Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday 28 April 2020 at 7pm

Agenda
Members of the Gallery

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

**Section 92 The Chair’s Duties and Discretions**

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

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

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

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

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

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

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

Your cooperation is appreciated

**Chairperson of Council**
**Important Notice**

Present State Government advice is that the Pandemic Plan for the Victorian Health Sector is at Stage 3. **Until further notice, Council and Committee meetings will proceed without members of the public present.**

**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.

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**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
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1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

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

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

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

3. **Apologies**

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

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

   5.1 Confiramion of the Minutes of the Ordinary meeting of Bayside City Council held on 24 March 2020.

6. **Public Question Time**

7. **Petitions to Council**

   There were no Petitions submitted to the Meeting.
8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Executive summary

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

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

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

- 31 March 2020 Strategic Issues Discussion
- 2 April 2020 Strategic Issues Discussion
- 14 April 2020 Councillor Briefing.

Support Attachments
1. Record of Assembly of Councillors - 31 March 2020 Strategic Issues Discussion
2. Record of Assembly of Councillors - 2 April 2020 Strategic Issues Discussion
3. Record of Assembly of Councillors - 14 April 2020 Councillor Briefing
Record of Assembly of Councillors

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

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Item 8.1 – Minutes of Advisory Committees
Record of Assembly of Councillors

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

**Meeting Information**

**Meeting Name/Type**  
Strategic Issues Discussion

**Meeting Date**  
2 April 2020 Strategic Issues Discussion

**Start Time**  
3:00 pm

**Matters discussed**
- Rates 2020/21
- Deferral of 2020 Council Elections
- Electronic Attendance at Council meetings

**Attendees**

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

**Staff**
- Mick Cummins – Chief Executive Officer
- Jill Colson – Director Corporate Services
- Bryce Craggs – Director Community & Customer Experience
- Matthew Cripps – A/Director City Planning & Amenity
- Hamish Reid – A/Director Environment, Recreation & Infrastructure
- Terry Gallant – Manager Governance & Corporate Reporting
- Bill Shanahan – Manager Finance

**Apologies**

**Councillors**
- Nil

**Conflict of Interest disclosures**

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Item 8.1 – Minutes of Advisory Committees

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9. Reports by Special Committees

There were no Reports by Special Committees submitted to the Meeting.
Executive summary

Purpose and background

The purpose of this report is to provide the results of the community engagement process and to declare all Bayside Beaches (sand only) including Ricketts Point Marine Sanctuary, the Brighton Dunes and surrounds smoke free under Council’s Local Law No.2 ‘Neighbourhood Amenity’.

- On 23 April 2019 Council resolved to commence the process in accordance with clause 68 of Council’s Local Law No.2 ‘Neighbourhood Amenity’ to declare the following Municipal places as smoke-free:
  - All Bayside Beaches including Ricketts Point Marine Sanctuary and surrounds.

- From 2 December 2019 – 23 February 2020 Council undertook a comprehensive community engagement process.

  The extended engagement period enabled Council to consult and engage across multiple stakeholders (businesses, clubs, beach goers, visitors and local residents) seeking their feedback.

  Community consultation was conducted via council’s ‘Have your say’ page on the website and a number of pop up stands located at foreshore and local markets/events.

- Council received over 1600 feedback comments.

Key issues

Engagement Outcomes

- Over 91.5% of respondents were supportive of the proposal; however, issues raised included how the ban would be enforced, the boundary of the designated smoke free area and education of visitors and the Bayside community.

Issues Raised

- 3.3% of responses raised the question regarding the number of bins placed along the foreshore, requesting that Council increase the number of bins to give the public a safe and responsible way to dispose of butts.

- 10.8% of responses questioned the enforcement processes and how the Council would educated the change required in the community.

- 14.5% raised that they feel that the Ban does not cover a wide enough area and should include areas such as foreshore car parks, shopping precincts or introduction of a Council wide ban.
Implementation Plan

Signage

Council is required under part 8 – Smoking & Alcohol, Clause 68 of the Local Law to erect and maintain signs in any municipal place or part of a municipal place which has been declared a smoke free area. It is critical that areas with a smoking ban can be easily identified by the community.

Signage will be installed along the walking paths and entry points to the beach, on entry and surrounds of Rickets Point Marine Sanctuary and around the Brighton Dunes. These signs would be in place to inform visitors and beach goers of the no smoking restrictions within the area and would inform of the legal obligation under the local law.

It is estimated that the cost to erect signage along the foreshore would be $14,500.

The ban will also be advertised on Council’s website and local media at a cost of approximately $2,000.

Litter Management

An increased number of bins, approximately 15, would be located along the foreshore area and within foreshore carparks. These bins will be located just outside the no smoking area at key points and will ensure that the public can dispose of butts correctly and safely. These additional bins would be emptied once a week as part of Council’s current maintenance contracts. It is also recommended that Council increase the cleaning of foreshore carparks from monthly to fortnightly to ensure the areas remain clean and free from cigarette butt litter.

The additional butt bins will be at a cost of $660 per bin per year, with an approximate total of $9,900 per annum. Increased cleaning of foreshore carparks is estimated to cost approximately $2,000 a month and is proposed during the daylight savings periods of October to April. These additional measures will pose an operating expense of approximately $22,000 per annum.

Education

An education period of 3 months would be undertaken to allow Local Laws Officers the opportunity to inform visitors and the community of the no smoking restrictions. Notification of the restrictions would also be posted on Council’s website, via social media channels, “Let’s Talk Bayside” and the local Leader newspaper.

Enforcement

As part of the proposed 2020/2021 Summer Amenity Program, Local Laws will increase patrols of the foreshore area for a range of issues including enforcement of the smoking ban, litter and responsible pet ownership during the summer peak periods.

Local Laws will investigate and monitor complaints from the community to aid targeted patrols of any identified hotspots.

Council Officers would issue warnings for the first offence and then an infringement be issued for any second or subsequent offence(s). Currently the Local Law sets out a penalty of $200 for an Infringement Notice and a fine of up $1,000 if prosecuted in Court.

Legal

Guidelines outlined in the Local Law require Council to implement a community and internal stakeholder consultation plan, provide key evidence based research, relevant government and comparative municipality initiatives and to prepare an analysis of enforcement, including procedures and estimated costs before declaring a smoke free area.
Council solicitors have reviewed and are satisfied with the process undertaken to date and the proposed signage for along the foreshore. Council solicitors have advised that there is no requirement for gazettal, only appropriate signage to be installed to allow for enforcement.

Due to the broad definition of ‘Smoking’ under the Environmental Protection Act, e-cigarettes, vaping, pipes would all be technically banned, despite not having issues with butt litter. Council’s current local law review will provide the opportunity to refine the definition of the “Smoking” activity sought to be banned.

**Recommendation**

That Council:

1. Notes the positive support from the community for Council to declare all Bayside Beaches (sand only) including Ricketts Point Marine Sanctuary, the Brighton Dunes and surrounds smoke free.

2. Declares all Bayside Beaches (sand only) including Ricketts Point Marine Sanctuary, the Brighton Dunes and surrounds smoke free under Clause 68 of Council’s Local Law No.2 ‘Neighbourhood Amenity’ in accordance with Attachment 1.

3. Causes signs to be erected and maintained for the areas declared as smoke free areas.

4. Informs the community of the new smoke free areas.

**Support Attachments**

1. Foreshore Smoking Ban Map (separately enclosed)
Considerations and implications of recommendation

**Liveable community**

**Social**
The smoking ban is anticipated to help reduce the amount of cigarette butt litter which makes its way from Bayside’s beaches into Port Phillip Bay. Reduced litter in the environment will help protect important marine environments including the Rickett’s Point Marine Sanctuary for the Bayside community and visitors. Council’s Local Law No.2 is designed to maintain community safety, protect public assets and enhance neighbourhood amenity.

**Natural Environment**
The ban will contribute to a cleaner natural environment on land, in the bay and for animal life. Reduced smoke will also create cleaner air and reduced health impacts associated with smoking.

**Built Environment**
There are no Built Environment implications as a result of this report.

**Customer Service and Community Engagement**
Clause 68 of Council’s Local Law requires community consultation to be undertaken as part of the process to declare Municipal places as smoke free.

**Human Rights**
Council has the power to make local laws for or with respect to any act, matter or thing in response of which the Council has a function or power under the *Local Government Act 1989*. In doing so, a Local Law must not be inconsistent with any Act or regulation including Human Right considerations.

**Legal**
The *Local Government Act 1989* prescribes the process that Council must undertake for an amendment or review of the Local Law. The Local Law provides guidelines for the process to declare a Municipal Place as non-smoking.

**Finance**
The cost of the process to implement a smoking ban is estimated at approximately $50,400 which includes the implementation costs including signage.

The new and ongoing operating costs to increase cleaning of carparks during summer and to supply and clean butt bins is estimated at $22,000 per annum. These costs are not included in the implementation costs.

**Links to Council policy and strategy**
The reduction of cigarette butt litter supports Goal 5 ‘Environment’ of the Council Plan which states:

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

Purpose and background
The purpose of this report is to update Councillors on the proposed Hampton Street Activity Centre Graffiti Removal Trial. The report considers the status of the Government grant through the Inner South Metropolitan Mayors Forum (ISMMF) (removing graffiti from Third Party Service Authorities), projected spending, options for removal of graffiti on private property and current graffiti removal being conducted by Council.

Key issues

Current Graffiti Removal Position
Council is responsible for removal of graffiti on Council assets which include street signs, park signs, footpaths, street furniture, artworks, parks and gardens infrastructure as well as Council's administrative buildings. These facilities are systematically inspected by Council's service providers and any graffiti found or reported is removed. In addition Council engage the Department of Justice one day per week to remove graffiti from park fences and Council signage.

The removal of graffiti from Service Authority Assets (United Energy, Telstra, Australia Post, NBN, South East Water, etc.) at present is the responsibility of these parties.

Graffiti that is located on private property is the responsibility of the property owner to remove. Property owners may be requested by Council to remove reported graffiti on their assets within a specified time frame. A key issue in enforcing clean up on private property is that property owners are also the victims of the graffiti and are then required to spend time and money to address the issue.

In addition to the above methods of graffiti removal, Neighbour Hood Watch Beaumaris (NHW) at present have commenced a trial to remove graffiti from private property in the general vicinity of Activity Centres in the following areas (Gipsy Way & Kelly’s Lane and the Bluff Rd and Bay Road intersection area, Sandringham, Highett Village, Pennydale). Council supports this trial with promotional material and the supply of paint to NHW.

Graffiti on Third Party Assets
The ISMMF submitted a funding application to the State Government for a joint pilot project to remove graffiti on non-council assets. This was approved by the Government in late 2018. The City of Stonnington signed a Government MOU agreement on behalf of the region and will act as banker for the $1.98 million that will be available to all seven councils across the two-year trial period. This funding has yet to become available from the Government but it is anticipated that this funding will be available by 30 June 2020.

This funding will enable the removal of graffiti from Service Authority Assets (United Energy, Telstra, Australia Post, NBN, South East Water) once the ISMMF Council’s enter into a MOU with these parties which is due to be finalised by 30 June 2020. In order for Bayside Council to start removal prior to 30 June 2020, it is proposed a separate agreement be entered into for the Hampton Street activity centre area to allow Councils Contractors to commence...
removal works. It is estimated that the cost for removal in Hampton Street is $11k per annum, which will be recovered from the Government funding.

**Graffiti on Private Property**

In order for Council or its agent to carry out removal of graffiti on private property, permission from the owners must be obtained prior. There may be instances where properties are vacant and the owner of the premises cannot be contacted which will restrict the ability to completely eradication of graffiti from the targeted area.

It is proposed that Councils Cleaning and Graffiti Management Officer (GMO) work in conjunction with NHW Beaumaris to extend the Graffiti Removal from Private Property Trial currently underway in Sandringham and Highett to the Hampton Street Activity Centre area through promotional and financial support. However, it needs to be noted that due to social distancing requirements related to Covid-19 and the need to protect at risk people within the community, it is not expected that the NHW will be able to undertake this work in the short term. In this event, it is expected that Council contractors will undertake the graffiti removal for a brief period of time, in conjunction with removal from public utilities.

In addition, a promotional period of 3 months will be immediately undertaken so that Local Laws Officers inform property owners that NHW Beaumaris can remove the graffiti if they provide written permission to prevent an infringement being issued.

This approach will ensure there is community commitment to address graffiti on private property whilst Council takes responsibility for assets under its control.

It is not proposed to remove graffiti from hoardings and development projects. Rather stronger enforcement is being targeted through both Local Laws officers and Asset Protection officers both being able to serve notices when Graffiti is detected.

In order for the eradication of graffiti from private property to be successful it is suggested that the trial run for 12 months. The progress reporting on it success will be carried out by Councils GMO on a monthly basis in line with required reporting to the State Government on graffiti removal from Third Part Assets. The report will detail the amount in square metres of graffiti, time taken and time taken for removal. In addition photos will be taken of the graffiti and stored in the Victorian Graffiti Register to help with apprehension of offenders.

**Recommendation**

That Council endorses the proposed graffiti removal trial in Hampton Street Activity Centre in line with the process outlined in this report.

**Support Attachments**

Nil
**Considerations and implications of recommendation**

**Liveable community**

**Social**
Graffiti is a significant issue for many residents, as it impacts on local amenity and it can also create perceptions of low community safety, the removal of graffiti will help to reinforce a sense of safety within the community.

**Natural Environment**
The ongoing reduction of graffiti will contribute less greenhouse gasses and paint solvents being released into the atmosphere.

**Built Environment**
Reduction of damage to Activity Centre infrastructure as a result of graffiti contributing to the cleanliness and upkeep of properties and the neighbourhood.

**Customer Service and Community Engagement**
Council will promote a positive image by coordinating the clean up on private property so that property owners are no longer also the victims of the graffiti and are then required to spend time and money to address the issue.

**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 provision of the service through Neighbourhood Watch should mitigate any legal responsibility on Council of undertaking works on private property. Removal of graffiti from Third Party Assets will be as per the Memorandum of Understanding (MOU) prepared by Maddocks Lawyers.

**Finance**
The estimated annual cost of the graffiti removal from third party assets in Hampton Street is approximately $11,200 which can be funded from the State Government grant. In regards to removal of graffiti from private property this will be funded from the graffiti operational budget which includes the promotional communication and supply of materials (paints, solvents, cleaning materials etc.).

**Links to Council policy and strategy**
Council’s Better Place Approach provides clarity and focus for achieving our purpose of making Bayside a better place. The four key result areas – Liveability, Services, People, and Efficiency – align all of our activity and our improvements across Council.
Executive summary

Purpose and background
The purpose of this report is to present a submission by Brighton Grammar School (BGS) to invest in proposed improvements to Wilson Recreation Reserve (the Reserve), Outer Crescent, Brighton.

At the 15 October 2019 Ordinary meeting of Council, it was resolved that Council engage with representatives of Brighton Grammar School to explore and assess the proposal to improve sporting facilities at Wilson Recreation Reserve.

The Reserve consists of 1.7 hectares of open space and is classified by the Bayside Open Space Strategy 2012, as a sportsground servicing a local catchment. The Reserve includes a sportsground with a synthetic cricket wicket suitable for low level junior cricket (up to under 14s), Council's only rugby pitch and a district level playground.

The Reserve is directly adjacent to BGS with the sportsground currently allocated to BGS for use by students during the school term as a morning and lunchtime break-out area. The school also uses the sportsground early evenings (subject to light) and Saturdays during the winter tenancy period for their rugby program.

BGS has expressed an interest in investing in the Reserve to improve community amenity through the construction of a sports pavilion, upgrade of the existing sportsground and installation of low-level chain link mesh fencing along the Outer Crescent boundary.

Key issues

Current situation
The existing sportsground has no supporting infrastructure apart from a dated irrigation system that requires renewal. In 2018 the sportsground was rated by an independent consultant as being in poor condition, suggesting that the sportsground will be difficult to improve without capital investment.

Historically, Council has maintained the sportsground in accordance with its lowest Category D rating which provides for community level competition, has reasonable quality grass coverage, irrigation and limited drainage. The maintenance standard for this reserve includes fortnightly mowing services, fertilising twice a year and top dressing every three years. It does not include work such as instant turf replacement in high use areas, which is essential to maintain a playing surface suited to the high impact of rugby training and competition.

While the Reserve features a district level playground and hosts community sport, access to a public toilet is notably absent. The lack of this amenity restricts Council’s ability to service the older demographic and community organisations within immediate vicinity of the Reserve and has led to public urination during sports competition.
When developing Council’s Recreation Strategy 2013-2022, the sportsground was not listed as part of the Sportground Pavilion Improvement Plan (SPIP) or sportsground renewal program. The SPIP was primarily focused on the redevelopment or upgrade of existing pavilions based on their fitness for purpose and existing condition and its limited use in 2013 excluded the sportsground from the reconstruction program.

The Reserve does not appear in Council’s Public Toilet Strategy 2019-2023 and therefore the community would ultimately benefit from the introduction of a public toilet at this reserve.

**Sportsground Usage**

Currently the sportsground caters for a variety of users including:

- Brighton Cricket Club as an overflow venue through the summer tenancy for weekend junior competition purposes;
- Low grade senior competition (father and son competition) for Cluden Cricket Club;
- BGS interschool rugby program during the winter tenancy, and as a recess break out area for students during school terms;
- Commercial Health and Fitness provider; and
- Municipal wide school bookings during school terms.

**BGS current investment into the site**

In September 2019, Council approved BGS to fund, install and maintain approximately 250m² of natural turf sods around the cricket wicket to assist in improving the sportsground surface in the short term.

BGS currently provide and install rugby goal posts during the winter tenancy period and store the posts off-site out of season.

**Wilson Recreation Reserve Master Plan**

As part of the community consultation process in 2018, respondents said the Reserve is an important open space where they can be in a natural environment, socialise and be active. Almost all respondents acknowledged that the Reserve requires upgrading and the site will not meet the needs of the community in the future. The community members particularly mentioned the need for amenities and an improved surface.

**The proposal**

BGS has proposed to invest into the redevelopment of the Reserve in the form of:

- Construction of a sports pavilion to comprise two unisex changerooms, unisex umpire amenities, first aid room, canteen, storage and accessible public toilet;
- Upgrade of sportsground, including suitable irrigation system and instant drought resistant turf;
- Replacement of bollard fencing along Outer Crescent with low level chain wire fencing; and
- Ongoing sportsground maintenance.

In return for their investment, BGS are seeking a 21-year licence arrangement that solidifies the School’s current access for the sportsground and pavilion (agreed hours) at a peppercorn rate.
Bayside City Council

Ordinary Council Meeting - 28 April 2020

BGS recognises the significance of community sport and that the historical seasonal tenancy of Brighton Cricket Club (BCC) is not compromised by this proposal. BGS have a strong connection with BCC indicating that a significant number of BCC membership consists of either current or past students of the school. Additionally, BGS acknowledges the broader school network reliance on Council assets and accepts that their financial contribution does not provide access at the detriment of the Bayside community and the Reserve will remain a shared asset.

Implications

This proposal will result in:

- New community asset to supplement Council’s Sportsground Pavilion Improvement Plan with no Council funding;
- Improved sportsground infrastructure and playing surface;
- Cost savings through BGS commitment of ongoing maintenance of sportsground estimated to be $60,000 per annum;
- Council managing/funding ongoing maintenance and renewal of the pavilion;
- Annual peppercorn licence fee from BGS; and
- Revenue to Council from community sports clubs use of the sports pavilion.

Over the past three financial years, the income from the hire of this reserve to the Brighton Cricket Club for its summer tenancy is around $100 per annum.

The proposal by BGS is to fund up to $2 million for the redevelopment which will be determined by the pavilion design, irrigation upgrade, sportsground development and low level fence installation. Additionally, BGS have proposed an additional $100,000 annually for maintenance and upkeep of the sportsground. The balance of $40,000 between current costs and BGS contribution will enable the sportsground to be maintained at a category B standard, opposed to the current classification of category D.

Community impact

The BGS proposal will provide a direct benefit to the Bayside community and visitors to the Reserve through the provision of a publically accessible toilet and sheltered area (pavilion veranda) as part of the pavilion development, increased level of safety through an improved playing surface and the introduction of low level fencing along Outer Crescent, minimising the risk of balls and children entering the roadway.

The introduction of gender neutral changerooms will support the increased level of female participation in community sport at a site where the size of the sportsground lends itself to the development of female player’s skill level and confidence.

The BGS proposal ensures the sportsground remains accessible for passive use when not allocated for community or school sports activities. The proposal does not result in any changes to the existing (or historical) use of the Reserve.

The pavilion will be allocated by Council for summer use by local Bayside cricket clubs, including Brighton Cricket Club that will directly benefit from the development of a new pavilion facility and upgraded sportsground.
Wilson Recreation Reserve is a smaller rectangle shaped sportsground not suitable for Australian Rules football of any age group. Approximately three years ago staff approached Brighton Soccer Club regarding a proposal to relocate some of the Club’s teams from Dendy Park to the Reserve. The Club responded that at that time they were not interested in such a satellite site.

Staff have been unable to identify any alternative winter use and consider the historical allocation of Brighton Grammar School winter rugby as appropriate use of this community asset. Staff have been able to locate Council records that show Brighton Grammar School rugby at the site since 2004; however, indications are usage may predate this record.

**Recommendation**

That Council:

1. Provides in-principle support for Brighton Grammar School to commence the Statutory Planning process to construct a sports pavilion at Wilson Recreation Reserve, Brighton.

2. Commences discussions to develop a 21 year licence agreement with Brighton Grammar School for use of upgraded sportsground and pavilion facilities at Wilson Recreation Reserve, Brighton that reflects Brighton Grammar School’s current usage for winter school rugby, lunch break overflow and physical education/sports lessons.

3. Ensures that local Bayside community cricket clubs, including Brighton Cricket Club, are provided priority to apply for summer sporting allocation for the months of October to March.

4. Develops a Memorandum of Understanding that details Brighton Grammar School’s financial commitment to upgrade the sportsground and construct a sports pavilion at Wilson Recreation Reserve, Brighton.

5. Receives a report at a future Council meeting detailing the outcome of the Statutory Planning and license agreement negotiation processes.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
The development of improved community sports facilities provides positive benefits at the Reserve for young people, particularly through their participation and engagement in sport and recreational activities.

Natural Environment
The intention is to provide a basic sports pavilion which will not significantly impede on the open space. The sportsground will include some improvements with the ongoing maintenance becoming the responsibility of BGS.

Built Environment
The BGS proposal includes the provision of a basic sports pavilion with changerooms, first aid room, canteen, storage and accessible public toilet. The proposal does not include the provision of social space however it does allow for some external undercover areas for protection from the weather. The pavilion will be maintained by Council with all utilities being the responsibility of the seasonal tenant.

Customer Service and Community Engagement
In 2018 Council conducted community consultation regarding the master plan for the Reserve. The feedback identified the need to upgrade the existing sports facilities and consider additional infrastructure to support greater community use of the Reserve.

Council staff have maintained an open dialogue with BGS regarding the proposal and have met on multiple occasions to discuss adaptations that will result in favourable community outcomes.

Further community consultation would be required as part of any Town Planning Permit 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
Brighton Grammar School would require a Town Planning Permit to carry out works on Council land (Wilson Recreation Reserve).

Finance
The BGS proposal includes up to a $2 million investment in the construction of a pavilion, upgrade of the sportsground, installation of a chain wire fence and an additional $100,000 annually for sportsground maintenance.

Council will derive minor income through the seasonal allocation of the pavilion and sportsground access to community sports clubs, schools and commercial fitness providers.
Council will have reduced ground maintenance costs but will need to undertake pavilion maintenance and renewal.

**Links to Council policy and strategy**
 Improvement to sport and recreation facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan, Recreation Strategy 2013, and Wellbeing for All Ages and Abilities Strategy 2013 – 2017.
10.4 2020 BRIGHT N SANDY FOOD AND WINE FESTIVAL REVIEW

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/20/18 – Doc No: DOC/20/44488

Executive summary

Purpose and background
The purpose of this report is to present key findings, issues and recommendations arising from the review of Council’s 2020 Bright n Sandy Food and Wine Festival (the Festival).

The Festival has been running for 16 years and was established by Council to showcase Bayside businesses and provide the community with a cultural opportunity that creates a sense of identity, place and pride which is a key to creating extraordinary places, thriving communities and better futures.

Current status of the Bright n Sandy Food and Wine Festival
An event management contract was in place for the 2019 & 2020 Festival. The current contract also provides Council the option to extend the contract to produce the Festival in 2021.

As outlined in the contract specifications, the target demographic for the Festival is ‘local families with children, who enjoy food and wine in a relaxed, family friendly atmosphere’.

The objectives of the Festival are to:
- Provide a high quality event that entertains local residents and the broader community;
- Provide recreation and cultural opportunities that create a sense of identity, place and pride and makes Bayside a better place;
- Showcase high quality local food and wine;
- Minimise waste to landfill;
- Minimise impact on the foreshore location; and
- Provide a safe event.

Key issues
Festival exhibitor feedback
The contract specifies that the Festival supports local food and beverage businesses. The maximum number of vendors is 65 with 53 sites allocated in 2020.

Feedback received from many Bayside operators indicate a number of barriers preventing their participation, including the required permits to trade “off-site”, acquisition or hire of mobile infrastructure such as cooking equipment and the risk of not generating a return on investment largely impacted by the duplication of wages. These barriers have made securing local business support for the Festival challenging with only 23% of 2020 exhibitors being Bayside businesses (a decrease from 32% in 2019).

An online survey of the awareness and involvement of local food businesses in the Festival was conducted in February 2019. The survey received 34 responses from Bayside businesses providing the following feedback:

The main reasons for non-participation of exhibitors were:
- “Too busy with own business on Sundays.” [4 responses]
- “Event fee is too high.” [4 responses]
“We don't have the right equipment to trade off-site.” [3 responses]
“We won’t make any/enough money.” [5 responses]
“Staff wages are too high on a Sunday.” [5 responses]
“Festival not a good match for our business.” [2 responses]
“Too much hassle/effort.” [3 responses].

Festival attendee feedback

Festival attendees were surveyed as part of the 2019 Festival. Among other questions, respondents were asked if they would prefer that Council spend its community festival budget on one major community festival or a range of smaller festivals held across the municipality.

Of the 203 respondents that lived in the City of Bayside, approximately (53 percent) preferred a range of smaller festivals, while approximately one-third (32 percent) preferred one major festival such as the Bright n Sandy Festival at Green Point.

Current Site

The Green Point precinct in Brighton is an area of historic, aesthetic and cultural importance and incorporates many large significant trees.

The site has now reached its capacity with the only opportunity to increase the Festival area involving the car park and/or Cenotaph area. The car park is currently utilised by exhibitors and staff on event day to minimise the impact of traffic on surrounding residential streets.

The current site has limited protection from the elements and providing temporary infrastructure to minimise disruption to the Festival in the instance of inclement weather or extreme heat, would result in a significant cost to Council.

The contractor must report the total number of paying attendees. The maximum number of visitors to the festival is 8,000 and this number was recorded in 2020.

Main Stage and Demonstration Tent

At the 23 April 2019 Ordinary meeting of Council, it was resolved to reduce the scope and costs of the Festival by removing the main stage and demonstration tent, including all associated entertainers and presenters/chefs.

When planning the 2020 event, the contractors were faced with increased difficulty around securing exhibitors for the eight hour event. The feedback received from potential exhibitors was that without the main music stage or demonstration tent, there was very little encouragement for patrons to stay at the Festival for an extended period of time. With this in mind, the contractors decided to fully fund the main music stage and all associated performers and production costs, ensuring the Festival remained viable and appealing for the vendors and visitors.

The cost incurred by the contractor exceeded $12,000 and it is unlikely that the contractor will fund and produce the main stage in future years. It is unlikely this cost would be absorbed by an event contractor in a future event management contract.

Strong commercial market for similar events

In recent years there has been a significant increase in the number of outdoor food and wine events across Melbourne. The Festival competes with a variety of high quality events conducted within bordering municipalities throughout the summer season, which in recent years has expanded to include food truck festivals and night markets.
A strong market for events exists in Bayside and surrounding municipalities and it is likely that a commercial provider would operate a similar event at the site, at no cost to Council.

**Major Events & Markets – Expression of Interest (EOI)**

At the 23 April 2019 Ordinary meeting of Council, it was resolved to conduct an annual expression of interest process for suitably qualified individuals or organisations to conduct major events in the City of Bayside. The EOI process officially opened in October 2019 and received multiple new event applications.

Applications are assessed against a range of criteria including the nature of the proposal, site suitability, impact on amenity, benefit to the community and compliance with Council’s Events in Public Places Policy and Event Guidelines.

Bayside’s combination of natural assets, highly recognisable landmarks and bustling shopping strips provide a unique opportunity for event producers.

An EOI process ensures Bayside host high quality events that align with Council policy and the community with opportunities to come together with family and friends to enjoy events that encourage extraordinary places and thriving communities.

**Alternative use of funds**

It is proposed that a new event program is developed by Council to conduct a set of smaller community based events within different localities throughout Bayside. These events will be owned, branded and managed by Council, focused on attracting families, local businesses and performers. It is proposed that the current financial allocation of $155,000 for the Festival be reallocated to fund this new program of events.

Hosting multiple smaller scale events provides numerous benefits include minimising the risk of monetary loss from event cancellation in the event of inclement weather, increased potential for Bayside businesses and community groups to be involved with events being staged within different areas of the municipality and providing a more local community feel.

**Council response to the impact of Covid-19 Virus on community based events**

In response to the Covid-19 pandemic, Council has withdrawn all community and commercial event permits for the foreseeable future and depending on the pandemic status will likely not issue any new permits for events prior to September/October this year. When restrictions on gatherings are lifted it is anticipated that the community will want to be involved in a range of community and commercial events and festivals.

The community will look to Council to play a key role in the delivery of local events and the reallocation of funds to develop a program of smaller community funds would support this. Staff anticipate that the reallocation of the $155,000 for the 2021 Festival and working in partnership with other community organisations including groups such as Rotary, community centres, sports clubs and other providers, Council would be able to host one or more events in each Bayside suburb (including Brighton, the current locale of the Festival) during the November 2020 – April 2021 event season.

In combination with the separate activity centre events program, this new event program would provide a range of community activities and enable Council to engage with residents from all Bayside suburbs.
Conclusion

An assessment of the 2020 Festival demonstrates that the Festival no longer meets its objective to showcase Bayside food and wine businesses and is continuing to decline in popularity in a competitive event market.

An event of this nature is lucrative for event production contractors and it is likely that one or more of these contractors would seek to conduct a similar festival at this site.

Council currently conducts two major events, being Christmas Carols in the Park at Dendy Park and the Bright n Sandy Food and Wine Festival at Green Point. Both of these Council major events are conducted in the suburb of Brighton. A new event program of smaller community based events would enable Council to engage with residents from all Bayside suburbs and particularly in the 2020/21 financial year assist the community as it recovers from the Covid-19 pandemic.

It is recommended that Bright n Sandy Festival cease and the funding allocation of $155,000 included in the draft 2020/21 Budget be reallocated to develop a program to deliver smaller community based events held across the broader municipality. These events would complement the series of trader/activity centre events already supported by Council.

Recommendation

That Council:

1. Ceases the Bright n Sandy Food and Wine Festival at Green Point, Brighton.

2. Reallocates the current Draft 2020/21 Budget allocation of $155,000 for the Bright n Sandy Food and Wine Festival towards the development of a new program of smaller, community based events held in different Bayside localities.

3. Ensures this new program of community based events complements the series of trader/activity centre events already supported by Council.

4. Conducts and promotes an Expression of Interest process for commercial event providers to conduct a food, beverage and music event at Green Point, Brighton.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
Events provide recreation and cultural opportunities that create a sense of identity, pride and place. Engaging community groups, charities and traders associations to actively work together to provide local events that will benefit Bayside community and businesses. The Festival was established to provide recreation and cultural opportunities to create a sense of identity pride and place, showcase high quality local food and wine, and provide a safe event.

Natural Environment
Events have minimal impact on the environment when planned and conducted appropriately.

Built Environment
There are no built environment implications associated with the recommendation.

Customer Service and Community Engagement
During the course of the 2020 event, the contractors employed staff to approach Bright n Sandy patrons to partake in a survey, regarding the event.

A total of 76 surveys were completed and compiled to provide feedback on kids activities, programming, event highlights and provided an insight into the Bright n Sandy patron profile.

Some of the findings are listed below (percentages may not equal 100% due to multiple selections by patrons).

How did you hear about Bright n Sandy?

- 40% saw the event advertised through social media;
- 31% of attendees heard about Bright n Sandy from friends or family;
- 13% saw an advertisement in the local newspaper, the Leader;
- 8% saw the Bright n Sandy poster advertisement in the local area; and
- 8% saw the real estate boards.

What got your attention and made you want to attend the festival today?

- 55% were attracted to a “general day out”;
- 47% were interested in the live music on offer;
- 39% were attracted to the food and beverage exhibitors;
- 26% were interested in the artisan and lifestyle area;
- 8% were interested in the kids activities; and
- 8% were interested in The Point activity.

Out of the attendees interviewed, the demographic were;

- 53% male and 47% were female;
- 33% were aged between 35 to 49 years;
- 32% were aged between 50 to 59 years;
- 21% were aged between 18-24 years; and
- 13% were aged between 25 to 34 years.
• 32% from Brighton;
• 16% from Hampton and Hampton East;
• 10% from Sandringham;
• 8% from Brighton East;
• 7% from Beaumaris;
• 7% from Black Rock;
• 7% from Cheltenham;
• 7% from Caulfield North;
• 3% from Highett; and
• 3% other including Melbourne CBD.

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
A contract was in place with Fruitbowl Productions for the 2020 Festival. The current contract provides Council the option for the current contractor to produce the Festival in 2021, through a one year contract extension arrangement.

Finance
The 2020 Bright n Sandy Food and Wine Festival was conducted at a cost of $140,000 to Council. The 2021 event has a contract cost of $145,000.

The contractor retains all sponsorship, entry and vendor fees associated with the Festival. The cost outlined above is paid to the Contractor by Council.

Links to Council policy and strategy
The Bayside Open Space Strategy (2012) outlines open space as places for people to strengthen their connection with others through events, celebrations and public meeting spaces. Green Point Garden’s primary function is outlined within the Strategy as a Social Family Recreation Park.

At the October 2019 Council meeting, Council endorsed a set of event locations within the municipality. Green Point Reserve was deemed a suitable location for commercial and community run events.

Community aspiration (Community Plan 2025), Council will:
• Promote and support the delivery of inter-generational opportunities and activities;
• Support groups to deliver programs and events that enhance community connection; and
• Encourage and support inclusive events.

The Wellbeing for All Ages and Abilities Strategy 2017-2021 (WAAA):
• Goal 1: an engaged and supportive community, Objective 1.2 support opportunities that build social networks and community connections.
Encouraging events within the municipality is in line with Council's Events in Public Places Policy (2018) principle to establish Council's role in facilitating and supporting community events. Alternatives to the Festival are available to deliver on the objective of providing community events.

### Options considered

#### Option 1

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Cease the Bright n Sandy Festival and conduct an Expression of Interest process to obtain a suitably qualified individual or organisations to conduct smaller, community-based events held in different Bayside localities in the summer period of 2020/2021.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Events are more evenly distributed across Bayside (noting both Council major events are held in Brighton).</td>
</tr>
<tr>
<td></td>
<td>Council branding and control of smaller events.</td>
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<td></td>
<td>Higher involvement of local traders and community groups.</td>
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<td></td>
<td>No loss of Major Community event.</td>
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<td></td>
<td>Potential to generate income if a private provider seeks to run a major event within the municipality.</td>
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<tr>
<td></td>
<td>In the 2020/2021 financial year a program of smaller events will assist with the recovery process from Covid-19.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Difficult to restart the Festival once cancelled.</td>
</tr>
<tr>
<td></td>
<td>Initial lack of momentum and support for new events.</td>
</tr>
</tbody>
</table>

#### Option 2

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Cease the Bright n Sandy Food and Wine Festival and return funds to the 2020/2021 budget.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Utilise funds to off-set cost in other area of Council (e.g. Community Grant applications and recycling and waste services).</td>
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<tr>
<td></td>
<td>Potential to generate income through a private provider seeking to hire Green Point for a similar food and wine event.</td>
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<td></td>
<td>Improve the open space quality of Green point by investing funds into its upkeep.</td>
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<tr>
<td><strong>Issues</strong></td>
<td>Reputational risks from current attendees of the Festival.</td>
</tr>
<tr>
<td></td>
<td>Difficult to restart the Festival once it's ceased.</td>
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<td></td>
<td>Loss of major community event with the only major Council event being Carols in the Park.</td>
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<td></td>
<td>Lost opportunity to promote the 30% Bayside Businesses that are involved with the Festival each year.</td>
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<td></td>
<td>Provides no additional support to the community in recovery from Covid-19.</td>
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</tbody>
</table>
### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Continue to conduct Bright n Sandy Festival</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>No negative feedback from cancelling the event.</td>
</tr>
<tr>
<td></td>
<td>While more limited than hosting multiple events across the Municipality, the event does provide the opportunity to bring people together in the recovery phase from Covid-19</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Reputational risks for Council due to the price of the Festival, which could be used for other services throughout the municipality.</td>
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<tr>
<td></td>
<td>If the event experiences inclement weather, the cost per attendee could reach upwards of $40 (as seen at the 2018 event).</td>
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<tr>
<td></td>
<td>Council continues to fund the Festival which showcases majority non-Bayside businesses.</td>
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</table>
Executive summary

Purpose and background

The purpose of this paper is to provide an update to Council on: i) the proposed participation in the Procurement Australia Power Purchase Agreement for renewable electricity, including an updated business case and pricing for Large Market Electricity Sites and Public Lighting Electricity Sites; and ii) an update on the contract offer for Small Market Electricity Sites.

The purchase of renewable electricity is an action required for Council to meet its commitment to be carbon neutral for its operations by 2020. Acknowledging that Council is dealing with the acute impact of the COVID-19 (novel coronavirus) pandemic, this purchase demonstrates that Council is still taking a long term view, addressing the ongoing ‘Climate Emergency’ and meeting its commitments.

Council’s electricity procurement contracts with Procurement Australia (PA) expire on 30 June 2020.

At its Ordinary Meeting of Council on 19 February 2019, Council resolved to:

1. Commit to the procurement of renewable electricity through a Power Purchase Agreement with Procurement Australia, for Council’s Public Lighting and Large Market sites.
2. Commit to the procurement of renewable electricity through the South East Melbourne Renewable Energy Project, for Council’s Small Market sites.

Council was notified on 1 August 2019 that the South East Melbourne Renewable Energy Project would not be proceeding to a tender stage. At its Ordinary Meeting of Council on 17 September 2019, Council resolved to:

1. Note the South East Melbourne Renewable Energy Project is not progressing to tender stage at this time; and
2. Commit to the procurement of renewable electricity through a Power Purchase Agreement with Procurement Australia, for Council’s Small Market sites.

The PA PPA tender was opened between 5 June and 10 July 2019. Four organisations provided responses to the tender, with whom PA negotiated to deliver the best outcome for the PPA. PA has been working closely with Council to provide relevant and up to date information throughout the PPA process. A Council officer was nominated and appointed to the PA PPA Tender Reference Group to ensure Council received maximum benefit from this agreement.

On 20 February 2020, PA provided an updated business case, included as part of the PPA Evaluation Report. The updated business case was based on the tender negotiations and updated energy market prices.

A Power Purchase Agreement (PPA) or ‘offtake’ agreement is a contract between an electricity buyer and an electricity generator. A major benefit of a PPA over other energy procurement options is the longer timeframe, which allows for greater price certainty and budgeting benefits. In relation to purchasing renewable energy, a PPA can refer to a contract to purchase electricity
from a specific renewable energy project, or electricity coupled with Large Generation Certificates (LGCs), or both.

A LGC represents one megawatt hour (MWh) of net renewable energy generated and exported to the electricity grid by a large renewable energy installation. A LGC is a tradeable unit that acts as a currency for renewable energy, and prices therefore fluctuate with supply and demand. Under the Australian Government’s Renewable Energy Target, there is a mandatory portion of renewable electricity that must be purchased as part of an organisation’s electricity consumption. This portion is approximately 20 percent. To meet the Climate Active Carbon Neutral Standard (CACNS), formerly the National Carbon Offset Standard, Council is required to voluntarily purchase an additional 100 percent of the renewable electricity generated as LGCs.

The PA PPA includes the purchase of LGCs representing 120 percent of the renewable electricity generated. This is the best available method for Council to ensure it has electricity price certainty and maintains carbon neutrality for its operations, over the term of the PPA.

Council’s progression to meet its ‘carbon neutral’ goal uses the Avoid, Reduce, Switch and Offset approach to prioritise actions.

In line with this approach, the PPA represents a Switching action as it deals directly with the source of greenhouse gas emissions and allows Council to source local renewable electricity.

Key issues

Procurement Australia is offering a PPA ‘product’, which will begin on 1 July 2020 for a 10 year contract term. This PPA requires a final commitment of sites to be returned to PA following approval by Council at its Ordinary Meeting on 28 April 2020. Retail electricity contracts will then be issued to ‘members’ of the PPA. These contracts will include provision of renewable electricity for Council’s Public Lighting electricity accounts, and Large Market electricity accounts. Signed retailer contracts must then be returned to PA by 22 May 2020.

Small Market electricity sites are not included in the PPA for regulatory reasons. Thus they need to be treated separately to the PPA contracts.

Updated Business Case

As part of PA’s facilitation of this product offering, specialist advisors from SavvyPlus Consulting were engaged. In December 2018, they provided initial cost-saving outcomes for participating in a PPA compared to ‘business as usual’ (BAU) energy procurement, using their probabilistic forecasting model. This modelling incorporates a wide range of foreseeable events across the 10 year timeframe which will impact energy prices.

On 20 February 2020, PA provided an updated business case, included as part of the PPA Evaluation Report. The Evaluation Report summarises the tender process undertaken, including detailed comparisons between the offers. As part of the offer, electricity and LGC pricing was included. The offer from Alinta Energy has been deemed the most favourable, with Council recommended to accept this offer.

During the tender development process, Council was advised that PA would accept an offer of a wholesale flat ‘benchmark’ price of $73.00 per megawatt hour (MWh) of electricity, plus consumer price index (CPI). This benchmark was set in December 2018. Due to several reasons, including changes in energy prices, this benchmark price has been slightly exceeded, with an offer at $76.48/MWh (4.77% higher).

The benchmark price considered the purchase of 20% mandatory LGCs and 80% voluntary LGCs, whereas Council will be purchasing mandatory LGCs and 100% voluntary LGCs to meet its commitment to be ‘carbon neutral’. As the LGC price offered in the PPA is lower than
current market prices, and equivalent carbon offset products, the figure of $76.48/MWh would be effectively reduced and therefore this price is considered acceptable.

Figure 1. Benchmark Cost of Electricity - v- Cost of Electricity in updated PA PPA Business Case

In the 18 months after the benchmark was set, electricity prices increased significantly before beginning to decrease, with the prices at the conclusion of the tender returning to slightly higher than when the business case was released. Additionally, the LGC market prices decreased during the time of the tender and increased following the closure. These changes in the market prices for electricity and LGCs across the tender process have contributed to the offer being slightly above the benchmark.

Over the life of the PPA, changes to the electricity price and LGC price markets are uncertain, as many variables impacting the supply and demand of power and LGCs, and therefore the pricing.

Given the uncertainties in the market, and use of probabilistic forecasting models (creating 9000 outcomes), the Evaluation Report compared Alinta Energy's offer with BAU as a distribution of outcomes. All comparisons were measured in Present Value terms, with a discount rate of 7.5% applied.

The estimated costs and savings associated with the updated business case is considered further in the ‘Finance’ section of this report.

Carbon Offsets
As the PPA product allows Council to purchase LGCs, this directly reduces Council’s reliance on purchasing carbon offsets to achieve carbon neutrality.

Similar to a LGC, a carbon offset is a tradeable unit that represents the reduction in greenhouse gas emissions of one tonne of carbon dioxide-equivalent, made in order to compensate for greenhouse gas emissions made elsewhere. As Council purchases LGCs, the requirement to purchase carbon offsets is negated, as under the CACNS, they both offset greenhouse gas emissions.

It should be noted that within the 10 year timeframe of the PPA, Council will continue to prioritise actions based on the Avoid, Reduce and Switch approach. Energy efficiency initiatives, such as upgrading street/public lighting, present a valuable opportunity to reduce
the amount of energy used. This will therefore reduce the cost of electricity and LGCs that Council needs to purchase.

**Small Market Sites**

Due to the regulatory mechanisms introduced on 1 July 2019, Small Market sites cannot be included in a long-term PPA. This change has therefore prevented Alinta Energy from providing the PPA with an offer to include Council’s Small Market sites. An offer of a standard short-term electricity contract for Small Market sites from Alinta Energy is advantageous, as it would enable the purchase of LGCs in a similar manner to the PPA product.

Procurement Australia has advised Council that due to Alinta Energy’s focus on delivering the PPA product in the COVID-19 context, they have not been able to provide any timeframes on when they could develop an offer. Based on this advice, and understanding Council’s need to sign a contract prior to 30 June 2020, Procurement Australia has indicated they will accept the purchase of electricity for Council’s Small Market sites in their 3 year fixed price contract offering, with ERM Power. This option allows Council to secure a fixed price in an uncertain electricity market, and to purchase carbon offsets for the greenhouse gas emissions associated to the Small Market sites. This approach ensures Council is not exposed to electricity price fluctuations after the current electricity contract expires, and maintains Council’s commitment to achieving carbon neutrality by 2020.

**Recommendation**

That Council:

1. Authorises the Chief Executive Officer to sign all necessary agreements with the awarding retailer as determined by Procurement Australia to procure electricity for Public Lighting and Large Market electricity sites.

2. Commits to participating in Procurement Australia’s Contract 0638/2206 for the procurement of electricity for its Small Market sites for a period commencing 1 July 2020 and ending 30 June 2023.

3. Authorises the Chief Executive Officer to sign all necessary agreements with the awarding retailer as determined by Procurement Australia to procure electricity for Small Market electricity sites.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
Following Council’s ‘Climate Emergency’ declaration in December 2019, there is clear growing community awareness and concern regarding the impacts of carbon emissions on climate change. There is also an expectation within the community that Council will use its resources efficiently and will respond to the challenges of climate change.

Switching from non-renewable energy sources to renewable is a demonstration to the community about Council’s proactive approach to responding to climate change. Additionally, the development of infrastructure can create jobs and increase economic development for the communities within the region and state.

Natural Environment
Procuring renewable energy for Council’s operations will directly address risks to the natural environment by contributing to the reduction of harmful impacts of climate change on humans and natural ecosystems. The development of infrastructure would be aligned with environmentally sensitive guidelines and approvals through state agencies to ensure minimal environmental impact in the local area of construction.

Built Environment
Figure 1 shows Council’s total electricity usage for the seven most recent financial years. Council energy efficiency initiatives have substantially reduced electricity use by 24 per cent in this period. This reduction is due to initiatives such as: changing to more efficient street lighting; installation of solar panels; lighting upgrades in Council facilities; and equipment upgrades to more energy efficient technology.

Figure 2. Council’s Total Electricity usage, 2012/13 to 2018/19
Energy efficiency initiatives will continue to be undertaken regardless of the method of energy procurement. This will continue to alleviate the rising cost of energy for Council.

The development of renewable energy infrastructure would be chosen in a manner which has minimal impact on the built environment and would connect appropriately with the existing electricity grid.

**Customer Service and Community Engagement**

Through the community consultation for the Draft Carbon Neutrality Action Plan 2018-2020, opened between 18 December 2017 and 5 February 2018, a detailed response was received from the Bayside Climate Change Action Group (BCCAG), with specific actions relating to energy procurement. These included:

- Purchasing certified renewable electricity, with very low or zero emissions, will reduce Council’s greenhouse gas emissions, alleviating the need to purchase greenhouse gas offsets. BCCAG suggests that this strategy may be simpler and more cost-effective.
- Council should explore the bulk purchase of renewable energy with partners (i.e. the South East Councils Climate Change Alliance), using the Melbourne Renewable Energy Project as a model.
- Community feedback was also sought during the development of the Climate Change Strategy and the Environmental Sustainability Framework. Climate change is also an issue identified in the Community Plan 2025, the Wellbeing for All Ages and Abilities Strategy 2017-2021 and is a theme currently being explored through the Community Vision 2050 process. The various feedback shows community support for Council addressing climate change impacts.
- BCCAG also submitted a petition to Council at the Council Meeting in November 2019 which called on Council to declare a ‘Climate Emergency’. In December 2019 Council voted unanimously to declare a ‘Climate Emergency’, which has been met with overwhelming community support.

**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**

A binding commitment to the Procurement Australia PPA was required from Council in March 2019. Following the resolution on 19 February 2019, Procurement Australia was advised of Council’s decision to include its Large Market sites and Public Lighting in its PPA.

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

**Finance**

**Public Lighting and Large Market sites**

Using the updated business case figures applied to the current electricity usage of Council’s Public Lighting and Large Market sites, Figure 3 outlines the estimated costs and savings of entering into a 10 year PPA under the various percentiles of occurrence, including the average. The 95th percentile of probabilistic forecasting model outcomes represents the “best case scenario” and 5th percentile represents the “worst case scenario”.
Figure 3. Estimated costs and savings through PA PPA for Council’s combined Public Lighting and Large Market electricity accounts, including procurement of 120% LGCs.

<table>
<thead>
<tr>
<th>Percentile of forecasting model outcomes</th>
<th>Business As Usual Costs</th>
<th>Estimated PA PPA Costs incl. 120% LGCs (Alinta Energy)</th>
<th>Estimated Savings through PA PPA, incl. 120% LGCs</th>
<th>Percentage difference (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>95th (best case)</td>
<td>$680,068</td>
<td>$517,074</td>
<td>$162,994</td>
<td>24</td>
</tr>
<tr>
<td>50th</td>
<td>$513,141</td>
<td>$516,037</td>
<td>-$2,896</td>
<td>-1</td>
</tr>
<tr>
<td>5th (worst case)</td>
<td>$420,395</td>
<td>$493,468</td>
<td>-$73,073</td>
<td>-17</td>
</tr>
<tr>
<td>Average</td>
<td>$526,765</td>
<td>$512,498</td>
<td>$14,267</td>
<td>3</td>
</tr>
</tbody>
</table>

Note: these figures are based on modelling sourced in the Procurement Australia Victorian PPA Evaluation Report by SavvyPlus Consulting.

Sensitivity analysis was undertaken in relation to achieving carbon neutrality, with lower levels of LGCs and higher purchases of carbon offsets. The inclusion of 120% LGCs tabulated above was found to be the most cost effective approach to achieving carbon neutrality.

The table above shows that for the average of all modelled scenarios, there is a saving to Council by purchasing electricity under the PA PPA, as compared with achieving carbon neutrality entirely through carbon offsets. The modelling demonstrates that there is a range of potential positive and negative financial outcomes associated with participating in the PPA. For example, the 50th percentile; scenario shows slight additional costs over BAU costs.

The average annual energy costs for Bayside City Council from the current 2 year fixed price contract have been $783,076. The draft 2020/21 budget includes a proposed increase of $88,096 from this average, for CPI and LGC purchases under the PPA. A budget for carbon offsets of $172,880 has been allocated to achieve carbon neutrality for the 2019/20 financial year. In the 2021/22 budget, approximately $100,880 would be required to purchase additional carbon offsets for other energy demands, which is sufficient to achieve and maintain carbon neutrality.

Small Market sites

Due to the aggregation of Procurement Australia’s portfolio of electricity customers, participating in the PA fixed price tender process minimises cost pressures to procure electricity for Small Market sites. Not participating in the PA process exposes Council to the likely higher and inconsistent prices for electricity currently in the market. This proposed fixed contract is also more predictable for budgeting purposes.

Cost estimates over the three year contract cannot be easily determined as there are a range of electricity tariffs for Council’s different sites. However, based on the highest prices offered by ERM Power, the new proposal will still fall within the original budget estimate.

Links to Council policy and strategy


Action 5.3.1.1 in the Council Plan 2017-2021 (2019 review) is to: ‘Participate in a power purchase agreement for renewable electricity for contestable public lighting and relevant Council buildings’.
Additionally, participating in a renewable energy PPA allows Council to address Action 3.5 within the Carbon Neutrality Action Plan 2018-2020, by switching from fossil fuel non-renewable energy sources to renewable sources.

This procurement option also demonstrates Council’s Environmental Sustainability Framework (ESF) Goal 1 Leading the Way, with Bayside City Council operating as a model of environmental sustainability.

**Options considered**

**Option 1 (Recommended) - Renewable Electricity in PA PPA for Public Lighting and Large Market sites, and a fixed price contract for Small Market sites**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Renewable electricity is purchased in a Power Purchase Agreement through Procurement Australia for Council’s Public Lighting and Large Market sites (collectively representing approximately 75% of Council’s electricity costs) with Large Generation Certificates to achieve carbon neutrality status; and non-renewable electricity is purchased in a fixed price contract through Procurement Australia for Council’s Small Market sites (representing approximately 25% of Council’s electricity costs) with carbon offsets to achieve carbon neutrality status.</th>
</tr>
</thead>
</table>
| Benefits | • Fulfils Council’s resolution to participate in a Power Purchase Agreement for the purchase of renewable electricity  
• Including the purchase of LGCs and carbon offsets, this option is the lower overall cost to achieve and maintain carbon neutrality status  
• Avoids significant reputational risk following the ‘Climate Emergency’ declaration  
• Avoids exposure to short-term fluctuations of the energy market.  
• Price Certainty across 10 years  
• Meets Council’s commitment to achieve and maintain carbon neutrality  
• Avoids exposure to carbon offset price fluctuations |
| Issues | • Prices committed to in the PPA could potentially result in higher costs than ‘business as usual’ (although probabilistic modelling provides confidence that average outcome will be financially favourable)  
• Unknown COVID-19 impact on price of electricity, LGCs and carbon offsets across 10 year PPA timeframe |
Option 2 - Purchase Non-Renewable Electricity in a fixed price contract for Public Lighting, Large Market sites, and Small Market sites, with carbon offsets

<table>
<thead>
<tr>
<th>Summary</th>
<th>Non-Renewable electricity is purchased in a 2-3 year fixed price contract through Procurement Australia for Council’s Public Lighting, Large Market and Small Market sites, with offsets to achieve carbon neutrality status.</th>
</tr>
</thead>
</table>
| Benefits | • Flexibility in short-term  
• Allows Council to negotiate a long-term electricity deal in 2-3 years, potentially at a lower fixed term price for renewable electricity |
| Issues | • Purchasing non-renewable (e.g. coal-fired) electricity requires the purchase of carbon offsets  
• Including the purchase of carbon offsets, this option is the higher overall cost to achieve and maintain carbon neutrality status  
• There is no long-term price certainty for electricity  
• Contracts must be re-negotiated in 2-3 years  
• Does not align with Council’s approach to its 'carbon neutral' goal by switching to renewable sources to reduce greenhouse gas emissions.  
• Carbon offset pricing and availability cannot be guaranteed across the long term  
• Unknown COVID-19 impact on price of electricity, LGCs and carbon offsets across 10 year PPA timeframe |
10.6 COUNCIL PLAN 2017-21 (2020 REVIEW)

Executive summary

Purpose and background
To approve amendments to the Council Plan 2017-21 (2020 Review) for the purpose of seeking submissions in accordance with Section 223 of the Local Government Act 1989.

In accordance with Section 125(7) of the Local Government Act 1989, at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect to the remaining period of the Council Plan.

As part of the annual review of the Council Plan, minor amendments are recommended. A copy of the reviewed Council Plan is attached to this report.

As part of the annual review, an Annual Action Plan for 2020/21 has been developed which provides a clear and transparent disclosure of the proposed commitments to be undertaken during the 2020/21 financial year to achieve the Council Plan Strategic Objectives. The Annual Action Plan is attached to this report.

The key changes to the Council Plan (2020 Review) include:

- The removal of some Strategic Objectives which were not aligned to strategies and actions;
- Improved Strategic Indicators to measure our success against the Plan. The strategic indicators now reflect the more detailed questions in the customer satisfaction survey; and
- More deliverable actions across all Goals of the Council Plan.

A range of significant activities will be delivered within the 2020/21 year including:

- Completion of two public toilets
- Completion of the AW Oliver Reserve Pavilion
- Completion of the design phase for three significant pavilions
- Reconstruction of the Sandringham Athletics Track
- Complete the Thomas Street Reserve Regional playground
- Complete design to the Beaumaris Arts Centre building
- Implement advocacy action plan on a range of important issues
- Develop an Environmentally Sustainable Development Policy
- Commence construction of phase 1 of the Elsternwick Park Nature Reserve
- Progress the establishment of an alternative waste processing facility
- Develop a Climate Emergency Action Plan
- Advocate for undergrounding of powerlines
- Develop a new Municipal Public Health and Wellbeing Plan
- Conduct the 2020 Council Elections
- Develop the 2021-2025 Council Plan
- Implement legislative changes as a result of the 2020 Local Government Act
• Implementation and monitoring of the car parking sensor and signage trial in Church Street

The 2020 Review also takes into consideration the impacts of COVID-19 with specific activities namely:

• Implement COVID-10 recovery plan to re-establish and strengthen vibrant shopping strips and local employment once social distancing requirements are relaxed

• Undertake the COVID 19 response activities to support the aged and vulnerable members of our community to respond to and recover from the impacts of COVIDF-19.

The Local Government Act 1989 provides that where the Council makes adjustments to the Council Plan (including SRP), Council must give public notice of its intention to amend the Council Plan and provide the opportunity for the public to make submissions in accordance with Section 223 of the Local Government Act 1989. Following the Statutory process, Council will consider any submissions received, make further amendments as required, adopt the revised Council Plan and Strategic Resource Plan and forward the documents to the Minister for Local Government.

Strategic Resource Plan and Draft Budget 2020/21
Given the impacts of COVID-19 across the organisation and the local government sector additional time is required to finalise the Strategic Resource Plan and draft Budget to take into the financial impacts over the past two months and the anticipated impacts during 2020/21.

This dilemma has been identified by the Minister for Local Government and accordingly the Minister has varied the date to which the Strategic Resource Plan and Budget for 2020/21 must be adopted from 30 June to 31 August. This extension of time will enable the sector to further consider the financial impacts prior to considering a draft Budget.

At this stage it is anticipated that the Strategic Resource Plan and draft 2020/21 Budget will be considered at the May Council Meeting.

Recommendation
That Council:
2. Gives public notice of the Council 2017-21 (2020 Review), and makes copies available for public inspection purposes.
3. Establishes a Special Committee of Council in accordance with Section 223 of the Local Government Act 1989 consisting of all Councillors with a quorum of four (4) Councillors to hear submissions in relation to the Council Plan 2017-21 (2020 Review) on Wednesday 10 June 2020 at 6:30pm at the Council Chambers, Boxshall Street, Brighton.

Support Attachments
Considerations and implications of recommendation

Liveable community

Social
The Council Plan 2017-21 (2020 Review) identifies a number of strategies to enhance Bayside’s social environment through improved community infrastructure and services which impact health, participation and wellbeing.

Natural Environment
The Council Plan 2017-21 (2020 Review) includes a number of strategies to protect and enhance the natural environment, while balancing community use with the need to protect natural assets for future generations.

Built Environment
The Council Plan 2017-21 (2020 Review) identifies a number of strategies to improve infrastructure, whilst protecting and enhancing neighbourhood character and liveability.

Customer Service and Community Engagement
The development of the Council Plan 2017-21 was informed by the aspirations of the Bayside Community Plan 2025 that was developed following extensive consultation. The Proposed Council Plan 2017-21 (2020 Review) will be open for submissions in accordance with section 223 of the Local Government Act 1989 for a period of at least 28 days.

The following table summarises the consultation process to finalise the Proposed Council Plan:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Wednesday 29 April</td>
</tr>
<tr>
<td>Submission close at 5.00pm (28 days)</td>
<td>Monday 1 June at 5.00pm</td>
</tr>
<tr>
<td>Special Committee of Council to hear submissions</td>
<td>Wednesday 10 June at 6.30pm</td>
</tr>
<tr>
<td>Council Meeting  to adopt the 2020/21 Council Plan review</td>
<td>Tuesday 23 June 2020 at 7.00pm</td>
</tr>
</tbody>
</table>

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

Legal
A Council Plan is required under section 125 of the Local Government Act 1989, and must be prepared every four years following Local Government Elections. Further section 125(7) mandates that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect to the remaining period of Council Plan.

Section 223 of the Local Government Act 1989 requires Council to give public notice of its intention to amend the Council Plan and provide the opportunity for the public to make submissions. Following the Statutory process, Council will consider any submissions received,
make further amendments as required, adopt the revised Council Plan by 30 June, and forward the documents to the Minister for Local Government.

Finance
In accordance with section 125 of the *Local Government Act 1989*, it is anticipated that the Strategic Resource Plan will be developed and provided for Council’s consideration at a meeting to be held in May which will describe the financial and non-financial resources required to achieve the strategic objectives.

Links to Council policy and strategy
The Council Plan, along with the community plan, is a key document in the Bayside Better Place Strategic Planning Framework described within the Council Plan.
10.7 PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 2A MAYSURY AVENUE, BRIGHTON

Executive summary

Purpose and background
This report seeks a Council resolution in accordance with the Local Government Act 1989 (Act) to discontinue and sell part of the road reserve adjoining 2A Maysbury Avenue, Brighton, as outlined in blue in Attachment 1.

The owners of 2A Maybsury Avenue have unlawfully occupied approximately 36 square metres of the Maysbury Avenue road reserve, and have subsequently agreed in principle to purchase the occupied portion of road reserve via private treaty for $38,000 plus GST. The owners propose to utilise the portion of road reserve for development purposes.

Maysbury Avenue is currently listed on Council’s Register of Public Roads. The subject road reserve is identified on Land Plan 9203 and adjoins the southern boundary of 2A Maysbury Avenue as shown in Attachment 2.

Council at its 18 February 2020 Ordinary Council Meeting considered a report regarding this proposal and resolved as follows:

That Council:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, to discontinue and sell the subject property to the adjoining owner of 2A Maysbury Avenue, Brighton for $38,000 plus GST as shown in Attachment 1.

2. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in relation to the sale and discontinuance proposal.

3. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989 to discontinue and sell the land for $38,000 plus GST.

4. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 6:30pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Public notice was provided in accordance with Section 223 of the Local Government Act (1989) whereby no objections were received.

Key issues

Easements
The subject property contains underground assets in favour of NBN and United Energy. If sold and discontinued, the current easements will be retained on title in favour of NBN and United Energy for communication purposes. If any other assets are identified in the subject land, such easements will be retained on title in favour of the asset authority.
Conclusion
Officers consider that the subject portion of road reserve is no longer required for municipal purposes and therefore Officers support the proposal.

Recommendation
That in accordance with the Local Government Act 1989 Council:

1. Resolves to discontinue and sell the subject road reserve adjoining 2A Maysbury Avenue, Brighton, by private treaty, to the adjoining owners of 2A Maysbury Avenue, Brighton for $38,000 plus GST.
2. Authorises the Director Corporate Services to undertake the necessary procedures to discontinue and sell the subject portion of road reserve via private treaty, and retain all easements on title in favour of the appropriate Authority.
3. Directs a public notice to be published in the Government Gazette.

Support Attachments
1. Attachment 1 - Land Proposed to be Sold
2. Attachment 2 - Land Plan
Considerations and implications of recommendation

Liveable community

Social
The sale of the subject portion of road reserve will remove the need for Council to regularly maintain land that it may no longer utilise.

The sale will provide the owners of 2A Maysbury Avenue, Brighton with an opportunity to gain title to the subject portion of road reserve that is no longer required by Council for municipal purposes.

Natural Environment
There are no impacts associated with this report.

Built Environment
NBN and United Energy assets currently pertain to the subject portion of road reserve and will continue to be carried forward through easement rights on title if the subject portion of road reserve was to be sold and discontinued.

Officers will ensure that any other assets identified in the subject road reserve will also be carried forward through easement rights on title in favour of the responsible Authority.

Customer Service and Community Engagement
Council advertised its intention to sell the subject portion of road reserve in the local Bayside Leader newspaper and The Age, as well as on its public website throughout the advertising period. Council did not receive any submissions with regard to the proposal.

Consultation has been undertaken with all relevant Council departments and external service authorities. No objections have been received from either internal or external service authorities.

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

Legal
Should Council authorise the statutory procedures for the sale and discontinuance of the subject portion of road reserve adjoining 2A Maybsbury Avenue, Brighton, this must be done so in accordance with the Local Government Act 1989.

Alternatively, Council can authorise to retain the subject road reserve in Council’s ownership.

Finance
Council’s independent Valuer E3 Valuations has determined the most recent market value for the subject property at $30,000 plus GST.

The adjoining property owners of 2A Maysbury Avenue, Brighton have signed a conditional ‘Cost Agreement’ to purchase the subject portion of road reserve for $38,000 (plus GST) if the portion of road reserve can be sold and discontinued.
The purchase price for the parcel is shown in the below table.

**Table 1:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>2A Maysbury Avenue, Brighton</td>
<td>36m²</td>
<td>$30,000</td>
<td>$3,800</td>
<td>$41,800</td>
</tr>
</tbody>
</table>

**Links to Council policy and strategy**

Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.

*Council's Property Strategy Principle One*

Seeks Council to maximise community benefit and public value from the property portfolio.

*Council Plan Goal 7 – Financial Responsibility and Good Governance*

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Proposed Land to be Sold Outlined in Blue
Item 10.7 – Reports by the Organisation
Executive summary

Purpose and background

In accordance with the Local Government Act 1989 (Act), this report seeks a Council resolution to discontinue and sell the road at the rear of 28 & 30 Boxshall Street and 57 Carpenter Street, Brighton. The road is proposed to be sold by private treaty to the owner of 3/30 Boxshall Street, Brighton as identified by the cross-hatched in Attachment 1.

The owner of 3/30 Boxshall Street, Brighton has previously entered into an agreement with the adjoining owners of 1/30, 2/30, 4/30, 5/30, 6/30 and 28 Boxshall Street, Brighton to purchase their properties for development purposes, subject to statutory approval. The Contracts of Sale have been executed where settlement is due from May – August 2020, which will result in the one ownership of all land at 28 & 30 Boxshall Street.

The owner of 3/30 Boxshall Street, Brighton has accepted Council’s offer to sell the land for $210,000 including GST, subject to statutory approval.

The subject right of way is not currently listed on Council’s Register of Public Roads. It is known as a Road on Title Plan 827234A (as shown in Attachment 2) pertaining to the rear of 28 & 30 Boxshall Street and 57 Carpenter Street, Brighton.

Council at its 18 February 2020 Ordinary Council Meeting considered a report regarding this proposal and resolved to:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, to discontinue and sell the subject property to the adjoining owner of 3/30 Boxshall Street, Brighton for $210,000 including GST identified by the cross-hatched area shown in Attachment 1.

2. Authorise the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in relation to the sale and discontinuance proposal.

3. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989 to discontinue and sell the land for $210,000 including GST.

4. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 6:45pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.

5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Public Notice was provided in accordance Section 223 of the Local Government Act 1989 (Act) whereby no submissions were received in opposition to the proposal.
Key issues

Easements
The subject road contains an underground South East Water sewerage asset. If sold and discontinued, the easement will be retained on title in favour of South East Water for sewerage purposes.

Use of Road
The subject road provides access to the garage at the rear of 28 Boxshall Street, and it also provides access to the rear of 30 Boxshall Street for waste collection. The sale of the subject road will therefore be conditional upon settlement of the existing sale agreements between the owner of 3/30 Boxshall Street, Brighton and all owners of 28 & 30 Boxshall Street, Brighton.

Officers will ensure that access to the road remains for all parties until settlement of these sales has been effected.

Objections to Sale
All owners at 30 Boxshall Street and 28 Boxshall Street are party to the purchase of the land by the owner of 3/30 Boxshall Street, and therefore have not made any objections.

Public Notice has been provided in accordance with Section 223 of the Local Government Act 1989, and no other objections to the sale of the subject land were received.

Conclusion
In light of the sale agreements between the owner of 3/30 Boxshall Street and adjoining owners, officers consider that the subject road would no longer be reasonably required for public use once settlement of these agreements has occurred.

Recommendation
That in accordance with the Local Government Act 1989 Council:

1. Resolves to discontinue and sell the subject road to the adjoining owner of 3/30 Boxshall Street, Brighton for $210,000 including GST, as identified by the cross-hatched area shown in Attachment 1.
2. Authorises the Director Corporate Services to undertake the necessary procedural steps to discontinue and sell the subject road via private treaty, and retain all easements on title as required in favour of the appropriate Authority.

Support Attachments
1. Attachment 1 Land Proposed to be Sold 
2. Attachment 2 Title Plan
Considerations and implications of recommendation

Liveable community

Social
The proposal will provide the owner of 3/30 Boxshall Street, Brighton with an opportunity to gain title to the subject road which will be no longer required for municipal purposes, once settlement of the existing sale agreements has occurred.

Natural Environment
There are no impacts associated with this report.

Built Environment
A sewerage asset in favour of South East Water currently pertains to the subject land, and will continue to be carried forward through easement rights on title if the subject land was to be sold and discontinued.

Customer Service and Community Engagement
Throughout the advertising period Council has advised its intention to sell the subject road in the local Bayside Leader Newspaper, The Age, as well as on its public website. Council did not receive any submissions objecting to the proposal.

Consultation has been undertaken with all relevant Council departments and external service authorities. No objections have been received from either internal or external service authorities.

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

Legal
Should Council authorise the statutory procedures for the sale and discontinuance of the subject road, this must be done so in accordance with the Local Government Act 1989.

Alternatively, Council can authorise to retain the subject road in Council’s ownership.

Finance
Council’s independent Valuer E3 Valuations has determined the market value for the subject road at $180,000 plus GST.

The owner of 3/30 Boxshall Street, Brighton signed a conditional ‘Cost Agreement’ to purchase the subject road from Council for the amount of $210,000 (including GST), subject to statutory approval, if the road can be sold and discontinued.

In accordance with Council Policy, the subject road has been allocated to the adjoining property owner as reflected in red in Attachment 2. The purchase price for the subject road is shown in the below table.
Table 1:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>Purchase Price</th>
<th>GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>30 Boxshall St, Brighton</td>
<td>139m²</td>
<td>$180,000</td>
<td>$210,000</td>
<td>$19,090.90</td>
</tr>
</tbody>
</table>

Links to Council policy and strategy

Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.

**Council's Property Strategy Principle One**

Seeks Council to maximise community benefit and public value from the property portfolio.

**Council Plan Goal 7 – Financial Responsibility and Good Governance**

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
PROPOSED SALE AND DISCONTINUANCE OF LAND ADJOINING 28 & 30 BOXSHALL STREET AND 57 CARPENTER STREET, BRIGHTON

Land proposed to be sold outlined below in the hatched area:
TITLE PLAN

Location of Land
Parish: MOORABBIN
Township: -
Crown Allotment: DENNY'S CROWN SPECIAL SURVEY (PART)
Crown Portion: -
Section: -
Last Plan Reference: -
Title Reference: VDL 9451 FOL 064
Depth Limitation: NIL

Easement Information
E - Encumbering Easement
R - Encumbering Easement (ROAD)
A - Appurtenant Easement

Notations
NOTE 1: LOT 1 = PART OF DENNY'S CROWN SPECIAL SURVEY
NOTE 2: TOGETHER WITH A RIGHT OF CARRIAGE WAY OVER THE ROAD SHOWN MARKED A ON THE SAID MAP

This plan has been prepared by Land Registry, Land Victoria
For Title Diagram Purposes

Checked by:

Assistant Registrar of Titles
Date: 18 VC 04

LENGTHS ARE IN METRES
SCALE
SHEET SIZE A3

Sheet 1 of 1 Sheet
Executive summary

Purpose and background

This report seeks a Council resolution in accordance with the Local Government Act 1989 (Act) to discontinue the right of way adjoining 4/56, 60-62, 5/64, 4/64, 66, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 2/67 Red Bluff Street, Black Rock, and to sell part of the right of way adjoining 4/64 Edward Street, Sandringham, 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock, to the adjoining owners of 4/64 Edward Street, Sandringham, 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock. The right of way proposed to be discontinued and sold is identified in Attachment 1.

The proposal forms stage two of a previous sale and discontinuance proposal pertaining to the same right of way (road).

The owners of 4/64 Edward Street, 66 Edward Street and 59 Red Bluff Street have agreed to purchase the part of the right of way adjoining the rear of their properties for $60,000 (plus GST), $33,000 (plus GST) and $20,000 (including GST) respectively.

The subject right of way is not listed on Council’s Register of Public Roads. It is known as part of a Right of Way on Land Plan 5407 as shown in Attachment 2.

Council at its 18 February 2020 Ordinary Council Meeting, considered a report regarding this proposal and resolved to:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, to discontinue the right of way adjoining 4/56, 60-62, 5/64, 4/64, 66, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 2/67 Red Bluff Street, Black Rock.

2. To take title in Council’s name the subject right of way adjoining 4/56, 60-62, 5/64, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 47, 49, 51, 53, 55, 57, 61, 63, 65, 2/67 Red Bluff Street, Black Rock.

3. Sell a portion of the right of way as identified in Attachment 1 adjoining the rear of 4/64 Edward Street, Sandringham; 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock identified on Land Plan 5407 to the corresponding owners of 4/64 Edward Street, Sandringham; 66 Edward Street, Sandringham and 59 Red Bluff Street, Black Rock, for amounts of $60,000 (plus GST), $33,000 (plus GST) and $20,000 (including GST) respectively.

4. Authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the sale and discontinuance proposals.

5. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989

6. In the event that submission/s are received, convene a Section 223 Special Committee of Council meeting on Wednesday 8 April 2020 commencing at 7:45pm at the Council Chambers, Boxshall Street, Brighton to hear any submitters that wish to be heard.
7. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council.

Public Notice was provided in accordance Section 223 of the Local Government Act 1989 (Act) and no submissions were received.

**Key issues**

**Easements**

The subject right of way contains underground easements in favour of South East Water and Bayside City Council. If discontinued and sold, the current easements will be retained on title, in favour of South East Water for sewerage purposes, and Bayside City Council for drainage purposes.

**Conclusion**

Given that no submissions were received, officers support the discontinuance of the subject right of way, as well as the sale of the portion of the right of way adjoining 4/64 Edward Street, 66 Edward Street and 59 Red Bluff Street.

**Recommendation**

That in accordance with the Local Government Act (1989), Council:

1. Resolves to discontinue the right of way adjoining 4/56, 60-62, 5/64, 4/64, 66, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 2/67 Red Bluff Street, Black Rock.

2. Sells the portion of the right of way adjoining 4/64 Edward Street, 66 Edward Street and 59 Red Bluff Street, to the adjoining owners of 4/64 Edward Street, 66 Edward Street and 59 Red Bluff Street, for $60,000 (plus GST), $33,000 (plus GST) and $20,000 (including GST) respectively.

3. Takes title in Council’s name to the subject right of way adjoining 4/56, 60-62, 5/64, 68, 70, 72, 74 Edward Street, Sandringham; 5/175, 173 Bluff Road and 47, 49, 51, 53, 55, 57, 61, 63, 65, 2/67 Red Bluff Street, Black Rock.

4. Authorises the Director Corporate Services to undertake the necessary procedure to discontinue the subject right of way, sell the subject portion adjoining the rear of 4/64 Edward Street, 66 Edward Street and 59 Red Bluff Street via private treaty, take title in Council’s name to the remainder of the right of way, and retain all easements on title in favour of the appropriate Authority.


**Support Attachments**

1. Attachment 1 - Proposed Portion of Right of Way to be Discontinued and Sold ☩
2. Attachment 2 - Land Plan ☩
Considerations and implications of recommendation

Liveable community

Social
The sale of the subject right of way will reduce the need for Council to maintain land which it no longer requires for municipal purposes, and will provide property owners with an opportunity to gain title to that portion of the subject right of way.

The discontinuance will enable Council to take title to the remainder of the subject right of way and therefore protect Council’s ownership over that land.

Natural Environment
There are no impacts associated with this report.

Built Environment
The subject right of way contains assets in favour of Bayside City Council and South East Water. If the subject right of way was to be sold and discontinued, these interests will be carried forward, on title, through easement rights, for the purpose of drainage and sewerage.

Officers will ensure that any other assets identified in the subject right of way will also be carried forward through easement rights, on title, in favour of the responsible Authority.

Customer Service and Community Engagement
Council advertised the Proposal in the local Bayside Leader Newspaper and The Age, as well as on its public website throughout the advertising period. Council did not receive any submissions.

Consultation has been undertaken with all relevant Council departments and external service authorities. No objections have been received from either internal or external service authorities.

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

Legal
Should Council authorise the statutory procedures for the discontinuance and sale of the subject right of way, this must be done so in accordance with the Local Government Act 1989.

Finance
Council’s independent Valuer, Matheson Stephen Valuations, has valued each portion of the subject right of way to be sold as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4/64 Edward Street, Sandringham</td>
<td>46.45m²</td>
<td>$56,000</td>
<td>Exclusive</td>
</tr>
<tr>
<td>2</td>
<td>66 Edward Street, Sandringham</td>
<td>36.6m²</td>
<td>$33,000</td>
<td>Exclusive</td>
</tr>
<tr>
<td>3</td>
<td>59 Red Bluff Street, Black Rock</td>
<td>18.1m²</td>
<td>$20,000</td>
<td>Exclusive</td>
</tr>
</tbody>
</table>
We note that given the owner of 53 Red Bluff Street supported the discontinuance but did not wish to purchase any part of right of way, an additional 10m² of land was offered to the owners of 4/64 Edward Street to purchase, to create an even boundary along their property.

Officers have subsequently provided a revised sale price for the land adjoining 4/64 Edward Street, as reflected in the below table.

The purchase price for each parcel is shown in the below table:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST Amount</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4/64 Edward Street, Sandringham</td>
<td>56m²</td>
<td>$56,000*</td>
<td>$6,000</td>
<td>$66,000</td>
</tr>
<tr>
<td>2</td>
<td>66 Edward Street, Sandringham</td>
<td>36.6m²</td>
<td>$33,000</td>
<td>$3,300</td>
<td>$36,300</td>
</tr>
<tr>
<td>3</td>
<td>59 Red Bluff Street, Black Rock</td>
<td>18.1m²</td>
<td>$20,000</td>
<td>$1,818</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

*Marked value here is based off a land area of 46.45m².

We note that the sale relative to 59 Red Bluff Street, Black Rock includes GST.

In accordance with Council Policy the subject right of way has been allocated to the respective adjoining property owners, as reflected in red in Attachment 1.

The owners of 4/64 Edward Street, 66 Edward Street and 59 Red Bluff Street have all signed conditional ‘Cost Agreements’ to purchase the part of the right of way adjoining the rear of their properties, for the amount of $60,000 (Plus GST), $33,000 (Plus GST) and $20,000 (including GST) respectively.

Links to Council policy and strategy
Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy provides for the discontinuance and sale of land.

Council’s Property Strategy Principle One
Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance
7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Item 10.9 – Reports by the Organisation
Executive summary

Purpose and background

This report seeks to authorise the Director Corporate Services to execute a new lease to Citywide Services Solutions Pty Ltd., for the Council Depot at 144 Talinga Road, Cheltenham.

At the Ordinary Council meeting on 18 February 2020, Council resolved to commence the statutory procedure for a proposed lease to Citywide Services Pty Ltd. Council further resolved to receive submissions and if any were received to convene a Section 223 Special Committee meeting of Council. No submissions were received.

Over the past 18 years Council’s depot has been occupied by several companies under separate licences utilising different parts of the depot compound. Each of these licensees have been concurrently operating as Council contractors for services tendered by Council. Current occupiers of the site (with licences in overhold) are Citywide Services Solutions Pty (Citywide), New Age Cleaning Pty and Metroplant and Civil Pty Ltd. Council has also maintained its own presence on site comprising general storage facilities and a homecare workshop.

During 2019, Council engaged DBRE Pty Ltd to undertake an Expression of Interest (EOI) campaign for the whole of the depot site totalling 1558sqm. The campaign, which closed at 5pm on 1st July 2019, resulted in just one proponent – Citywide- seeking to occupy the whole of the available space.

Following an assessment of the EOI submission, Officers met with representatives of Citywide to discuss their proposal and determine final lease terms for Council’s consideration.

In a separate process, during 2019, Council undertook a tender to identify a Council contractor for open space and maintenance services. Citywide was the successful tenderer and has now executed a maintenance contract for seven years with 3x1 year further options.

Citywide’s proposal for the lease of part of the depot is a commercial offer and officers consider it to be fair and reasonable.

Summary of proposed terms of lease:

- Proposed Use: Office, storage and operational depot
- Premises: As per lease plan (see attachment 1)
- Commencement date: Upon final execution of lease agreement
- Term: 7 years
- Outgoings: Usual terms
- Options for further term: 3 x 1 year
- Proposed Commencing Rent: $160,730 plus GST per annum
- Rental escalation: CPI to be implemented annually.
Key issues

Fitout to Premises As part of the lease Citywide will be required to undertake tenant’s works within the first year of the term at a cost of approximately $200,000. These works include:

- Improved screening of the buildings to the Reserve Road frontage and Talinga Road frontage. Planting at height and other interventions.
- Upgrade stormwater guttering and downpipes.
- Upgrade security and lighting.
- Office improvements including internal painting.
- Installation of solar panels (subject to site and building suitability).
- Additional stormwater harvesting with the aim of utilisation by the community nursery.
- Installation of improved secure entrance gate resulting in better access control to the site.

Summary

Officers consider the provision of a head lease for the depot site to be an improvement for the management of the site, as it relieves Council of the ongoing responsibility for managing individual licensees. Council also retains its own occupation of the site, with no additional costs incurred. The provision for fit-out works by the tenant under a lease is another benefit for Council as these are works which would otherwise primarily fall to Council to complete.

Recommendation

That Council authorises the Director Corporate Services to execute a new lease to Citywide Services Solutions Pty Ltd on the following key terms:

- **Purpose:** Office, storage and operational depot
- **Commencement Date:** Date upon which the lease is executed by both parties
- **Term:** 7 years
- **Options:** 3 x 1 year
- **Rent:** $160,730 plus GST per annum
- **Rental Escalation:** Consumer Price Index Melbourne All Groups (CPI) to be implemented annually.

Support Attachments

1. Depot - Lease Plan ↓
Considerations and implications of recommendation

Liveable community

Citywide is contracted to Council to provide all open space and infrastructure maintenance services, aimed at enhancing service delivery and continues Council’s relationship with Citywide. Infrastructure maintenance services include beach cleaning, street sweeping, road and footpath maintenance, drainage management, tree maintenance services, sports ground maintenance and graffiti management. Having previously held an 18 year contractual relationship with the proposed tenant, who has also been a licensee of Council, Officers believe the depot site will be better controlled and maintained with a single lease in place.

Social

Citywide’s community engagement framework sets out current partnerships with social enterprises, charities and not-for-profits including:

- Fareshare
- PukaUp
- Goodcycles
- Outlok Environmental
- Conservation Volunteers Australia.

Natural Environment

Citywide is committed to support Council in reducing environmental impact and to safeguarding the cleanliness of our streets.

Built Environment

The current buildings are in reasonable condition but would benefit from the proposed fit-out works which will form part of Citywide’s obligations.

Customer Service and Community Engagement

The proposed tenant has been identified in accordance with Council’s Lease and Licence Policy 2018, following an expression of interest process which was subject to a public marketing campaign. Council completed the statutory procedures under section 190 and 223 of the Local Government Act 1989 and no submissions were received.

Human Rights

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

Legal

Officers do not anticipate any legal issues with this proposal assuming that all the statutory requirements are complied with as set out in this report.

As the proposed lease is for rent which exceeds $50,000 per annum, the Council must, at least 4 weeks before the lease is made, publish a public notice of the proposed leases. A person has a right to make a submission under section 223 on the proposed lease. If such
submissions are received, Council will consider those submission at a meeting of Council before the execution of lease can proceed.

Finance

The current cumulative licence income for the site is $158,559 plus GST and the proposed rent is for $160,730 plus GST. The proposed rent will be adjusted by CPI each year. The lease will be subject to the Retail Leases Act 2003 whereby Council will be responsible for carrying out structural repairs to premises. Links to Council policy and strategy.

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

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

Options considered

Option 1 Issue a lease for the Depot to Citywide Services Pty Ltd

<table>
<thead>
<tr>
<th>Summary</th>
<th>This option enables Council as landlord to enter the lease.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council will no longer deal with multiple licensees on this part of the site and the head tenant will ensure that $200,000 worth of works will be invested into the site. The proposed lease term of 7 years plus 3 x 1 year options is designed to mirror the contract dates of the maintenance contract, to ensure that any future change of arrangements is not limited by access to appropriate real estate.</td>
</tr>
<tr>
<td>Issues</td>
<td>The Retail Leases Act 2003 will be applied to the proposed lease and may incur costs for building maintenance that licensees may otherwise not</td>
</tr>
</tbody>
</table>

Option 2 Not proceed with a new lease

<table>
<thead>
<tr>
<th>Summary</th>
<th>Officers advise Citywide that Council does not wish to proceed with the new lease.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council will potentially have a vacant site which it could offer to the market again, and Council could increase its storage capacity.</td>
</tr>
<tr>
<td>Issues</td>
<td>This option would have negative service impact for Council’s most significant infrastructure contractor which would result in Citywide having to find alternative operations premises.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 28 April 2020.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting Report as at 28 April 2020
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
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</thead>
<tbody>
<tr>
<td>24/05/16</td>
<td>10.2</td>
<td><strong>Sandringham Village Streetscape Masterplan</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. In the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.</td>
</tr>
</tbody>
</table>

| 24/05/16        | 10.7 | **Children’s Sensory Garden Investigation** |
|                 |      | That Council: |
|                 |      | 1. notes the typical elements of a suburban sensory garden; |
|                 |      | 2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside; |
|                 |      | 3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and |
|                 |      | 4. receives a further report detailing the financial implications associated with the establishment of a sensory garden. | ERI |
|                 |      | A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site. |
|                 |      | The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence. |

| 24/10/17        | 10.16| **HMVS Cerberus – Heritage Works Permit Update** |
|                 |      | That Council: |
|                 |      | 2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus. | ERI |

<p>|                 |      | A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget. |</p>
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
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<th>COMMENTS/STATUS</th>
</tr>
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<tbody>
<tr>
<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>23/4/19</td>
<td>10.1</td>
<td><strong>Response to Petition - To Ban Smoking in and around Ricketts Point Marine Sanctuary</strong>&lt;br&gt;2) Receives a progress report on the various stages of developing the Local Law following the completion of the engagement, research and risk assessment process, to determine specific areas proposed to be declared as smoke free.</td>
<td>CPA</td>
<td>A report is included in the April 2020 Council meeting Agenda.</td>
</tr>
<tr>
<td>23/4/19</td>
<td>10.4</td>
<td><strong>2019 Bright n Sandy Food and Wine Festival Service Review</strong>&lt;br&gt;4. Provides a report on an event review following the 2020 Bright n Sandy Food and Wine Festival.</td>
<td>ERI</td>
<td>A report is included in the April 2020 Council meeting Agenda.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
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</table>
| 21/5/19         | 10.8 | **Bayside Planning Scheme Review 2019**  
|                 |      |  
|                 |      | - Considers the proposed changes to the local and state sections of the Bayside Planning Scheme proposed under the Smart Planning Program in a further report to be presented to Council in the 2019/2020 financial year. | CPA      | A report will be submitted to a future meeting in the 2019/2020 financial year (at or before June 2020) |
| 25/6/19         | 10.17| **Bayside Tennis Strategy**  
|                 |      | 1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris. | ERI      | A report will be submitted to a future meeting. |
| 25/6/19         | 10.20| **Parking Technology, Church Street Major Activity Centre - Engagement Findings**  
|                 |      | 3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:  
|                 |      |  
|                 |      | - the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and  
<p>| | |
|                 |      |<br />
|                 |      | - if the project has proven successful, the development of a multi-year program to install parking management technology (i.e. parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces. | ERI      | A report will be submitted to a future meeting. |</p>
<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>20/8/19</td>
<td>10.3</td>
<td><strong>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update</strong>&lt;br&gt;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>
<td>ERI</td>
<td>A report will be submitted to Council no later than 31 August 2020.</td>
</tr>
<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>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
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</tr>
</tbody>
</table>
| 15/10/19       | 10.1 | Brighton Recreational Centre and Wilson Reserve Masterplan  
4. Receives a report at a future Council meeting detailing the outcomes of the assessment of Brighton Grammar School’s proposal to redevelop Wilson Reserve. | ERI | A report is included in the April 2020 Council meeting Agenda. |
| 15/10/19       | 10.3 | Small Neighbourhood Activity Centres (SNACs) - Building Height Review & Recommendations  
That Council receives a report following the approval of Amendment C126 that outlines opportunities for mandatory height controls in Small Neighbourhood Activity Centres. | CPA | A report will be submitted to Council following the approval of Amendment C126. |
| 15/10/19       | 10.9 | Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2  
1. Receives a further report highlighting the health impacts of climate change to the residents of Bayside. | CCE | A further report will be submitted to a future Council Meeting. |
| 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 - 281  
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. |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
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</tr>
</thead>
</table>
| 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.                          |
| 18/02/20        | 10.13  | **Proposed Discontinuance and Sale of Land adjoining 2A Maysbury Avenue, Brighton**  
6. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council. | CORP     | A report is included in the April 2020 Council meeting Agenda.                   |
| 18/02/20        | 10.14  | **Proposed Discontinuance and Sale of Land adjoining 28 & 30 Borshall Street, Brighton**  
5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council. | CORP     | A report is included in the April 2020 Council meeting Agenda.                   |
| 18/02/20        | 10.15  | **Proposal to enter into a lease of Council Depot at 144 Telinga Road, Cheltenham**  
5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above. | CORP     | A report is included in the April 2020 Council meeting Agenda.                   |
| 18/02/20        | 10.16  | **Proposed Discontinuance and Sale of Land adjoining 173 Bluff Road, Black Rock (Stage 2)**  
5. Following the consideration of any submissions, Council receive a further report at an Ordinary Meeting of Council. | CORP     | A report is included in the April 2020 Council meeting Agenda.                   |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
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</tr>
</thead>
<tbody>
<tr>
<td>18/02/20</td>
<td>13.1</td>
<td>Notice of Motion - 292 - Trial Graffiti Removal Hampton Street Major Activity Centre</td>
<td>ERI</td>
<td>A report is included in the April 2020 Council meeting Agenda.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council receives a report at the April 2020 Ordinary Council meeting on an innovative trial of integrated graffiti removal from private property, utility and council assets in the Hampton Street area within the Hampton major activity centre. The trial is to be designed to quantify the costs and benefits of applying an integrated approach more broadly within the municipality. The report is to describe the appropriate length of the trial, the frequency of graffiti removal, the potential role of community groups and traders association, the approach to property categories such as building site hoardings and the role of Local Law enforcement, as well as the expected costs, risks and benefits of the trial.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24/03/20</td>
<td>10.2</td>
<td>Elsternwick Park Nature Reserve Masterplan</td>
<td>ERI</td>
<td>A report will be submitted to a future Council Meeting.</td>
</tr>
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<td></td>
<td></td>
<td>3. Receives a report at a future Ordinary Meeting of Council regarding the progress of the funding agreement with the City of Port Phillip.</td>
<td></td>
<td>A further report will be submitted to the August 2020 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>24/03/20</td>
<td>10.13</td>
<td>Proposal to enter into a new lease for the Sandringham Golf Course</td>
<td>CORP</td>
<td>A further report will be submitted to a future Council Meeting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Receive a further report after the completion of the above statutory processes, in order for Council to consider and make a decision about whether to grant the lease described in clause 1 above.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11. Reports by Delegates

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

12. Urgent Business

13. Notices of Motion

13.1 NOTICE OF MOTION - 294 - PROPOSED ROUNDBOUT UPGRADE AND PEDESTRIAN CROSSING AT CORNER CHURCH / ST ANDREWS STREETS, BRIGHTON

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/107547

I, Cr Michael Heffernan, hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 28 April 2020 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion
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. Does not proceed with the proposed roundabout upgrade and pedestrian crossing at the corner of Church Street and St Andrews Street, Brighton.
2. Investigates the feasibility of constructing a pedestrian crossing in front of the Dendy Centre, Church Street, Brighton.

Cr Michael Heffernan

Support Attachments
Nil
14. Confidential Business

That pursuant to Section 66 (2) 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 that may prejudice the Council’s position.

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 20 APRIL 2020
(LGA 2020 Section 66(2) personnel matter and contractual matter.)

14.2 NEGOTIATIONS IN RELATION TO THE CSIRO SITE
(LGA 2020 Section 66 (2) contractual matter.)

14.3 PROPOSED TRANSFER OF OWNERSHIP OF REGIONAL KITCHEN PTY LTD
(LGA 2020 Section 66 (2) contractual matter.)

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