined within the EAO makes reference to 'soil disturbance'. It is
considered that this term lacks certainty and it would be beneficial if this were more clearly defined
as to what constitutes disturbance. Further, whilst Council recognises that for the most part,
deferring an environmental audit as a permit condition may be a suitable outcome, Council does
not presently have sufficient evidence to validate the appropriateness of this approach in Bayside.
In Council's experience, most sites affected by an EAO that have deferred an audit to a planning
permit condition have been able to be remediated prior to the commencement of the use, and therefore there is no issue. Council seeks guidance from the EPA/DELWP as to whether there are certain types of uses that this approach may not be suited to. In the event that some land uses may not be able to be successfully remediated, this would potentially prevent the land owner from being able to operate the permit as the conditions imposed would not be able to be met. Council is concerned that this without having access to the data to interrogate this issue further, it is reliant on DELWP and the EPA having undertaken the appropriate analysis to determine that this is an appropriate approach to be taken. It is considered that the drafting of the EAO could be revised to provide a clearer link to the Preliminary Risk Screen Assessment at the planning permit stage that is afforded by the Ministerial Direction. Currently, the EAO is drafted so that it solely requires an audit prior to the commencement of a use (and other situations). In determining whether a site within an EAO is suitable for a sensitive use, greater certainty is required before the granting of the permit that the conditions imposed will be able to be achieved. For example, if an audit was to determine that the site could not be feasibly remediated to allow a sensitive use, or that it would be cost prohibitive, it is not reasonable to impose this as a condition of permit. It is suggested that for land within an EAO, a Preliminary Risk Screen Assessment should be provided as an application requirement to ensure that planning authorities have sufficient information available to properly consider a planning permit application. This would also provide land owners the opportunity to properly understand the impacts of potential contamination on the proposed use in advance. Deferring consideration of whether the land is suitable for a proposed use to a condition of permit is considered to be poor practice and it is considered that this should be reconsidered. It is important to ensure that the wording of any planning permit condition is effective and does not defer what should be a primary consideration (the appropriateness of a land use) to be considered as a secondary consideration (via permit condition).

c. Feedback on proposed changes to VPP clauses 65.01 and 65.02
It is proposed to amend Clauses 65.01 / 65.02 to include the following: Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: • Any significant effects the environment, including the contamination of land may have on the use or development. Whilst Council supports the inclusion of a consideration for potential contamination within these clauses, the drafting of this wording at Clauses 65.01 and 65.02 allows for any significant effects the environment may have on the use or development to be considered. A literal interpretation of the word ‘any’ would result on this provision allowing climate change and other environmental factors to be considered in determining the effect on a use or development. It is assumed that it is not the intent to allow consideration of ‘any’ environmental impact, rather to limit the environmental impacts to those which include the potential for land contamination. The current drafting affords planning authorities to consider all effects arising from the environment – fire, flood,
sea level rise, erosion, contaminated land, etc. It is suggested that DELWP may wish to consider whether this is the intent of the proposed change or whether a review of the proposed wording is required.

d. Feedback on proposed changes to VPP clause 73.01 General Terms – definition of ‘potentially contaminated land’
Council supports the proposed definition of potentially contaminated land.

e. Feedback on changes to Ministerial Direction No. 1 – Potentially Contaminated Land
Council supports the level of guidance and drafting within Ministerial Direction 1 as to how Councils can satisfy themselves about potentially contaminated land. In relation to a Council satisfying itself that land within a planning scheme amendment has been considered, currently, the section to confirm this within the Explanatory Report template falls under the heading ‘Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?’ Council is seeking further clarification from DELWP on the future expectations of planning authorities in preparing planning scheme amendment documentation, particularly the Explanatory Report, and the level of information that may required to describe the measures Council has taken to satisfy itself that land within the amendment is not potentially contaminated. Ministerial Direction 1 states that ‘where a planning authority has determined land is not potentially contaminated it must state the determination in the amendment documentation.’ Council is seeking confirmation as to whether simply ‘stating’ this will satisfy DELWP or whether further information as to compliance with the Ministerial Direction is likely to be required.

f. Feedback on changes to Planning Practice Note 30 – Potentially Contaminated Land
The changes proposed are generally supported. The main reference in this section Council wishes to highlight is the comment on page 10, under the heading ‘What level of assessment is required?’ that states: ‘Council should consider whether further information or advice from an expert should be sought to assist in determining what level of assessment is required. This enables planning decisions to be made with the knowledge of the condition of the site and the most satisfactory site management strategies. Council considers that the planning framework should clearly provide guidance on the level of assessment required. The Practice Note does go a considerable way to outlining the level of assessment required for each of the different circumstances, however the provisions could be strengthened to provide greater clarity on the role of the EPA in the planning process. Council considers that the need for external technical advice should be minimised, as the EPA are the predominant authority and Council will generally rely on advice from the EPA to determine whether it is satisfied with a particular approach. The approach outlined in Page 11 of the revised practice note is clear, and that this should obviate the need for Council’s to obtain...
further external advice on the level of assessment required. Council considers that with the reforms to the management of contaminated land, the EPA will play a greater role in assessing applications for potentially contaminated land. Whilst Council understands the relationship between the Environment Protection Act 2017 and the Planning and Environment Act 1987, it is considered that where an Environmental Audit Overlay exists on land, there is merit in requiring Council to provide a mandatory notice of the application to the Environment Protection Authority. The introduction of a mandatory notice requirement pursuant to Section 52(1)(c) would assist Council’s to ensure that the EPA is made aware of applications and has the opportunity to comment prior to a decision being made. This may also ensure that EPA is informed of the relevant processes occurring in relation to contaminated land and may benefit from being provided an opportunity to comment. This would also benefit Council’s as the EPA may provide Council with the relevant information to assist Council to make a decision on the application. Using a Section 52(1)(c) approach compared with a Section 55 referral would allow greater flexibility as to if/how the EPA would respond, as there is no specific obligation for the authority to do so. It is also unlikely to generate the efforts required within the EPA in responding to a Section 55 referral. Further, the Practice Note states that in some circumstances where a Statement of Environmental Audit is issued, it may also be possible to remove the EAO. For example, where an audit statement determines the land is not contaminated or the requirements of the audit have been completed and the land has been remediated. The timely removal of an EAO will avoid costly and time-consuming requirements for all parties. It would be beneficial to clarify whether an EAO should be removed where a statement of audit recommends ongoing management measures for a site. Also, if a statement of audit confirms that one particular sensitive use is acceptable, consistent with an application for a planning permit, it will need to be confirmed to Council the site has been remediated and is suitable for all sensitive uses before Council may agree to remove the EAO in its entirety. In addition to the comments made earlier relating to the example permit condition, Council has some concerns in relation to the wording of the recommended planning permit condition included within the Practice Note: 1. Prior to the commencement of the use of buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1989) the applicant must provide: (a) An environmental audit statement issued under section 208 of the Environment Protection Act 2017. A Statement must state that the site is suitable for the use and development allowed by this permit. 2. Recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works. As outlined earlier, Council has concerns about including a primary consideration (being whether a site is suitable for a proposed use) as a permit condition and
considers this inappropriate. The implementation of the condition may be difficult also, as Council would be required to enforce compliance with the condition under the Planning and Environment Act 1987 however the audit statement would be issued under the Environment Protection Act 2017. The wording of the second condition may be problematic as it lacks clarity. It is unclear in the drafting of the final sentence what “sign off” is to mean, and whether satisfying the EPA under their legislation is equal to satisfying Council as the responsible authority for the purpose of the planning permit. It is considered that greater clarity could be provided to outline whether satisfying one authority is equal to satisfying the other – one would assume not, given the separate legislation affecting this.

Do you have any other comments on the proposed changes?

The EAO currently affects a number of properties across Bayside but there is the potential that further properties could be covered by the EAO in future if rezoning of land is undertaken of sites with a current/previous commercial or industrial use. In 2018, Amendment C155 was gazetted which introduced the Environmental Audit Overlay (EAO) to 116 private properties across Bayside identified as having a high or medium risk of potential contamination due to an existing or historic land use, and introduced a requirement in local policy relating to future sensitive uses in the Bayside Business District to provide a Preliminary Site Investigation consistent with Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended) on land proposed to be used for a sensitive use. Final Comments: The changes are positive and can be supported across the board. In particular, the amended EAO (Clause 45.03) to provide exemptions and preliminary steps is a vast improvement on the current clause because over time, Councils have applied the EAO to many different situations and not all forms of development or changes in land use will require a full audit, or any remediation, in some cases.

Upload your submission here

No file specified

I am making this submission

on behalf of a local council

Name

Tom Vercoe

Name of organisation (if relevant)

Bayside City Council
Contact email - confirmation of your submission will be sent to this address

tvercoe@bayside.vic.gov.au

Privacy Collection Notice

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws. The submission you provide to DELWP will be used to help finalise proposed updates to planning provisions and related planning documents.

The information you provide will be made available to DELWP and Environment Protection Authority Victoria (EPA) and de-identified, to develop a consultation report. This report will be made available online. Your contact details may be used to contact you should we need to clarify your submission or to provide you with project updates.

To protect individual privacy, DELWP will remove your name and address from your submission when we receive it. If you do not wish to be identified, please ensure there is no other information in your submission that could identify you or other individuals.

De-identified submissions may be used by DELWP, EPA, or its contracted service providers under confidentiality agreements, in preparing its recommendations to government.

Please note, if all requested information is not received we will not be able to process your submission. If you do not provide your email address we will not be able to identify your submission if you wish to access it, make a correction, or require technical support.

Should you need to correct the information you provided or gain access to your submission, please contact us via email at epa.reform@delwp.vic.gov.au.

You have the right to access and correct your personal information. Requests for access should be sent to the Manager Privacy, P.O. Box 500 East Melbourne 3002 or contact by phone on 03 9637 8697.

I agree to the privacy statement

yes

Regards,
The Engage Victoria Team
Submission to proposed Amendment VC176 – Changes for non-government schools
Executive Summary

All schools are valuable and valued community facilities. Whilst their prime function is to serve as places of learning for young people, there are many times when the buildings and grounds are not in use, and these spaces become available for wider community use.

Council is supportive of the concept of reducing red tape to ensure a more efficient process for non-government schools and considers that there are reforms that can be undertaken to ensure improved processing and faster outcomes for schools.

Council supports the need to minimise the level of permissions that non-government schools require, particularly in relation to minor buildings and works that do not require a complex planning assessment. Bayside City Council has identified this need over a number of years and the need to explore opportunities to minimise red tape, including exploration of the potential for particular planning tools with an aim to ensuring that certainty is provided for both schools and residents surrounding these sites.

In the post-Coronavirus situation and as part of any economic activation effort, Council recognises the need to ensure that any ‘red tape’ is reduced and development is facilitated, acknowledging the role that construction and infrastructure projects play in restoring the economy. However, the appropriate balance needs to be struck and it is important to ensure that this economic stimulus does not occur at the expense of the character and amenity of residential neighbourhoods. Council considers that there is still scope to improve the changes proposed through VC176 to ensure that both outcomes are able to be achieved.

Whilst the broad intent of the changes is understood, the lack of data and supporting information to explain the rationale for the particular changes proposed make it difficult to support the approach being taken with these reforms. One of the primary outcomes is to be to make the Minister for Planning the planning authority for projects over $4 million, which instead of reducing red tape, is simply changing the authority making the decision. Councils are capable of making a decision on these matters and no case has been made for the Minister to take over these matters.

Council considers that the reforms do not lessen the burden on non-government schools sufficiently. Whilst it reduces the timelines for decision making due to the removal of the public notice process, the approach will deprive the community and Council’s from properly participating in decision making in neighbourhood issues.

Council does not support the changes proposed as it is considered that they ‘miss the mark’ in terms of balancing community outcomes and facilitating development.

This submission outlines Council’s comments in relation to where further changes are recommended to ensure that development is facilitated whilst securing a pleasant, efficient and safe working, living and recreational environment for Victorians.
Summary of Bayside’s Strategic Framework

Bayside City Council is located eight kilometres south east of Melbourne. The municipality is largely characterised by its proximity to Port Phillip Bay and its 17 kilometres of coast line. It is this proximity to the coast that has been most influential in the development of Bayside, both historically and today.

Development of Bayside has historically centred around defined ‘villages’ or activity centres which are a focus for retail, entertainment, employment and are accessible by public transport. This development pattern continues today. Each of these ‘villages’ has a defined character which is highly regarded by the local community. The remainder of the residential areas are focused around larger allotments, enabling the establishment of private gardens which have matured and now dominate streetscapes. Housing styles range from grand old homes, Victorian and interwar homes, modern architect homes, an increasing number of apartments and also a range of public housing.

The municipality is experiencing increased development pressure for higher density residential development due to urban consolidation policies, its proximity to Melbourne and its attractiveness as a coastal location. This increasing density of residential development is reducing the size of allotments, often resulting in the loss of mature gardens and impacting on the character of the municipality.

Bayside has significant areas of open space ranging from the coastal foreshore to significant bushland, extensive golf courses, sporting grounds and passive recreational parks, which not only provide for a range of recreational activities but also contain significant bushlands/heathlands which range from State to Local significance. Not only do these areas provide important habitat, but they also contribute to the landscape quality of the municipality and are highly regarded by the community. Bayside is a largely car dependent municipality. It is reasonably well serviced by public transport in the northern sector, principally by the Sandringham and Frankston railway lines as well as bus services, although in some cases these bus services are of limited frequency and duration (for example, hourly service during commuter hours only), meaning public transport is not a viable option. The area to the south around Beaumaris is not as well serviced by public transport.

There are presently more than 30 primary and secondary schools within the City of Bayside, of which 16 of these are independent schools operating across 19 different sites. Together, schools comprise approximately 2.5% of land in the Bayside municipality. These schools act as both education hubs for Bayside’s young people, and gathering places for the community to recreate. It is this dual role that has seen significant building works at schools across the municipality as the role of these facilities grow as sporting, recreation and entertainment precincts.

Existing Planning Controls affecting non-government schools

The primary tools that are currently used to guide decision making in relation to non-government schools within Bayside are the zones and overlays that apply.

Of the 19 non-government schools operating in Bayside, all are within either the General Residential Zone Schedule 2 or the Neighbourhood Residential Zone Schedule 3.

All are affected by the Development Contributions Plan Overlay Schedule 1 which provides for a contribution to be paid to Council for increases to hard surface area contributing to increased stormwater runoff.

Thirteen private school campuses within the City of Bayside are fully or partially within a Heritage Overlay, as the sites contain buildings which are of Local significance. The St Andrews Church precinct in Brighton is utilised by Brighton Grammar and is included on the Victorian Heritage Register.

All schools are also subject to a Design and Development Overlay Schedule, which generally provides guidance on building heights in excess of two storeys as well as preferred built form outcomes. Sacred Heart Parish School in Sandringham and Firbank Grammar in Brighton are both within defined Major Activity Centres and are subject to the DDO controls affecting those centres.
Three schools are subject to the Special Building Overlay with two schools affected by Vegetation Protection Overlays.

Within the Municipal Strategic Statement, Clause 21.10 ‘Infrastructure’ acknowledges the key issues as they relate to community and education facilities, including:

- Changing demographics, behavioural patterns and community expectations, particularly with respect to older people, have altered the demand for community facilities placing more emphasis on independent living and service delivery.
- Concern that the geographic distribution of community facilities and services across the municipality is not equitable and does not always reflect community needs.
- A shift in the provision of community services from the public to the private sector.
- Potential conflict between residential areas and community uses, particularly schools and large organisations.
- Ad hoc re-development and expansion of existing community facilities may have an adverse impact on the amenity of surrounding areas.
- Safe and convenient access to quality community facilities and services must be provided on an equitable basis to all sections of the community.
- Greater certainty is needed for both institutions and surrounding residents in relation to changes to community and educational facilities.

Clause 21.10-2 ‘Community and Education Facilities’ provides the following objectives and strategies relevant to planning applications on non-government school sites:

Objectives:

- To provide high quality public and private community facilities and services based on the needs and expectations of all age groups, including those with limited mobility and special needs.
- To ensure that schools and other large institutional uses and community facilities and services are planned and developed to provide certainty for the organisation and community and to minimise the impact on residential amenity and the natural environment.

Strategies:

- Locate community facilities where they can provide safe and convenient access on an equitable basis to the community they will serve.
- Locate new community facilities near public transport interchanges and on pedestrian and cycle priority networks, that is, the Principal Bicycle Network, Municipal Bicycle Network and/or the Principal Pedestrian Network.
- Improve the distribution and quality of community facilities and services.
- Facilitate the development and use of private facilities for community uses where appropriate.
- Ensure safe and easy access to community facilities and services.
- Maximize the use of existing public facilities and promote the collaborative use of private facilities.
- Ensure appropriate design of new infrastructure taking into consideration Bayside’s character.
- Encourage the preparation of master plans for all schools, hospitals, retirement villages and other large institutional uses to provide greater certainty for both institutions and surrounding residents.
- Regulate hours of operation of community facilities and services if appropriate.
- Ensure the provision of adequate off-street car parking and drop-off areas.

At Clause 21.10-5, Council has identified further strategic work as being to develop a mechanism for the preparation and implementation of master plans for schools, hospitals, retirement villages and other large institutional uses. This is to ensure that non-government schools can be planned in a manner that ensures the area is protected and that opportunities for expansion of facilities are
considered in the context of the broader locality. These issues were recognised by Council in both the 2011 and 2015 Planning Scheme reviews.

In addition to these tools, the primary tool that Council uses to assess applications in relation to non-government land is Council’s Discretionary Uses in Residential Areas Policy at Clause 22.07 of the Bayside Planning Scheme.

The policy basis for this clause states that:

*The MSS recognises that there are a number of important uses that should be located within residential areas of the municipality, including child care centres, medical centres, schools, churches, nursing homes, retirement villages and other similar uses. While these uses are permitted under the zoning provisions, they fall outside the class of primary uses for which the land is zoned and there are concerns within the community that poorly sited and designed discretionary uses will erode the highly valued urban character and quality of residential areas.*

*The intent of this policy is to ensure that applicants and residents have some clear guidelines and certainty in the development of these discretionary uses in residential areas, in particular (but not restricted to) child care centres, medical centres, nursing homes or retirement villages.*

The stated objectives of the policy are:

- To ensure that development respects the established neighbourhood character and responds to the preferred neighbourhood character.
- To ensure that discretionary uses in residential areas do not adversely affect residential amenity.
- To ensure that adequate access is available to the site.
- To ensure that adequate provision is made for on-site parking.
- To ensure that traffic generated by the discretionary use is appropriate to the street and the locality and will not adversely affect existing traffic patterns and safety.
- To ensure that local community needs are served by the proposal.

The policy further states preferred locations for discretionary uses which includes:

- Land abutting a Road Zone Category 1 or a collector road;
- Corner sites;
- Consolidated sites that can accommodate adequate on-site parking, landscaping and setbacks;
- Land on the periphery of commercial areas or adjacent to other discretionary uses, to achieve a transition between commercial and residential areas;
- Land which is near similar community and support facilities, and
- Locations within walking distance of public transport, which promote safe and convenient pedestrian access.

Further guidance is provided in relation to siting, built form and design requirements, which provide for:

- New development to have regard to the prevailing character of an area, including front, side and rear setbacks, low and permeable fencing, building scale, materials and form;
- Encouraging a building height of no more than one storey above the prevailing building height;
- Vehicle accessways and should not dominate the streetscape, and car parking to be screened from view from the road using landscaping or located at the rear of buildings;
- Retention of trees wherever possible;
- Minimisation of signage; and
- Hours of operation and potential noise should not subject nearby residential properties to unreasonable levels of noise.
The policy further provides a range of application requirements for discretionary uses to provide. There are no decision guidelines specified within the policy.

Council’s Neighbourhood Character Policy at clause 22.06 provides guidance as to the preferred neighbourhood character statements for each of the residential areas across Bayside. Whilst not able to provide specific guidance in relation to discretionary uses, the statements provide an opportunity for the prevailing character of the neighbourhood to be clearly articulated. When read in conjunction with the discretionary uses policy, this provides a clear framework as to the future built form expectations for discretionary uses (such as non-government schools) in residential neighbourhoods.

Other relevant Council documents

Bayside Planning Scheme Review 2011 and 2015

The Bayside Planning Scheme Review 2011 includes the following action for Council to consider through the implementation of its further strategic work:

- Master Plans should be prepared for large Council owned properties and major community facilities such as hospitals and private schools in order to identify how these properties will be developed in the future.

The implementation of action was not progressed between 2011 and was again included within the 2015 Planning Scheme Review, where it was reframed to state:

- Consideration should be given to application of a Development Plan Overlay or similar control to require private schools and other large institutional uses develop in a coordinated way.

This action not presently progressed due in part to the significant number of non-government schools within the municipality and the resources required to implement this action.

Bayside Integrated Transport Strategy 2018-2028

The Bayside Integrated Transport Strategy 2018-2028 establishes the strategic direction to guide transport planning decision making within Council and identifies a range of actions that Council can implement to make Bayside a better place and overcome some of the challenges facing the municipality.

Within this Strategy, a key challenge is acknowledged as being the increased parking pressures around key destinations such as shopping centres and around schools.

Council prioritises walking and cycling as preferred modes of transport for short trips in Bayside, including trips to work and school.

An action of the Strategy is to develop a Green Travel Plan toolkit and encouraging and assisting schools and large employers to develop green travel plans.

Bayside Environmental Sustainability Framework 2016

The Bayside Environmental Sustainability Framework 2016 (ESF) outlines that

Sustainability is one of three cross-curriculum priorities in the current Australian National Curriculum Framework for young Australians. There is likely to be demand for support to implement sustainability programs as the new curriculum is implemented, and with increasing recognition of the need to educate youth about environmental concerns.

Council is currently developing a Sustainable Education Strategy and Action Plan focusing on kinder and primary-aged children, with a medium term goal of including high school students and increasing the high school programs offered. Currently, support and resources are
provided upon request, which does not succeed in creating ongoing and enduring environmental stewardship. Council primarily uses contractors to deliver its schools’ sustainability programs.

Within the ESF, there are a number of actions relating to partnering with schools in relation to climate and sustainability matters. These include:

- **Develop an understanding of the school sector and the barriers and drivers to improving sustainability outcomes and develop Council programs.**
- **Primary and secondary schools and early years centres assisted to develop sustainability plans.**
- **Deliver a range of education programs and activities to achieve greater involvement and understanding of resource recovery within schools, local businesses, sporting clubs and the general community through education programs and activities.**
Non-government schools in Bayside

There are presently more than 30 primary and secondary schools within the City of Bayside, of which 16 of these are independent schools operating across 19 different sites.

Figure 1 | Spatial representation of schools in Bayside
Table 1 below identifies the non-government schools currently located within the City of Bayside.

Table 1 | Non-government schools in the City of Bayside

<table>
<thead>
<tr>
<th>School name</th>
<th>Year Levels</th>
<th>Address</th>
<th>2019 Enrolments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sacred Heart Parish School</td>
<td>Prep - Year 6</td>
<td>11 Fernhill Road, Sandringham</td>
<td>274</td>
</tr>
<tr>
<td>St Agnes Primary School</td>
<td>Prep - Year 6</td>
<td>1 Locinda Street, Highett</td>
<td>183</td>
</tr>
<tr>
<td>St Finbars Primary School</td>
<td>Prep - Year 6</td>
<td>90 Centre Road, Brighton East</td>
<td>327</td>
</tr>
<tr>
<td>St James Parish Primary School</td>
<td>Prep - Year 6</td>
<td>6 St James Close, Brighton</td>
<td>205</td>
</tr>
<tr>
<td>St Joan of Arc Primary School</td>
<td>Prep - Year 6</td>
<td>30 Dendy Street, Brighton</td>
<td>371</td>
</tr>
<tr>
<td>St Joseph's School</td>
<td>Prep - Year 6</td>
<td>544 Balcombe Road, Black Rock</td>
<td>98</td>
</tr>
<tr>
<td>St Mary's Primary School</td>
<td>Prep - Year 6</td>
<td>59 Holyoak Street, Hampton</td>
<td>301</td>
</tr>
<tr>
<td>Stella Maris Primary School</td>
<td>Prep - Year 6</td>
<td>113 Oak Street, Beaumaris</td>
<td>301</td>
</tr>
<tr>
<td>Star of the Sea College</td>
<td>Year 7 - 12</td>
<td>Martin Street, Brighton</td>
<td>1174</td>
</tr>
<tr>
<td>Star of the Sea College - Anzac House</td>
<td>Year 9 only</td>
<td>Anzac House, North Road, Brighton</td>
<td>Not available</td>
</tr>
<tr>
<td>Xavier College - Kostka Hall (co-located to Year 4)</td>
<td>ELC - Year 8</td>
<td>47 South Road, Brighton</td>
<td>350</td>
</tr>
<tr>
<td>Brighton Grammar School (boys only)</td>
<td>ELC - Year 12</td>
<td>90 Outer Crescent, Brighton</td>
<td>1301</td>
</tr>
<tr>
<td>Firbank Grammar School - Senior School (girls only)</td>
<td>Year 7 - 12</td>
<td>Outer Crescent, Brighton</td>
<td>143</td>
</tr>
<tr>
<td>Firbank Grammar School - Junior School, Turner House</td>
<td>ELC - Year 6</td>
<td>Outer Crescent, Brighton</td>
<td>Not available</td>
</tr>
<tr>
<td>Firbank Grammar School - Junior School, Sandringham House</td>
<td>ELC - Year 6</td>
<td>45 Royal Avenue, Sandringham</td>
<td>Not available</td>
</tr>
<tr>
<td>Haileybury College - Castlifield</td>
<td>ELC - Year 12</td>
<td>120 South Road, Brighton East</td>
<td>Not available</td>
</tr>
<tr>
<td>St Leonard’s College</td>
<td>ELC - Year 12</td>
<td>163 South Road, Brighton East</td>
<td>1501</td>
</tr>
<tr>
<td>Melbourne Montessori School</td>
<td>Prep - Year 6</td>
<td>741 Hawthorn Road, Brighton East</td>
<td>Not available</td>
</tr>
<tr>
<td>Tombolo Academy</td>
<td>Prep - Year 6</td>
<td>453 Bluff Road, Hampton</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
Many of these schools are longstanding facilities that have existed in the community for many decades, with a significant number of sites subject to the Heritage Overlay. Many of the schools include sporting facilities which are used extensively outside of school hours for active recreation.

Some facilities are also separately leased to external sports clubs outside of school hours and are highly utilised during the evenings and weekends.

Council has had significant experience in the assessment of non-government school applications and the relevant provisions that exist to guide development are summarised throughout this submission.
Planning permit activity analysis

This section provides an overview of the development activity in relation to non-government schools in Bayside in the past five years, as well as data relating to the statutory assessment process.

Of the 19 non-government school campuses across Bayside, 11 schools have applied for planning permission at one or more of their campuses in the past 5 years. There has been 56 applications for planning permission (including 8 amendments) across these 11 sites during that period.

The majority of applications are generally for minor building works and the addition of classrooms. There are however substantial applications at the other end of the scale that propose major community infrastructure such as performing arts centres, sporting facilities and significant buildings intensifying uses.

This section outlines Council’s decision making in relation to planning permit applications, taken from the Know Your Council website, with separate analysis for applications relating to non-government schools in Bayside since 2015 from Council’s records.

Figure 2 | Time taken to decide planning applications (median days)

![Figure 2](image)

Figure 2 outlines that Bayside has improved its performance significantly since 2016/17 to ensure that decisions are made faster than similar Councils and all Council average. This is a result of reviewed administrative processes and procedures to assist in processing applications more efficiently.

Figure 3 | Planning applications decided within required timeframes (standard and VicSmart applications)
In 2018/19, a total of 1,270 application (974 apps and 296 VicSmart apps) were determined with 895 applications (658 apps and 257 VicSmart apps) made within the statutory day time frame. The overall performance for 2018/19 of 70.47% of all decisions determined in the statutory time frame demonstrates a significant uplift from the previous year results of 65%. This demonstrates resources committed by the Council in 2016 and the service improvement initiatives being implemented (digital platforms, on-line lodgement and new website and informative videos) are contributing to streamlining of processes.

**Figure 4** | Council planning decisions upheld at VCAT
During the reporting year 56 appeals have been determined with 29 being affirmed, resulting in an overall result of 51.79% of decisions being upheld. This is a direct result of Council applying the Planning Scheme consistently and communicating its expectations effectively to all applicants. A large portion of the success is a result of the matters being settled prior to VCAT hearings.

Planning permit data relating to non-government schools

Council has undertaken a review of the 56 applications decided by Council since 2015 to understand with greater detail how planning permit applications relating to non-government schools have moved through the process.

Figure 5 | Estimated cost works

![Estimated Cost of works](image)

Of the 56 applications received, 11 applications have been for works in excess of $1 million, with 23 applications estimating a cost of works of less than $20,000.

Figure 6 | Non-government school applications decided within statutory timeframe

![Compliance with the Statutory Timelines (2015-present)](image)
Of the 56 applications, 7 were made through the VicSmart provisions with the remaining 48 made through the standard planning permit process. All VicSmart applications were granted within the statutory timeframe.

Consistent with the improvements made to statutory planning processes since 2017/18 and highlighted through the Know Your Council website, the number of decisions relating to non-government schools determined within the statutory timeframes increases to 70% when the data is filtered to relate to decisions made since 2017/18.

Figure 7 | Non-government school applications decided within statutory timeframe

![Compliance with the Statutory Timelines (2017/18-present)](image)

Figure 8 | Applications subject to public advertising process

![Number of applications advertised](image)

Of the 56 applications for non-government schools received, 7 were VicSmart applications with a further 27 not subject to any public advertising process.
Of the 22 applications advertised, approximately one third do not receive any objections. Approximately 50% are able to be determined under delegation (less than 3 objections received), with 41% required to be presented to Council’s Planning and Amenity Committee for consideration.

Council undertook an assessment of a sample of objections received in relation to applications at non-government schools and the following issues were the most commonly raised by nearby residents.

In 60% of objections, the impacts associated with increased traffic and access to the site were the most commonly raised issue (raised in 10 of 15 submissions considered), followed by amenity impacts relating to noise and lighting (8 of 15 submissions considered). Issues associated with car parking, including a lack of car parking provision, was identified as the third most common issue for objectors, followed by issues relating to the visual impact/height of a proposed development as well as other built form and setback issues.
Figure 11 | Decisions on Planning Permit applications for non-government schools

Of the 56 applications made to Council, the overwhelming majority have had permits granted, with only a small few refused by Council or VCAT.
Response to proposed Planning Scheme changes

This section outlines Council's position in relation to the specific changes proposed to each clause published on the DELWP website.

Proposed changes to Clause 19.02 ‘Community Infrastructure’

It is proposed to amend Clause 19.02-2S ‘Education Facilities’ to include two additional strategies, being:

- Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.
- Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).

Whilst Council has no objection to the inclusion of additional strategies at this clause, and has no objection to the first point, Council considers that it would be inappropriate to include the second dot point within the Planning Scheme.

Schools are obviously not residential development and as such, it is redundant to specify that one use is different to another use in this way. This is best left to the ‘definitions’ section of the Scheme. This strategy does not assist in the assessment of non-government school applications and instead, reads as though this is intended to be advice to planning practitioners rather than a land use and development strategy.

Further, the decision guidelines of the GRZ require consideration as to whether the use or development is compatible with residential uses. Council considers that the inclusion of the proposed strategy will conflict with the provisions of the zone and may lead to unintended consequences.

Council considers that it is more appropriate to provide specific guidance as to how applications on non-government school land are to be assessed elsewhere in the Scheme, rather than including this strategy at Clause 19.02-2S.

Council will provide further comment on this issue in its comments relating to the changes to Clause 53.19.

Proposed changes to Residential Zones

*It is proposed to amend the residential zones within the Scheme to make the following changes:*
It is estimated that 73% of the applications made to Council in recent years for non-government schools would be considered through VicSmart provisions rather than a standard planning permit assessment. Council generally supports the accelerated process for minor works associated with non-government schools.

It is unclear how DELWP determined that $500,000 is an appropriate value to indicate minor works, however it is noted that a considerable amount can be built for $500,000 and Council considers that the value should be strongly justified, particularly given the absence of public advertising from the process.

A recent example\(^1\) where VCAT upheld a Council refusal at a non-government school was for the construction of elevated sports courts with basement classrooms and a multipurpose room. VCAT considered that the elevated sports courts were inappropriate as they were sited too close to nearby residential dwellings and the amenity issues associated with evening and weekend sports, as well as the elevated sports lighting were unacceptable for the site.

It is noted that in this circumstance, the school had purchased two adjoining residential properties and rented one site out privately, and expanded its operations into the other site without planning permission for the use. The school then proposed to remove the former dwellings, constructing the elevated tennis courts in their place. This is a circumstance where under the proposed controls, nearby land owners would not benefit from an opportunity to review or consider the proposed plans for expansion of the use, despite the potential expansion of the facility being considered within a 10 day timeframe.

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\(^1\) Firbank Grammar School v Bayside CC [2019] VCAT 1985 (17 December 2019)
Many applications for similar works as the situation outlined, including many projects where sports ground lighting is proposed, would be required to be considered as VicSmart applications. Whilst the relevant decision guidelines at Clause 59.04 are able to be considered, these are not minor works despite their financial cost and a public exhibition process is not an unreasonable expectation for developments that have the potential to substantially impact residential amenity.

Council requests that DELWP provide further clarification on how it determined that $500,000 is an appropriate amount as in Council’s experience, a lot can be built on a school for this amount given their common status as charitable organisations and the potential for goods and services to be donated.

Council considers that DELWP should consider reducing the dollar value specified to $200,000. This would facilitate minor works moving more quickly through the planning permit assessment with more substantial projects being subject to a standard planning permit process.

**Proposed changes to Clause 53.19 ‘Non-Government Schools’**

The changes to this clause essentially create only an exemption from public notice, without specifying any other requirements that apply to non-government schools. It appears as though the clause becomes a worthless provision, as there is little value in outlining how the objectives of the clause are to be delivered. Council considers that there is little evidence to suggest that 100% of applications on private schools should not be subject to public notice. In several cases, significant developments are proposed that will have major implications for the residential areas where they are located.

Council notes that there are many instances where Council’s will require planning permits for works on public land where the costs exceed $1 million – this includes proposals to develop netball courts, aquatic centres and community buildings. Through these processes, due to the cost of the works, there is an expectation that public notice will occur through the Planning Permit process. Council observes that for these uses to be constructed at non-government schools (many of which in Bayside contain these exact uses) there is no requirement for public notice to be undertaken, despite the potential amenity impacts arising and these facilities becoming significant community facilities. Council considers it inappropriate that private land owners can be exempted from public notice requirements of the Planning and Environment Act 1987 despite the potential for significant amenity impacts on communities.

Council considers that a more appropriate solution would be to provide a criteria in this clause for exempting certain works from public notice. For example, the following circumstances could be considered:

- Where the proposal adjoins a Road Zone Category 1; and
- Where works are not proposed within 5 metres (or a particular specified distance) of a site boundary; and
- Whether the works are primarily associated with education (e.g. Classrooms), compared with a performing arts centre, art gallery or major sporting facilities leased to third parties outside school hours;
- Where no external lighting of courts/facilities are proposed above a specified height; and
- The location of the works is further than 100m from land in a Residential Zone.

Whilst the specific criteria would need to be considered further, there are many cases where certain types of development may be inappropriate for residential neighbourhoods and need to be considered, including with an opportunity for public involvement in the decision making.

Bayside has had multiple examples of non-government schools purchasing nearby residential properties and expanding the use into these sites, constructing car parks, sports courts and other facilities, which are all ‘ancillary to the education use’. In some cases, were they not associated with a school, many of these works would otherwise be prohibited in the particular zone.
As such, Council considers it a reasonable expectation that land owners are provided an opportunity to comment on significant developments adjoining their properties, particularly where there is no adopted Master Plan or Development Plan that is in place for a site.

This deprives land owners and Council of the ability to meaningfully influence the outcomes on privately owned land within the municipality and achieve compromises where all parties are able to reach mutually acceptable outcomes.

In the Forrest Grammar School v Bayside matter, the Tribunal commented:

8. Regarding the development issues, most built form provisions relate to buildings - not to elevated sporting structures. Regarding the use of the land, the acoustic experts have benchmarked theory and practice relating to noise from machines, arts precincts and music noise because there are no standards for noise from sport. Regarding lighting, the parties have benchmarked a code on tennis court lighting on private property, which is not the use that is proposed here. As a result, we have relied on general planning principles as applied to the particulars of this situation.

9. We conclude that planning policy for sites in the residential area of the Bay Street Activity Centre is of most relevance to our assessment. How this area will change over time is the policy context for our assessment. Our conclusions about whether this structure is a comfortable fit are made in this context. We assess the amenity impacts on its residential neighbours in the same context.

10. We see the management of conflicting land uses as the most important planning principle to apply because of the conflict between school sporting use and residential use. This is not a high order conflict like where industrial and residential uses are side-by-side. Rather, it is a conflict between two uses encouraged in residential zones. We consider that any conflict between the conflict of music venues and nearby dwellings and that of medical or child care centres and their neighbours.

11. In cases where this principle applies, the planning assessment addresses the balance between the way the land is proposed to be used and the on-going amenity impacts that it causes. The typical measures to reduce amenity impacts to the point of being acceptable are spatial buffers (distance between uses), landscape screens, acoustic barriers and hours of operation. These measures are at play in our assessment.

12. They are relevant because granting a permit to use these playing courts creates an ongoing right for the school. Beyond the proposed limitations on hours and types of sports, the school can use the courts as little or as much as they want without further consultation with the council or residential neighbours. Apart from this, the use cannot be taken away after it is granted. The parties may recall the applicant’s request that we do not issue a permit on a trial basis. We agree that this would be inappropriate given the financial investment involved.

13. Thus, any conflict that the sports courts generate needs to be acceptable now and into the future. Consequently, we apply the test of whether the proposal is acceptable now and if it will continue to be acceptable as the centre intensifies over time.

Council considers that it is not unreasonable to allow the community to participate in decision making where a proposal has the potential to transform residential areas by permitting an ongoing right for the use of facilities, particularly when they can be leased for commercial gain by the School.

Through the public notice process, Council has an opportunity to mediate issues and resolve mutually acceptable outcomes between non-government schools and nearby residents. This will no longer be the case if non-government schools have carte blanche ability to build without regard for the broader context of the locality.
In ensuring that larger development school applications (regardless of dollar value) in residential areas considers issues relating to amenity and neighbourhood character, it is important that public notice processes remain in place to facilitate a compromise that respond to the purpose of the residential zone, whilst allowing school to adapt to continue to respond to their changing nature and provide the services and facilities required. As such, Council considers that a criteria for advertising particular applications should be considered.

Proposed changes to Clause 66.01-13 ‘Non-government primary or secondary school’

The changes to this clause are proposing to introduce a statutory referral requirement for applications which seek to use and develop land for a non-government school to which Clause 72.01 applies. It proposes a referral to be provided to the relevant municipal Council as a recommending referral authority.

Council considers that there is no benefit in including ‘the relevant municipal Council’ as a recommending referral authority when Councils are being deprived of the opportunity to determine policy outcomes for non-government schools.

If the Planning Scheme becomes largely silent on the preferred outcomes for those sites, there is little value that Council’s will be able to provide in responding to referral requests. It appears to be indicating that Council’s should prepare referral responses on behalf of communities, when there is no opportunity for Council’s to engage with communities on applications. As such, any comments provided by a Council may lack strategic consideration and may not necessarily align with the ever-changing community views.

As there is no opportunity for Council’s to guide policy for these schools, and no opportunity for community consultation on the proposed use or development, the referral to Councils appears token and lacks merit. As outlined elsewhere in this submission, it is considered that municipal Council’s should remain the planning authority for non-government schools and therefore this change is not supported.

Proposed changes to Clause 72.01 ‘Responsible authority for this planning scheme’

It is proposed to amend Clause 72.01 to include:
With the exception of:

in relation to applications lodged, or permits issued, for the use and development of land for a non-government primary school or secondary school, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC176, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.

Council considers that there is insufficient explanation provided as to why municipal Council’s will no longer be the planning authority for applicationsler non-government schools greater than $4 million. Given the lack of adequate clarity as to why this is required, including why this dollar value is deemed as being the ‘trigger’, Council does not support the proposed change.

In relation to the planning permit data referenced, there were four applications determined by Council with a cost of works of greater than 4 million. These applications are outlined at Table 2.

**Table 2 | Applications with a cost of works greater than $4 million**

<table>
<thead>
<tr>
<th>School Name</th>
<th>Cost of works</th>
<th>Proposal</th>
<th>Outcome</th>
<th>Statutory Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firbank Grammar</td>
<td>$4,800,000</td>
<td>Construction of classrooms with elevated and illuminated tennis courts</td>
<td>Council refusal, VCAT upheld refusal</td>
<td>43</td>
</tr>
<tr>
<td>St Leonards</td>
<td>$36,000,000</td>
<td>Performing Arts Centre and four storey classroom building</td>
<td>NOD Granted – Council, VCAT upheld</td>
<td>153</td>
</tr>
<tr>
<td>Brighton Grammar</td>
<td>$48,000,000</td>
<td>Two-storey building with elevated and illuminated tennis courts, and three basement levels</td>
<td>NOD Granted – Council</td>
<td>144</td>
</tr>
</tbody>
</table>

In many instances, these applications were complex assessments due to the number of planning permit triggers, as each site includes a mix of issues for consideration, whether it be heritage, traffic, acoustic, lighting/light spill and general built form and design issues.

There are a range of developments that exceed $4 million that are approved by municipal Council’s without issue. There is no evidence to indicate how this amount has been determined or why making the Minister for Planning the planning authority is necessary, nor how this will improve outcomes or certainty in relation to schools.

Council considers that this is not a necessary function and that the primary consequence of making the Minister for Planning the planning authority is primarily to minimise the role that Councils and the community play in the planning process.
Other issues for consideration

Council considers that there are a range of additional matters that be considered in relation to reforms for non-government schools.

Given the significant percentage of Bayside residents with children in non-government schools and the extent of reforms proposed, Council considers it is not unreasonable to impose requirements on non-government schools to achieve certain outcomes, including:

- Consideration of minimum environmentally sustainable development outcomes. This would ensure that schools achieve minimum environmental performance requirements. It is noted that government schools are required to comply with Department of Education policies regarding reducing the environmental impact of their operations, and environmentally sustainable design principles must be considered in the planning, design and construction of all new and upgraded facilities. Through the proposed changes, there is no explicit requirement for non-government schools to achieve the same outcomes. Council considers that this should be included in any reforms proposed for non-government schools;
- Requirements for active travel plans, to ensure that schools are required to develop infrastructure and facilities for both staff and students to opt for active transport, and will assist in managing some of the amenity issues arising from the car parking pressures near schools;
- Establishment of specific benchmarks in relation to tree coverage. Large school sites present an opportunity to achieve biodiversity and climate change mitigation outcomes, and the opportunities for additional tree planting should be realised wherever possible.

The documents prepared to support the changes proposed through VC176 are vague and lack the rigorous analysis required to properly consider changes to the planning scheme.

The issues relating to unforeseen expansion of facilities has been highlighted through community consultation as well as multiple examples in Bayside where schools have purchased significant amounts of land adjoining their land holdings and expanded the use, irreparably altering the character of certain areas. There is a need to ensure that schools are strategically planned and that ad hoc developments that damage the amenity of an area are minimised wherever possible.

Developing a tool for non-government schools to prepare master plans, such as is afforded by the Development Plan Overlay, may be a more appropriate way to ensure that the community is involved in the planning processes in relation to non-government schools whilst facilitating improved certainty for individual planning permits. Council considers that this should be further explored by the State Government before the changes proposed through VC176 are approved.
Conclusion

In summary, Council supports the State Governments approach to introducing reforms for non-government schools to improve processes and increase certainty, however considers that the proposed changes are misguided and lack proper consideration.

Council recommends that the following should be considered in deciding on whether to proceed with Amendment VC176 as proposed:

- The proposed changes to Clause 19.02 should be revisited, particularly the second strategy proposed;
- DELWP should revise the VicSmart provisions proposed for the residential zones to $200,000 to ensure larger proposals are able to be properly considered;
- The changes to Clause 53.19 are largely ineffectual and this clause could be improved to provide increased clarity on how Council’s should assess applications on non-government land;
- A criteria should be developed and included at Clause 53.19 to provide exemptions for certain applications rather than a blanket approach for all applications;
- There is no demonstrated need for the Minister for Planning to become the planning authority for applications of over $4 million. This should be left with Council's to determine applications, including an opportunity for publicly advertising applications.

Council appreciates the opportunity to make a submission in relation to the proposed changes and would welcome the opportunity to discuss this matter with DELWP further, including through any potential Planning Panel or any advisory committee process.
10.5 HYDROTHERAPY/WARM WATER POOL FEASIBILITY STUDY

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/20/18 – Doc No: DOC/20/159532

Executive summary

Purpose and background
The purpose of this report is to inform Councillors of the outcomes of a Hydrotherapy/Warm Water Pool Feasibility Study (the Study) and site analysis of a hydrotherapy/warm water pool in Bayside.

Community members have petitioned Council to introduce a hydrotherapy/warm water pool accessible for all residents for a wide range of health conditions – encompassing pain management, chronic conditions and rehabilitation following injury and surgery. Further community consultation with a specific cohort of older people, health service providers and the like has shown a perceived need for hydrotherapy facilities in Bayside.

The benefits of regular warm water exercise for older persons and people with disabilities to aid re-ablement, active participation and quality of life are increasingly recognised. Changes to government social policy, such as MyAgeCare and NDIS, actively focus on providing incentives for participants to participate in community based health, wellness and re-ablement activities. These changes will drive the demand for and improve the cost effectiveness of warm water facilities in coming years, particularly in active older communities such as Bayside.

A report detailing preliminary investigations into the need, possible scale and costs of a new hydrotherapy pool in Bayside was presented to the 18 December 2018 Ordinary Meeting of Council.

At this meeting it was resolved that Council:

1. Undertakes further work to complete a business feasibility study and detailed site analysis for future hydrotherapy and/or warm water facilities in Bayside and considers funding this work when preparing of the 2019/20 Council Budget;
2. Engages with relevant not-for-profit organisations to identify opportunities to work cooperatively on the delivery of hydrotherapy and/or warm water program facilities in Bayside;
3. Explores opportunities for commercial organisations to work cooperatively on the delivery of hydrotherapy and/or warm water program facilities in Bayside; and
4. Investigates the demand for and subsequent implications of other transport options for current and potential users of hydrotherapy and/or warm water facilities at GESAC and the soon to be completed hydrotherapy and/or warm water facilities at Moorabbin Oval.

Key issues
Warm Water versus Hydrotherapy
Studies indicate the health sector hydrotherapy model as a restrictive facility model and that a community accessed warm water program pool would attract higher usage and be more operationally viable. Warm water program pools are built to different standards to that of a health sector hydrotherapy facility and allow greater flexibility to provide other
intergenerational programs that support a greater range of services to the community than pure hydrotherapy activities.

The lead petitioner confirmed that their requirements can be met through access to a warm water pool (WWP) and consequently a WWP is the preferred model for Bayside.

**Identified Need**

The Study (as set out in Attachment 1) confirms that the demographic characteristics of Bayside suggest that a WWP in most locations will receive high usage. The number of older residents, the high participation in sport and need for rehabilitation after injury, the increasing number of people with a disability and those who are obese or with health conditions, as well as the current demand for younger children’s swimming lessons, supports this likely usage.

It is expected that changes to the Age Care and Disability system in the foreseeable future will result in additional funding and promotion of programs and initiatives that focus on re-ablement, early intervention and utilisation of infrastructure that supports prolonged inclusive and active lifestyles.

The Study determines that access to, or provision of, a WWP within Bayside is required within the medium term.

**Preferred Sites**

Ten sites were considered as options to develop a WWP within Bayside including sites with an existing target market. These included public and private hospitals and retirement villages or assisted living facilities. Land ownership and available space precluded these sites from further exploration. Middle Brighton Baths was excluded with foreshore protection and development concerns.

It was determined that two sites warranted further investigation:

- Sandringham Family Leisure Centre (SFLC), 188 Tulip Street, Cheltenham; and
- Brighton Golf Course (BGC), 210 Dendy Street, Brighton East.

The Study identified that while incorporating a WWP within a larger facility would provide substantial economy of scale savings in construction and operational costs, a major weakness in delivering a pool at SFLC is the ability to commence building in the short term. A feasibility study of SFLC is currently underway with a report detailing recommendations for the site to be presented to Council in September 2020.

It is not feasible to extend the existing centre with the broader buildings end of life expectancy approaching in the medium term (7 – 10 years), lack of accessibility across the facility, existing parking conditions under stress and building codes that would require upgrades to meet current standards. All of these will have considerable cost implications and would provide limited benefit with renewal required in the medium term.

Similarly BGC lacks access to the required level of car spaces to service a new facility and the existing services on site. Extension of car parking will require removal of a significant number of trees or encroachment of land currently leased to the operator of BGC.

Of greater significance is the current lease agreement of the subject land to Leisure Management Services including the option to extend two x five years until March 2028. Any proposed use of this site would include negotiation with LMS to:

- Form a commercial partnership with the provider to deliver a WWP at the site; or
- Negotiate to excise the subject land from their existing agreement.
Not for Profit Organisations (NFP)

The Study identifies that NFP organisations are strong supporters for the provision of a WWP within Bayside to support community access to suitable facilities; however, the appetite to manage a facility of this type was not supported. The option to engage a commercial management company or enter into a commercial partnership to develop a WWP within the municipality was deemed the preferred option.

The Study recommends that Council informs NFP organisations of ongoing developments in the planning of a WWP to ensure that the needs of the community they service are being addressed.

Community Transport Option

Supporting older people and those with a disability to remain connected to the community is important to optimise their health and wellbeing. Suitable transport options to community activities and venues can be a barrier to achieving this outcome. This is particularly relevant to community members who are unable to access mainstream transport services.

Council is now in receipt of State and Federal funding to support eligible residents to maintain their connection to community activities. While the connection to the community activities is the primary source of the funding, door-to-door transport is supported to achieve this aim. To be eligible for this program, residents must be registered through My Aged Care, be aged 65 years plus, living at home (not residential care), not in receipt of other Commonwealth funded programs and unable to independently get to the activity.

For residents outside of this criteria, Council offers a transport option from three designated pick up points. The launch promoting the State and Federal funding was deferred as Council enacted its pandemic response to COVID-19. It remains uncertain how many residents will require support outside of this funding criteria and perceived high need age groups and work to determine actual need is required.

The Study recommends that Council considers supporting residents ineligible for State and Federal funding through an expansion of the transport services to warm water pool facilities outside the municipality. Council will need to consider more detailed information concerning the financial implications of providing such support.

Management Model

Financial modelling determines that a WWP is likely to operate at a deficit, regardless of the model implemented. The extent of this deficit is subject to the environment in which the facility operates.

Sandringham Family Leisure Centre provides the most conducive environment to operate a facility of this type, with existing allied health services located on site, an existing successful commercial operator managing the aquatic facilities, proximity to potential clientele through existing complimentary services of basketball, gymnasium, child care, physiotherapy and weight management services. Locating the WWP in a facility of this type provides an environment favourable to generating maximum revenue while offsetting costs associated with operating a WWP.

Modelling demonstrates that a standalone facility will result in a loss each financial year with commercial providers unlikely attracted to a model of this type without Council subsidising the deficit each year. The Study determines that the construction of a second pool at BGC to facilitate swim lessons, enabling programs to operate concurrently with WWP opportunities and the inclusion of allied health services suites would be required to improve the net financial performance.
Commercial Partnerships

Four opportunities to partner with commercial/not for profit operators to deliver a WWP have been identified. These include:

- Subject to the findings of SFLC feasibility study, explore the opportunity of a partnership with SwimRight to invest in the provision of a WWP in return for an long term lease agreement
- Partner with Fairway to expand their existing services to include provision of a publically accessible hydrotherapy pool
- Partner with LMS to develop the BGC site to mutually benefit the operator’s business model and Council’s needs to deliver a WWP
- Explore opportunities to partner with Brighton Swim School to deliver a WWP within the municipality.

The Study identifies that at this time Council lacks the evidence required to make an informed decision to recommend either the preferred site/s or management model for the delivery of a WWP in Bayside. Council has not yet explored the potential prospect of any other third parties that may have the land and capacity to invest in a joint venture with Council for a WWP. Further specialist investigation is required to fully assess the commercial opportunities associated with a public/private partnership to deliver a WWP in Bayside.

Recommendation

That Council:

1. Notes the Warm Water/Hydrotherapy Pool Feasibility Study as set out in Attachment 1 to the report.
2. Commences detailed investigation into possible commercial partnerships to develop a warm water pool at the preferred locations.
3. Receives a future report detailing the outcomes of investigations into possible commercial partnerships to develop a warm water pool facility in Bayside.
4. Considers the outcomes of the Sandringham Family Leisure Centre Feasibility Study at the September 2020 Council Meeting.
5. Notifies the lead petitioner for a hydrotherapy/warm water pool in Bayside of the outcomes of this report.

Support Attachments

1. Attachment 1 - WWP Final Report
Considerations and implications of recommendation

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

Natural Environment
There are no natural environment implications associated with the proposition included in this report.

Built Environment
A warm water program pool facility including concourses, amenities and plant room would be approximately 1,200 square metres in size. The size of a dedicated hydrotherapy facility would be slightly smaller than a warm water pool; however, would depend on the range of accompanying services such as physiotherapy and other medical support services.

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

In line with Council’s Community Engagement Framework, the consultant will expand on the consultation previously undertaken with Connect Health, residents aged 60 and over, and health professionals in the area and hydrotherapy operators in the broader region.

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

Legal
Brighton Golf Course is currently leased until 30 June 2028. Access to the Brighton Golf Course site prior to this date may require negotiation with the existing lessee to facilitate a mutually agreeable development at the site.

Finance
A warm water program pool facility could cost in the order of $10 million to construct while the cost to construct a dedicated hydrotherapy pool could be approximately $7 - $8 million, not including spaces for accompanying medical support services.

Modelling has identified that a stand-alone warm water pool will operate at a deficit of $336,362, with costs unable to be offset by fees and charges for other intergenerational activities such as learn to swim. Ongoing maintenance and future renewal costs will not be recovered.

In a larger aquatic centre the projected loss of $2,968 can be offset by increased referrals from other areas of the facility and allied services.
A provision of $10 million for the construction of a hydrotherapy or warm water pool facility has been tentatively allocated in the long term financial plan, subject to Council’s annual budget process.

Council will be required to negotiate with the current leaseholder of the Brighton Golf Course for access to the required space. There is currently no consideration to any financial implications of such negotiations in Council’s Long Term Financial Plan.

**Links to Council policy and strategy**

The provision of publically accessible hydrotherapy or warm water facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan and Wellbeing for All Ages and Abilities Strategy 2017-2021.
1. EXECUTIVE SUMMARY ............................................................................................................. 4
2. INTRODUCTION ......................................................................................................................... 7
  2.1 The project ............................................................................................................................ 7
  2.2 Background .......................................................................................................................... 7
3. POLICY AND PLANNING CONTEXT ...................................................................................... 8
  3.1 Federal and State Government Plans ................................................................................... 8
  3.2 Council Plans ......................................................................................................................... 10
4. DEMOGRAPHIC INFLUENCES ON DEMAND AND PARTICIPATION .................................... 12
  4.1 Total population ..................................................................................................................... 12
  4.2 Influences of demographic profile on participation in hydrotherapy and aquatic activities ... 13
  4.3 Gender ................................................................................................................................ 13
  4.4 Age structure ........................................................................................................................ 13
5. ABOUT WARM WATER/HYDROTHERAPY POOLS ................................................................. 15
  5.1 What is the difference between hydrotherapy and other pools? ......................................... 15
  5.2 Annual Heating Costs - Gas Versus Electricity .................................................................... 16
6. BAYSIDE SENIORS ACTION GROUP (BSAG) ......................................................................... 17
7. FACILITY COMPONENTS ......................................................................................................... 19
8. POTENTIAL LOCATIONS AND THE SURROUNDING CATCHMENTS .................................. 20
  8.1 Methods of assessment ......................................................................................................... 20
  8.2 The catchment around each site ............................................................................................ 21
  8.3 Proximity to existing and potentially competing or partner facilities ................................... 23
9. SITE OPTIONS ASSESSED ..................................................................................................... 28
  9.1 Advantages / Disadvantages of the sites reviewed ................................................................. 28
10. POTENTIAL PROGRAM PARTNERS .................................................................................... 32
  10.1 Benefits of providing warm water pools in different settings ............................................. 32
  10.2 Possible provision models ................................................................................................... 33
  10.3 Potential operators ............................................................................................................... 35
11. TRANSPORT OPTIONS .......................................................................................................... 37
12. INDICATIVE CAPITAL AND RECURRENT COSTS ............................................................. 39

13. APPENDICES .................................................................................................................. 40
    Appendix 1. Site context plan .......................................................................................... 40
    Appendix 2. Preferred location for a warm water pool .................................................... 41
    Appendix 3. Site selection criteria weighting and scoring ................................................. 42
1. Executive Summary

The project

Bayside City Council require a feasibility study and detailed site options analysis for a future hydrotherapy/warm water facility in Bayside. This feasibility study is to evaluate up to 3 possible site locations and make recommendations on 2 preferred locations.

In addition, Council wish to investigate the demand for transport options for current and potential users of hydrotherapy/warm water facilities.

Background

There are no public warm water pools in Bayside. One school pool is currently used by a group of residents who seek greater and ongoing access to a warm water pool. In September 2018, a petition asked Bayside City Council to strongly support a hydrotherapy pool accessible for all residents both the north and in the south of the municipality.

Previous research found there is a potential need for a publicly accessible hydrotherapy facility within the Bayside area. A central facility in Bayside City Council was proposed however there is a limited availability of land and there are high costs of building, running and maintaining a new stand-alone facility. Oitum Planning undertook a further high level review and found a need that will continue to increase. The report found that building a standalone warm water pool was a high-risk project as it duplicates capital cost, labour and services.

Demographics

The population is projected to increase by over 9% to 118,550 by 2036. The growth in residents aged 60 years and over who are the primary market for such a facility, is faster than the general population rate. Some 35% growth of this market is projected from 2016 (15,112) to 33,860 in 2036.

The demographic characteristics of Bayside suggest that a warm water pool facility in most locations will receive high usage. The number of older residents, the increasing number of people with a disability and those who are obese or with health conditions, as well as the current demand for swimming lessons for younger children support this likely usage.

It is expected that changes to the Age Care and Disability system in the foreseeable future will result in additional funding and promotion of programs and initiatives that focus on re-ablement, early intervention and utilisation of infrastructure that supports prolonged inclusive and active lifestyles. These key strategic objectives must be embedded into Council’s plan for provision or access to warm water facilities.

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1 Forecast Id, 2020
Potential sites

A number of site options were considered to develop a warm water pool in Bayside. The following sites were deemed worthy of more detailed investigation:

- Hurlingham Park
- Brighton Bowls Club
- Brighton Golf Course
- Dendy Park Tennis Centre
- Sandringham Family Leisure Centre
- Old CSIRO site

The sites that ranked the highest for a warm water pool were Dendy St, Brighton, at the entrance to the Brighton Golf Course and the Sandringham Family Leisure Centre. Both sites are central to the Bayside population, on land that is relatively flat, owned by Council and of a size that can accommodate the required components with relatively few constraints. A key factor to this sites ranking is the potential to commence construction in the short term. This is contingent on agreement of scope and partnership with the existing lessee Leisure Services Management. If an agreement can’t be met, the project would require deferral until 2028, when the current lease agreement expires.

The Sandringham Family Leisure Centre is a logical site for a future development that includes a warm water pool. However the feasibility, planning, design and construction timeframe for a large-scale redevelopment could take 5 – 7 years.

Potential operators

Both of the preferred sites have experienced operators managing facilities on behalf of Council and it is logical that the development of stand-alone facility or consideration of Leisure Management Services proposal at Brighton Golf Course or a future redevelopment of Sandringham Leisure Centre would involve negotiations with these operators. Both operators have indicated they would be prepared to fund or contribute to development in return for a long-term lease agreement.

In the instance where agreement could not be met with these groups a number of potential operators for a stand-alone warm water pool have been identified, including Brighton Swim School who is willing to contribute to the capital cost.

An expression of interest process for venue management, prior to construction of a new facility is recommended, to gauge direct interest from relevant groups.

Recommendations

A future development of Sandringham Family Leisure Centre is the preferred option for a Warm Water pool in Bayside. The ability to offer a range of aquatic spaces and commercial wellness and allied health services within a broader recreational facility provides increased opportunity to generate income for the operator. The economies of scale achieved through consolidated plant and operational costs provides the optimal setting for a successful business model.

If there is a desire to build a stand-alone facility, that options at Brighton Golf Course (LMS), Fairway Aged Care and Brighton Swim School be further explored. All three options
provide opportunity to significantly reduce or mitigate Council’s investigate into a stand-alone facility and warrant more considered investigation.

It is recommended that in the short term (commencing 22/22) that Council consider expansion of the existing transport services to address petitioner concerns.
2. Introduction

2.1 The project

Bayside City Council require a feasibility study and detailed site options analysis for a future hydrotherapy/warm water facility in Bayside.

In this report the term warm water pool is used to encapsulate a pool used for therapy, gentle exercise, programs and swim lessons and heated to 32°C +. Typically, a hydrotherapy pool is a warm water pool designed specifically for clinical aquatic rehabilitation and heated to a minimum of 34°C. The term warm water pool is used here as the pool will not only be used for clinical aquatic rehabilitation and therefore will not require the same standards of operation.

The identification of not-for-profit and commercial organisations is required to work co-operatively on the delivery of a hydrotherapy / warm water pool in Bayside.

This feasibility study is to evaluate up to 5 possible site locations and make recommendations on 2 preferred locations.

In addition, Council wish to investigate the demand for transport options for current and potential users of hydrotherapy / warm water facilities at GESAC, Glen Eira and the soon to be completed hydrotherapy or warm water facilities at Moorabbin Oval. (This item will be investigated in the next stage of the project.)

2.2 Background

There are no public warm water pools in Bayside. One pool located within a high support school is currently been used by a group of residents who seek greater and ongoing access to a warm water pool.

In September 2018, a petition asked Bayside City Council to strongly support a proposal that suggests the City needs a hydrotherapy pool accessible for all residents for a wide range of health conditions. The petitioners were seeking a facility in the south of the municipality with Council to also to provide a second facility to the north.

Council noted a previous approach from an action group had led to two pieces of research. One by New Focus and one by the Otium Group.

The New Focus research found there is a potential need for a publicly accessible hydrotherapy facility within the Bayside area. The research found that the majority of stakeholders and health professionals feel that a facility within the central area of Bayside City Council would be the best way to meet the community’s needs. However, there are challenges with this option including the availability of land and extreme costs of building, running and maintaining a new facility.

The report stated that the ideal solution would be a community hub with public pools as well as a hydrotherapy pool as it could be self-sustainable financially.

Otium found that the need and demand for such facilities would continue to increase. The largest user market for these facilities are older adults. The City of Bayside currently has a significant higher proportion of persons older than 50 years (40%) compared to the Greater Melbourne area average (30%). The report stated that building standalone warm water program pools are a high-risk project as it duplicates significant high-cost capital areas and also duplicates high-cost centres such as labour and services.
3. Policy and planning context

A number of existing plans support the provision of warm water pools and the directions of this feasibility assessment. These plans also include directions that help frame the nature of provision.

3.1 Federal and State Government Plans

Key government plans with aspects relevant to this project include the following:

1. National Sport and Active Recreation Policy Framework 2011;
2. Smart Cities Plan;
3. Infrastructure Victoria, Infrastructure Plan for Victoria;
4. Active Victoria Strategic Framework 2017;
5. Victoria’s Public Health and Wellbeing Plan 2019 – 2023; and

These are briefly outlined below.

National Sport and Active Recreation Policy Framework 2011

Key directions of this plan include:

1. Facilitate a strategic approach to the provision of sporting and active recreation Infrastructure;
2. Establish local management and access policies to sport and recreation facilities;
3. Support and partner with non-government organisations that enable sport and active recreation participation;
4. Collaborate, engage, and partner across government departments on shared policy agendas; and
5. Invest in sport and active recreation infrastructure.

Smart Cities Plan 2016

The Australian Government Smart Cities Plan identifies that to succeed in the 21st Century economy our cities need to be productive and accessible, but they also need to be liveable with a clear focus on serving their citizens.

The idea is to plan for cities where residents can access employment, schools, shopping, services and recreational facilities within 30 minutes of home.

Plan Melbourne 2017

Plan Melbourne’s Vision is: A global city of opportunity and choice.

Key principles that support this project:

- Environmental resilience and sustainability;
- Living locally—20-minute neighbourhoods;
- Social and economic participation;
- Strong and healthy communities;
- Infrastructure investment that supports balanced city growth; and
- Leadership and partnership;
Active Victoria Strategic Framework 2017

The Framework identifies that sport and active recreation creates economic growth and jobs, makes Victorians healthier, builds community cohesion, and contributes to our liveability. It describes a strategic framework for future work based on six key directions:

1. Meeting demand;
2. Broader and more inclusive participation;
3. Additional focus on active recreation;
4. Build system resilience and capacity;
5. Connect investment in events, high performance and infrastructure; and

The vision in the plan is to be:

1. More active;
2. More diverse and inclusive;
3. Collaborative: Well-planned and connected investment that maximises participation and health, economic, community, and liveability benefits;
4. Robust, flexible, sustainable, and affordable;
5. Broad-based and connected: An integrated system that maximises the pathways and connections across the system; and
6. Identify planning, policy and economic, social and health issues facing the LGA.

Victorian Public Health and Wellbeing Plan 2019 - 2023

Victorian Public Health and Wellbeing Plan 2019–2023 addresses a number of strategic health priorities including strategic priorities, active living and maintaining healthy environments.

Councils support the priorities at the local level, through their municipal public health and wellbeing plans.

Health 2040: Advancing Health, Access and Care

Health 2040: advancing health, access and care presents a clear vision for the health and wellbeing of Victorians and for the Victorian healthcare system. Health 2040 is built around three pillars:

1. Better health: focuses on prevention, early intervention, community engagement and people’s self-management to maximise the health and wellbeing of all Victorians;
2. Better access: focuses on reducing waiting times and delivering equal access to care via statewide service planning, targeted investment, and unlocking innovation; and
3. Better care: focuses on people’s experience of care, improving quality and safety, ensuring accountability for achieving the best health outcomes, and supporting the workforce to deliver the best care.
3.2 Council Plans

The provision of publicly accessible hydrotherapy / warm water facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan and Wellbeing for All Ages and Abilities Strategy 2017-2021.

Background research

Further documentation regarding the need for a warm water / hydrotherapy pool in Bayside was noted in the December 2018 Council meeting, in research provided by New Focus in July 2018 and a high level review by the Otium Group in November 2018.

Bayside City Council. Ordinary Council meeting December 2018

A petition from residents supporting a proposal for a hydrotherapy pool in the City of Bayside was presented to the 18 September 2018 Ordinary Meeting of Council. The petition asked Bayside City Council to strongly support the proposal that the City of Bayside needs a hydrotherapy pool accessible for all residents for a wide range of health conditions.

The petitioners were seeking a facility in the south of the municipality with Council to also to provide a second facility to the north.

Council noted a previous approach from an action group had led to two pieces of research. One by New Focus and one by Otium - Hydrotherapy Pool High Level Review Final Draft Report.

Hydrotherapy Research. New Focus. July 2018

Bayside Council engaged New Focus to undertake an assessment of the need for a hydrotherapy pool in the Bayside area.

The specific objectives of the research were to:

1. Investigate current referral patterns by Bayside health providers;
2. Explore perceptions of the suitability of the facilities currently available;
3. Explore perceptions of the demand for hydrotherapy pools and who the users and potential future users are; and
4. Basic socio-demographic profiling indicating likely increase in use due to population changes.

The research found there is a potential need for a publicly accessible hydrotherapy facility within the Bayside area.

Nearly one quarter of residents aged 60+ have previously used hydrotherapy with nearly three-quarters saying they would be likely or very likely to use hydrotherapy in the future if the need arose.

Over 300 residents over 60 years of age were surveyed and said they were far more likely to avoid hydrotherapy if they had to travel more than 20 minutes from home to use it, while the majority (74%) would be more likely to use hydrotherapy if it was within 20 minutes from home.

Key stakeholders felt that the current public facility (GESAC) was not easy to access and was close to capacity, and while there are private facilities available these are also in high demand or are not available to the general public.

The majority of stakeholders and health professionals feel that a facility within the central area of Bayside City Council would be the best way to meet the community’s needs. However there are
challenges with this option as well – including the availability of land and extreme costs of building, running and maintaining a whole new facility.

The report stated that the ideal solution would be community hub with public pools as well as a hydrotherapy pool as it could be self-sustainable financially.

Hydrotherapy Pool High Level Review. Otium Planning Group. November 2018

The high level review of Hydrotherapy pools for Bayside Council outlined the ideal size for a public facility, capital cost and annual running costs.

Several case studies were provided of recently developed facilities that were standalone and colocated with public swimming pools.

Key findings included:

1. The need and demand for such facilities will continue to increase;
2. The largest user market for these facilities are older adults and the City of Bayside currently has a significant higher proportion of persons older than 50 years (40%) compared to the Greater Melbourne area average (30%);
3. To appeal to all ages and interests there has been a move away from developing small Hydrotherapy Pools to building larger warm water program pools;
4. Developing facilities at a site that has a range of water areas and other attractions is the number one success factor for aquatic leisure facilities. Adding high yield and commercial wellness and allied medical facilities also assist in creating a successful operational result;
5. Case studies of such facilities indicate they can meet their operational costs but cannot contribute to capital cost or major renewal/replacement costs; and
6. Building standalone warm water program pools will be a high risk project as it duplicates significant high cost capital areas and also duplicates high cost operational areas such as labour and services.
4. Demographic influences on demand and participation

4.1 Total population

Total population, projected growth and density have a considerable bearing on the use of warm water aquatic facilities. These factors will also affect the location of facilities.

An ageing population will increase demand for hydrotherapy and warm water facilities.

In 2020, Bayside has an estimated 108,787 residents. The population is projected to increase by over 9% to 118,590 by 2036. The following table shows the 2016 population for the City of Bayside and projected growth to 2036.

Table 1. City of Bayside population 2016 and projected growth to 2036

The population increase in Bayside of those aged 60 years and over is forecast to grow much faster than the general population rate. It is expected that the population of those aged 60 years and over will grow at a rate of almost 35% in the 20 years from 2016 (25,112) to 2036 (33,860).

The suburbs of Brighton, Brighton East in the north of the municipality and Beaumaris in the south have the highest percentage of residents 60 years and over which will continue through to 2036. Hampton and Sandringham follow closely behind before a significant gap to the Black Rock, Highton, Hampton East and Cheltenham.

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1 Forecast Id 2020,
4.2 Influences of demographic profile on participation in hydrotherapy and aquatic activities

Age, gender, income, ethnicity and education, and disability are key determinants of participation in aquatic programs and these factors can directly influence the use of a warm water facility.

The demographic characteristics of Bayside would suggest the following:

- A warm water pool facility in most locations is likely to receive high usage due to the high number of older residents, the increasing number of people with a disability and those who are obese or with health conditions, as well as the current demand for swimming lessons for younger children;
- The age structure of the City indicates an aging demographic and this will continue, hence it is likely that there will be increased demand for a warm water pool for health reasons throughout the years of operation as the municipality has an aging profile;
- The demand for swimming lessons for early years will increase with population growth of those between 0 and 14 years;
- Despite the high SEIFA index for Bayside the cost of use will be an important factor that influences demand for the age groups most likely to use a warm water pool;
- A warm water pool will also target females who are likely to participate more than males and who have higher risks of cardiovascular disease than males. The proportion of females in the population, tend to increase with age, and
- Cultural groups are mainly from English speaking countries but a small group of Russian and Greek speaking residents. There are relatively few people of Muslim faith that may require segregated swimming.

4.3 Gender

Gender has a strong bearing on participation in physical activity, the demand of certain activities, and participation patterns.

Females tend to be more sedentary than male and have a higher risk of cardiovascular disease than males.

The gender ratio in Bayside is approximately 51.9% female to 48.1% male.

An increasing proportion of females walk, participate in personal training/boot camp activities, swim and undertake group fitness, for example, than males.

Females will be an important market for warm water exercise activities.

4.4 Age structure

A hydrotherapy facility is likely to receive increase usage from older residents and those not in the workforce. However, people aged 55-64 and 65 years and over, have the lowest rate of involvement in physical and recreational activity overall (19% and 38% respectively).3 And this market will need to be encouraged to use such a facility.

The following table shows the 2016 population for the City of Bayside of those 60 years and over by suburb and projected growth to 2038.

Table 2. The City of Bayside population 60 years and over, by suburb and projected growth to 2038.

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Comparing the population in Bayside between now and 2036 shows there will be a significant increase in the number of residents who are 60 years or over. In total, this increase is projected to be 8,748 residents. Bayside has a higher proportion of people aged 40 years to 85+ than Greater Melbourne.

This older adult market is an important segment for warm water pools – to encourage both social and physical activity and to assist in relief and recovery from common conditions such as arthritis and joint replacement. People outside the workforce tend to be more available during the day, which is a non-peak time for a multi-purpose aquatic service.

The following table shows the 2016 population for the City of Bayside compared to Greater Melbourne in 5-year cohorts.

Table 3. City of Bayside percentage of population compared to Greater Melbourne in 5 year cohorts
5. About warm water/hydrotherapy pools

5.1 What is the difference between hydrotherapy and other pools?

A hydrotherapy pool is a warm water pool designed for clinical aquatic rehabilitation and heated to a minimum of 33.5°C. The term "warm water pool" is typically a pool used for programming, lessons and exercise classes and for therapeutic activities. Warm water pools are generally heated pools to 32°C+.

The following table outlines the desirable maximum temperatures of different types of pools.

<table>
<thead>
<tr>
<th>Recommended maximum pool water temperature</th>
<th>Temperature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competitive swimming and diving, fitness training</td>
<td>28°C</td>
</tr>
<tr>
<td>Recreational, adult teaching, conventional main pool</td>
<td>25°C</td>
</tr>
<tr>
<td>Leisure pools</td>
<td>30°C</td>
</tr>
<tr>
<td>Children’s swimming</td>
<td>34°C</td>
</tr>
<tr>
<td>Babies, young children, disabled</td>
<td>32°C</td>
</tr>
<tr>
<td>Hydrotherapy</td>
<td>35°C</td>
</tr>
<tr>
<td>Spa pools</td>
<td>40°C</td>
</tr>
</tbody>
</table>

Warm water pools offer more program flexibility, as they are suitable for swimming lessons, gentle exercise classes as well as rehabilitation activities and programs.

There is an Australian Standard for the development and operation of purpose built Hydrotherapy Pools – AS 3573-2006. Pool water heated to higher temperatures (optimum 33.5°C to 35°C), requires higher turnover (2 hours or less), more frequent filtration and have different chemical dosage rates to normal pools. Alarm systems with accessible points from several positions within the pool and around the concourse are required.

Air temperature around a hydrotherapy and warm water pool are also warmer than a typical swimming pool, maintained at approximately 25-28°C.

The operation of a public pool in the Bayside context is not exclusively for clinical reasons and the cost of building and operating a pool to meet Hydrotherapy standards is much higher than a warm water pool.

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5.2 Annual Heating Costs - Gas Versus Electricity

The table below shows potential costs differences between heating water to different temperatures using natural gas or electricity via heat pumps.

Using natural gas, the cost difference between operating a pool at 32°C compared to 35°C is estimated at $11,046. Using electricity via heat pumps, the additional cost is $13,238 pa.

Using an average cost per megajoule (gas) and kilowatts (electricity), natural gas is currently the cheaper option to heat water. Using the model below, it would cost $8,120 less per year to heat a warm water pool (20m x 11.5m) to 32°C with gas rather than electricity. Council’s response to the declaration of a Climate Emergency, replaces natural gas with the use of electricity. Through the use of solar energy and environmentally sustainable design principles the difference in ongoing utility costs can be mitigated.

Rates for both gas and electricity vary widely. In some areas the cost of gas may exceed electricity and therefore it may be more financially viable to use electricity for pool water heating. However what does not change is the higher the water temperature, the higher the operational cost.

The table below shows an example of cost differences between natural gas and electricity for pool water heating and additional costs per degree, using the assumptions shown.

<table>
<thead>
<tr>
<th>Water Temperature</th>
<th>Natural Gas</th>
<th>Heat Pump (Electricity)</th>
</tr>
</thead>
<tbody>
<tr>
<td>32°C</td>
<td>$63,560</td>
<td>$43,370</td>
</tr>
<tr>
<td>33°C</td>
<td>$65,161</td>
<td>$54,094</td>
</tr>
<tr>
<td>34°C</td>
<td>$68,844</td>
<td>$58,575</td>
</tr>
<tr>
<td>35°C</td>
<td>$72,606</td>
<td>$65,021</td>
</tr>
<tr>
<td>36°C</td>
<td>$76,451</td>
<td>$80,016</td>
</tr>
</tbody>
</table>

Assumptions:
- Pool size 20m x 11.5m
- Natural gas cost 0.14 $/MJ
- Electricity (average) 0.31 $/kWh
- Assume pool cover is applied 12 hrs. per day
- Above table shows indicative water heating costs only. Air handling, circulation pumps, lighting etc. are an additional cost
6. Bayside Seniors Action Group (BSAG)

BSAG was formed in 2016 (previously Bentleigh Bayside Seniors Action Group). The group recognised an acute need for a publicly accessible hydrotherapy pool within the municipality and have strongly advocated for a facility of this type.

The group presented to Bayside City Council who then recommended that research be undertaken to determine whether there is a need for such a facility. The research was undertaken during 2018, finding that there is a need for a hydrotherapy/warm water pool in Bayside.

Some 900 signatories were gathered in support of a hydrotherapy/warm water pool being provided, mostly from south of the municipality.

The following points were noted in a meeting with a representative from BSAG in December 2019.

Current sites most used by group are Berendale School, Glen Eira Sports and Aquatic Centre and Connect Health.

1. Berendale School, Hampton East (Department of Education land)
   - Open 6 hours a week to the public (previously 9 hours);
   - Water temperature approximately 32 degrees but inconsistent;
   - Air handling should be 25 degrees. In winter it is 15 degrees; and
   - Ramps to change room are outside pool hall.

2. Glen Eira Sports Aquatic Centre, East Bentleigh
   - Up to 60 people are in the pool some days;
   - The Wellness pool water temperature is good;
   - Change rooms are good;
   - The pool is roped off for classes, but there is no rail in pool on side that public use
   - Noise is an issue in school holidays; and
   - Entry cost for non-residents is $6.90. Glen Eira residents pay $2.00.

3. Connect Health, East Bentleigh
   - Must be a patient of Connect Health to use the pool;
   - Communal bathrooms are not ideal; and
   - Entry was $7.00 now it is $10.

Ultimately the group would like one pool in the north of the municipality and one in south.
Pool requirements are as follows:

- Water temperature of 34 °C;
- Public transport connections;
- Suitable parking;
- Preferred location - Council side of Nepean Highway – south;
- Pool that physios may use or have other uses to make it viable;
- Environmentally aspects e.g. rainwater tanks, solar power;
- Spa jets;
- Handrail around inside wall of pool;
- Café would be great; and
- Gym – some use from U3A.

The new Bendigo centre-Gurri Wanyarra Wellbeing Centre, is considered a good design. It includes a Pool Pod and different wheelchairs.

Other potential users:

- Learn to Swim providers for infants and toddlers need a temperature of 34 °C;
- Physios are most likely to use but not manage the facility e.g. Bluff Rd Physiotherapy;
- Group use;
- Those who wish to undertake rehabilitation or programs after they have left direct care;
- Gentle exercise classes; and
- Retired people who wish to keep active.

Council bus option:

- Costs users $20.00 in taxi to get to the 94 bus;
- Would need to pick up at least twice a day from homes; and
- Sandringham Leisure Centre is not close to public transport.
7. Facility components

Previous studies and enquiries made in this project suggest the following components and scale for a warm water pool in Bayside:

- Site size required a minimum of 1200 square metres;
- A pool of a minimum of 20m x 11.5m in size;
- Maximum depth 3.4m, Minimum depth 1.1m. Gradient no steeper than 1:14, preferably 1:20;
- Include ramp and step access. (Ramp gradient no steeper than 1:14, preferably 1:20);
- Handrail around inside perimeter of pool shell;
- Concourse width—a minimum of 2m (recommended 3m);
- Water heated to 33°C/34°C;
- Accessible change and a Changing Places facility, plus additional family change space;
- Allied health treatment rooms;
- Seating social area;
- Storage room (20m square metres minimum);
- Reception/Foyer/Administration;
- Staff room;
- First-aid room;
- Equipment storage facilities;
- Cleaning storage;
- Plant room plus chemical storage;
- Services, power, water etc;
- Adequate car parking close to entry (40 spaces min); and
- Accessible path of travel from the street.

Additional uses for the pool other than exercise therapy, such as swimming lessons, may require a larger water space and additional change rooms.

There are additional related services and facilities (for example group fitness and gym) that may add considerable value to a warm water pool facility, address the same market and provide opportunities for cost recovery. However different options to service these are not included in this project, other than allied health – largely because of space available.

The previous report found that building a standalone warm water pool was a high-risk project as it duplicates capital cost, labour and services.
8. Potential locations and the surrounding catchments

A large number of sites were considered as options to develop a warm water pool in Bayside. These included sites such as Lineare Private Hospital, Sandringham Hospital and Cabrini Hospital where a market for referral was close by. Landownership and site size precluded these sites from being explored further. Development at Brighton Baths is restricted by foreshore conservation concerns. Other sites were either privately owned, too small or both.

Some six sites were nominated for more detailed investigation. See following table.

Table 6. Sites for a warm water / hydrotherapy pool nominated by Council for investigation

<table>
<thead>
<tr>
<th>Potential site</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hurstbridge Park</td>
<td>1 Palmer Avenue, East Brighton</td>
</tr>
<tr>
<td>Brighton Sands Club</td>
<td>306 Dendy Street, East Brighton</td>
</tr>
<tr>
<td>Brighton Golf Course</td>
<td>220 Dendy Street, Brighton East</td>
</tr>
<tr>
<td>Dendy Park Tennis Centre</td>
<td>306 Dendy Street, Brighton East</td>
</tr>
<tr>
<td>Sandringham Family Leisure Centre</td>
<td>168 – 188 Tulip Street, Cheltenham</td>
</tr>
<tr>
<td>Old CSIRO site</td>
<td>37 Graham Road, Highett</td>
</tr>
</tbody>
</table>

8.1 Methods of assessment

8.1.1 Site selection criteria

Site selection criteria were devised to guide the choice of the preferred site.

These criteria were as follows:

- Central to the population it needs to serve – including those 60 years and over;
- Size: The site can accommodate required components – a minimum of 1200 sqm and has power/water, space for adequate car parking and with an opportunity to expand;
- Land is relatively flat with suitable configuration for a building;
- The site is visually prominent, on a main road, and can be seen from some distance;
- No planning constraints including flood, heritage, environmental, zoning, drainage, geotechnical, easement, trunk sewer etc;
- Ownership or management of the land by Council means no purchase required;
- Can complement or replace an existing public service with a better facility;
- Can complement any existing private service;
- No major competing like facilities within 3kms;
- Close to public transport, bus, train, bike paths, accessible vehicles for ease of access;
- Close proximity to an activity centre, public health and allied health services: hospital, aged care facility and disability provider etc, to encourage use during the day;
- Ability to commence development in the short term (1-2 years); and
- Suitable commercial organisations on site or nearby to assist in delivery of operations and services.
8.2 The catchment around each site

Each of the proposed sites has a surrounding population large enough to support a warm water pool.

A catchment of 3km (as the crow flies) is estimated as the primary catchment based on the likely distance and time that an average user would travel to use a warm water pool for gentle exercise, swimming lessons and casual use. This is smaller than a typical public swimming pool due to the age of the primary target audience and the demand from people with a disability.

The map following shows that the area with the highest growth in those 60 years and over between 2020 and 2036 is Brighton in the north with an additional 3,824 people aged over 60 years. The area with the least is Black Rock in the south with 261 additional people 60 years and over.

The growth in those aged 60 years is most pronounced in the north of the municipality and becomes less further south. Brighton in the North West will grow from 855 people to 1824, with the least growth in people over 60 years is Black Rock with 261 between 202 and 2036.

Hurlingham Park, Brighton Golf Course and Brighton Bowls Club located in the northern half of the City have the highest proportion of Bayside residents over 60 years of age in the catchment. Sandringham Family Leisure Centre in the south is in an area with a lower proportion.

The following map shows the 6 sites nominated by Council for investigation as potential sites for a warm water pool, the 3km primary catchment radius and the percentage of population 60 years and older. The shaded zones show the areas with the most growth in those 60 years and over between 2020 and 2036.
8.3 Proximity to existing and potentially competing or partner facilities

Existing warm water pools and potential associated services and facilities were investigated and mapped as part of this project.

Health services in Bayside

Warm water or hydrotherapy pools are in demand for clinical rehabilitation and therapy and are likely to be sought after by physiotherapist and allied health practices, including disability providers. Some of these businesses may be potential partners in the development of a warm water pool, and facilities in such premises. The retirement villages and aged care facilities may provide some competition to a public pool.

There are numerous private health providers in Bayside, in particular physiotherapist practices, offering a range of sport injury, exercise and rehabilitation services. Additional providers service this area. A new pool may encourage others to establish. These services are potential users of a facility that Council may provide in a public setting, however Council is less likely to support a facility within any one of these private facilities.

When a warm water pool is located within an education, health or private facility, access is more restricted due to staff supervision requirements and operating hours are much less than those in public facilities. They are often designed in a way that the pool is not easily accessible for the general public.

There are two hospitals with warm water pools in Bayside, however public access is limited with referrals required for scheduled usage.

Retirement or aged care facilities

Bayside has a relatively high number of retirement homes and aged care facilities.

There are two aged care facilities with warm water pools in Bayside, however public access is limited with referrals required for scheduled usage at one with the other not currently open for use.

Staff from some 15 residential aged care/retirement facilities in Bayside were canvassed in relation to the potential use of a community warm water pool. Six respondents said they might use such a facility, others said that due to the age and health of those in their care and the need for transportation, the use of a warm water pool was unlikely. Those that were likely to use such a facility, said the ideal location would be within their suburb or within a 15 to 20 minute drive. No centres contacted used external warm water pools.

Existing pools in Bayside

There are six privately operated warm water pools, two public swimming pools and four private swimming pools in Bayside (table 7).

Of the privately operated warm water pools, only Berendale School allows public access. Community access to this pool was recently reduced to 6 hours per week.

Four pools have space leased for limited hours to physiotherapists for classes and rehabilitation. The pool at Elanora Japara Residential Aged Care is closed and awaiting a risk assessment to be completed.

There are no known proposed developments of warm water pools at the existing swimming pools within the City of Bayside. Further development at Brighton Baths are constrained by foreshore development restrictions.
Brighton Swim School is a privately owned and operated as a swim school.

A warm water pool at Sandringham Family Leisure Centre will be considered in a future redevelopment.

**Pools in neighbouring LGAs**

An environmental scan identified existing facilities in Bayside and neighbouring municipalities that could compete with the development of a new indoor hydrotherapy/warm water pool.

The major facilities that are likely to compete with any warm water pool provided in Bayside are the larger public facilities outside the City, in particular GESAC in the City of Glen Eira. There is also a potential redevelopment of the Carnegie Swim Centre.

The City of Kingston is currently considering the future of the Don Tatnell Leisure Centre following closure due to the identification of age related building issues. The centre has provided programs for people with a disability over many years. A redeveloped facility may include a warm water pool.

A warm water/hydrotherapy pool is proposed for the next stage of the redevelopment of the Moorabbin Oval that will allow community use. It is proposed that next stage will also include a community gym and grandstand.

Facilities with potential to compete with any new warm water pool in Bayside are identified in the following table. These facilities do not all include warm water pool programs but offer swim lessons, aqua classes and general access to water activities.

There may be specific reasons why these different facilities are chosen by users, including referral by a physiotherapist, transport, access to a range of other aquatic programs or specialised services.

The following table shows existing and potential warm water pools in and near Bayside City.
### Warm Water / Hydrotherapy Pool Feasibility

Table 7. Existing and potential warm water pools in and near Bayside City

<table>
<thead>
<tr>
<th>Facility</th>
<th>Service Offer</th>
<th>Usage</th>
<th>Opening Hours</th>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Warm water pools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Classic Residences, Brewer Road, East Brighton</td>
<td>Private facility used by residents with some external use via Platinum Physiotherapy</td>
<td>Classes conducted by Platinum Physiotherapy</td>
<td>Offer 24 x 1 hour classes/week - Monday to Saturday between 9am and 8pm weekdays and 9am to 12:00 noon Saturdays</td>
<td>Private - Lendlease</td>
</tr>
<tr>
<td>Caulfield Hospital Hydrotherapy Pool, Caulfield</td>
<td>Pool space leased for physiotherapy and swim lessons</td>
<td>Physio Classes conducted by Platinum Physiotherapy and East Brighton Physiotherapy</td>
<td>Platinum Physiotherapy - 3 classes/week, East Brighton - Groups of 10-15, Mon, Wed, Fri 1-3:00 and 12:30-1:00</td>
<td>Private - Alfred Health</td>
</tr>
<tr>
<td>Epworth Rehabilitation Hospital, Brighton</td>
<td>Pool 34 degrees. Access is provided via wide shallow steps or a hoist</td>
<td>No community use.</td>
<td>Referral only</td>
<td>Private - Epworth Health Care</td>
</tr>
<tr>
<td>Berendale School, Hampton East</td>
<td>Warm water pool[273]</td>
<td>Community use via Connect Health and swim lessons</td>
<td>Community access reduced to 6 hours a week from 9</td>
<td>Department of Education</td>
</tr>
<tr>
<td>Boatley Bayside Community Health Centre, East Bentleigh</td>
<td>Pool 8.5m x 12m, 1.0m-1.5m depth Pool 34°C</td>
<td>Must be a patient</td>
<td>Monday - Friday 8:45am - 7:00pm Saturday - Sunday 9:00am - 1:00pm</td>
<td>Not For Profit Community Health Service</td>
</tr>
<tr>
<td>Elanco Japara Residential Aged Care, Brighton</td>
<td>Not available for public use. Step access with rail and sliding hoist</td>
<td>Risk assessment to be completed prior to internal use</td>
<td>Not available</td>
<td>Private - Japara</td>
</tr>
<tr>
<td>GESAC</td>
<td>Purpose built, 20m x 11.5m hydrotherapy (warm water exercise pool. Ramp and hoist access: 34-35°C). On site Physiotherapy</td>
<td>Strong local community use, Physiotherapy groups, swimming lessons</td>
<td>Open 104.5 hours per week</td>
<td>City of Glen Eira</td>
</tr>
</tbody>
</table>

### Public and Private Pools

<table>
<thead>
<tr>
<th>Facility</th>
<th>Service Offer</th>
<th>Usage</th>
<th>Opening Hours</th>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandringham Family Leisure Centre</td>
<td>25m indoor pool, gym, cafe. Swimming lessons, lap swimming</td>
<td>Public use</td>
<td>Open 95.75 hours per week</td>
<td>City of Bayside Private management Pool - Swim Right, Gym - Goodlife</td>
</tr>
<tr>
<td>St Kilda Sea Baths</td>
<td>Indoor sea water pool, spa, steam room, gym, restaurant, bar, swimming lessons, lap swimming</td>
<td>Public use</td>
<td>Open 110.5 hours per week</td>
<td>City of Port Phillip Private management South Pacific Health Club</td>
</tr>
<tr>
<td>Brighton Baths</td>
<td>Enclosed outdoor saltwater pool, steam room, gym, swimming lessons, swimming groups</td>
<td>Public use</td>
<td>Open 98.5 hours per week</td>
<td>City of Bayside Private management</td>
</tr>
<tr>
<td>Brighton Swim School</td>
<td>Swimming lessons. Lease space to Brighton Spine and Sports Clinic</td>
<td>Referral required from Spine and Sports clinic</td>
<td>Predominantly a swim school 7 days a week</td>
<td>Private</td>
</tr>
<tr>
<td>Facility</td>
<td>Service Offer</td>
<td>Usage</td>
<td>Opening Hours</td>
<td>Management</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Bayside Aquatics (Mentone Grammar), Mentone</td>
<td>25m pool: Swimming lessons, squads, holiday programs, school carnivals</td>
<td>School and bookings only</td>
<td>No general public access</td>
<td>Private – Mentone Grammar</td>
</tr>
<tr>
<td>Mentone Girls Grammar School, Mentone</td>
<td>Indoor heated technique pool (31 degrees), indoor heated 25m, 8 lane pool (29 degrees), 5m and 3m diving boards, Swimming squad and dive programs</td>
<td>School and bookings only</td>
<td>No general public access</td>
<td>Private – Mentone Grammar</td>
</tr>
<tr>
<td>Fitness First, Highett</td>
<td>Indoor 20m x 4 lane pool. Swim Lessons, lap swimming, aqua classes</td>
<td>Casual pool access</td>
<td>Pool open 24 hours per week</td>
<td>Private</td>
</tr>
<tr>
<td>Carnegie Swim Centre, Carnegie</td>
<td>Toddler Pool, Wading Pool, 50m Pool, Dive Pool</td>
<td>Public use</td>
<td>Open 61 hours p/W Seasonal Pool (Nov 1 – March 31)</td>
<td>City of Glen Eira</td>
</tr>
<tr>
<td>Don Tatten Leisure Centre, Parkdale (CLOSED)</td>
<td>Indoor 25m pool – 31°C gym, group exercise classes</td>
<td>Public use</td>
<td>Open 99 hours per week</td>
<td>City of Kingston</td>
</tr>
<tr>
<td>Waves Leisure Centre, Highett</td>
<td>Indoor 50m pool – 28°C, gym creche, group exercise classes</td>
<td>Public use</td>
<td>Open 99 hours per week</td>
<td>City of Kingston</td>
</tr>
</tbody>
</table>

### Planned Warm Water Pools

<table>
<thead>
<tr>
<th>Facility</th>
<th>Usage</th>
<th>Likely to include community use</th>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>St Kilda Football Club, Moorabbin</td>
<td>To be included in Stage 2 of redevelopment. Will include community gym, warm water, grandstand, change rooms, allied health</td>
<td>TBC</td>
<td>St Kilda Football Club</td>
</tr>
<tr>
<td>Fairway Bayside Aged Care,</td>
<td>Warm water pool, open for public use</td>
<td>TBC - Early planning stages</td>
<td>TBC</td>
</tr>
</tbody>
</table>
The following map show private and public pools in Bayside and neighbouring municipalities.
9. Site options assessed

Following an assessment of the site options above, Sandringham Family Leisure Centre was assessed as the most suitable site, followed by Brighton Golf Course.

The sites are central to the Bayside population, on land that is relatively flat, owned Council and of a size that can accommodate the required components and have relatively few constraints.

If agreement to the scope of the project is agreed with the existing lessee The Brighton Golf Course site has the ability to commence development in the short term, with the SPLC requiring a longer time frame. If agreement can’t be met, a construction timeline extends to 2028.

See Appendix 1 for a site context plan, Appendix 2 for draft site location and Appendix 3 for site section criteria, weighting and scoring.

Each site was assessed against the thirteen criteria listed in chapter 8.1.

The sites were assessed for suitability in the following order:

1. Brighton Golf
2. Sandringham Family Leisure Centre
3. Brighton Bowls
4. Hurlingham Park
5. Dendy Park Tennis
6. Ex CSIRO

9.1 Advantages / Disadvantages of the sites reviewed

Following a review of the recommended sites and their advantages and disadvantages, some six sites were reviewed for their potential to accommodate a warm water facility.

These are listed below and a summary provide below an aerial image.

Hurlingham Park, 1 Palmer Avenue, East Brighton

- Located in area of Bayside with the highest proportion of those aged 60 and older
- Zoned Public Park and Recreation Zone (PPRZ)
- Planning scheme overlays include Design and Development, Development Contributions Plan and Heritage Overlay
- Likely to require significant tree removal before construction
- Plans to upgrade childcare facilities at the site
- Within 3km of hydrotherapy pools at Epworth Brighton and Platinum Physiotherapy Brighton.
Brighton Bowls Club, 306 Dendy Street, East Brighton

Brighton Golf Course, 210 Dendy Street, Brighton East

- Located in area of Bayside with the highest proportion of those aged 60 and older
- Zoned Public Park and Recreation Zone (PPRZ)
- Planning scheme overlays include Design and Development, Development Contributions Plan and Special Building Overlay
- Within 5km of Hydrotherapy pools at Epworth Brighton and Platinum Physiotherapy Brighton
- Potential for croquet club to use old bowling green at site

- Located in area of Bayside with the highest proportion of those aged 60 and older
- Zoned Public Park and Recreation Zone (PPRZ)
- Planning scheme overlays include Design and Development, Development Contributions Plan and Special Building Overlay
- Within 5km of Hydrotherapy pools at Epworth Brighton and Platinum Physiotherapy Brighton
- Good access by bus
- A site at the entrance to the club has adequate space to accommodate a warm water pool
- A flat site requiring minimal tree removal
- Car parking maybe limited. (A traffic and parking assessment is to be conducted in next stage)
Dendy Park Tennis Centre, 306 Dendy Street, Brighton East

- Located in area of Bayside with the highest proportion of those aged 60 and older
- Zoned Public Park and Recreation Zone (PPRZ)
- Planning scheme overlays include Design and Development, Development Contributions Plan and Special Building Overlay
- Within 3km of hydrotherapy pools at Epworth Brighton and Platinum Physiotherapy Brighton
- No space on the current leased space for a warm water pool.

Sandringham Family Leisure Centre, 168 – 188 Tulip Street, Cheltenham

- Located in the part of Bayside with the least number of those 60 years and over
- Zoned Public Park and Recreation Zone (PPRZ)
- Planning scheme overlays include Design and Development, Vegetation Protection and Development Contributions Plan
- No other hydrotherapy pools within 3km
- The site with the largest range of complementary services including other pools, gym, and physiotherapy services
- Public access with broader hours of operation
- Expertise of aquatic management
- Synergies with existing services and programs
- Some Council control through lease requirements
- Ability to be cross programmed with other uses such as swim lessons.
Ex CSIRO site,
37 Graham Road, Highett

- Commonwealth land not controlled by planning scheme
- Planning Scheme Overlays include Development Contribution Plan and Special Building Overlay
- No other hydrotherapy pools within 3km.
10. Potential program partners

As warm water/hydrotherapy services typically target people and their range of conditions, programs delivered in hydrotherapy pools are typically those of the peak bodies, health, disability or aged care providers. Examples include:

- Council of The Aging
- Cerebral Palsy Support Network
- Arthritis Association
- Spinal Cord Injury Association
- Berendale School
- Private Exercise Physiologists or Physio therapists (e.g. Connect Health, Platinum Physiotherapy)
- Community Centres (e.g. Connect Health and Community)

10.1 Benefits of providing warm water pools in different settings

The continuum of care from acute disease management to general health and well-being can be aided by an aquatic environment. There are a number of models of provision of hydrotherapy that varies for some public access to full community access in private and public health care facilities.

Aquatic facilities are expensive to build and maintain. At the same time, health care is widely viewed as too expensive. Thus, some people interviewed suggested aquatic therapy should narrow the physical and communication gaps between the health care system and the community pool, to extend the hospital into the community, or the local pool to more of a health related service.

It is argued that patients are likely to do better in a community setting where there is a more “playful” or social atmosphere, as long as those patients who want privacy in the process of getting therapy can be protected and the environment can be managed for patrons with significant disfigurement, on the autism spectrum or with difficult behaviours.

In residential care settings, fewer residents are mobile and can use hydrotherapy as the older adults are being serviced more in the community, however newer aged care facilities that have independent living, commonly provide pools that include lap swimming, spa, warm water or hydrotherapy pools.

More public aquatic facilities than ever before include warm water or hydrotherapy pools to extend their service offer, and in particular to be able to run exercise programs and learn to swim that can generate greater income than other aquatics facilities. These centres also include on-site therapy services.

MYPHYSIO, a physiotherapy provider at GESAC includes treatment space for health professionals to operate at the centre. This co-location provides benefits to both the centre and the health professionals in providing on-site services.
10.2 Possible provision models

There are five common settings where warm water/hydrotherapy pools are typically provided. These are:

- Colocated in combined leisure centres
- Separate Council owned/managed facility
- Hospitals/health services
- Aged care facilities
- Schools
- Private Gym/Health Clubs

There are different benefits of each. These are described below with examples.

Colocated in combined leisure centres

Management options for these include in-house, external management entity or combined business entity.

Most new aquatic centres, for example GESAC, Melbourne Sports and Aquatic Centre (MSAC), Watermarc, Maribyrnong Aquatic Centre (MAC), AquaPulse, Monash, Ringwood and Splash have a warm water pool as part of the larger combined leisure centre. Some are separated by operable walls such as AquaPulse or in Ringwood, or at the back or removed from the main pool hall such as in Monash, WaterMarc and MSAC.

In these centres there are opportunities for cost reduction through staffing, opportunities to extend use to include swim lessons, fitness programs and casual swims, extend opening hours and programming as these are shared across a range of pools. These in centre pools benefit from professional design and management due to scale and provide an ability for cross subsidisation with staffing and operation (lifeguards, water quality management and chemicals, etc). As a number of support facilities can be shared with other pools, there is a reduced build cost if multiple aquatic facilities are included in the one building.

These centres allow for a diverse use of the facility by programming the warm water pool for (swim lessons/rehabilitation, mums and bubs, aqua fit classes, etc., as well as hydrotherapy) and open up the balance of time for casual use.

These facilities can still attract allied health uses (may have rooms to hire, for example at Monash, and the MAC etc.), as well as well-being services or health/rehabilitation practices such as at MSAC and Peninsula Aquatic Centre, etc. It appears pools that are remote from other activities in the centre are less used. For example, the MSAC hydro pool is upstairs from the main pools, although there is also a warm water pool in the complex with a height adjustable floor.

Hospitals/health services

Examples of the hydrotherapy pools in hospitals inspected, include Caulfield Hospital, Epworth Hospital – Brighton, Brunswick Private and Northwest – Burnie (Tasmania) (2 pools) and Traralgon Adolescent Health (Royal Children’s Hospital). These provide for inpatients or residents as well as organised users, or swim schools in set times, i.e. private physios.

Typically, these are not programmed by the hospital for community use and hence do not have high usage.
Some small community health services also include warm water pools, for example Ballan District Healthcare and Super GP Clinic Ballan.

**Separate Council owned/managed facility**

Examples of this type of facility include Kerang and Deniliquin, and multiple locations in WA with small pools.

These separate Council facilities tend to be:

1. Typically located in centres with small populations
2. Separate to Council outdoor pools in the same town
3. Only available for limited times for casual use
4. Able to be hired by professionals for clients (or sports clubs) who provide supervision
5. Reduce staffing costs by providing staffing only on a part time basis and reduce opening hours.

**Facilities provided in aged care**

Examples of this type of facility include: Classic Residences – East Brighton, OneCare – Barossa Park Wellbeing Centre, Glenorchy. Barossa Park is a large stand-alone centre in a residential aged care facility with public access and programs, managed by YMCA. Subsidised use is available for residents.

Another example is Warramunda Aged Care Facility in Kyabram. This is a community based aged care facility. This facility provides for rehabilitation use for the public limited to classes, or attending with a physio, on fee basis. There is value in opening up such facilities to the community as fewer residents in high support units can use such a facility, as there are more incentives to keep residents in their own home.

In these models, residents benefit as the operational costs are borne by the organisation that runs the facility. However, on occasions due to issues such as flu outbreaks, these types of facilities are sometimes not accessible to the community. They tend not to be designed as public facilities with casual use and a number suffer from domestic scale plant, change rooms being too small and other scale issues when community seek to use them.

The Barossa Park facility in Glenorchy is a good model for a contemporary community pool suitable for older people and people with a disability. It has three lap lanes, large warm water with good accessibility and an integrated spa.

**Physiotherapy private practices**

Examples of Physiotherapy private practices include Bendigo – Physiotherapy Centre Bendigo and Brisbane Physiotherapy. These facilities tend to be provided in cities with large populations. They tend to serve their own patients, referred outpatients and members and not the general community.

**Schools**

There are some examples of small warm water pools provided in schools. Examples include Berendale School, Hampton East, Glenallen Specialist School, Seymour College and Fawkner Primary. Private schools have recently started to include warm water pools in addition to competition swimming pools. These are commonly hired by organisations after school hours. Some for example are hired by a swim school.
There are considerable benefits of schools having access to warm water for lessons. However, school pools are unlikely to be able to provide community access to patients during the day, unless designed specifically for this use.

**Private Gym/Health Club/Swim School**

Apart from the common health club chains that may have a pool, such as Fitness First, Good Life Clubs, there are many examples of small-scale private health club pools, including Wynyard Gym and Fitness (TAS), Infinity Health Club, Kyabram and Dynamic Fitness Centre, Echuca. These each serve different markets and a limited number offer casual use. These are mostly only available to members.

There are a number of swim schools that have warm water pools, such as Jumps, Elite, and Paul Sadler Swimland, as well as single private facilities. Several of these have arrangements with physiotherapists but mostly they are not available for community use.

### 10.3 Potential operators

Throughout the engagement stage of this study, discussions were held with potential operators, both commercial and not for profit. Management of aged care and residential facilities in the area generally were not enthusiastic about the management opportunity. Due to the disadvantages noted above, they are not an ideal partner for a facility that requires broad and frequent public access. However, these disadvantages can be mitigated with a design and management model that considers both public and private use from the early planning stage.

The following organisations were identified as potential partners and operators.

**Brighton Swim School**

The organisation is an experienced operator of swim schools in Victoria and Queensland. They currently operate the Brighton Swim School in Bay Street, Brighton. Although predominately a swim school, the venue leases space to a neighbouring physiotherapy business for water exercise classes.

They are seeking larger premises to expand the business in Bayside and are prepared to offer significant capital for the construction of a facility that includes a warm water pool in return for a long-term lease. The operator would be interested in contributing to this proposal in return for a long-term lease.

**Leisure Management Services (LMS) – Managers of Brighton Golf Course**

LMS provides leisure management services to local government. Now specialising in golf course management, LMS have had a history of operating public aquatic facilities. Their proximity to the preferred site, experience in aquatic operations and knowledge of the local market would suggest that they may be a potential operator of a warm water pool in Bayside. LMS have a lease at site until 2028 so any options to develop the site must include them.

In 2018, LMS presented Council with an option to develop the Brighton Golf Course site to include a Warm Water Pool. Subsequently, LMS have submitted a further proposal that considers a Wellness Facility at the site including a mineral hydrotherapy pool to complement outdoor mineral springs pools and associated treatment rooms. This proposal does not meet the identified needs of the community, but does provide diversity within the municipality and an experience not available this close to the City. The Wellness Facility proposal is to be funded by LMS.

Discussions to incorporate a warm water pool with the proposed Wellness Facility or at the site entrance should be undertaken.
Swim Right, Sandringham

Swim Right currently lease the aquatic facilities at the Sandringham Family Leisure Centre, predominately for swimming lessons, school swimming and lap swimming. They work closely with Sandringham Sports Physio who access pool space at the venue. Swim Right have experience in pool operations, programming, staff and venue management. The ability to expand the swim school in conjunction with physiotherapy services and other warm water pool uses would make Swim Right a potential operator of warm water pool in Bayside. SwimRight have also expressed interest in contributing to development of the site for a longer term lease.

Fairway Bayside Aged Care, Sandringham

Fairway Bayside Aged Care is a not for profit organisation that was built in 1995, which has since been extended to a 65 bed facility. The Board of Fairway Aged Care is to consider a proposal for a further extension to the venue that includes day facilities and a warm water pool for residential and public use. If the proposal is approved, there is an opportunity for Council to assist in the development of the venue that will provide warm water facilities to the local community.

Physiotherapy Practices

A number of physiotherapy practices currently lease space at the existing pools in Bayside, including East Brighton Physiotherapy Centre, Platinum Physio, Connect Health, Brighton Spine and Sports Clinic, Sandringham Sports Physio. A purpose built warm water pool with the appropriate number of treatment rooms to accommodate a large physiotherapy practice would be attractive to local operators.

Commercial Leisure Management Groups

There are a number of leisure management groups that operate aquatic, fitness and sports venues on behalf of local government. These management groups include:

- Aligned Leisure
- Clublinks
- Belgravia Leisure
- Bluefit, and
- YMCA

The groups are experienced in facility management with head office functions that include marketing, risk management, finance and human resources. Management options available may include lease, profit share, lump sum or fee for service. Most leisure management groups will provide a capital contribution in return for a longer-term management agreement.

An expression of interest process for venue management, prior to construction of a new facility, would be recommended to gauge direct interest from relevant groups.
11. Transport Options

Council is now in receipt of State and Federal funding to support eligible residents to maintain their connection to community activities. While the connection to the community activities is the primary source of funding, door to door transport is supported to achieve this aim. To be eligible for this program residents must be registered through My Aged Care, be aged 65 years plus, living at home (not residential care), not in receipt of other Commonwealth funded programs and unable to independently get to the activity.

As part of a broader transport program Council currently provides transport twice weekly to aquatic facilities within Bayside and to Glen Eira Sports and Aquatic Centre.

The following table considers extending the existing transport services to GESAC (or other facilities) for residents who require access to a warm water pool. The proposal, does not suggest the participants contribute to the cost of this services and it provides very generous allowances for operation including:

- Full time band 5 driver;
- Full time band 4, administration; and
- Subsidy of entry cost.

Additional costs are noted in the table below.

With consideration to the current environment regarding Covid restrictions and impact on Council’s operating budget it is proposed that this service would not commence until 23/22.

The annual cost for a service five days a week for 52 weeks a year in Scenario 1, is estimated at $215,430. It is estimated that 20 people may participate.

Scenario 2 providing a service for 3 days a week for 50 weeks of the year is estimated at $123,900 per annum. It is estimated that 10 people may participate.
### Scenario 1

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bus lease</td>
<td>$23,000</td>
</tr>
<tr>
<td>2</td>
<td>Driver</td>
<td>$73,472</td>
</tr>
<tr>
<td>3</td>
<td>Administration</td>
<td>$45,921</td>
</tr>
<tr>
<td>4</td>
<td>GESAC Entry</td>
<td>$14,460</td>
</tr>
<tr>
<td>5</td>
<td>Cab subsidy</td>
<td>$30,526</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$215,430</td>
</tr>
</tbody>
</table>

1. Bus Lease includes operating costs e.g. fuel, servicing, rego etc.
2. Administration hours includes daily bookings for bus of 8 hours per day.
3. GESAC Subsidy $45.00 per person per visit.
4. Cab subsidy - Assume 14 people per week – Max 3km per trip.

**Assumptions**

- Pick up drop off from 3 locations in Bayside to GESAC
- Location 1: 144 Bay St, Brighton
- Location 2: 106 Highton Road, Sandringham
- Location 3: East Concerto, Beaumaris
- Two trips per day
- 5 days per week for 52 weeks a year
- Bus 12 seats

**20 regular participants.**

### Scenario 2

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bus lease</td>
<td>$23,000</td>
</tr>
<tr>
<td>2</td>
<td>Driver</td>
<td>$73,428</td>
</tr>
<tr>
<td>3</td>
<td>Administration hours</td>
<td>$45,921</td>
</tr>
<tr>
<td>4</td>
<td>GESAC Entry</td>
<td>$7,720</td>
</tr>
<tr>
<td>5</td>
<td>Cab subsidy</td>
<td>$9,760</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$123,900</td>
</tr>
</tbody>
</table>

1. Bus Lease includes operating costs e.g. fuel, servicing, rego etc.
2. Operates 2 days a week
3. Administration hours includes daily bookings for bus of 3 hours per day.
4. GESAC Subsidy $5.00 per person per visit.
5. Cab subsidy - Assume 4 people per week – Max 3km per trip.

**Assumptions**

- Pick up drop off from 3 locations in Bayside to GESAC
- Location 1: 144 Bay St, Brighton
- Location 2: 106 Highton Road, Sandringham
- Location 3: East Concerto, Beaumaris
- One trip per day
- 2 days per week for 52 weeks a year
- Bus 12 seats

**50 regular participants.**
12. Indicative capital and recurrent costs

Based on recently constructed warm water facilities, the likely cost of a standalone warm water pool is likely to be in the vicinity of $7 - $10 million. The net annual operating cost has been estimated at a deficit of $336,300.

An integrated facility at Sandringham Family Leisure Centre is estimated to cost $5 - $7 million for construction with a net annual operating cost estimated at deficit of $3,000.

(Note, construction costs are indicative only. OS costs will be provided once design is completed in the next stage.)

There are significant savings in the construction costs of a warm water pool at a multi purpose leisure facility. Facilities such as the reception area, change rooms, office/administration, first aid room, café, staffing areas, plant room and storage are incorporated in the design for other pool and fitness facilities.

Similarly there are significant savings in the operations. A stand-alone facility requires its own Manager, Lifeguards and administrative staff, its own cleaning, marketing, maintenance and insurance costs.

A multi-purpose leisure centre can cross promote its activities internally and attract more use to a warm water pool improving the overall performance of the centre.

Comparing the two models, the standalone facility would require a subsidy per head of $16.29 per person while the integrated model would require a subsidy of $0.11.

The subsidy at SFLC has been calculated based on 24,791 visits per year, factoring in the on-site allied health services, connected gymnasium and basketball facilities and existing learn to swim program operating. SFLC also provided extended hours of operation allowing for additional use. This is considered a conservative amount with the numbers extracted from the New Focus report (2018).

The subsidy at Brighton Golf Course has been calculated based on 20,651 visits per year. Also using the figures provided in the New Focus report, the value has been decreased, to reflect the impact of no allied services or supplementary aquatic facilities.

If we consider the following variations the subsidy per person would be:

<table>
<thead>
<tr>
<th>Site</th>
<th>New Focus</th>
<th>Subsidy</th>
<th>20% (increase)</th>
<th>Subsidy</th>
<th>20% (less)</th>
<th>Subsidy</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFLC</td>
<td>24,791</td>
<td>$0.11</td>
<td>29,749</td>
<td>$0.10</td>
<td>19,832</td>
<td>$0.15</td>
</tr>
<tr>
<td>BGC</td>
<td>20,651</td>
<td>$16.29</td>
<td>24,781</td>
<td>$13.57</td>
<td>16,520</td>
<td>$20.38</td>
</tr>
</tbody>
</table>

These indicative figures demonstrate the economies of scale achieved through co-location within a broader recreation facility that has potential to attract a more diverse and extensive customer base.
## Appendix 3. Site selection criteria weighting and scoring

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
<th>POTENTIAL SITE OPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central to the population it needs to serve, including those 60 years plus</td>
<td>0.09</td>
<td>Hurlingham Park</td>
</tr>
<tr>
<td>The site can accommodate required components - 1200m² including power/water, have adequate car parking and with an opportunity to expand.</td>
<td>0.15</td>
<td>Brighton Bowls</td>
</tr>
<tr>
<td>Land is relatively flat with suitable configuration for a building.</td>
<td>0.04</td>
<td>Brighton Golf</td>
</tr>
<tr>
<td>The site is visually prominent, on a main road, can be easily seen from some distance.</td>
<td>0.03</td>
<td>Dandy Park Tennis</td>
</tr>
<tr>
<td>No planning constraints incl flood, heritage, environment, zoning, drainage, geotechnical, easement, trunk sewer etc.</td>
<td>0.12</td>
<td>SFLC</td>
</tr>
<tr>
<td>Land ownership or management by Council means no purchase requirement.</td>
<td>0.09</td>
<td>Ex CSIRO</td>
</tr>
<tr>
<td>Can complement or replace an existing public service with better.</td>
<td>0.06</td>
<td></td>
</tr>
<tr>
<td>Can complement or replace an existing private service.</td>
<td>0.01</td>
<td></td>
</tr>
<tr>
<td>No major competing like facilities within 3km.</td>
<td>0.01</td>
<td></td>
</tr>
<tr>
<td>Close to public transport, bus, train, bike paths, accessible vehicles for ease of access.</td>
<td>0.14</td>
<td></td>
</tr>
<tr>
<td>Close proximity to an activity centre, public health and allied health services, hospital, aged care facility to encourage use during the day.</td>
<td>0.05</td>
<td>SFLC</td>
</tr>
<tr>
<td>Ability to commence development in short term (1-2 years).</td>
<td>0.12</td>
<td>Ex CSIRO</td>
</tr>
<tr>
<td>Suitable commercial organisation on site or nearby to assist in delivery of operations and services.</td>
<td>0.09</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>41</strong></td>
<td><strong>46</strong></td>
</tr>
</tbody>
</table>

| Rank | 5 | 3 | 2 | 4 | 1 | 6 |
### Bayside Warm Water Pool Feasibility Indicative Capital Costs

#### Stand alone Facility - Brighton Golf Club Site

<table>
<thead>
<tr>
<th>Building</th>
<th>Area m²</th>
<th>Rate per sq metre</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry</td>
<td>20</td>
<td>$2,450</td>
<td>$49,000</td>
</tr>
<tr>
<td>Foyer</td>
<td>80</td>
<td>$2,750</td>
<td>$220,000</td>
</tr>
<tr>
<td>Reception counter</td>
<td>allow</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Turnstiles</td>
<td>allow</td>
<td>$75,000</td>
<td>$75,000</td>
</tr>
<tr>
<td>Admin</td>
<td>30</td>
<td>$2,850</td>
<td>$85,500</td>
</tr>
<tr>
<td>Cafe Seating</td>
<td>40</td>
<td>$2,250</td>
<td>$90,000</td>
</tr>
<tr>
<td>Staff Room</td>
<td>30</td>
<td>$2,750</td>
<td>$82,500</td>
</tr>
<tr>
<td>First Aid</td>
<td>26</td>
<td>$2,750</td>
<td>$71,500</td>
</tr>
<tr>
<td>Circulation</td>
<td>40</td>
<td>$2,250</td>
<td>$90,000</td>
</tr>
<tr>
<td>Male Change</td>
<td>35</td>
<td>$1,125</td>
<td>$39,375</td>
</tr>
<tr>
<td>Female Change</td>
<td>35</td>
<td>$1,250</td>
<td>$43,750</td>
</tr>
<tr>
<td>Accessible x 2</td>
<td>10</td>
<td>$1,500</td>
<td>$15,000</td>
</tr>
<tr>
<td>Pool Hall</td>
<td>455</td>
<td>$2,000</td>
<td>$915,000</td>
</tr>
<tr>
<td>Store</td>
<td>10</td>
<td>$2,250</td>
<td>$22,500</td>
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<tr>
<td>Cleaners</td>
<td>5</td>
<td>$2,750</td>
<td>$13,750</td>
</tr>
<tr>
<td>Pool Store</td>
<td>50</td>
<td>$2,250</td>
<td>$112,500</td>
</tr>
<tr>
<td>Plant Room</td>
<td>50</td>
<td>$2,250</td>
<td>$112,500</td>
</tr>
<tr>
<td>Signage</td>
<td>allow</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Sub total</td>
<td></td>
<td></td>
<td>$2,722,750</td>
</tr>
</tbody>
</table>

#### Sandringham Family Leisure Centre

<table>
<thead>
<tr>
<th>Building</th>
<th>Area m²</th>
<th>Rate per sq metre</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td>Foyer</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
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<td>Na</td>
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</tr>
<tr>
<td>Admin</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td>Cafe Seating</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
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<td>Na</td>
<td>Na</td>
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</tr>
<tr>
<td>Circulation</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td>Male Change</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td>Female Change</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
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<tr>
<td>Pool Hall</td>
<td>455</td>
<td>$2,000</td>
<td>$915,000</td>
</tr>
<tr>
<td>Store</td>
<td>10</td>
<td>$2,200</td>
<td>$22,000</td>
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<tr>
<td>Cleaners</td>
<td>Na</td>
<td>Na</td>
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<tr>
<td>Pool Store</td>
<td>50</td>
<td>$2,200</td>
<td>$110,000</td>
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<tr>
<td>Plant Room</td>
<td>25</td>
<td>$2,200</td>
<td>$55,000</td>
</tr>
<tr>
<td>Signage</td>
<td>allow</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Sub total</td>
<td></td>
<td></td>
<td>$1,454,500</td>
</tr>
</tbody>
</table>

| ESD Initiatives    | 3%      | $81,983           | $81,983|
| ESD Initiatives    | 3%      | $44,835           | $44,835|
## Item 10.5 – Reports by the Organisation

### Warm Water / Hydrotherapy Pool Feasibility

<table>
<thead>
<tr>
<th>Aquatics</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Warm water pool 20m x 11.5m</td>
<td>230</td>
<td>$8,250</td>
<td>$1,830,510</td>
</tr>
<tr>
<td>Equipment</td>
<td>allow</td>
<td>$80,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Builders works</td>
<td>allow</td>
<td>$200,000</td>
<td>$200,000</td>
</tr>
<tr>
<td>Preliminaries</td>
<td></td>
<td>$500,000</td>
<td>$500,000</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td></td>
<td>$2,677,510</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Aquatics</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Warm water pool 20m x 11.5m</td>
<td>230</td>
<td>$8,000</td>
<td>$1,840,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>allow</td>
<td>$80,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Builders works</td>
<td>allow</td>
<td>$75,000</td>
<td>$200,000</td>
</tr>
<tr>
<td>Preliminaries</td>
<td></td>
<td>$150,000</td>
<td>$500,000</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td></td>
<td>$2,620,000</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>External</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation and earthworks</td>
<td>allow</td>
<td>$70,000</td>
<td>$70,000</td>
</tr>
<tr>
<td>Car park</td>
<td>30</td>
<td>$4,800</td>
<td>$144,000</td>
</tr>
<tr>
<td>Landscaping</td>
<td>allow</td>
<td>$80,000</td>
<td>$80,000</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td></td>
<td>$194,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$5,375,633</td>
<td></td>
</tr>
</tbody>
</table>

| Design contingency | 5%      | $188,282|
| Construction contingency | 5% | $188,282|
| Professional fee allowance | 8% | $481,251|
| Fixture fittings equipment | $150,000 |
| **Sub total**     |         | $3,317,814|

| TOTAL | $6,993,446|

<table>
<thead>
<tr>
<th>Exclusions</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>External services</td>
<td>Allow</td>
<td>$200,000</td>
<td></td>
</tr>
<tr>
<td>Footpaths</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost escalation to tender</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authority fees and charges</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Indicative costs only. No design or OS completed</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Area m2 - Give or take 30%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Bayside Warm Water Pool Feasibility Potential Income and Expenditure

<table>
<thead>
<tr>
<th>Class Type</th>
<th>Classes/hrs pwk</th>
<th>Price (per hour)</th>
<th>Attendance/Number per week</th>
<th>Weeks per annum</th>
<th>Total PA</th>
<th>Base Case Total PA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concession Peak</td>
<td>1</td>
<td>$18</td>
<td>260</td>
<td>51</td>
<td>$455,450</td>
<td>$107,100</td>
</tr>
<tr>
<td>Aqua Fitness</td>
<td>5</td>
<td>$25</td>
<td>4</td>
<td>51</td>
<td>$153,780</td>
<td>$32,850</td>
</tr>
<tr>
<td>Aqua Fitness concession</td>
<td>5</td>
<td>$27</td>
<td>8</td>
<td>51</td>
<td>$134,680</td>
<td>$29,360</td>
</tr>
<tr>
<td>Learn to swim</td>
<td>27</td>
<td>$19</td>
<td>6</td>
<td>40</td>
<td>$19,540</td>
<td></td>
</tr>
<tr>
<td>Pool Hire per lane</td>
<td>5</td>
<td>$54</td>
<td>1</td>
<td>50</td>
<td>$13,500</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$278,861</td>
<td></td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wages</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$595,223</td>
<td>$134,588</td>
</tr>
<tr>
<td><strong>Net</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$336,362</td>
<td>$2,968</td>
</tr>
</tbody>
</table>

### Exclusions/Assumptions

- Entry costs based on current GESAC fee schedule
- Assume no treatment rooms and formal Physio on site for referrals
- Casual attendance numbers based on New Focus Research 2018 and @leisure models
- Aqua classes and LTS based on GESAC usage
- Expenses based on benchmarks from like aquatic centres

- Entry cost based on current GESAC fee schedule
- Operating hours will be longer than stand alone but have no direct impact on costs of warm water pool
- On site treatment rooms will increase pool usage and income. Not included above
- Casual attendance numbers based on New Focus Research 2018 and @leisure models
- Aqua classes and LTS based on GESAC usage
- Expenses based on benchmarks from like aquatic centres
- Significant staffing and operating costs reduced due to shared facilities
- Assume greater LTS enrolments when promoted with existing swim school
- Assume greater casual use from those using other on site services
Executive summary

Purpose and background

The purpose of this report is to present a feasibility assessment of constructing a pedestrian crossing on Church Street, adjacent to 15 Church Street, Brighton, to address the proposed pedestrian crossings on Church and St Andrews Streets roundabout and to assess existing conditions and the performance of the existing roundabouts treated with pedestrian crossings in the Church Street Major Activity Centre (MAC). The planned works on this roundabout are on hold pending the outcome of this report.

At the Ordinary Meeting of Council on 28 April 2020, Council resolved (Notice of Motion 294):

“That given the lack of support from Church Street traders, and given that there are already 4 pedestrian crossings in a 500 metre stretch of the Church Street shopping centre, as well as the failure to meet Federal Blackspot Program funding criteria, that Council:

1. Puts on hold the proposed roundabout upgrade and pedestrian crossing at the corner of Church Street and St Andrews Street, Brighton while it considers the feasibility of constructing a pedestrian crossing in front of the Dendy Centre, Church Street, Brighton and approximately opposite 15 Church Street, and the feasibility report be considered at the June 2020 Ordinary Meeting of Council.”

Key issues

Background

Partly in response to crash statistics (Table 1 below) at the Church Street MAC, Council resolved (Notice of Motion 245) at the ordinary meeting on 26 July 2016:

“That Council:

1. Undertakes planning to develop a multi-year program of pedestrian crossing works at the roundabouts in Church Street and Bay Street Major Activity Centres as part of Council’s 2016/17 Active Transport Facility Improvement Program;

2. Prepares plans for zebra crossings at the Church Street/Male Street roundabout for submission to the Federal Blackspot Program with a view to works being undertaken in 2016/17 and/or 2017/18; and

3. Explores other potential State government funding opportunities to facilitate the implementation of zebra crossings at each of the subject sites.”

In response to this notice of motion, Council officers developed a multi-year program to facilitate the implementation of pedestrian crossings on Church and Bay Street activity centre roundabouts. The last two remaining works to occur within 2019/20 financial year are:

- Bay and Cochrane Streets
- Church and St Andrews Streets roundabouts.
The works for Bay and Cochrane Streets roundabouts have been delivered and completed as of 29 May 2020 based on an ‘at grade’ pedestrian crossing design.

Table 1 – Department of Transport (DoT), (formerly VicRoads) Crash Statistics for Church Street MAC, Brighton for the past 5 years.

<table>
<thead>
<tr>
<th>Location</th>
<th>Date and Time</th>
<th>Type of Accident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church and St Andrews Streets Roundabout</td>
<td>21/09/2015 at 2.30pm</td>
<td>A vehicle struck a pedestrian travelling across the intersection. It was recorded as an injury to a pedestrian.</td>
</tr>
<tr>
<td></td>
<td>18/04/2016 at 7:35am</td>
<td>A vehicle leaving the parking space struck a cyclist next to the intersection. It was recorded as a serious injury to the cyclist.</td>
</tr>
<tr>
<td>Church and Carpenter Streets Roundabout</td>
<td>01/10/2017 at 6:45pm</td>
<td>A vehicle struck another vehicle travelling across the intersection. It was recorded as an injury to a motorist.</td>
</tr>
<tr>
<td></td>
<td>24/11/2018 at 10:30am</td>
<td>A vehicle struck a pedestrian turning left. It was recorded as a serious injury to the older pedestrian.</td>
</tr>
<tr>
<td>Church and Male Streets Roundabout</td>
<td>31/07/2015 at 10:10am</td>
<td>A vehicle struck a pedestrian turning right. It was recorded as a serious injury to the older pedestrian.</td>
</tr>
</tbody>
</table>

Existing Conditions
The current legal operating speed limit for Church Street between New Street and 168 Church Street, Brighton is 40km/h at all times.

In the Church Street MAC, there are already four locations where pedestrian crossings have been prioritised above other road users: (Table 2 below).

Table 2 – Pedestrian Crossings along Church Street MAC, Brighton

<table>
<thead>
<tr>
<th>Location</th>
<th>Type of Crossing</th>
<th>Year Installed / Upgraded</th>
</tr>
</thead>
<tbody>
<tr>
<td>In front of 45 Church Street</td>
<td>Pedestrian Crossing with Flashing Lights</td>
<td>2019 / 20</td>
</tr>
<tr>
<td>Church and Carpenter Streets Intersection</td>
<td>Raised Pedestrian Crossing on Four (4) Legs of The Roundabout</td>
<td>2018 / 19</td>
</tr>
<tr>
<td>In front of 95 Church Street</td>
<td>Pedestrian Crossing with Flashing Lights</td>
<td>2019 / 20</td>
</tr>
<tr>
<td>Church and Male Streets Intersection</td>
<td>Raised Pedestrian Crossing on Four (4) Legs of The Roundabout</td>
<td>2017 / 18</td>
</tr>
</tbody>
</table>
Risk to Pedestrians

When crossing a road at any location, pedestrians are exposed to risks such as traffic speed, volume, and negative driver behaviour.

The road rules governing the use of roundabouts prioritise traffic movement over pedestrian amenity. Under the Victorian Road Rules, a driver entering a roundabout must give way to any vehicles within the roundabout. This rule does not include giving way to pedestrians who are expected to wait for gaps in traffic when crossing at roundabouts.

However, there is some confusion amongst some members of the community as to whether pedestrians or vehicles have priority at a roundabout when there is no designated pedestrian crossing. This confusion is exacerbated by some drivers being courteous at roundabouts and giving way to pedestrians who are waiting to cross. This confusion is validated by an independent assessment documented within Attachment 1, page 2 of 14.

Effectiveness of the pedestrian crossing improvements on Church and, Male and Carpenter Streets Roundabouts

Council officers commissioned an independent assessor to review the performance of Church and, Male and Carpenter Streets roundabouts in May 2020. The technical report findings are included within Attachment 1, page 2 – 7 of 14.

In summary, the independent consultant found a positive performance and was in support of the raised pedestrian crossing treatments implemented at the Church Street; and, Male and Carpenter Streets roundabouts. It is noted that this treatment is also recognised by the Department of Transport (DoT) and is documented within their Traffic Engineering Manual Volume 3 – Guidance on Bicycle and Pedestrian Treatments at Roundabouts.

It is acknowledged that the setback of the pedestrian crossing of one vehicle length from the holding line would improve traffic circulation around the roundabout; however, this design approach would result in a significant loss of on-street parking spaces and impact on existing established street trees. To date, the design outcomes implemented and proposed for Church St MAC are based on zero net loss of parking spaces and street trees.

Feasibility of Constructing a Pedestrian Crossing on Church Street, adjacent to 15 Church Street in Brighton.

A pedestrian crossing with flashing lights would be the appropriate type of crossing to be installed at this location, which is consistent with the existing mid-block crossings along Church Street activity centre.

In response to the notice of motion (294), the options developed to locate a mid-block crossing are:

- Option 1 - Located on the south-east side of the laneway, adjacent to 15 Church Street
- Option 2 - Located on the north-west side of the laneway, adjacent to 15 Church Street.

Details relating to the concept plans, advantages and disadvantages of each option and comparison made against the existing pedestrian crossings on Church; and, Male and Carpenter Streets roundabouts is included within Attachment 1.
Department of Transport (DoT) formerly VicRoads Approval Process

A pedestrian crossing with flashing lights is the appropriate type of crossing to be installed at this location, which is consistent with the existing mid-block crossings along Church Street MAC.

A pedestrian crossing, including a zebra crossing, is a ‘Major Traffic Control Item’ and must be approved by DoT prior to its installation via the issuing of Memorandum of Authorisation (MOA).

The criteria outlined (as per Traffic Engineering Manual, Part 6: Intersections, Interchanges and Crossings) by DoT for the installation of a pedestrian crossing with flashing lights may be appropriate where, for any one hour of an average weekday, the following apply:

- The number of pedestrians crossing within 20m of the proposed site exceeds 60 persons per hour
- The number of vehicles per hour which pedestrians have to cross in one bound exceeds 500.

Several pedestrian and traffic movement surveys were commissioned on Church Street, adjacent to Dendy Plaza and opposite 15 Church Street. The details of the survey and results are as per table 3 below:

<table>
<thead>
<tr>
<th>Dates</th>
<th>Times</th>
<th>Results</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Church Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Saturday,</strong></td>
<td>10am – 2pm, 3pm – 6pm</td>
<td>Peak number of pedestrians crossing at this location were 109 on 12.30pm – 1.30pm. The number of vehicles travelling southbound were 287 and northbound were 261 along Church Street</td>
<td>COVID-19 Stage 3 restrictions; Fine weather condition; and Ongoing streetscape works on Church Street, between New and St Andrews Streets with road closed in place.</td>
</tr>
<tr>
<td><strong>23 May 2020</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wednesday,</strong></td>
<td>7am – 10am, 11am – 2pm, 3pm – 6pm</td>
<td>Peak number of pedestrians crossing at this location were 97 on 11:15am – 12:15pm. The number of vehicles travelling southbound were 319 and northbound were 243 along Church Street</td>
<td>COVID-19, gradual easing of restrictions for cafes, restaurants, leisure and entertainment; Fine weather condition; and Schools resumed classroom learning.</td>
</tr>
<tr>
<td><strong>10 June 2020</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Thursday,</strong></td>
<td>7am – 10am, 11am – 2pm, 3pm – 6pm</td>
<td>Peak number of pedestrians crossing at this location were 113 on 1:00pm – 2:00pm. The number of vehicles travelling southbound were 337 and northbound were 292 along Church Street</td>
<td></td>
</tr>
<tr>
<td><strong>11 June 2020</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Church and St Andrews Streets Roundabout, Brighton (Comparison)

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Observations</th>
<th>Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wednesday, 10 June 2020</strong></td>
<td>7am – 10am, 11am – 2pm, 3pm – 6pm</td>
<td>Peak number of pedestrians crossing at this location on a single leg of the roundabout were 234 on 12:15pm – 1:15pm. The total count were 625 pedestrians crossing the roundabout at this time. The number of vehicles travelling along:</td>
<td>COVID-19, gradual easing of restrictions for cafes, restaurants, leisure and entertainment; Fine weather condition; and Schools resumed classroom learning.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Church Street, northbound were 416 and southbound were 477; and St Andrews Street, eastbound were 369 and westbound were 341.</td>
<td></td>
</tr>
<tr>
<td><strong>Thursday, 11 June 2020</strong></td>
<td>7am – 10am, 11am – 2pm and 3pm – 6pm</td>
<td>Peak number of pedestrians crossing at this location on a single leg of the roundabout were 230 on 12:30pm – 1:30pm. The total count were 578 pedestrians crossing the roundabout at this time. The number of vehicles travelling along:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Church Street, northbound were 401 and southbound were 496; and St Andrews Street, eastbound were 383 and westbound were 361.</td>
<td></td>
</tr>
</tbody>
</table>

In light of the survey results, the location adjacent to 15 Church Street does not satisfy the requirements outlined by DoT for a pedestrian crossing with flashing lights to be provided at this location, at this point in time.

Although these figures could allow for a crossing with no flashing lights (as per DoT minimum requirements below), this treatment would be inconsistent with the other existing mid-block crossings in this MAC, which have been upgraded to include lights due to safety concerns.
DoT’s Requirements for a mid-block pedestrian crossing without flashing lights:
- Pedestrian volumes of 20 or more per hour
- Vehicle volumes of 200 or more per hour for the same hour
- Speed limit of 50 km/h or less
- Vehicle speeds of 60km/h (85th percentile) or less.

These figures highlight the need for a prioritisation of the roundabout crossings above the mid-block crossing.

Implications to the Local Economy

The federal treasurer announced Australia is now officially in recession, recording 0.3% negative growth in Gross Domestic Product (GDP) as of the March 2020 third quarter. The indications are the fourth quarter for the financial year 2019/20 negative growth will be greater.

Bayside currently has an unemployment rate of 6.7% and it is highly likely to rise in the June 2020 fourth quarter. This will reflect through Bayside’s activity centres. Council will need to be aware that any disruptions to business activity will contribute to the underperformance of the local economy.

In the instance of Church Street MAC, a number of business are still severely curtailed by social distancing provisions, limiting their capacity to trade. The proposed works will impact on local business activity recovery.

It is uncertain as to the rate at which the Government will ease social distancing provisions. But the overall sentiment from traders is that should Council agrees to the recommendation of this report, that the works be undertaken immediately and expeditiously. Postponement of the works for a period of 6 – 12 months or greater is not supported given the uncertainty of when social distancing provisions maybe lifted and normal trade will resume.

Conclusion and Discussion

As evident within the independent assessment report, the provision of pedestrian crossings at the Church and St Andrews Streets roundabout will provide many benefits, including improvement to pedestrian mobility, traffic calming, speed reduction, improved crash reduction factor and an alignment with Council’s Transport Strategies.

The key recommendations put forward by the independent assessor are:
- The midblock zebra crossing on Church Street and Carpenter Street and the modification to the Church and St Andrews Streets roundabout are considered to be independent. These can be considered independently and are not reliant on the other occurring
- It is not recommended that a zebra crossing at 15 Church Street be installed unless there is strong evidence to suggest that there is a defined pedestrian desire line as it is 40m away from St Andrews Street and 130m away from the next zebra crossing
- That a zebra crossing is required at the roundabout on Church and St Andrews Streets to prioritise movement for pedestrians at roundabouts.

It is acknowledged that the solution recommended by the independent assessor differs from the current design proposed for implementation on the Church and St Andrews Streets roundabout. However there is the recognition that the provision of pedestrian crossings on the Church and St Andrews Streets roundabout requires prioritisation.

After the completion of the pedestrian crossing improvement works on Church and St Andrews Streets roundabout, Council will continue to monitor the need for additional crossings along Church Street (i.e. mid-block locations) and put through a capital bid for it as
a separate project providing the warrants are met and there is support from traders and road users in favour of it.

Notwithstanding, the current at-grade pedestrian crossing solution is derived from the following design requirements:

- Zero (0) net loss of parking spaces
- Zero (0) net loss of street trees
- Minimize construction timeframe and disruption to local businesses on Church Street MAC.

At the Ordinary Council Meeting on 19 November 2019, Council resolved to progress with the implementation of an at-grade pedestrian crossing solution on the Church and St Andrews Streets roundabout predominantly due to the construction time savings it provides (3 – 4 weeks) vs raised pedestrian crossings (6 – 7 weeks) and it satisfies all three (3) of the design requirements listed above.

As per every treatment, design and solution, there are pros, cons and limitations associated with it. The limitations of the current at-grade design solution such as the effectiveness of the speed cushion can be monitored and improvements can be made over time as required. The final position of the speed cushion can also be adjusted to address cyclist difficulty riding on the cushion.

The speed cushions serve as a supporting treatment and a physical means to slow down vehicles to provide better safety outcomes by reducing the operating speed of vehicles approaching the roundabout intersection and the incidence/severity of collisions between vehicles and pedestrians.

The observation of traffic delays/congestion at the roundabout is generally of a short duration as validated by the independent assessor. The assessment was conducted by people who are regular users of this activity centre and who have a good appreciation of the road user challenges in the activity centre prior to COVID-19. The Church Street Parking Technology Project is due for completion in August 2020 and the scope of works includes a user app, dynamic and wayfinding signs which will aid circulation activity, and help to reduce some level of congestion in the centre.

In light of the above, it is proposed that works to install at grade pedestrian crossings with speed cushions on the approaches be undertaken in the month of July to September 2020 as per Council’s design solution awarded, Attachment 2.

The construction works are expected to take 4 weeks to complete. Council have explored options with the contractor to identify efficiencies, to reduce the duration of disruption. With the aim to reduce the duration of disruption, it is proposed for works to occur on Saturdays, in addition of Mondays to Fridays. This will reduce the construction timeline to a minimum of 3 weeks to complete.

**Recommendation**

That Council:

1. Prioritises the installation of at-grade pedestrian crossings at the intersection of Church and St Andrews Streets roundabout as per Council’s design solution included within Attachment 2, with works taking 3-4 weeks commencing before September 2020, in order to retain the $175,000 Safe Travel in Local Streets contribution.

2. Notes the 3-4 week construction duration and the implications on the local economy associated with the installation of at-grade pedestrian crossings at this roundabout.
Support Attachments

1. GTA Technical Assessment - Provision of Pedestrian Crossings on Church Street, Brighton MAC ↓
2. Church and St Andrews Streets Roundabout - At Grade Pedestrian Crossings ↓
3. Preliminary Works Program (Gantt Chart) - Pedestrian Crossing Adjacent to 15 Church Street, Brighton (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
The provision of pedestrian crossings, particularly at locations with high volumes of pedestrians such as Major Activity Centres (MAC), will improve pedestrian safety, prioritise pedestrian movement and establish a pedestrian friendly streetscape.

Natural Environment
Improved pedestrian priority along Church Street MAC will result in pedestrian friendly streetscapes.

This approach aligns with a key aim of the Bayside Walking Strategy 2015 – 2025 which is to encourage walking for more short trips within Bayside.

A reduction in private vehicle trips will result in more walking journeys and assist in reducing greenhouse gas emissions.

Built Environment
The provision of a pedestrian crossing will improve pedestrian priority and establish a pedestrian friendly streetscape.

Whilst it is acknowledged that the introduction of a pedestrian crossing would change the appearance of the streetscape, should any project proceed, consideration will need to be given as to how the provision of such a facility would link to its adjacent surrounds as part of the design phase.

Customer Service and Community Engagement
Council has approached the Church Street Traders Association to obtain their feedback towards the concept pedestrian crossing plans developed for Church Street, adjacent to 15 Church Street, Brighton.

The information presented to the traders association is limited to the two (2) options as documented within Attachment 1, and information relating to the advantages and disadvantages.

The traders association responded on 12 May 2020, “if there is to be a provision of pedestrian crossing adjacent to 15 Church Street, option 1 is preferred. Option 2 is not supported as it will result to the loss of footpath trading in front of 22 – 24 Church Street, Brighton (ALLEGRO Bar & Dining Room)”.

Notwithstanding to the above, Council has activated a communication strategy for Church Street 2019/20 capital projects. A specific email address is established and relevant feedback is collected from residents and traders commenting on the proposed pedestrian crossing on Church and St Andrews Streets roundabout.

The responses received specific to the pedestrian crossings on Church and St Andrews Streets roundabout are as follows but not limited to:

- Pedestrians feeling safer when crossing the roundabouts where pedestrian crossings are installed, particularly for those who are experiencing mobility issues
- Pedestrian safety is important
- Prioritisation of pedestrian crossings on roundabout is arguably very urgent, because of the traffic, and congestion, and the high percentage of elderly pedestrians using it
- Construction works impacts on trade
- Driver education is a problem
To undertake the works now while stage 3 lockdown is in place, before the restrictions are lifted
To not undertake the works when traders are rebuilding their business after restrictions are lifted
Maintaining the number of car parks available in the centre is critical, the design outcomes to not result in less car spaces
Consistency on the approach to pedestrian priority at roundabout is important
It slows traffic down and impact on circulation flow of the roundabout resulting to traffic congestion.

**Human Rights**

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

**Legal**

In accordance with the *Road Management Act 2004*, Department of Transport (DoT) formerly VicRoads is the responsible road authority for approving the use of ‘Major Traffic Control Items’ such as pedestrian crossings. Council is responsible for the funding and implementation of such infrastructure on roads within its control in the municipality.

The provision of a pedestrian crossing on Church Street, adjacent to 15 Church Street, Brighton will require approval from DoT via the issuing of a Memorandum of Authorisation (MOA). It is expected the application process may take up to 2 to 6 weeks and the success rate of obtaining the approval will be dependent on existing conditions satisfying the requirements outlined by DoT.

**Finance**

The estimated cost to construct a pedestrian crossing on Church Street, adjacent to 15 Church Street, Brighton is as per table 4 below:

*Table 4 - Estimated Cost to Construct a Mid-Block Crossing, Adjacent to 15 Church Street, Brighton*

<table>
<thead>
<tr>
<th>No.</th>
<th>Design Stages</th>
<th>Cost (Exclusive of GST)</th>
<th>Contingency (10%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Design, Feature Survey and Lighting Assessment</td>
<td>$8,000</td>
<td>$8,800</td>
</tr>
<tr>
<td>2.</td>
<td>Service Proving</td>
<td>$2,500</td>
<td>$2,750</td>
</tr>
<tr>
<td>3.</td>
<td>Traffic Management for Service Proving</td>
<td>$1,500</td>
<td>$1,650</td>
</tr>
<tr>
<td>4.</td>
<td>Electrical Plan</td>
<td>$1,500</td>
<td>$1,650</td>
</tr>
<tr>
<td>5.</td>
<td>Road Safety Audit</td>
<td>$2,400</td>
<td>$2,640</td>
</tr>
<tr>
<td></td>
<td>Total Cost + Contingency (Excluding GST)</td>
<td></td>
<td>$17,490</td>
</tr>
</tbody>
</table>

**Construction**

<table>
<thead>
<tr>
<th>No.</th>
<th>Design Stages</th>
<th>Cost (Exclusive of GST)</th>
<th>Contingency (10%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>Demolition Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Earthworks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Pavement Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Concrete Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Traffic Management for Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Traffic Signal Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Stormwater Drainage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Signs and Line marking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Landscape within Kerb Outstand</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
15. Services Relocation (if required)

| Total Cost + Contingency (Excluding GST) | $253,000 |

| Communications (Notification Only) |

| 16. Communication Resource | $2,500 | $2,750 |

| Total Cost + Contingency (Excluding GST) | $2,750 |

| Maintenance (Ongoing) |

| 17. Ongoing Maintenance By Department of Transport (Per Year) | $3,500 | $3,850 |

| 18. Ongoing Power Connection (Per Year) | $500 | $550 |

| Total Cost + Contingency (Excluding GST) | $4,400 |

| Subtotal (Excluding GST) | $273,240 |

| Subtotal (Including GST, 10%) | $300,564 |

A preliminary works program Gantt chart is produced and included within Attachment 3. It is expected that throughout the program to construct the mid-block crossing road closures would be required. These would take place over a two week section of the construction period, but would only require the road to be closed at certain times.

The current proposal which is put on hold, to install pedestrian crossings on four (4) legs of the roundabout on Church and St Andrews Streets is partially funded by DoT via the Safe Travel in Local Streets Program. The breakdown of the program funding is as per table 5 below:

*Table 5 - Safe Travel in Local Streets Program Funding Details*

<table>
<thead>
<tr>
<th>Project</th>
<th>Safe Travel in Local Streets Contribution</th>
<th>Council Contribution</th>
<th>Forecast Completion Cost</th>
<th>Actual Completion Cost</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church and Male Streets Roundabout</td>
<td>$175,000</td>
<td>$196,979</td>
<td>N/A</td>
<td>$371,979</td>
<td>Completed in 2017/18</td>
</tr>
<tr>
<td>Church and Carpenter Streets Roundabout</td>
<td>$237,500</td>
<td>$270,281</td>
<td>N/A</td>
<td>$507,781</td>
<td>Completed in 2018/19</td>
</tr>
<tr>
<td>Church and St Andrews Streets Roundabout</td>
<td>$175,000</td>
<td>TBC</td>
<td>$200,000 (inclusive of design and delivery)</td>
<td>TBC</td>
<td>On Hold</td>
</tr>
<tr>
<td>Bay and Asling Streets Roundabout</td>
<td>$237,500</td>
<td>$256,116</td>
<td>N/A</td>
<td>$493,616</td>
<td>Was Completed in 2018/19. However, is constructed incorrectly which requires rectification.</td>
</tr>
</tbody>
</table>
The total external funding allocation for Church and St Andrews Streets roundabout is $175,000 and will expire by September 2020. The forecast completion cost for Church and St Andrews Streets roundabout is $200,000 inclusive of design and delivery.

Department of Transport have confirmed to Council that approval would not be provided at this late stage of the funding program to utilise the funding on a mid-block crossing.

**Links to Council policy and strategy**


**Options considered**

**Option 1 - Recommended**

| **Summary** | Prioritise the installation of at-grade pedestrian crossings at the intersection of Church and St Andrews Streets roundabout as per Council’s design solution included within Attachment 2, with works taking 3-4 weeks commencing before September 2020, in order to retain the $175,000 Safe Travel in Local Streets contribution. After the completion of the pedestrian crossing improvement works on Church and St Andrews Streets roundabout, Council will continue to monitor the need for additional crossings along Church Street (i.e. mid-block locations) and if found viable, and there is support from Council, traders and residents, a separate capital bid will be sought. |
| **Benefits** | Pedestrians’ connectivity is prioritised, slower vehicle speeds on approach to a roundabout, improved walkability and safety for pedestrians and provision of a streetscape more conducive for walking. This approach is aligned with Council’s strategies to improve pedestrian priority at roundabouts on key walking routes. |
| **Issues** | As public health restrictions (COVID-19) are gradually easing and traders are starting to rebuild their business, any construction works resulting to disruption on Church Street may set back traders’ recovery timelines. Consideration to the traffic management and staging of any civil works will have to be done efficiently to reduce the impact on the retail area, with an aim for a construction period of 4 weeks or less. |
**Option 2 – Not Recommended**

| **Summary** | Prioritise the installation of at-grade pedestrian crossings at the intersection of Church and St Andrews Streets roundabout as per Council’s design solution included within Attachment 2, commencing in 12 Months (July 2021), fully funded by Council’s capital delivery program. After the completion of the pedestrian crossing improvement works on Church and St Andrews Streets roundabout, Council will continue to monitor the need for additional crossings along Church Street (i.e. mid-block locations) and if found viable, and there is support from Council, traders and residents a separate capital bid will be sought. |
| **Benefits** | This will allow Traders time to re-establish their business / income before causing any additional disruption through Construction in Church street. Works will be planned during the July School holidays to minimise disruption to traders. Despite the delay, this approach is aligned with Council’s strategies to improve pedestrian priority at roundabouts on key walking routes. |
| **Issues** | Council will lose $175,000 Safe Travel in Local Streets contribution and will need to fund the entire project in the 21/22 capital program. Traders will be fully re-established |

**Option 3 – Not Recommended**

| **Summary** | The installation of pedestrian crossings at the intersection of Church, St Andrews Street roundabout is not pursued. |
| **Benefits** | There are no long term benefits associated with this option. |
| **Issues** | This approach does not align with Council’s strategy to improve pedestrian priority at roundabouts on key walking routes. Council will lose $175,000 Safe Travel in Local Streets contribution. |
TECHNICAL NOTE

Traffic Engineering

Project Code: V102230  Project Name: Church Street, Brighton

Dept: Traffic Engineering

Date: 18 May 2020  Version No. Final

Author: James Lang

Reviewer: Karen Cogo

Feasibility assessment of constructing a pedestrian zebra crossing with flashing lights near

SUBJECT: 15 Church Street, Brighton and a review of existing roundabouts on Church Street between Male Street and St Andrews Street

Page 1 of 14

Objective

The primary purpose of this Technical Note is to:

- review the existing roundabouts on Church Street between Male Street and St Andrews Street, Brighton
- a feasibility assessment of constructing a pedestrian crossing in the vicinity of 15 Church Street, Brighton

Introduction

A site visit was conducted on 4 May 2020. Although current COVID-19 restrictions are clearly impacting activity in the Church Street area, the GTA study team is made up of people who are regular users of this activity centre and who have a good appreciation of the road user challenges in the activity centre prior to the restrictions.

In preparing this assessment, reference has been made to the following:

- Church Street, Brighton – Rehabilitation: New Street to St Andrews Street. Issued for Tender Plans dated 20 November 2019;
- Bayside Walking Strategy, Bayside City Council, June 2015;
- Safe Travel in Local Streets submission to VicRoads, 15 May 2018;
- Traffic Engineering Manual Volume 3 – Guidance on Bicycle and Pedestrian Treatments at Roundabouts (Edition 1, December 2018); and
- An inspection of the site and its surrounds.

Church Street is a Major Activity Centre in Bayside. The road is designated as a local street in the Roa

Management Plan meaning “it primarily provides direct access for abutting residential, industrial and commercial properties to their associated nodes.” The intersecting roads in this vicinity are also local roads.

Church Street is not a through traffic route and this section is primarily a means of access to the activity centre and slow speeds are therefore entirely appropriate. Congestion and delay is caused as much by vehicles entering/exiting car parking spaces as it is the crossings, if not more.
Whilst vehicles may experience some delay at intersections and crossings, this is considered acceptable given the need to prioritise pedestrians and is a form of traffic calming. The footpaths are identified as major pathways in this important shopping precinct. It implies that pedestrians and walking access has priority.

This priority is supported by Council’s Walking Strategy which in its Vision seeks: “To encourage more people to walk more often through the provision of inclusive, safe, comfortable and convenient facilities and the promotion of walking as a healthy and sustainable mode of transport”. The Strategy seeks to:

- Create a truly inclusive, people-orientated walking experience
- Prioritise walking in areas of high people activity
- Create streetscapes that invite people to walk
- Create a legible walking environment

The Strategic Framework presents actions to prioritise walking for all abilities and particularly:

- **Strategy 1: Create a truly inclusive, people-orientated walking experience**
  Create an inclusive walking experience by, as a minimum, meeting the Disability Discrimination Act - starting with areas of high people activity.

- **Strategy 2: Prioritise walking in areas of high people activity**
  Prioritise people in activity centres, around schools and in residential and recreational areas, through speed reductions, streetscape design and policing.

**Assessment of road user behaviours at roundabouts**

At a standard roundabout without zebra marked crossings, vehicles have full priority and pedestrians are required to wait until there are suitable gaps in the traffic flow. Some vehicles will slow, or stop and allow pedestrians to cross, this is based on courtesy and non-verbal interactions. Sometimes pedestrians will cross “expecting” vehicles to stop, particularly if they have been extensively delayed. On occasions, vehicles will fail to use indicators which can also lead to conflict with crossing pedestrians.

This type of behaviour can be observed at the Church Street / St Andrews Street roundabout and would have also taken place at the roundabouts on Church Street at both Male Street and Carpenter Street before the raised zebra crossings (wombat crossings) were introduced at the roundabouts. This is evident in a consultation response in the Walking Strategy undertaken prior to the roundabout improvements at these locations and it is noted (page 26) “...unclear who has priority at the Carpenter Street and Church Street roundabout.”

**Effectiveness of the roundabouts on Church Street at Male and Carpenter Streets**

An approach in prioritising pedestrians at crossings on the roundabout fully aligns with the adopted Walking Strategy.

The type of roundabout design a with a raised zebra crossing on all legs is an attempt to address a number of these issues. The purpose and design philosophy of the roundabouts on Church Street at Male Street and Carpenter Street is to:

- Slow vehicles both approaching, through and exiting the roundabouts to reduce the severity of any conflict between vehicles, pedestrians and cyclists which is shown in Figure 1 and Figure 2;
- Provide clear priority for pedestrians and reduce their delay in crossing; and
- A raised crossing at the footpath level improves access for the mobility impaired, making it easier to cross and reducing their crossing time.
Although not specified in the Safe Travel in Local Streets submission to the Department of Transport (VicRoads) in 2018, the Crash Reduction Factor (CRF) of 63% (raised wombat crossing) would generally be applied across each of the intersections for all crashes. A CRF of 73% can be applied when only considering pedestrian crashes at the intersection. The CRF applies to a 20 year life of the treatment.

![Pedestrian](image1)

**Figure 1: Crash severity and speed**

![Points of acceleration/deceleration](image2)

**Figure 2: Points of acceleration/deceleration**

The key element with this type of design is the location of the pedestrian crossing. Pedestrians generally take the shortest route in time/distance. Therefore the closer the path is to the pedestrian desire line, the less chance of diverting, jaywalking or other unsafe behaviour. However, as observed with these roundabouts, the closer the crossing is to the roundabout, the increased chance of vehicle stopping to give way within the circulating carriageway of the roundabout and blocking other vehicles passing through. The further away from the roundabout the crossing is located, the faster vehicles travel as they exit and thereby reduces the safety benefits (Figure 2). This is further discussed in the report on a possible design alternative.

**Observations**

Whilst observing driver behaviour at the "new" roundabouts on Church Street, it was evident that there were some delays and congestion issues caused by pedestrians crossing the road and vehicles stopping and blocking the circulating aisle within the roundabout. However, this is generally of a short duration.

However, it should be noted that a proportion of the vehicles in the street are circulating/searching for a parking space. The Church Street Parking Technology Project with Dynamic Signs and a user app, which is due for completion in August 2020 should reduce some of the circulating activity and reduce congestion. It is also recommended that wayfinding signage be provided to encourage parking to other longer term off-street parking areas ie Wall Street.

Some drivers have mentioned pedestrians "jumping" out in front of them. Site visits showed relatively clear sight lines on legs of the two roundabouts with raised zebra crossings and this did not alter with the presence of pedestrian fencing. The issue seems to be due to poor driver behaviour or frustration by accelerating too fast out of the roundabout and failing to drive to conditions.

It was observed that the sight line near 65-69a Church Street has the potential to be obscured with some footpath trading and should be monitored.

Table 1 shows a summary of findings at the roundabouts at Church Street / Male Street and Church Street / Carpenter Street.
### Summary of findings at Church Street / Male Street and Church Street / Carpenter Street

<table>
<thead>
<tr>
<th>Description</th>
<th>Wombat Crossing at all four (4) legs of the Roundabout</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Design attributes** | • Good sight lines for vehicles and pedestrians  
• Raised platform with zebra crossing  
• Clear pedestrian priority  
• Footpath at grade with road improving access for mobility impaired  
• Raised platform lowers vehicle speeds  
• Intersection build out provides shorter crossing distances | Alignment with Bayside Walking Strategy  
**Strategy 1:**  
1.8: Prioritise movement of pedestrians across side streets  
1.12: Improve pedestrian priority at roundabouts on key walking routes  
**Strategy 2:**  
2.1: Explore opportunities to provide priority crossings for pedestrians |
| **Design Challenges** | • Construction timeframe  
• Drainage modifications | Ensure all risks are minimised prior to civil works commencing |
| **Performance Evaluation** | • Vehicles are required to give way to pedestrians and block the roundabout circulation  
• Observations show that vehicles did give way to pedestrians and minor vehicle delays were experienced  
• Vehicle speeds were low  
• Intersection operates satisfactorily with minor confusion  
• Crash reduction factor: Raised wombat crossing: 63% all crashes or 73% of pedestrian crashes only | Alignment with Bayside Walking Strategy  
**Strategy 1:** Create a truly inclusive, people-oriented walking experience  
Other advantages:  
• Traffic Calming  
• Reduction in traffic speed  
• Road rules are clear  
Council officer complaints are low in relation to delays experienced at roundabouts as a result of giving way to pedestrians |
| **Issues to consider** | Sight distance issues | Footpath trading provided on Church Street close to Carpenter Street, near 65-89a and has the potential to obscure vehicle sight lines approaching the roundabout |
| **Opportunities** | Wayfinding signage | Bayside is in the process of implementing the Church Street Parking Technology Project with Dynamic Signs and a user app. The project is due for completion August 2020. Wayfinding signage to other off-street carparking areas should be considered to encourage longer term off-street parking options |
| **Other** | Failure of motorists not using indicators to turn will require giving way to pedestrians crossing the side road and slowing down | Although this is an enforcement issue, a wombat crossing at an intersection is advantageous in this regard as it slows traffic down and traffic must give way to pedestrians |

### Photos

- ![Church Street / Carpenter Street](image1)
- ![Church Street / Male Street](image2)

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Technical Note: Church Street, Brighton  
ID: 200508 GTA Technical Note amended.docx
The whole design philosophy of Church Street has been a slow speed environment allowing pedestrians to cross both formally at crossings and informally elsewhere through the gaps in the median. The roundabout designs are perfectly aligned with that approach.

*Example of a case study* - An article in the Sydney Morning Herald 16 May 2017 commented that "A spokesperson for the council said it had installed three wombat crossings, near schools and one at Gordon rail station. The spokesperson said they slowed traffic and made children more visible, and children were more likely to cross at the wombat crossings. There are many wombat crossings installed at roundabouts across Victoria including one near Gardenvale Station.

**St Andrews Street / Church Street roundabout**

As described earlier, site observations show a level of confusion of which road user has right of way at the Church Street / St Andrews Street roundabout.

In principle, to achieve a high crash reduction factor at this roundabout, the design should be consistent with the Male and Carpenter Street roundabouts.

The advantages are:

- Consistent traffic treatments in the activity centre
- High pedestrian crash reduction factor
- Reduced traffic speeds and traffic calming
- Aligns with Council’s adopted Walking Strategy.

Upon inspection of the existing conditions at the roundabout, there are site specific issues that are recommended to be addressed at the eastern corner of St Andrews Street and Church Street. The use of pedestrian fencing covered in greenery and the tables and chairs associated with Pantry footpath trading area at 1 Church Street obscures sight lines for pedestrians crossing at the current pram ramp locations. *This is a safety issue that should be addressed with high priority, prior to any civil works.*

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The design provided by Council in Figure 3 shows a modified version of a roundabout treatment to those at Male and Carpenter Streets.

Figure 3: Council’s Design for Church and St Andrews Streets Roundabout

The advantages of this design is that it allows cyclists to occupy the circulating aisle to travel through the roundabout rather than sharing the road space.

However, the installation of speed cushions at the approaches does not have the same road safety benefits of full speed reduction as the wombat crossing. Speed cushions maybe harder to ride over for cyclists as the top of the cushion is shorter. In addition, the raised treatment assists with mobility and provides connection of the footpaths and aligns with Strategies 1 and 2 of the Strategic Framework of the Walking Strategy.
In relation to the comparison of Crash Reduction Factor (CRFs) for Council’s design, the closest treatments (with a 20 year life) are:

- Traffic calming: 20%
- High visibility cross walk (zebra crossings with additional markings, lighting, colours…): 44% of all pedestrian crashes.

In accordance with Traffic Engineering Manual Volume 3 – Guidance on Bicycle and Pedestrian Treatments at Roundabouts, the design concept suggests that the location of the pedestrian crossing should be located at the holding line or setback approximately one car length from the departure to allow some circulation within the roundabout. The setback approach would be the preferred design than Council’s design to continue traffic flow, however a wombat crossing should be provided.

Assessment of providing a zebra crossing near 15 Church Street, Brighton

As part of the scope, the installation of an at grade pedestrian zebra crossing with flashing lights in the vicinity of 15 Church Street, Brighton was to be investigated. In order to achieve the least impact to the on-street parking arrangements, the following locations were considered:

- Southeast of the laneway adjacent to 15 Church Street
- Northwest of the laneway adjacent to 15 Church Street

Concept plans for two options have been developed to consider at grade pedestrian zebra crossings with flashing lights in the vicinity of 15 Church Street, Brighton to complement the existing zebra crossings at 45 and 95 Church Street.

A concept plans are provided within the Technical Note in Appendix A and are as follows:

Option 1: 15 Church Street, Brighton – southeast of driveway (Drawing Number 200505-V192230-SK04-P1)

Option 2: 15 Church Street, Brighton – northwest of driveway (Drawing Number 200505-V192230-SK05-P1)

Table 2 outlines the advantages and disadvantages of the two options.
## Advantages

<table>
<thead>
<tr>
<th></th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visibility for pedestrians to cross Church Street</td>
<td>Good but can be slightly obscured by kerbside tree trunk and light pole</td>
<td>Good</td>
</tr>
<tr>
<td>Existing lighting</td>
<td>Existing but will be required to be upgradet. Tree canopy to avoid shadowing of lighting</td>
<td>Existing in area but will require specific lighting</td>
</tr>
<tr>
<td>Connectivity to required amenities ie supermarket, post office</td>
<td>Good</td>
<td>Good</td>
</tr>
<tr>
<td>Distance to nearby zebra crossing</td>
<td>130m</td>
<td>140m</td>
</tr>
</tbody>
</table>

## Disadvantages

<table>
<thead>
<tr>
<th></th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of parking spaces</td>
<td>4 angled parking spaces and 1 Loading Zone bay.</td>
<td>1 parallel and 2 angled parking spaces</td>
</tr>
<tr>
<td>Loss of trees</td>
<td>None, but pruning required</td>
<td>None, but pruning required</td>
</tr>
<tr>
<td>Potential complaints and objections from traders</td>
<td>Yes, loss of parking, loading bay relocated</td>
<td>Yes, loss of parking and footpath trading at 22-24 Church Street</td>
</tr>
<tr>
<td>Potential complaints from pedestrians</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction timeframe</td>
<td>4-6 weeks</td>
<td>4-6 weeks</td>
</tr>
</tbody>
</table>

*Table 2: Assessment of 15 Church Street, Brighton*

Option 2 was the preferred option for a zebra crossing facility however the impact of the footpath trading at Allegro Bar and Dining Room may prevent the option proceeding. Obvious pedestrian desire lines were not sited during the inspection in May 2020.

In Option 1, a Loading Zone parking space would need to be relocated to service the area and may possibly be relocated to the departure side of the zebra crossing.

Generally, the provision of midblock crossings is in accordance with Action 1.4 (provide midblock crossings) and Action 2.1 (explore opportunities to provide priority crossings for pedestrians) of the Walking Strategy.
Summary of findings

A comparison was undertaken of the three different roundabout options across a range of criteria and also a mid block zebra crossing. This is shown in Table 3.

<table>
<thead>
<tr>
<th>Advantages/ Disadvantages</th>
<th>Council’s design - At grade pedestrian crossings on all four (4) legs of the roundabout with asphalt speed humps on approach</th>
<th>Wombat crossings with setbacks of approximately one (1) car length on all four (4) legs of the roundabout</th>
<th>Wombat crossings with no setback on all four (4) legs of the roundabout (i.e. Church and Carpenter Streets)</th>
<th>Midblock at grade zebra crossing with flashing lights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian mobility</td>
<td>Pram Crossings</td>
<td>At grade</td>
<td>At grade</td>
<td>Pram Crossings</td>
</tr>
<tr>
<td>Cyclist permeability</td>
<td>Moderate due to speed cushions</td>
<td>Acceptable</td>
<td>Acceptable</td>
<td>Acceptable</td>
</tr>
<tr>
<td>Traffic delay with zebra crossing</td>
<td>Yes</td>
<td>Yes, but potentially not delaying other directions of travel</td>
<td>Yes</td>
<td>Yes, but not delaying other directions of travel</td>
</tr>
<tr>
<td>Speed Reduction</td>
<td>Speed Cushions</td>
<td>Fully raised</td>
<td>Fully Raised</td>
<td>No</td>
</tr>
<tr>
<td>Loss of Parking</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Crash Reduction Factor</td>
<td>20% / 44% with high visibility cross walk</td>
<td>63% all traffic crashes</td>
<td>63% all traffic crashes 73% pedestrian crashes</td>
<td>44% of all pedestrian crashes for High visibility cross walk (zebra crossings with additional markings, lighting, colours...)</td>
</tr>
<tr>
<td>Walking Strategy Actions</td>
<td>1.8, 1.12, 2.1</td>
<td>1.8, 1.12, 2.1</td>
<td>1.8, 1.12, 2.1</td>
<td>1.4, 2.1</td>
</tr>
</tbody>
</table>

Table 3: Summary of options

Note: Walking Strategy Actions:
- 1.4: Improve pedestrian visibility at roundabouts and pedestrian crossings
- 2.1: Explore opportunities to provide priority crossings for pedestrians

There will be improved benefit both from a Road Safety and pedestrian permeability viewpoint in providing pedestrian crossing facilities at Church Street/St Andrews Street and another zebra crossing along Church Street. These can be considered independently and are not reliant on the other occurring.
An additional zebra crossing in Church Street provides improved connectivity within the activity centre. Our site inspection did not indicate a clear pedestrian desire line at 15 Church Street and the location seems to be unclear of how it was determined. It would be suggested that if a pedestrian crossing facility be installed midblock, that it be located mid-way between the existing zebra crossing at 45 Church Street and St Andrews Street, and the applicable warrants be met.

It is agreed that zebra crossings at Church Street / St Andrews Street should be installed to prioritise movement for pedestrians at roundabouts.

The CRF shows that full raised treatments provide a higher CRF due to lower speeds. In this regard, wombat crossings seem to cater for all road users with all mobilities and ages. In order to improve the circulating flow at the roundabout for vehicles, setting back the locations of the wombat crossing on all legs of the roundabout is considered advantageous if the wombat crossing cannot be installed at the holding (Give Way) line. However, the disadvantage is the loss of on-street parking on all four legs of the intersection and the disruption to traffic due to slightly higher construction timeframes required.

Speed cushions, although still required to be installed correctly to prevent further damage to the road due to defined wheel paths can provide less speed reduction than a raised crossing. In addition, cyclists may have difficulty negotiating or riding on the cushion.

Recommendation and findings

1. Consideration of the trees within the centre median to have foliage removed from ground level to 2.5m high so that pedestrians can be visible and have good sight distance when using their crossings both at mid block locations and at intersections.

2. Improved sight distance is recommended between the two pram crossings on the north east corner (1 Church Street). The footpath trading and foliage is obscuring sight distance for pedestrians to pick gaps in traffic on the side road.

3. Footpath trading is provided on Church Street close to Carpenter Street, near 65-69a and may obscure vehicle sight lines approaching the roundabout and the crossings. It is recommended that it is reviewed.

4. The midblock zebra crossing on Church Street and Carpenter Street and the modification to the Church Street / St Andrew Street roundabout are considered to be independent.

5. **Midblock Zebra Crossing at 15 Church Street**: Option 2 has slightly better sight distance and pedestrian visibility however has an impact on the existing footpath trading area. Option 1 is also acceptable.

6. It is not recommended that a zebra crossing at 15 Church Street be installed unless there is strong evidence to suggest that there is a defined pedestrian desire line as it is 40m away from St Andrews Street and 130m away from the next zebra crossing. If a crossing is to be provided mid-block, the priority is for the Church Street and St Andrews Street roundabout to be constructed first before consideration of additional mid-block crossings between St Andrews Street and Carpenter Street.

7. **Roundabout at Church Street / St Andrew Street**: It is agreed that zebra crossings are required at this roundabout. It is recommended that the roundabout design be altered to include a wombat crossing on all four legs and set back at least one car length from the departure to improve the vehicle circulation through the roundabout. Speed cushions do not provide a full reduction of speed and can be difficult for cyclists to ride on or negotiate. This is consistent with Actions 1.8, 1.12 and 2.1 of the Bayside Walking Strategy and Traffic Engineering Manual Volume 3.

8. Consideration to the traffic management and staging of any civil works should be done efficiently to reduce the impact on the retail area.
APPENDIX A

Concept Plan

Option 1
Concept Plan

Option 2
Executive summary

Purpose and background
This purpose of this report is to enable the limited re-introduction of in-person public participation at Council and Committee meetings.

In response to the COVID-19 Pandemic Plan for the Victorian Health Sector reaching Stage 3, Council, at its March 2020 meeting, resolved to introduce temporary meeting procedures in order to continue public participation at meetings whilst maintaining public health and social distancing:

“…Section 64 - Public Question Time

Current COVID-19 Procedure
Questions must be received by 11:00am on the day prior to the meeting.
Up to 15 minutes will be set aside for Public Question Time at the meeting.
All questions received and responses will be read out at the meeting.
All questions and responses will be recorded in the minutes.

Section 66 - Individual Presentations

Current COVID-19 Procedure
A written submission must be delivered or sent electronically to member of Council staff by 11:00am on the day of the meeting.
Submissions received after 11:00am on the day of the meeting will not be considered by the meeting.
A person may only present to an Ordinary Meeting/Special Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract.
Where a person has formally made a submission in relation to an item on the agenda, the submission will be provided to all councillors in advance of the meeting.
A member of Council staff will advise the meeting of the number of submissions received to a particular item. The submissions will not be read out at the meeting.
The names of the submitters will be recorded in the minutes of the meeting.”
**Key issues**

**Easing of Restrictions**

On 11 May 2020, Victoria introduced ‘Step 1’ in the easing of restrictions. Whilst these directions allowed for attendance at a community facility, this was only for the purpose of “essential public support services” such as alcohol and drug support groups, weddings or funerals.

Councillors and Council staff attending the Council Chamber for meetings is deemed a work place and is a permitted reason to “attend work or education”.

Step 2 was introduced on 1 June 2020, allowing up to 20 people to attend indoor community facilities though also emphasises the need for work to be undertaken from home as long as it is “reasonably practicable” to do so.

Step 3 in the easing of restrictions was announced on 14 June and will come into effect from 22 June 2020. This phase allows for up to 50 people to attend indoor community facilities; however, there has been no change to general workplace directives.

Legal advice has been received that indicates Council should not re-introduce speakers in-person until the directives from the Chief Health Officer regarding workplaces is removed. There is was no announcement on 14 June as to when the lifting of these directives may occur. There is some suggestion this announcement may occur in July.

**Requests to be Heard / Submissions**

Officers are proposing a limited re-introduction of public participation at all Council and Committee meetings, commencing from the 21 July Planning & Amenity Committee Meeting (solely for registered speakers to Reports by the Organisation) pending Chief Health Officer directions.

While the easing of restrictions now allows for up to 50 members of the public to gather in addition to those required to run the facility, the social distancing requirement of 1.5m separation and 1 person per 4sqm also applies.

Based on this requirement, the Chamber can accommodate 22 people given the usable space; however, given the number of Councillors and required officers in attendance at a meeting this would need to be limited to 12 Councillors/officers at any one time, therefore enabling 10 members of the public to be present in the Chamber based on social distancing requirements.

By limiting attendance at meetings to essential officers during the pandemic period, the number of Councillors/officers attending meetings has typically ranged between 10-15 persons. Should the number exceed 12 under this new proposal, some officers may need to vacate the Chamber temporarily.

It is suggested that Council/Committee meetings hear from up to 5 registered speakers per item with a maximum of 10 persons present in the Chamber but only those registered to speak. For instance, speakers for the first two items would be present in the Chamber.

Members of the public who have registered for all other items will be accommodated in waiting areas. These areas could include the mezzanine area, Committee room, the library reading room or the Mayor’s room. Staff supervision and direction would be required at all times to manage the safe flow of speakers.
It is also important to note that under the present guidelines for community facilities, it would be a requirement to record the names, phone numbers and times of arrival of those (including staff) who attended the Council Chamber. These records are required to be kept for 28 days.

As some members of the public may be reluctant to attend the Council Chamber even as restrictions continue to be eased, it is proposed that the option to make a written submission be retained.

A breakdown of further conditions proposed for each meeting type is as follows:

- **Council Meetings**
  - Limit of first 5 speakers to register for each eligible Agenda item (1 per household)
  - Proxy speakers only afforded 1 opportunity to speak
  - Option remains to make a written submission, and default option once limit of 5 speakers has been reached

- **Planning & Amenity Committee**
  - Limit of 5 speakers for each eligible Agenda item
  - Restriction to no more than 3 objectors (1 per household and must be an abutting or adjacent neighbour) and up to 2 speakers in support including the permit applicant
  - Proxy speakers only afforded 1 opportunity to speak
  - Option remains to make a written submission, and default option for any supporters or non-immediate neighbours, or once the limit of 5 speakers has been reached

- **Special Committee of Council hearings**
  - It is proposed to conduct these meetings remotely. Councillors would use Zoom and submitters will be forwarded an invitation to join the meeting at the appropriate time. It should be noted that some submitters may not be able to access the meeting remotely, therefore arrangements will be put in place for submitters to have the option to attend the Council Chamber and access a computer to join the meeting. Alternatively, submitters may make a written submission that is read out at the meeting.

**Public Question Time**

There are no changes proposed to the temporary procedures in place for Public Question Time. Ordinarily, members of the public would need to be present in the gallery to have their questions read out and responded to.

Under current arrangements, all questions received are read out and responded to at the meeting, providing this does not exceed the 15 minutes allotted for Public Question Time. All questions are responded to in writing.
Recommendation

That subject to the directives of the Chief Health Officer, Council amends its temporary meeting procedures to allow for the resumption of limited in-person public participation at Council and Committee meetings, commencing from the 21 July Planning & Amenity Committee meeting, with the following conditions:

Council Meetings
- Limit of first 5 speakers to register for each eligible Agenda item (1 per household)
- Proxy speakers limited to 1 opportunity to speak
- Option to make a written submission

Planning & Amenity Committee
- Limit of 5 speakers for each eligible Agenda item
- Limit of 3 objectors (1 per household and must be an abutting or adjacent neighbour) and up 2 speakers in support including the permit applicant
- Proxy speakers limited to 1 opportunity to speak
- Option to make a written submission

Special Committee of Council hearings
- Meetings undertaken remotely and restricted to members of the public who have made a submission to items on the Agenda and registered to be heard in support of their submission.

Further procedures pursuant to Division 10 (Individual Presentations) of Council’s Governance Local Law No 1. 2013
A written request to be heard / submission must be delivered or sent electronically to Council by 11:00am on the day of the meeting.
Requests to be heard / submissions received after 11:00am on the day of the meeting will not be considered by the meeting.
A person may only present to an Ordinary Meeting/Special Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract.
Where a person has formally made a submission in relation to an item on the agenda, the submission will be provided to all councillors in advance of the meeting.
The chairperson will advise the meeting of the number of submissions received to a particular item prior to hearing from registered speakers. Submissions will not be read out at the meeting.
The names of submitters / speakers will be recorded in the minutes of the meeting.

Support Attachments
Nil
Considerations and implications of proposition

Liveable community

Social
As restrictions are gradually lifted, restoring in-person public participation in some form, when directives from the State Government allow, is an important step toward re-engaging directly with the community. Live online streaming of Council and Committee meetings has continued throughout the emergency period enabling accessibility of Council meetings to the public.

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

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

Customer Service and Community Engagement
Adjustment of Council’s Request to be Heard web-form would be required to assist members of the public to understand their options to either register to speak or make a written submission.

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
Should Council wish to amend its meeting procedures, as part of the State Government’s Pandemic Plan, Council is required to make a resolution of the matters outlined in the paper at the appropriate meeting.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
This report has a direct link to Goal 8 of the Council Plan – providing good governance and transparency of the Council’s decision making processes.

A new approach to public participation at meetings may be required to be in place for some time. These measures may also prove useful for future reviews of Governance rules.
10.8 RE-APPOINTMENT OF BAYSIDE ARTS BOARD MEMBERS

Executive summary

Purpose and background

To recommend to Council the re-appointment of two Bayside Arts Board members to the Bayside Arts Board.

Council, at its meeting on 23 August 2016, resolved to establish a Committee of Council (Section 86 of the Local Government Act 1989 Committee) known as the Gallery@BACC Board, renamed the Bayside Arts Board.

Council also adopted a Charter for the Bayside Arts Board which provides the membership of the Board to comprise:

- Two Councillor representatives; and
- Up to ten ordinary members selected on the basis of their skills and experience relevant to the functions of the Boards.

Ordinary members of the Board are appointed for a term of three years and at the conclusion of their first three-year term, in accordance with the Charter, existing members will be eligible to apply to be reappointed, at the discretion of Council, for a second term of three year's duration. Members can serve for a maximum of two consecutive terms.

The terms of two current Board members expire in August 2020 with a further one year option. Given the general elections to be held in October 2020 and the composition of the Board may change, it is prudent to extend both members term for the one year extension.

Both Boards members, Ms Tiziana Borghese and Ms Angelina Beninati, have expressed a desire to continue on the Board for the further one year term.

Recommendation

That Council reappoints Ms Tiziana Borghese and Ms Angelina Beninati for a further term of one year to conclude on 31 August 2021.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
The Bayside Arts Board Section 86 Committee is made up of individuals who have a range of experience and skill level. The current members of the Bayside Arts Board contributed to developing the Bayside Arts Board Strategic Plan 2018-2022.

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

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

Customer Service and Community Engagement
The Board is a specific means of engagement with subject experts from the community that provides advice and input into the decision making process of Council.

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

Legal
The Bayside Arts Board is a formally constituted Section 86 of the Local Government Act 1989 Committee and therefore is governed by Council’s Governance Local Law No:1.

Finance
There are no financial implications associated with the reappointment of Board members or with the proposed changes to the Charter.

Links to Council policy and strategy
Bayside Arts Board Strategic Plan 2018 - 2022
10.9 AUDIT & RISK MANAGEMENT COMMITTEE - APPOINTMENT OF EXTERNAL INDEPENDENT MEMBER

Executive summary

Purpose and background
This report proposes to re-appoint one External Independent Member to the Audit and Risk Management Committee.

The Audit and Risk Management Committee is an independent formally appointed Advisory Committee to Council and was first established in 1996. The primary objective of the Committee is to assist Council to fulfil its corporate governance responsibilities through the effective conduct of its responsibilities for financial reporting, management of risk, and other key governance oversight.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibilities and does not have any delegated authority or delegated financial responsibilities.

In accordance with the Charter, membership comprises five members (two Councillors and three external independent members). All members have full voting rights.

Key issues
Independent member, Mr Mick Ulbrick’s term concludes on 30 September 2020 after having served two full three year terms on the Committee. Given the general election is scheduled to be held in October 2020, and the councillor representatives’ composition may change, it is suggested to assist in the smooth transition of new members, that Mr Ulbrick’s term be extended for 6 months to conclude on 31 March 2021.

This will provide the Audit and Risk Management Committee with continuity of independent members throughout the early part of the new Council term.

Mr Ulbrick has expressed a keen desire to be extended for a further 6 months. The Audit and Risk Management committee has also agreed with this proposal.

Recommendation
That Council reappoints Mr Mick Ulbrick as an external independent member of the Audit and Risk Management Committee for a period of 6 months effective from 1 October 2020 to conclude on 31 March 2021.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

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

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

Customer Service and Community Engagement
This matter was discussed with all members of the Audit and Risk Management Committee.

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

Legal
The re-appointment of the external independent member is in accordance with the Local Government Act 1989 and the Committee’s Charter.

Finance
The meeting allowance is provided for within the 2020/21 budget allocation for supporting the audit function for the organisation.

Links to Council policy and strategy
This report supports the Council Plan Goal 8 – Governance whereby decision making is open and transparent.
Executive summary

Purpose and background
To present Council with an initial understanding of the challenges and impacts from the COVID-19 pandemic on our local economy and provide recommendations for additional support measures to our small businesses.

At the 24 March 2020 Ordinary Meeting of Council approved a number of measures as part of an economic support package in response to COVID-19 in accordance with Council’s role under the Local Government Act 1989 and Bayside City Council financial context.

Council’s role is implicit in Part 1A of the Local Government Act 1989 – S3c (2), in effect at that time of the response, which states “in seeking to achieve its primary objective, a Council must have regard to the following facilitating objectives:

(a) to promote the social, economic and environmental viability and sustainability of the municipal district;

(b) to promote appropriate business and employment opportunities”.

Key issues
While the COVID-19 situation continues to evolve, we are beginning to understand the impact of the pandemic crisis on the global and local economy. For Victoria, the recently released Treasury forecast paints a grim picture for both the June and September quarter with economic activity expected to be 14% lower than it would without COVID-19 and an estimated unemployment rate of 11% for the September quarter.

Research undertaken by the Australian Bureau of Statistics (ABS) to anticipate adverse business impacts due to COVID-19 found that seven in ten businesses reported that reduced cash flow (72%) and reduced demand for goods and services (69%) were expected to have an adverse impact over the coming months. This included 41% having reduced ability to pay operating expenses and 24% experiencing reduced access to credits/funds over the same time period.

Further analysis has been undertaken to understand the industries most likely to be impacted in Bayside, identifying Accommodation and Food Services and Retail Trade. Together these represent 18.5% of total local employment or 5482 jobs, with a forecasted unemployment rise to over 25% for these areas.

Bayside businesses are overwhelmingly small to medium enterprises, with a heavy service sector focus. Close to a quarter of Bayside’s employed residents work within the municipality.

A thriving local economy with distinct neighbourhood shopping villages is a key element of Bayside’s valued character. Prior to the current pandemic crisis Bayside’s shopping strips were considered best practice examples of local activity centres, performing well and providing high quality offerings to the Bayside and broader community and we want to ensure that our centres continue to thrive after the pandemic crisis.

It is recognised that cash flow management will continue to be a pressing issue for our small business community in the coming months and therefore it is recommended that the
following relief measures are extended for a period of six months to provide direct support and some needed financial relief:

- A 6 month (50%) waiver of fees for Food Act registrations;
- A 6 month (50%) waiver of Street Trading permits; and
- A 6 month (50%) waiver of Health Act Registrations.

If Council supports this recommendation a reduction in revenue of $386,348, $386,372 and $26,750 will total to $799,830 in immediate cash support to small businesses through approximately 1200 fee waivers.

Council is committed to continue supporting our local business community in these unprecedented times and have started to plan to support and promote the reopening to normal activity in our shopping strips.

**Recommendation**

That Council:

1. Implements the following fee waivers to support Bayside’s Local Economy Recovery in response to the COVID-19 economic impact on small businesses:

   a) Provide a 6 month (50%) waiver for the 20/21 financial year of
   
   i) fees for Food Act registrations
   
   ii) fees for Health Act registrations
   
   iii) Street Trading permits.

2. Continues to review the impact of COVID-19 on Bayside’s Local Economy and small businesses and adjust its response as required

**Support Attachments**

Nil
**Considerations and implications of recommendation**

**Liveable community**

**Social**
The report provides options and recommendations in response to the COVID-19 pandemic crisis as it relates to Bayside small businesses. Whilst the impact and length of this pandemic disruption is unknown, there are significant social impacts that need to be taken into consideration as the current situation evolves and the impact on social isolation in our community is understood.

**Natural Environment**
The report relates to administrative processes only and no environmental issues or opportunities have been identified.

**Built Environment**
The report relates to administrative processes only and no environmental issues or opportunities have been identified.

**Customer Service and Community Engagement**
The options considered in this report respond to concerns from the local business community in response to the impact of the COVID-19 pandemic.

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

**Legal**
There are no legal implications envisaged with this report; however, legal advice may be required to resolve specific matters in response to COVID-19 and options proposed to be implemented.

**Finance**
The financial implications of the options presented in this report will need to be offset by cost reductions in the 2020/21 Budget.

In addition to these impacts, it is expected that Council’s revenues will be severely impacted throughout the 20/21 financial year.

**Links to Council policy and strategy**

**Council Plan 2017-2021**

Goal 6: Local economy and Activity Centres seeks for Bayside to be an attractive place to live and work, with new growth and investment in the local economy and business community increasingly structures around innovative, knowledge and service orientated enterprises.

The recommendations provided in this report seek to support our local business community through the devastating impact from the COVID-19 in an effort to retain our shopping villages
as vibrant, attractive and interesting places for the community to come back together once
our small businesses are allowed to reopen to the public.

**Economic Development Strategy 2014**

The strategy’s vision is directly related to the proposed work - “Bayside will be Victoria’s most
attractive place to live and work, with new growth and investment in a local economy and
business community increasingly structured around innovative, knowledge and service
oriented enterprises.”

**Tourism Strategy 2013**

The tourism strategy strategic objective 6.1 identifies Bayside’s activity centres for place of
community celebration and activation.
**Executive summary**

**Purpose and background**

At the Ordinary Council meeting on 24 March 2020, Council resolved to provide 3 months’ rent deferral to commercial tenants of Council-owned buildings in response to the impact of COVID-19. This provision has subsequently been circumvented by State Government legislation.

On 16 April 2020, the Federal Government released their commercial leasing principles, known as the ‘Code’, which proposed some significantly altered legal doctrines which have otherwise regulated the relationship between Landlords and Tenants. On 24 April 2020, the COVID-19 Omnibus (Emergency Measures) (Commercial Leases & Licences) Regulations 2020, came into law which reflected the key elements of the Code. The impact of the new Act and Regulations (the new legislation) for Council is significant. Council must now provide a combination of rent waiver and rent deferral to those tenants who qualify for a period of up to six months commencing 29 March 2020. The primary qualification for a tenant to be able to benefit from this, is that the tenant must first qualify to receive the ‘Job Keeper Allowance’.

Many of our designated community tenants do not qualify for the Job Keeper Allowance.

This report outlines the financial challenges which tenants have and are facing during the current COVID-19 emergency. It provides consideration as to how Council could provide financial support at this time for community tenants in particular, and to address how Council will meet the obligations of the new legislation.

**Key issues**

Council has a number of tenants that do not qualify for the Job Keeper allowance and would therefore not receive any mandatory rent waiver benefits via the new legislation. Many of these tenants are community groups of volunteers who, in turn, run the facilities. During recent weeks Council has made contact with each of our tenants to provide support where possible and to assess the key impacts that the present emergency is having on their operations.

**Community Tenants**

The most significant impact of COVID-19 for tenants is the loss of income sustained as a result of the forced closure of the buildings and cessation of associated activities. The two most significant annual costs to a community tenant levied by Council as a landlord, are for rent and buildings insurance.

The total rent for 12 months to Council for 75 designated community tenancies, most of which do not qualify under the new legislation for a rent waiver, is $94,487. The total building insurance for those same designated community tenants is $32,739 for the year. (For the list of those designated community tenancies, see Attachment 1).
The tenants have expressed varying degrees of concern about their financial viability as they consider the impact of closures since March 2020. Several tenants have requested that Council issue rent waivers and building insurance waivers to assist with their poor cash flow. In many cases, tenants expect to see little or no income for at least a three month period from the end of March 2020.

**Commercial Tenants**

Council is working within the State Government Regulations to provide rent relief and a waiver of some outgoings to tenants that qualify for Job Keeper. These tenants are described as being an ‘eligible tenant’ under the regulations. Attachment 2 shows the current eligible commercial tenants and the potential rent relief and building insurance (being the only outgoing for most tenancies) is included. This attachment identifies a maximum of $744,377 in waived and $744,377 in deferred income totalling $1,516,514 for Commercial tenants, depending upon the severity of impact upon each tenancy.

The State Government regulations also prescribe that a landlord must consider waiving recovery of outgoings or other expenses payable by an eligible tenant for any part of the relevant period that the tenant is not able to operate their business at the premises. This would include the payment of building insurance. Currently, Council only makes limited charges other than buildings insurance for outgoings excluding tenants at the Sandringham Family Leisure Centre who do pay facility operating costs which are classed as outgoings.

To enable Council to address the legal obligations of the new legislation and to issue rent waivers, deferrals and to waive building insurance premiums to eligible tenants, officers recommend that Council approves the Director of Corporate Services, or her delegate, to execute deeds of variation of leases on behalf of Council, within existing financial delegations, where they relate to conditions arising from the COVID-19 regulations or Council decisions.

**Phased Return To Tenants’ Operations**

Following the Premier’s announcement on 12 May 2020, a gradual return to limited operations for many of the tenancies has begun. The phased return continues to be under review and the decision as to when or if tenants can return to ‘business as usual’, will depend upon the continued success of controlling the virus. Many tenants face the prospect of re-opening and re-building patronage before they will see any improvement in their income for the year. The reduced numbers of patrons that may be permitted to access the tenancies will also pose a challenge as the overhead costs of operations remain unchanged.

The combination of loss of income since 29 March 2020 and the limited and gradual return to normal activity will have a substantial impact on the short to medium term future operations of all tenants.

**Recommendation**

That Council:

1) Resolves that those Community Tenants and Licensees as listed in Attachment 1 to the report be provided with a 12 month waiver of rent and buildings insurance premiums for the period from 29 March 2020 to 28 March 2021 (inclusive).
2) Authorises the Director Corporate Services, or her delegate, to execute all deeds and relevant documents as they relate to point 1, which:
   a) for eligible tenants listed in Attachment 1, will provide for the waiver of rent and building insurance premiums; and
   b) for eligible tenants listed in Attachment 2, may provide for the waiver or deferral of rent, the waiver of any outgoings or other expense, the extension of the term of the lease or licence, or a freeze on rental increases, as may be required by the Regulations.

Support Attachments
1. Community Tenants Summary
2. Commercial Tenants Summary
Considerations and implications of proposition

Liveable community

Social
The report provides a recommendation in response to the COVID-19 pandemic crisis as it relates to our Community and Commercial Tenants. Whilst the impact and length of this pandemic disruption is unknown, there are significant social impacts that need to be taken into consideration as the situation evolves and the impact on those tenants which provide a broad range of services in sport, arts and social engagement.

Natural Environment
The report relates to administrative processes only and no natural environmental issues or opportunities have been identified.

Built Environment
The report relates to administrative processes only and no built environmental issues or opportunities have been identified.

Customer Service and Community Engagement
The recommendations in this report respond to concerns from the community tenancies and some commercial tenancies in response to the impact of the COVID-19 pandemic.

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

Legal
Any changes to the terms of lease arising from COVID-19 legislation will be documented by Deeds of Variation, or in accordance with the terms of the lease or licence.

Finance
The financial implications of the recommendations presented in this report, cover two financial years as they commence 29 March 2020 and end 28 March 2021 and will need to be offset by cost reductions in the 2019/20 and 2020/21 budget.

The total potential loss of revenue and deferred Commercial Tenants revenue (which could be deferred for up to 24 months) to Council identified in this report will be $1,615,980, as summarised below:

- Designated Community Tenants = -$127,226
- Designated Commercial Tenants = -$1,516,514

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

### Option 1

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>That no rent or building insurance be waived (other than that which is legally required) and each such waiver must be represented to Council for a decision.</th>
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<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Council will be required to make every decision for each tenant in relation to any financial relief requested as a result of COVID-19.</td>
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<td><strong>Issues</strong></td>
<td>Significant reputational risk to Council for a lack of pro-active property management and the possibility of some tenants suffering financial losses such that they cannot continue to operate as they had pre-COVID-19.</td>
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<tr>
<td>TENANT</td>
<td>RENT</td>
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<td>---------------------------------------------</td>
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<td>Southern Community Broadcasters Inc</td>
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<td>Brighton Historical Society</td>
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<td>Brighton Theatre Co</td>
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<td>Beaumaris Theatre Inc</td>
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<td>Beaumaris Art Group</td>
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<td>Brighton Art Society</td>
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<td>Sandringham and District Historical Society</td>
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<td>Hurstbridge Pre School Inc</td>
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<td>North Brighton Kindergarten Inc</td>
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<td>Gordon Street Pre School</td>
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<td>Hampton Community Kindergarten</td>
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<td>Beaumaris Children's Playhouse</td>
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**TOTAL**                                   | $94,487| $32,739   |

**TOTAL RENT + INSURANCE P.A**              | $127,226|

**TOTAL RENT + INSURANCE (6 MONTHS)**       | $63,013  |
## COMMERCIAL TENANTS

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<th>TENANT</th>
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TOTAL RENT + INSURANCE P.A: $3,033,028
TOTAL RENT + INSURANCE (6 MONTHS): $1,516,514
MAX RENT WAIVED UNDER STATE REGULATIONS: $744,377
MAX RENT DEFERRED UNDER STATE REGULATIONS: $744,377
10.12 EVENTS IN PUBLIC PLACES POLICY 2020

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/20/18 – Doc No: DOC/20/150643

Executive summary

Purpose and background
This report seeks Council’s adoption of the revised Events in Public Places Policy (the Policy), to reflect the sustainability requirements for events taking place on Council land.

The Policy was first adopted by Council on 8 May 2012, and revised and adopted in July 2016 and March 2018. The Policy was initially prepared in response to an internal review undertaken in July 2011 that identified Council’s policy in relation to events and event management was in need of detailed examination and revision. The review found that processes were unclear, documents outdated and that greater clarity was needed in relation to statutory responsibilities.

The Policy has proved successful in identifying Council’s complex role in balancing the rights and responsibilities of event organisers, participants and community members. There were some key issues identified by Council and event organisers that prompted some changes to the Policy.

Officers are seeking to make further amendments to this Policy which will enable Council to strengthen the sustainability of public events. Specifically, amendments are made in how events are planned, conducted and managed, in line with Council’s commitments to: ban single-use plastics, maintain carbon neutrality, lead in sustainability, and to implement enhanced conditions in policies, tenders, contracts, leases and guidelines.

Key issues
Council currently has no way of enforcing sustainability measures to ensure that approved public and community events have minimal impact on the environment. This includes impacts on landfill from waste generated through the event, the use of single-use plastics, general litter entering the bay, inefficient energy and water use, and the type of participating vendors.

Council Expectations
Council understands that public events, particularly community events, are predominantly run by volunteers. Officers will ensure that any changes to the allocation of permits will be supported by education and tools for volunteers. This will include notifying event permit holders and tentative event bookings of the updated Policy to ensure they have a notice period to prepare their event to comply.

Sustainable Event Guidelines
Sustainable Event Guidelines have been attached to the updated Policy to assist and support event organisers to meet Council’s expectations for sustainable events. These include both mandatory requirements for all event providers, and further measures to be considered by all event providers. The draft Sustainable Event Guidelines are set out in attachment 1.

To ensure that the main changes are implemented straight away, there is an expectation that the following points are applied by all event providers, with specific regard to outdoor events:
Bayside City Council

Ordinary Council Meeting - 23 June 2020

- Provision of recycling and organics streams must be included as part of waste management of the site
- All litter is to be removed from the site and separated into recycling or waste or organics bins
- Single-use plastic bags are not to be distributed during the event
- Single-use plastic straws must not be used
- Balloons are not to be used at any event
- Polystyrene ('Styrofoam') must not be used
- Individual sachets (e.g. tomato sauce, honey, soy sauce, mustard) must not be used or provided to patrons
- All single use cutlery and crockery must be made from products that are able to be recycled or compostable.

Changes to the Policy
The Policy (as set out in Attachment 2) has been updated to include reference to the Sustainable Event Guidelines and the impact on the environment of events. The following points highlight the changes that will be made to the Policy:

Section 4 - Roles & Responsibilities, additional reference to Sustainable Event Guidelines.
The Manager Open Space, Recreation and Wellbeing is responsible to the relevant Director for:
- Ensuring compliance with this Policy, attached Guidelines and other legislative requirements.

Section 6 - Policy statement, additional references to impact on the environment
- Events play an important role in community life. Communities come together to celebrate annual events, enjoy festivals and conduct sporting activities. Events play a significant role in building community identity and cohesion. As Council owns many public spaces where events take place it has a role in facilitating events while also managing and mitigating risks and minimising any adverse impacts on residents, businesses, visitors, open space and the environment.

Council welcomes and actively encourages appropriate events that:
- Support sustainability and have minimal impact on the environment.

New Section 6.5 - Sustainable Events
- Council is committed to strengthening the sustainability of events within Bayside. The Sustainably Guidelines encourages all event organisers to produce events that are in line with Council’s commitments to: ban single-use plastics, maintain carbon neutrality and lead in sustainability.

Section 7.3 - Other Bayside Policies and guidance material, addition of Sustainable Event Guidelines.
- Sustainable Event Guidelines

Recommendation
That Council adopts the new Events in Public Places Policy 2020 as set out in Attachment 1, including the implementation of the new Sustainable Event Guidelines as set out in Attachment 2.
Support Attachments

1. Attachment 1 - Events in Public Places Policy
2. Attachment 2 - Sustainable Event Guidelines

Considerations and implications of recommendation

Social
The Policy allows Council to support and approve a variety of community and commercial events, enabling people to meet and celebrate while participating in or attending a range of events.

Natural Environment
The Policy seeks to encourage high quality, safe and sustainable events. Guidelines are designed to protect our valued natural spaces, as well as flora and fauna. Officers will monitor the impact of event activities on Council managed and/or owned open space, as well as the overall impact on the natural environment, including our marine environment, bay/coastal areas and atmosphere.

Built Environment
Events that use the south end of Green Point Gardens are required by Council to erect a one metre protection zone around the Cenotaph. This will ensure the Cenotaph is protected at all times during events.

Customer Service and Community Engagement
Whilst there has been no specific consultation or engagement with the Community on this updated Policy, the community has expressed its desire for Council to lead the way on sustainability, particularly around eliminating single use plastics and balloons.

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

Legal
Council’s consolidated Local Law No 2 enables Council to issue a permit to use a municipal reserve, including for the purpose of conducting the event. The permit requires the applicants to meet a number of conditions such as the provision of public liability insurance, environmental health requirements, traffic management plans, event management plans and other statutory requirements (where applicable).

Finance
There are no financial implications associated with the recommendations in this report.

Links to Council policy and strategy
The Policy continues to supports Goal 5 in the Council Plan, specifically ‘Providing recreation and cultural opportunities that create a sense of identity, pride and place’. The policy also supports a number of goals and actions within: the Environmental Sustainability Framework; Biodiversity Plan, Carbon Neutrality Action Plan 2018; Recycling and Waste Management Strategy 2019, Climate Emergency Action Plan 2020 (in development), and soon to be adopted Mobile Vendor Policy 2020.
1. Policy intent

The intent of the Events in Public Places Policy (the Policy) is to:

- Establish Council’s role in facilitating and supporting community events;
- Achieve a balance between the rights of event participants and the rights of residents to enjoy their local amenity;
- Establish the management framework for the conduct of events on Council owned or managed public open space; and
- Ensure compliance with relevant legislation, Local Laws and guidance material.

The Policy supersedes:

- Events in Public Places Policy 2018

2. Purpose/Objective

This Policy:

- Supports the conduct of celebrations, festivals and events that benefit the community;
- Ensures there is a consistent, transparent, simple and equitable process for the approval of events and issue of event permits; and
- Encourages high quality, safe and sustainable events.

3. Scope

3.1 The Policy applies to all event owners and/or organisers including events organised by commercial, community and charitable organisations, Council itself or individuals.

3.2 Event types

The Policy applies to events as described below:

- Festivals;
- Markets;
- Health, fitness and sports (but not seasonal sports bookings);
- Commercial triathlons and marathons;
- Charity events; and
- Other large scale social events.
3.3 The Policy applies to events conducted in the following locations:

- Council owned and/or managed open space where a particular space is booked and reserved;
- Public roadways; and
- Private land where public space (roadway, footpath, nature strip or park) is to be used for parking of vehicles, storage of equipment or any other purpose.

The Policy does not apply to events on private land or events in Council buildings.

3.4 Other – The Policy applies to events:

- where a road must be closed;
- with 100 or more attendees;
- a significant structure erected; or
- a space reserved.

The Policy does not apply to family/community gatherings where none of the above applies and attendance is less than 50 people (e.g. a family picnic).

4. Roles & Responsibilities

The Manager Open Space, Recreation and Wellbeing is responsible to the relevant Director for:

- Provision of high quality information and support to event organisers;
- Ensuring compliance with this Policy, attached guidelines and other legislative requirements; and
- Advice to senior management in relation to events and the impact of this Policy.

Departments that issue other permits that may be needed to stage an event are responsible for:

- Supporting the Open Space, Recreation and Wellbeing department to enable high quality customer service to event organisers; and
- Issuing of permits in a timely manner.
5. Monitoring, evaluation & review

The Events Officer will review quarterly:

- The number of event applications;
- The number and type of events conducted;
- Compliance with this Policy;
- Revenue from events; and
- Event Permits issued within required time frames.

6. Policy statement

Events play an important role in community life. Communities come together to celebrate annual events, enjoy festivals and conduct sporting activities. Events play a significant role in building community identity and cohesion.

As Council owns many public spaces where events take place it has a role in facilitating events while also managing and mitigating risks and minimising any adverse impacts on residents, businesses, visitors, open space and the environment.

The following policy statement is designed to recognise Council’s complex role in balancing the rights and responsibilities of event organisers, participants and community members.

Council:

Welcomes and actively encourages appropriate events that:

- Build strong communities;
- Support community health and wellbeing;
- Contribute to economic development;
- Strengthen participation in inclusive activities;
- Build the image of the municipality;
- Incorporate access and inclusion; and
- Support sustainability and have minimal impact on the environment.

Council also:

- Strives to make it easy to stage events;
- Acknowledges it has a role to support events of benefit to greater Melbourne; and
- Balances its support for events with protection of resident and public amenity.
6.1 Road Race Events

Cycling and running/walking are popular activities in Melbourne, and Beach Road is a popular venue for these events. However, this is a major access route both for people living in the area and for visitors not participating in race events. In order to achieve a balance between the opportunity to participate in these events and the preservation of local amenity, a limit has been placed on the number of events that can be conducted at different times of the year.

A maximum of six (6) road race events will be permitted along Beach Road and St Kilda Street each calendar year.

Applications for community road race events using other roads (not Beach Road) will be assessed on application but will not exceed two (2) road race events occurring between November and March each year and two (2) road race events occurring between April and October each year.

Road race events will not be staged or permitted to occur at the same location on consecutive weekends.

No road race events will be approved for the 2 weeks prior to Christmas.

Events on Beach Road are to commence no later than 8.00am. The road is to be open and ready for public use by 11.30am. Events on other roads will be assessed on application.

6.2 Payment of fees

Event fees will be determined annually as part of the Council budget process.

All fees payable in relation to events must be paid prior to issue of a permit. No fees will be waived prior to an event.

6.3 Indemnity

The event organiser conducts an event at their own risk and must indemnify and hold harmless the Council against all claims resulting from any damage, loss, death or injury in connection with the open space used and the use and occupation of the open space by the casual user.

6.4 Compliance with conditions

The event organiser must comply with all conditions of the permit issued for the event.
6.5 Sustainable Events

Council is committed to strengthening the sustainability of events within Bayside. The Sustainably Guidelines encourages all event organisers to produce events that are in line with Council’s commitments to: ban single-use plastics, maintain carbon neutrality and lead in sustainability.

7. Related documents

7.1 Victorian legislation:
- Crown Land (Reserves) Act 1978
- Local Government Act 1989
- Building Act 1993
- Food Act 1984
- Road Management Act 2004
- Planning and Environment Act 1987
- Major Sporting Events Act 2009
- Occupational Health and Safety Act 2004
- Liquor Control Reform Act 1998
- Working with Children Act 2005
- Fundraising Act 1998

7.2 Bayside Local Laws

7.3 Other Bayside Policies and guidance material
- Schedule of fees and charges
- Sustainable Event Guidelines

8. Definitions & Abbreviations

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<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event</td>
<td>Occasions that fit the Scope described in Section 3</td>
</tr>
<tr>
<td>Road race event</td>
<td>Walking, cycling and/or running events that occur on roads within the municipality</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 ver
Sustainable Event Guidelines

Steps toward a Sustainable Event

Bayside City Council is committed to supporting events to be more sustainable and have minimal impact on the surrounding environment. A sustainable event is one that minimises energy use, water use, and waste to landfill and that does not have a negative impact on the surrounding vegetation and waterways. The following outlines what is required.

1. Mandatory requirements – steps to be implemented by all event providers
   2. Guidelines for improved sustainability – steps to be considered by all event providers.

Mandatory requirements:

All outdoor events are to adhere to the mandatory requirements set out below;

- Provision of recycling and organics streams must be included as part of waste management of the site.
- All litter is to be removed from the site and separated into recycling or waste or organics bins.
- Single use plastic bags are not to be distributed during the event.
- Single use plastic straws must not be used.
- Balloons are not to be used at any event.
- Styrofoam must not be used.
- Individual sachets (tomato and bbq sauce, honey, soy sauce, mustard) must not be used or provided to patrons.
- All single use cutlery and crockery must be made from products that are able to be recycled or compostable.

Guidelines for improved sustainability:

Pre-event planning:

Including sustainable elements in your event is best done from the initial planning stages of the event. This gives you the greatest opportunity to incorporate as many sustainable elements as possible. It is important to get buy-in from each stakeholder of the event production team from the outset. The following outline guides you through the steps that can assist you in greening your event from the outset.

Printed materials

<table>
<thead>
<tr>
<th>Online promotion</th>
<th>Set up a website and social media to share information about your event, rather than printing material.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ticketing</td>
<td>Investigate E-ticketing options.</td>
</tr>
<tr>
<td>Printed materials</td>
<td>Use recycled paper for any materials that require printing.</td>
</tr>
</tbody>
</table>
### Waste Management

<table>
<thead>
<tr>
<th>Waste management contractor</th>
<th>Ask your contractor for options that divert waste from landfill, and preferably avoid creating waste. Work together to complete a comprehensive Waste Management Plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bins</td>
<td>Bins must be labelled and, positioned in pairs or groups. Ensure you have sufficient bin numbers and types depending on the size of your event. As a minimum, recycling and general waste bins must be on site. For events with more than five food vendors, an organics stream must be provided for both front and back of house. Consider providing a recycling/cardboard skip to assist with bulk packaging at set-up time.</td>
</tr>
<tr>
<td>Organic waste</td>
<td>As above, for events with more than five food vendors, an organics stream must be provided for both front and back of house. Ensure your contractor has arrangements with a suitable organic waste processing facility and that any compostable packaging is accepted by the processor.</td>
</tr>
<tr>
<td>Source Separation and Collection</td>
<td>To avoid contamination of waste streams and to ensure it is disposed of appropriately clear signage on all bins is helpful. Engage volunteers or a waste management company to monitor bins on the day to assist patrons in correctly separating their waste.</td>
</tr>
<tr>
<td>Planning</td>
<td>Be clear about how your waste is being handled and how it will be processed when creating your waste plan. Consider setting targets for reduction of all waste, not just reducing waste to landfill. The prepared waste management plan must be provided to and approved by Council's Waste Management team a minimum of four weeks out from the event.</td>
</tr>
</tbody>
</table>

### Waste Prevention

<table>
<thead>
<tr>
<th>Incentives</th>
<th>Look for ways for patrons to actively recycle during the event. Try and include it as an engagement tool at the event.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentives</td>
<td>Develop an event specific Container Deposit System to recover all containers for recycling or provide incentives for patrons to return their recyclables to the bar through a deposit scheme, e.g. make drinks in reusable cups cheaper than single-use recyclable containers</td>
</tr>
<tr>
<td>Multi-use</td>
<td>Consider giving patrons branded cups, to be refilled at the bar/coffee van throughout the event.</td>
</tr>
<tr>
<td>Multi-use</td>
<td>Consider setting up a washing station and encouraging your event patrons to return their items for washing and reuse.</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Re-Purpose</td>
<td>Consider items that could be donated to opportunity shops or charities at the conclusion of the event. Arrange this with opportunity shops or charities so they are prepared to receive re-purposed goods.</td>
</tr>
</tbody>
</table>

**Food and Beverage**

<table>
<thead>
<tr>
<th>Food</th>
<th>Choose food providers who will aim to source food locally and are committed to reducing wastage and have minimal impact on the environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tea and Coffee</td>
<td>Request caterers to use certified organic or fair trade tea and coffee. Encourage them to provide incentives for patrons to bring reusable cup options.</td>
</tr>
<tr>
<td>Vendor waste</td>
<td>Choose caterers and stall holders that are committed to your waste reduction goals.</td>
</tr>
<tr>
<td>Water</td>
<td>Offer taps/re-filling stations for patrons to refill water bottles rather than sell bottled water.</td>
</tr>
</tbody>
</table>

**Procurement**

<table>
<thead>
<tr>
<th>List suppliers</th>
<th>Develop a list of suppliers required for your event and identify sustainable alternatives.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Giveaways</td>
<td>Don’t use plastic items as giveaways. Source options that will not end up as waste.</td>
</tr>
<tr>
<td>Packaging</td>
<td>Choose items with minimal or no packaging.</td>
</tr>
<tr>
<td>Source local</td>
<td>Source from local businesses or look for local volunteers to improve your procurement outcomes.</td>
</tr>
<tr>
<td>Energy and water Generators</td>
<td>Consider hiring biodiesel generators.</td>
</tr>
<tr>
<td>Usage levels</td>
<td>Identify the event’s electricity and water usage before, during and after the event. Put in measures to reduce.</td>
</tr>
<tr>
<td>Lighting</td>
<td>Consider time of day your event is held to reduce the need for lighting. Investigate if solar powered lighting is a possibility.</td>
</tr>
<tr>
<td>Emissions</td>
<td>If possible source an online calculator to estimate the carbon emissions at your event. Look for ways to offset them.</td>
</tr>
<tr>
<td>Toilets</td>
<td>Source water wise toilets which could include, water efficient hand basins, or waterless urinals.</td>
</tr>
<tr>
<td>Contamination</td>
<td>Avoid contaminating waste water by using environmentally sound cleaning products and sanitisers.</td>
</tr>
<tr>
<td>Accreditation</td>
<td>For large events, consider accreditation through the National Carbon Offset Standards.</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Transport</td>
<td></td>
</tr>
<tr>
<td>Promotion</td>
<td>Promote initiatives for patrons to arrive by sustainable transport modes.</td>
</tr>
<tr>
<td>Public transport, walk, ride</td>
<td>Provide clear information about public transport, bike and walking routes.</td>
</tr>
<tr>
<td>Bike riding</td>
<td>Provide bike parking at the event or consider a bike valet service.</td>
</tr>
<tr>
<td>Group travel</td>
<td>Provide shuttle services.</td>
</tr>
<tr>
<td>Public transport</td>
<td>Work with Public Transport Victoria, and advise them of your event: <a href="mailto:event.notification@ptv.vic.gov.au">event.notification@ptv.vic.gov.au</a></td>
</tr>
<tr>
<td>Incentives for sustainable transport</td>
<td>Offer incentives to patrons who opt for sustainable transport to attend your event. Large events could partner with PTV to arrange free travel for event patrons.</td>
</tr>
<tr>
<td>Post Event</td>
<td></td>
</tr>
<tr>
<td>Review</td>
<td>Evaluate the event to determine the effectiveness of sustainable options. Check against the Waste Management Plan.</td>
</tr>
<tr>
<td>Usage</td>
<td>Record the use of emissions, power, water and transportation. Consider purchasing carbon offsets to offset the measured impact of your event.</td>
</tr>
<tr>
<td>Record</td>
<td>For major events over 1000 patrons, record the amount of waste produced and types (your waste contractor should be able to provide this), numbers of full or partially full bins for recycling, landfill and organics. Include the contamination rate of the bins. Review post-event waste reports when planning for the next event.</td>
</tr>
<tr>
<td>Improvements</td>
<td>Review data from previous events before planning improvements for future events, especially on the same site.</td>
</tr>
</tbody>
</table>

For further information on how to host a sustainable event, contact the Bayside City Council Environmental Sustainability team on 9599 4444 or visit our “Bay Friendly” events page or for more information on your event permit please contact Council’s Events team.
10.13 PROCUREMENT POLICY - ANNUAL REVIEW

Corporate Services - Commercial Services
File No: PSF/20/7 – Doc No: DOC/20/158134

Executive summary

Purpose and background
It is a requirement under section 186A of the Local Government Act 1989 that Council’s Procurement Policy be reviewed at least once per annum. The current policy was adopted by Council on 25 June 2019.

Council’s Audit Committee endorsed the proposed revised policy at its meeting on 18 May 2020.

Key issues
Council’s Procurement Policy ensures that Council’s procurement processes and procedures achieve the following:

- Provide best value for money in the procurement of goods, services and works
- Are conducted, and are seen to be conducted, in an impartial, fair and ethical manner
- Provide a robust, accountable and transparent audit trail
- Comply with legislation, other Council policies, Council’s Environmental Sustainability Framework and relevant external standards
- Support and provide a key element in delivering Council’s Plans and Strategies.

The revised Policy has received minor amendments only. It is proposed to amend the policy to reflect updated CEO delegations, reference to the Climate Emergency as part of Sustainable Principles, minor updates to probity and a number of minor editorial changes that do not change the intent of the policy.

It should be noted that a more thorough review of the policy will be conducted in accordance with the requirements of the new Local Government Act in 2021.

Recommendation
That Council adopts the Procurement Policy 2020.

Support Attachments
1.  Procurement Policy 2020 ↓
Considerations and implications of recommendation

Liveable community

Social
The Procurement Policy requires that Council consider community building as a criteria in the procurement of goods, services and works where appropriate.

Natural Environment
The Procurement Policy requires that Council considers sustainability as a criteria in the procurement of goods, services and works where appropriate.

Built Environment
The Procurement Policy contributes to the built environment by providing a framework for the engagement of suppliers who contribute and build Council assets.

Customer Service and Community Engagement
The Procurement Policy reinforces Council’s commitment to ensuring all community views are considered through inclusive deliberations and active involvement of the community.

Human Rights
The implications of this report and the Procurement Policy 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 Procurement Policy was prepared and approved under section 186A of the Local Government Act 1989. Under section 186A (7) of the Local Government Act 1989, Council’s Procurement Policy must be reviewed at least once each financial year.

Finance
One of the main objectives of the Procurement Policy is to ensure best value for money in the procurement of goods, services and works.

Links to Council policy and strategy
The Procurement Policy links to other policies and strategies where those policies and strategies rely on the engagement of external suppliers to perform functions or achieve outcomes on behalf of Council.
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Procurement Policy 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy ref no:</td>
<td>DOC/20/63758</td>
</tr>
<tr>
<td>Council policy owner:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>DRAFT last adopted update MAY 2019</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>Annually</td>
</tr>
</tbody>
</table>

1. Policy intent
The intent of the Procurement Policy is to ensure high standards of probity and accountability in Council’s procurement activities while obtaining best value for money outcomes when purchasing goods, services and works and managing contracts and supplier relationships.

2. Purpose/Objective
The purpose of this Policy is to ensure that all Council’s procurement activities:

1. Achieve best value for money in the procurement of goods, services and works;
2. Are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
3. Provide a robust, accountable and transparent audit trail;
4. Comply with legislation, other Council policies, Council’s Environmental Sustainability Framework and relevant external standards; and
5. Support and provide a key element in delivering Council’s Plans and Strategies.

3. Scope
The Local Government Act 1989 (the Act), section 186A, requires Council to prepare and approve a Procurement Policy. This Policy must be considered in all aspects of Council’s procurement of goods, services and works.

4. Roles & Responsibilities
The responsibility for implementing, monitoring, evaluating and reviewing the Policy sits with the Director Corporate Services.
All Council staff\(^7\) and Councillors are required to comply with this Policy\(^8\).

Probity Advisor – A probity advisor, where deemed appropriate, provides expert knowledge or understanding throughout the process for reasons of probity risk management. They provide advice on how to improve probity of a process or advise on probity issues as they arise.

Probity Auditors – A probity auditor provides independent audit and objective opinion on probity issues after a process is completed.

5. Monitoring, evaluation & review

The Act requires that the Procurement Policy be reviewed by Council once every financial year and make it available for public inspection at Council offices and on Council’s website.

Council’s Audit and Risk Management Committee also provides additional oversight through regular reports.

In reviewing this Policy, Council will consider current best practice approaches to procurement.

6. Policy statement

6.1 General Requirements

6.1.1 Application

The application of this Policy needs to be considered in the overall context of achieving best value for money outcomes for Council and the Bayside community. A key message is that the purchasing of goods, services and works at Bayside needs to be sensitive to customer needs and expectations, market demand and supply and any other relevant market conditions to achieve the best possible procurement outcomes.

To achieve the best value for money, purchasing of goods, services and works at Bayside should consider the cost including acquisition and ongoing maintenance costs. Purchasing should also seek to continuously improve our service delivery, by embracing innovation and technology to find better ways to deliver value for money.

All purchasing, expressions of interest, quotation and tender processes must be conducted in accordance with the requirements of this Policy, Council’s Procurement Procedures and Contract Management Procedures.

6.1.2 Ethics and Probity

In all dealings, the Council will observe the highest standards of probity. Probity is achieved when a defensible process is put in place which is able to withstand internal and external scrutiny. All processes must achieve both accountability and transparency and provide tenderers with fair and equitable treatment. The community expects business in the public

\(^7\) Council staff excludes independent contractors and employees of third parties.

\(^8\) Sub-section 186A (9) of the Local Government Act 1989.
sector to be conducted ethically, displaying honesty, integrity, diligence, trust and respect when dealing with others.

The key probity fundamentals are:

- **Compliance with Legal and Policy Requirements**

- **Use of a Competitive Process** - unless an authorised exemption is in place.

- **Fairness and Impartiality to all Suppliers and Contractors**

- **Consistency and Transparency of Process**

- **Sound decisions based on valid assessment of responses against agreed and transparent criteria**

- **Security and Confidentiality**

- **Identification and Declaration of Conflicts of Interest**

In an increasingly complex and constrained operating environment there may be times where the procurement plan requires a significant divergence from established procedures to deliver the best value for money. If any significant risks to probity fundamentals above can be identified then this points to the need to consider engaging a probity advisor up front.

In some cases, to demonstrate rigour in a procurement process a Probity Auditor may be engaged. This may include projects impacting a broad range of the community where strong divergence of opinion exists, politically sensitivity or very high value in nature. It is up to staff involved in all procurement activity to consider whether a probity advisor or probity auditor should be appointed.

### 6.1.3 Conduct of Councillors and Council Staff

Councillors and Council Staff must at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity. Such conduct must:

- Treat potential and existing suppliers with equality and fairness;
- Not seek or receive personal gain;
- Maintain confidentiality of commercial-in-confidence matters and other sensitive information;
- Present the highest standards of professionalism;
- Deal with suppliers in an honest and impartial manner;
- Provide all interested suppliers with the same information and equal opportunity; and
- Be able to account for all decisions and provide feedback on them.
Council Staff are prohibited from either being engaged by a Council contractor or performing any works under a Council contract.

6.1.4 Conflict of Interest
Councillors and Council Staff must avoid situations in which their private interests conflict, or might reasonably be perceived to conflict, or have the potential to conflict, with their public duties.

Councillors and Council Staff must not participate in any action or matter associated with a procurement or management of a contract or purchase (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a direct or indirect interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the member of Council Staff involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

6.1.5 Fair and Honest Dealing
All interested parties must be afforded an equal opportunity to tender. Impartiality must be maintained throughout the procurement process so that it can withstand public and audit scrutiny.

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material.

6.1.6 Accountability and Transparency
Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

6.1.7 Gifts and Hospitality
Councillors and members of Council staff must not, either directly or indirectly solicit or accept gifts or presents from any person who is involved, either directly or indirectly, with any matter that is connected with the duties of the officer, or in which the Council is interested.

Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how insubstantial they might seem to be), must be promptly brought to the attention of the Chief Executive Officer.
6.1.8 Endorsement
Council staff must not officially endorse any products or services without approval from Council. Individual requests received for endorsement must be referred to a Director or CEO.

6.1.9 Disclosure of Information
It is Council’s general policy to consider reports recommending the awarding of contracts in open Council meetings. However, Council is committed to not disclosing information that is commercial-in-confidence. Commercial-in-confidence information must not be disclosed and is to be stored in a secure location. Councillors and Council staff must protect information to the extent that it is commercial-in-confidence by refusing to release or discuss it with others. Council may declare that a report recommending the awarding of a contract be heard in camera where the information or matter is so sensitive or where the Council report, by necessity, contains confidential information so that if the report were considered in open Council it would likely cause harm or damage to Council or harm or damage to any tenderer who submitted for that tender and the extent of that harm or damage outweighs the requirement for transparency.

Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests. Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt about what is being offered by that supplier.

At no stage should any discussion be entered into with any tendering party or its representative or agent which could have potential contractual implications prior to the contract approval process being finalised (other than authorised pre-contract negotiations).

6.1.10 Governance Structure
Council will:

- Maintain a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the life of all goods, services and works purchased by Council;
- Ensure that the Council’s procurement structure:
  - Is flexible enough to purchase in a timely manner the diverse range of goods, services or works required by Council but only to the extent that it does not compromise probity, legal requirements or fundamental auditing principles;
  - Ensures that prospective contractors and suppliers are afforded an equal opportunity to compete for Council opportunities;
  - Encourages competition; and
  - Ensures that other policies that impinge on the purchasing policies and practices are communicated to all potential suppliers.
6.1.11 Responsible Financial Management

The principle of responsible financial management must be applied to all procurement activities. This includes ensuring that a source of funds is established prior to the commencement of any procurement action for the supply of goods, services or works.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

Delegations define the limitations within which Council staff can make financial commitments.

6.2 Sustainable Procurement

In accordance with the Council Plan procurement decisions and initiatives will be based on clear and transparent evidence, informed economic, environmental and social considerations. To achieve sustainable procurement and the objectives and targets in Council’s Environmental Sustainability Framework, Council will continue to develop a sustainable procurement approach incorporating economic, environmental, financial and social considerations.

6.2.1 Economic Sustainability

Council’s procurement method and assessment will be carried out on the basis of obtaining value for money. This means controlling the total cost of ownership over the lifetime of the procurement while not compromising on accepted levels of quality, reliability and delivery requirements. Lowest price is not the sole determinate of value for money. To help ensure value for money, the following factors will be considered:

- Developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout;
- Effective use of competition;
- Using panel contracts and Standing Offer Agreements where appropriate;
- Using collaborative procurement opportunities where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient tender processes including appropriate use of e-solutions;
- Appropriate Council staff responsible for providing procurement services or assistance in terms of available products and existing agreements; and
- Working with existing and potential suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services or works being required.

6.2.2 Environmental Sustainability

Through the objectives and targets in Council’s Environmental Sustainability Framework, and addressing the declaration of a Climate Emergency Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on, or improve, the environment.

These activities include but are not limited to:
- Waste management;
- Recycling;
- Energy management;
- Greenhouse gas emission management;
- Water conservation;
- Building design; and
- Sustainable procurement.

Council is committed to enhancing the environment by supporting the principles of sustainable procurement to provide value for money.

Council prefers to purchase environmentally sustainable products and services whenever they achieve the same function or better, and value for money outcomes. Council aspires to demonstrate to the community that the purchasing decisions of Council endeavor to enhance environmental sustainability and improve markets for recycled and environmentally sustainable products.

Where practical and operationally efficient, Council will integrate the following sustainable purchasing practices into its operations and encourage its suppliers and contractors to adopt the same.

- Avoid negative environmental impacts from the purchase of goods, services and works, where possible.
- Reduce resource consumption and waste production by selecting energy efficient and water efficient products and services, where possible. As an indication for products where labelling standards are applied, energy-efficient and water efficient products are to have star ratings of four star and above. Vehicles are to have a high Green Vehicle Guide star rating.
- Reuse where possible:
- Favour Recycled content:
- Reduce the environmental impact of the supply chain:

  This practice means encouraging suppliers of products and services to Council to adopt good environmental practices, to minimise the environmental footprint of Council’s extended activities.

  Council will show preference to suppliers who actively adopt good environmental practice using tender and procurement evaluation criteria.

6.2.3 Social Sustainability

In accordance with the Council Plan and Community Engagement Framework Council is committed to improving the quality of life in Bayside through the involvement of the Bayside community in a range of factors including the provision of goods, services and works. Council
is also committed to ensuring that all views are considered through inclusive deliberation and active involvement of the community.

Council will therefore consider community building in the procurement of goods, services or works as appropriate. The criteria may include the following:

- Consulting and engaging with the community;
- Building community involvement in the ways services are delivered or works undertaken;
- Enhancing partnerships with community stakeholders and other service providers;
- Generating local employment (particularly among disadvantaged residents);
- Improving gender equity, diversity and social inclusion; and
- Providing a range of other social benefits including community amenity and public health and well-being.

Council will also consider the social impact of procurement beyond our municipality.

6.3 Planning & Methodology

6.3.1 Role of Specifications
Specifications used in expressions of interest, quotations and tenders are to support and contribute to the Council’s objectives through being written in a manner that:

- Ensures impartiality and objectivity;
- Encourages the use of reliable and proven products;
- Encourages sustainability;
- Reduces bureaucracy and encourages innovation; and
- Wherever possible specifies requirements in terms of service outcomes and key performance standards.

While it may be appropriate in certain circumstances to specify inputs, care must be taken to ensure that innovative solutions may still be encouraged.

6.3.2 Purchasing Methods
Council’s standard methods for purchasing goods, services and works are:

- Petty cash or corporate credit card for low value simple purchases (please refer to Council’s Credit Card Policy for more information about using a Council credit card);
- Purchase order;
- Contract following a quotation process;
- Contract following a tender process;
- Collaborative purchasing arrangements with other Councils, approved contractual arrangements put in place by the State Government (State Purchase Contracts and Whole of Victoria Government Contracts), Procurement Australia and the Municipal Association of Victoria; and
- Other arrangements authorised by the Council or the CEO due to abnormal circumstances such as emergencies.
6.3.3 Procurement Thresholds and Competition

Council’s Procurement Procedures details the minimum thresholds and the associated procurement methods. These thresholds are determined by this Policy and are detailed below.

6.3.4 Public Tenders

The acquisition of goods and services for which the estimated expenditure is $150,000 or above, and building and construction works for which the estimated expenditure is $200,000 or above must be undertaken by public tender as per the Act.

However to avoid any confusion regarding the definition of ‘services’ versus ‘works’ and to ensure compliance with the Act, Council adopts a public tender threshold of $150,000 for all purchases. This threshold applies to the value of contracts that may be for a number of years. As a general rule the $150,000 threshold should be determined by estimating the value of the goods, services or works with a single supplier for a reasonable contract period, inclusive of GST and all option periods under the proposed contract.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders. Typically a multi-stage tender process will commence with an expressions of interest stage followed by a tender process involving the suppliers selected as a consequence of the expressions of interest stage.

6.3.5 Quotations

Purchase of goods, services and works having a value less than $150,000 must be undertaken using a quotation method as described below:

- **Value between $0 and $500 – Minimum one verbal quotation must be obtained**

  An invoice must be obtained and ideally a purchase order will be raised as well. Where no purchase order is raised, the invoice must not be self-authorised. It must be co-signed by a second officer with delegated authority to ensure good governance and effective fraud controls are maintained.

- **Value $500 or above but below $2,000 – Minimum of one verbal quotation must be obtained**

  A purchase order must be raised unless the purchase is of a type that is exempt from raising a purchase order (for guidance see 7.2.8 of the Procurement Procedures)

- **Value $2,000 or above but below $15,000 – Minimum of one written quotation must be obtained**

  A purchase order must be raised unless the purchase is of a type that is exempt from raising a purchase order (for guidance see 7.2.8 of the Procurement Procedures)

- **Value $15,000 or above but below $150,000 Minimum of three written quotations must be sought**
Officers must complete the Procurement Initiation and Assessment form to establish if a Request for Quotation or Request for Tender process is the recommended process. A tender process may be recommended for complex procurements in this range.

Council will request a minimum of three quotations by issuing a written Request for Quotation to suppliers reasonably expected to provide the goods, services or works. Details of the suppliers contacted, their quotations, evaluation notes, recommendation, approval, declarations of whether any conflicts of interest exists, communication of award and the contract must be recorded.

Quotations returned by the nominated closing date must be evaluated and a recommendation made to consider the supplier offering the best value for money outcome.

- Public Advertising.

Quotations may be advertised when judged to be sufficiently advantageous to Council. This may occur when a field of potential Respondents has not been established, or an innovative approach is required, or the project has broad appeal that may attract very competitive prices. The minimum placement requirements include Council’s e-tender portal and, where judged appropriate, use of any newspaper approved by Council for such purpose. Evidence of this must be filed in the relevant contract file in Council’s record management system.

6.3.6 Delegation of Authority

Delegations define the limitations within which Council staff are permitted to work. The Council has delegated to the Chief Executive Officer authority to approve contracts up to $500,000 provided the contract is less than 5 years and annual spend does not exceed $150,000. The Chief Executive Officer has in turn delegated authority to Council staff. This Instrument of Sub-delegation is titled ‘Financial Delegations’ and is made by the Chief Executive Officer under the authority of an Instrument of Delegation authorised by resolution of Council.

The Financial Delegations allow specified Council staff to approve certain purchases, without referral to the Council. These Delegations identify the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

The financial delegations for Council staff are detailed in Council’s Instrument of sub-delegation – financial delegations.

Proposed commitments which exceed the CEO’s delegation and which must be approved by the Council are:

- Awarding contracts where the total contract value exceeds $500,000 for capital works or award a contract exceeding the value of $500,000 for goods and services or, in the case of multi-year goods and services contracts awarding a contract exceeding an averaged value of $150,000 per annum and/or for a period exceeding 5 years; and
- approve a contract variation exceeding 20% of the original contract sum, where the original contract sum is $500,001 or greater and where the contract variation amount will result in the adopted budget allocation being exceeded.

6.4 Evaluation & Engagement

6.4.1 Quotation & tender evaluation

All quotations and tenders must be evaluated in a consistent manner against pre-determined evaluation criteria listed in order of importance. The use of a weighted matrix analysis is the recommended method for analysing and comparing tenders in a detailed and consistent manner. The full cost of the good, service or works over its estimated life must receive a weighting of between 30% and 60%.

The evaluation criteria must be determined prior to inviting proposals and should be listed in the invitation documents in order of importance.

A due diligence analysis of the preferred or short-listed suppliers for all high value or highly complex projects must be undertaken to ensure that the suppliers have the capacity and stability to comply with the requirements of the contract.

6.4.2 Post tender negotiations

The conduct of negotiations after the close of a tender or quotation as part of the process for recommending the preferred supplier may be conducted as 'fine tuning' activity prior to entering into a contract. Matters for post tender negotiations may include:

- Clarifying the robustness of the lump sum price or schedule of rates;
- Additional value adding options;
- Specific contract management arrangements;
- Identifying key personnel for various stages of the contract;
- Intellectual property transfer opportunities; and
- Service supply arrangements.

The objective of post tender negotiations is to obtain the optimal solution and commercial arrangements and not merely the lowest price. Negotiations must also be mindful not to alter the scope or intent of a tender or proposal. Altering the contract in a way that materially changes the contract to that which was released is not permitted.

6.5 Contract Management & Administration

6.5.1 Corporate Records

The Responsible Officer authorised to make procurement commitments in respect of the relevant goods, services and works, must ensure timely and accurate corporate records are kept. Records include but are not limited to the following:

- All documents required by the Procurement Procedures generated in the sourcing phase;
- The contract;
- Contract term extensions (within authorised budget);
- Contract amendments and variations (financial and non-financial);
6.5.2 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- There is clear accountability and responsibility for all transactions;
- Transparency in the procurement process;
- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented; and
- Systems are in place for appropriate monitoring and performance measurement and that all Council staff use those systems.

6.5.3 Risk Management

Risk Management sits in the context of all projects and ongoing services being properly planned and carried out in a manner that will protect and enhance the Council’s capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

The provision of goods, services and works by contract potentially exposes the Council to risk. Council seeks to minimise its risk exposure by utilising measures such as:

- Standardising contracts to include current, relevant clauses;
- Requiring bank guarantees where appropriate;
- Referring specifications to relevant experts;
- Requiring written contractual formation before allowing the commencement of work;
- Use of or reference to relevant Australian Standards (or equivalent); and
- Effectively managing the contract including monitoring and enforcing performance.

A risk management plan is required to be developed for all projects. The risk management plan should consider the following factors:

- Risk identification;
- Risk assessment: likelihood versus consequence;
- Risk mitigation: actions to reduce, replace or eliminate risks;
- Risk allocation: allocate a responsible officer or external party to manage each risk;
- Monitoring and control.

6.5.4 Occupational Health and Safety

Council must ensure that all its contractors and suppliers share Council’s commitment to providing a safe and healthy environment, so far as is reasonably practicable, within the municipality for the Bayside community, staff and contractors. Preferred suppliers will need to demonstrate that they have appropriate systems and processes to manage risks and hazards and that they have provided appropriate education and training for all their staff.
6.5.5 Contract Terms
All contractual relationships must be documented in writing based on Council’s standard terms. A written contract must be entered into by the supplier and Council before works or services commence or goods ordered.

Where this is not possible, for example in situations where community safety dictates an urgent necessity, subsequent approval must be sought from the appropriate member of Council staff with delegated authority. A request for such an approval must be supported with procurement and legal advice.

To protect the best interests of the Council, terms must be agreed in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and must be authorised by the appropriate member of Council staff with delegated authority.

6.5.6 Dispute Resolution
All Council contracts should incorporate dispute management or alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

6.5.7 Contract Management
The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- Nominating a responsible officer to manage each contract;
- Establishing a system reinforcing the performance of both parties’ responsibilities and obligations under the contract; and
- Providing a means for the early recognition of issues and performance problems and the identification of solutions.

All Council contracts are to include contract management requirements and key performance indicators.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for overseeing the delivery of the contracted goods, services or works to ensure the Council receives value for money and that quality and cost standards are met.

6.5.8 Contract Performance Reporting
Evaluation and reporting can provide a basis for effective control and stewardship of resources. There are a wide range of indicators that responsible officers can use to measure and report on the performance of the contract(s) they manage. These typically include, but are not limited to:

- Volume of orders/contracts;
- On-time delivery/completion;
- Defect rates and variations;
Cost of raising order/processing contracts;  
Results of customer satisfaction questionnaires.

However, the recommended focus should be on an evaluation process which leads to the implementation of continual improvement to Council’s significant high value procurements.

There are three key procurement areas which should be measured, evaluated and reported on annual regular basis:

- Contractor performance;
- Opportunities to improve processes;
- Incorporation of process improvements.

6.6 Procurement Performance Reporting

A list of performance indicators will be used to measure procurement performance. They will include criteria such as:

- Contract compliance and performance (through annual review/audit of a selected sample of current contracts);
- The proportion of expenditure against corporate contracts;
- User and supplier feedback;
- The percentage of Council purchases that have considered sustainability; and
- Measuring the success of projects and programs.

These criteria will be used as the basis for regular performance reports to the executive team and Council.

6.7 Continuous Improvement

Council is committed to continuous improvement as part of its Business Excellence Program and will review this Procurement Policy on an annual basis, to ensure that it continues to meet the corporate objectives.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within Council and performance against these targets will be measured and reviewed regularly to support continuous improvement. The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key expenditure categories.
6.8 Exemption from this Policy or the Procurement Procedures
The Chief Executive Officer may only approve an exemption from this Policy or Procurement Procedures if the following is satisfied:
- The exemption does not arise because of a lack of planning; and
- The exemption does not seek, as its primary motivation, to lessen or avoid competition.

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.

7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Code of Conduct</th>
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<tr>
<td></td>
<td>Council’s Risk Management Policy</td>
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<td>Council’s Occupational Health and Safety Policy</td>
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<td>Council’s Delegations to Chief Executive Officer</td>
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<td>Instrument of sub-delegation</td>
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<td>Gifts and Hospitality Policy</td>
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<tr>
<th>Strategies</th>
<th>Council Plan</th>
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<td></td>
<td>Environmental Sustainability Framework</td>
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<tr>
<th>Procedures</th>
<th>Council’s Procurement Procedures and Contract Management Procedures</th>
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<tr>
<td></td>
<td>Council’s Code of Conduct for Councillors and Officers</td>
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8. Definitions & Abbreviations
<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>Treatment of GST</td>
<td>All monetary values stated in this policy include GST except where specifically stated otherwise.</td>
</tr>
<tr>
<td>Act</td>
<td>Local Government Act 1989</td>
</tr>
<tr>
<td>Commercial in Confidence</td>
<td>Refers to information provided that is commercially sensitive and if released could cause commercial detriment or disadvantaged in the market.</td>
</tr>
<tr>
<td>Probity</td>
<td>In the context of a procurement process probity is a defensible process which is able to withstand internal and external scrutiny – one which achieves both accountability and transparency, providing tenderers with fair and equitable treatment. Probity is about ensuring the procedural integrity of the procurement process (Victorian Local Government Best Practice Procurement Guidelines, Department of Planning and Community Development, 2013, p.51).</td>
</tr>
<tr>
<td>Value for Money</td>
<td>A measure covering quality and quantity levels, performance standards, risk exposure and other policy measures (e.g. environment impacts), as well as price. Value for money is assessed on a 'whole of life' or 'total cost of ownership' basis, which includes the transitioning-in, contract period and transition-out phases of a contractual relationship.</td>
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10.14 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/150867

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 23 June 2020.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Action Awaiting Report - 23 June 2020
### Council Action Awaiting Report Attachment

<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
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<tbody>
<tr>
<td>24/05/16</td>
<td>10.2</td>
<td>Sandringham Village Streetscape Masterplan</td>
<td>CPA</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>10.7</td>
<td><strong>Childrens’ Sensory Garden Investigation</strong>&lt;br&gt;That Council:&lt;br&gt;1. notes the typical elements of a suburban sensory garden;&lt;br&gt;2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;&lt;br&gt;3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and&lt;br&gt;4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
<td>ERI</td>
<td>A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site. The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.16</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong>&lt;br&gt;That Council:&lt;br&gt;2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
<td>ERI</td>
<td>A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
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<td>21/8/18</td>
<td>10.7</td>
<td><strong>Early Years Infrastructure Plan</strong>&lt;br&gt;That Council:&lt;br&gt;4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;&lt;br&gt;7. receives a further report following a review of the Infrastructure Plan in year five.</td>
<td>CCE</td>
<td>A report will be provided to Council on the completion of the development works.</td>
</tr>
<tr>
<td>20/11/18</td>
<td>10.6</td>
<td><strong>CSIRO - Legal Agreements Update</strong>&lt;br&gt;That Council:&lt;br&gt;Receives a report following the execution of the Deed of Agreement with the CSIRO which outlines the details of the Deed agreement and next steps.</td>
<td>CORP</td>
<td>A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.</td>
</tr>
<tr>
<td>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>CPA</td>
<td>An update is included in the June 2020 Council Meeting Agenda.</td>
</tr>
<tr>
<td>25/6/19</td>
<td>10.17</td>
<td><strong>Bayside Tennis Strategy</strong>&lt;br&gt;1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris.</td>
<td>ERI</td>
<td>A report will be submitted to a future meeting.</td>
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<tr>
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<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>
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<td>3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:</td>
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<td>• the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and</td>
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<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>
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<tr>
<td>20/8/19</td>
<td>10.3</td>
<td><strong>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update</strong></td>
<td>ERI</td>
<td>A report will be submitted to Council no later than 31 August 2020.</td>
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<td>That Council receives a further report by no later than 31 August 2020 from the Brighton Secondary College Hockey Facility Management Committee, summarising activities including the financial position of the Management Committee.</td>
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<tr>
<td>20/8/19</td>
<td>10.7</td>
<td><strong>Bayside Environmental Sustainability Framework 2016-2025 - Annual Progress Report</strong> &lt;br&gt;2. Receives a further report in the first quarter of the 2019/20 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
<td>ERI</td>
<td>A report will be submitted to Council in the first quarter of the 2020/21 financial year.</td>
</tr>
<tr>
<td>17/9/19</td>
<td>10.1</td>
<td><strong>Nursery and Bushland Maintenance - Service Delivery Model</strong> &lt;br&gt;3. Receives a report on the performance of the Civil Infrastructure and Open Space Maintenance Contract in the areas related to the Nursery at its meeting in December 2020.</td>
<td>ERI</td>
<td>A report will be submitted to the December 2020 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.3</td>
<td><strong>Small Neighbourhood Activity Centres (SNACs) - Building Height Review &amp; Recommendations</strong>&lt;br&gt;That Council receives a report following the approval of Amendment C126 that outlines opportunities for mandatory height controls in Small Neighbourhood Activity Centres.</td>
<td>CPA</td>
<td>A report will be submitted to Council following the approval of Amendment C126.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.9</td>
<td><strong>Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2</strong> &lt;br&gt;1. Receives a further report highlighting the health impacts of climate change to the residents of Bayside.</td>
<td>CCE</td>
<td>A further report will be submitted to a future Council Meeting.</td>
</tr>
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| 19/11/19        | 10.4 | **Mid-Century Modern Heritage Voluntary Nomination Process**  
5. Receives a report reviewing the voluntary nomination process following the gazettal of heritage controls outlined in this report.                                                                                       | CPA      | A further report will be submitted to a future Council meeting following the gazettal of heritage controls.                                                              |
| 17/12/19        | 10.3 | **Neighbourhood Character Review 2019 - Project Update; and Response to Notice of Motion - 261**  
That Council notes the Neighbourhood Character Review 2019 – Project Update report and receives a further update report prior to the commencement of community engagement.                                   | CPA      | A report will be submitted to a future meeting, prior to commencement of community engagement.                                                                     |
| 18/02/20        | 10.1 | **Assessment of the potential heritage significance of the Beaumaris Memorial Community Centre**  
6. Receives a further report on the potential heritage listing of the Beaumaris Memorial Community Centre following the completion of the heritage assessment of the Arts Group Building. | CPA      | A report will be submitted to a future Council Meeting.                                                                                                             |
| 24/03/20        | 10.2 | **Elsternwick Park Nature Reserve Masterplan**  
3. Receives a report at a future Ordinary Meeting of Council regarding the progress of the funding agreement with the City of Port Phillip.  
A further report will be submitted to the August 2020 Ordinary Council Meeting.                                                                                     |
| 28/4/20         | 10.3 | **Wilson Recreation Reserve - Brighton Grammar School**  
6. Receives a report at a future Council meeting detailing the outcome of the Statutory Planning and license agreement negotiation processes.                                                                   | ERI      | A further report will be submitted to a future Council Meeting.                                                                                                      |
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<tr>
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<tbody>
<tr>
<td>10.14</td>
<td>Notice of Motion - 234 - Proposed roundabout upgrade and pedestrian crossing at corner Church St, St Andrews Streets, Brighton</td>
<td>23/4/20</td>
<td>A report is included in the June 2020 Council Meeting Agenda.</td>
</tr>
<tr>
<td>10.6</td>
<td>Hampton Community Infrastructure Feasibility and Master Plan</td>
<td>19/5/2020</td>
<td>A report will be submitted to the August 2020 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>10.7</td>
<td>Economic Development and Tourism Strategy Update</td>
<td>19/5/2020</td>
<td>A report will be submitted at before the December 2020 Ordinary Council Meeting.</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 Clarke Martin

12. Urgent Business
13. **Notices of Motion**

13.1 **NOTICE OF MOTION - 295 - HURLINGHAM PARK TENNIS CLUBHOUSE**

We, Cr Alex del Porto and Cr Michael Heffernan, hereby give notice that we intend to move at the Ordinary Council Meeting to be held on 23 June 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

That Council fund the replacement of the Hurlingham Park tennis clubhouse structural floor up to an amount of $42,000 from Council, and noting that the Hurlingham Park Tennis Club will make a contribution of $5,000 to replace the flooring due to termite infestation. Council’s funding to be provided from minor building renewals within the 2020/21 Capital Works Budget.

**Cr Alex del Porto and Cr Michael Heffernan**

**Support Attachments**

Nil
13.2 NOTICE OF MOTION - 296 - PROTECTED BICYCLE LANES IN BAYSIDE

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/150860

I, Cr Alex del Porto, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 23 June 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

That Council receive a report at the February 2021 Ordinary Meeting of Council on the feasibility, cost-benefit, suitability, possible locations and community support for protected bicycle lanes in the Bayside City Council municipality.

**Cr Alex del Porto**

**Support Attachments**

Nil
I, Cr Rob Grinter, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 23 June 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

That Council receive a report at the August 2020 Ordinary Meeting of Council on the history, feasibility, level of support from the building owners and costs to restore the Hampton Hill Mural located above 464 to 476 Hampton Street, Hampton.

Cr Rob Grinter

**Support Attachments**

Nil
13.4 NOTICE OF MOTION - 298 - INTERIM GREENHOUSE GAS EMISSIONS REDUCTION TARGETS

I, Mayor, Cr Clarke Martin, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 23 June 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion
That Council writes to the Victorian Government supporting strong interim greenhouse gas emissions reduction targets driving a zero carbon economic recovery, in line with the Climate Emergency and advocacy from the South East Councils Climate Change Alliance (SECCCA).

Mayor, Cr Clarke Martin

Support Attachments
Nil
14. Confidential Business

That pursuant to Section 66 (2)(a) of the Local Government Act 2020, 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 categories referenced in the definitions of Confidential Information under Section 3 and pursuant to Section 66(2)(a) of such Act.

14.1 FINANCIAL SUPPORT FOR COUNCIL TENANT
(Local Government Act 2020)
3 Definitions (1) In this Act—

... confidential information means the following information—

... (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
  (i) relates to trade secrets; or
  (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

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