Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 28 March, 2017 at 7.00pm

Cr: Cr Alex del Porto (Mayor)

Councillors: Cr Laurence Evans
            Cr James Long BM JP
            Cr Michael Heffernan
            Cr Clarke Martin
            Cr Rob Grinter
            Cr Sonia Castelli
Members of the Gallery

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

Section 92 The Chair’s Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer

2. Acknowledgement of Original Inhabitants

3. Apologies

4. Disclosure of any Conflict of Interest of any Councillor

5. Adoption and Confirmation of the minutes of previous meeting held on 28 February 2017

6. Public Question Time

7. Petitions to Council
   7.1 Petition - Fence Replacement and removal of gates at Donald McDonald Oval
   7.2 Petition - Acoustic Report on Gold Moon premises

8. Minutes of Advisory Committees
   8.1 Minutes of the Audit Committee meeting held on 10 January 2017
   8.2 Minutes of the Audit Committee meeting held on 22 February 2017
   8.3 Minutes of the Chief Executive Officer's Employment Matters Committee held on 27 February 2017

9. Reports by Special Committees
   9.1 Minutes of the Gallery@BACC Board meeting held on 8 February 2017
   9.2 Minutes of the Gallery@BACC Board meeting held on 15 March 2017

10. Reports by the Organisation
    10.1 Level Crossing Removal Authority Announcement - Rail Under Option for Charman and Park Roads
    10.2 Amendment C155 - Sites in Bayside at Risk of Potential Land Contamination
    10.3 Amendment C152 - Implementation of the Martin Street Structure Plan
    10.4 Revised Residential Zones
    10.5 Plan Melbourne 2017-2050
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11. Reports by Delegates

12. Urgent Business

13. Notices of Motion
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1. Prayer

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

2. Acknowledgement of Original Inhabitants

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

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

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

3. Apologies

4. Disclosure of any Conflict of Interest of any Councillor

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 28 February 2017.

6. Public Question Time
7. Petitions to Council

7.1 PETITION - FENCE REPLACEMENT AND REMOVAL OF GATES AT DONALD MCDONALD OVAL

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/48806

Petition from residents requesting Bayside City Council to halt the proposed works to remove the gates on the perimeter fence oval at Donald McDonald Reserve. (702 signatories)

“We the undersigned hereby petition Bayside City Council to halt the proposed works to remove the gates on the perimeter fence oval at Donald McDonald Reserve in Beaumaris, Victoria, allowing a period for current community consultation.”

Petition Requirements
The submitted petition containing 229 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Recommendation
That the petition be received and referred to the Chief Executive Officer for consideration and response.

Support Attachments
Nil
7.2 PETITION - ACOUSTIC REPORT ON GOLD MOON PREMISES

Petition from residents requesting Bayside City Council to commission an independent acoustic report on the Gold Moon premises. (6 signatories)

Petition Requirements
"We the undersigned residents of Brighton hereby petition Bayside City Council pursuant to City of Bayside Local Law No. 1 – Governance and respectfully request Council to:

1. Commission an independent Acoustic Report on the Gold Moon, and in particular the effects of noise created by the rooftop plant and equipment (installed without Planning Approval); and

2. Take up with the Building Commission the matter of irregularities in relation to the Building approval of Shop/27, 26-34 Church Street Brighton, and in particular matters of non-compliance and the fact that it commenced operation, prior to the issue of a Certificate of Compliance; and

3. Take enforcement action in relation to the Gold Moon operating contrary to the conditions and endorsed plans approved pursuant to Bayside Planning Permit 2014/874."

Petition Requirements
The submitted petition containing 6 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Recommendation
That the petition be received and be referred to the Chief Executive Officer for consideration and a response.

Support Attachments
Nil
8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 10 JANUARY 2017

The minutes of the Audit Committee meeting held on 10 January 2016 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

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

Executive summary

Purpose and background

To advise Council of the business transacted at the Audit Committee held on 10 January 2017

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

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

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

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

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

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

Chief Executive Officer’s Update
A summary of reports tabled at Parliament from VAGO, Victorian Ombudsman and IBAC were discussed and a self-assessment against a number of parliamentary reports will be presented at future meetings. The following listed reports tabled had a direct impact on the local government sector, and a self-assessment was undertaken against the following key parliamentary reports.

- VAGO – Audit Committee Governance
- VAGO – Financial systems Control Report
- VAGO – Local Government 2015-16 Audit Snapshot
- Ombudsman Vic – Good Practice Guide to Handling Complaints
- Ombudsman Vic: Ombudsman enquiries: Resolving complaints informally
- Ombudsman Vic: Investigation into protected disclosure complaint regarding improper conduct by Councillors with political donations
- IBAC Reports: Being able to conduct an effective internal investigation
- Also consider a report on Cyber Crime as per the Internal Auditors summary of information

1st Quarter Report on the Local Government Performance Reporting (LGPRF)
A summary of the 1st Quarter Report on the Local Government Performance Reporting framework was tabled at the meeting.

Internal Control Environment
A report was presented to the Audit Committee on the organisation’s internal control framework.

Internal Audit Review – Parking Enforcement
The Internal Auditor presented the audit review report on Parking Enforcement.

The objectives of the audit were to:

Meter and Ticket Machine Collections and Maintenance:
Assess the adequacy of internal controls around meter and ticket machine collections and maintenance, including:
1. The overall control environment from the perspective of coin collection and machine maintenance.
2. The processes for ensuring that all coins in meters and ticket machines are received and banked by Council.
3. The controls and the segregation of duties between coin collection and meter maintenance functions.
4. The processes for ensuring that all parking meters/machines are properly and promptly maintained.
5. The management and operational reports used to monitor the probity and operation of the parking meter/machines collections and operations.

**Parking Enforcement and Penalty Infringement Notices (PINs):**
Assess the adequacy of internal controls around parking enforcement and penalty infringement notices, including:

1. The overall control environment from undertaking street patrols to recording, issuing and registration of PINs.

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

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

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

The audit included the auditor accompanying a parking officer undertaking street patrols to understand the service and the challenges of parking enforcement.

Where parking services are outsourced to a third party the audit was limited to considering the controls and processes adopted in-house by Council in ensuring the adequacy of the contracted services and not the controls adopted by the contractors.

The audit excluded a review of internal controls around the management of parking permits.

Overall, the Internal Auditors found that the current control framework in place over parking enforcement is adequate, however there is opportunity to strengthen existing controls.

The audit identified a range of controls that should be implemented in order to reduce the identified weaknesses and exposures.

The Audit Report did not note any high risk issues.

The Committee noted that the report did not address the coverage and frequency of patrols and accordingly requested the Internal Auditor to report back to the next meeting on the details of the coverage and frequency of parking patrols.
Internal Audit Review – Essential Safety Measures (ESM) and Contract Management

The Internal Auditor presented the audit review report on Essential Safety Measures and Contract Management.

The objectives of the audit were to:

1. Identify and assess the adequacy of policies and procedures regarding Council’s building Essential Safety Measures (ESM) inspections and management
2. Review the adequacy of Council’s ESM inspection program
3. Review the adequacy of Council’s ESM annual reporting program
4. Identify and assess how Council manages its ESM responsibilities for its tenanted buildings

ESM is a contracted service to Council. The review also considered contract management aspects of the service, including:

- Processes for monitoring and assessing progress of contract deliverables and contract KPI’s
- Documentation and follow up of contract management meetings and actions
- Processes to ensure accuracy and authorisation of payments against contract terms

The report identified four high risk issues which are outlined in the report.

Risk Management

The Manager Commercial Services provided an update on the status of Council’s Risk Management Framework including Insurance Renewals and Claims and Strategic Risk register.

The Committee commented on the commitment of the executive within the risk space given the comprehensive discussion undertaken at each of the Executive Risk meetings which are evidence in the minutes of those meetings.
The Strategic Risk register was submitted to the Audit Committee for consideration and review. The following table outlines the strategic risks of the organisation:

<table>
<thead>
<tr>
<th>Risk Name</th>
<th>Risk Description</th>
<th>Inherent Assessment Likelihood</th>
<th>Inherent Assessment Consequence</th>
<th>Inherent Risk Rating</th>
<th>Residual Assessment Likelihood</th>
<th>Residual Assessment Consequence</th>
<th>Residual Risk Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Instability</td>
<td>Council's service levels cannot be maintained because of poor financial strategy and monitoring.</td>
<td>Possible</td>
<td>Severe</td>
<td>High</td>
<td>Very Rare</td>
<td>Major</td>
<td>Low</td>
</tr>
<tr>
<td>Inadequate business continuity preparedness</td>
<td>Services unable to be sustained during an emergency or crisis because of shortfall in business continuity planning.</td>
<td>Possible</td>
<td>Severe</td>
<td>High</td>
<td>Possible</td>
<td>Severe</td>
<td>Medium</td>
</tr>
<tr>
<td>Inadequate contractor procurement</td>
<td>Council service and integrity compromised because contractor not engaged in accordance with procurement procedure.</td>
<td>Almost Certain</td>
<td>Severe</td>
<td>Very High</td>
<td>Possible</td>
<td>Severe</td>
<td>High</td>
</tr>
<tr>
<td>Poor Council governance</td>
<td>Council's reputation is compromised because Councillor's performance does not satisfy the required Code of Conduct.</td>
<td>Likely</td>
<td>Major</td>
<td>High</td>
<td>Likely</td>
<td>Major</td>
<td>Low</td>
</tr>
<tr>
<td>Inadequate Municipal recovery management</td>
<td>Council residents and reputation compromised by a community emergency event because of inadequate community recovery preparedness.</td>
<td>Rare</td>
<td>Severe</td>
<td>Medium</td>
<td>Rare</td>
<td>Severe</td>
<td>Low</td>
</tr>
<tr>
<td>Ineffective communication with community and stakeholders</td>
<td>Community satisfaction is diminished because Council fails to effectively inform the community and stakeholders due to a lack of effective communication processes and channels</td>
<td>Almost Certain</td>
<td>Severe</td>
<td>Very High</td>
<td>Rare</td>
<td>Major</td>
<td>Low</td>
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</tr>
<tr>
<td>Poor customer service</td>
<td>Council reputation compromised because of community dissatisfaction with organisational customer service</td>
<td>Almost Certain</td>
<td>Severe</td>
<td>Very High</td>
<td>Rare</td>
<td>Major</td>
<td>Medium</td>
</tr>
<tr>
<td>Poor staff performance</td>
<td>Council service delivery and staff welfare is deficient because of failure to effectively manage the performance of staff</td>
<td>Almost Certain</td>
<td>Moderate</td>
<td>High</td>
<td>Possible</td>
<td>Moderate</td>
<td>Low</td>
</tr>
<tr>
<td>Unsafe workplace</td>
<td>Health &amp; safety of staff is jeopardised because of an inadequate Safety Management System within the workplace</td>
<td>Possible</td>
<td>Severe</td>
<td>Very High</td>
<td>Very Rare</td>
<td>Major</td>
<td>Low</td>
</tr>
<tr>
<td>Inadequate contractor health and safety management</td>
<td>Council’s service and reputation is compromised because of failure to provide appropriate governance when preparing, tendering and managing contracts.</td>
<td>Likely</td>
<td>Severe</td>
<td>Very High</td>
<td>Rare</td>
<td>Severe</td>
<td>Medium</td>
</tr>
<tr>
<td>Corporate Fraud</td>
<td>Failure of Council fraud prevention framework and internal controls</td>
<td>Likely</td>
<td>Severe</td>
<td>High</td>
<td>Possible</td>
<td>Severe</td>
<td>Medium</td>
</tr>
<tr>
<td>Poor Community Infrastructure To Meet the Needs of the Community</td>
<td>Council reputation is compromised/diminished because it fails to engage with the community to ensure it provides community infrastructure that meets community needs.</td>
<td>Possible</td>
<td>Severe</td>
<td>High</td>
<td>Possible</td>
<td>Severe</td>
<td>High</td>
</tr>
</tbody>
</table>
### Incapacity of coastal infrastructure to withstand extreme weather events

| Coastal infrastructure is unable to withstand the impacts of extreme weather events because of inadequate design and development. |
|---|---|---|---|---|---|---|
| Almost Certain | Severe | Very High | Rare | Severe | Medium |

### Inadequate deployment of centralised framework in decentralised organisational model

| Council reputation and service delivery compromised due to highly decentralised approach to deployment of cross organisational policy, systems and procedures that does not effectively deliver business objectives |
|---|---|---|---|---|---|---|
| Almost Certain | Severe | Very High | Possible | Severe | Medium |

### Failure of integrity systems & behaviours

| Council reputation is compromised due to misuse of power or deceptive behaviours by staff |
|---|---|---|---|---|
| Likely | Severe | Very High | Rare | Severe | Low |

For the purpose of Section 12, Schedule 1 of the Local Government (Planning and Reporting) Regulations, the Audit Committee noted the review of the 15 Strategic Risks and recommended to Council that the above Strategic Risks be noted.

### Recommendation

That Council:

1. notes the minutes of the Audit Committee meeting held on 10 January 2017 and endorses the actions of the Audit Committee; and
2. adopts the following recommendations of the Audit Committee meeting of 10 January 2017

#### 9.7.1. Risk Management Update

That for the purposes of Section 12, Schedule 1 of the Local Government (Planning and Reporting) Regulations 2014, the Audit Committee notes the review of the 15 Strategic Risks and recommends to Council that the 15 Strategic Risks including likelihood and consequences be received and noted.

### Support Attachments

1. Minutes - 10 January 2017 - Audit Committee(2) (separately enclosed) ⇨
8.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 22 FEBRUARY 2017

The minutes of the Audit Committee meeting held on 22 February 2017 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

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

Executive summary

Purpose and background
To advise Council of the business transacted at the Audit Committee held on 22 February 2017.

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

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

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

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

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

The internal, external auditors and other assurance providers support the Audit Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
Key issues
The matters discussed at the meeting on 22 February 2017 included:

Chief Executive Officer’s Update

The Chief Executive Officer reported on a number of parliamentary report presented by the Victorian Ombudsman, VAGO and IBAC since the previous meeting. A self-assessment will be undertaken on those parliamentary reports that have a direct impact on local government.

Victorian Auditor General’s Office (VAGO) – Audit Strategy for the Financial Year Ending 30 June 2017

The representative from VAGO was present at the meeting and presented the Audit Strategy for the financial year ending 30 June 2017.

The VAGO representative indicated that as part of the audit VAGO’s IT specialists will review and access the effectiveness of general IT controls operating at Bayside including controls over systems security, change management etc. It was noted that Council’s Internal Auditor will be undertaking a similar audit in May as part of the Internal Audit Plan, and it was suggested that the External and Internal Auditor meet to discuss the audit scopes to ensure there is no duplication in work.

The VAGO representative also advised that this will be the third year of the LGPRF Performance Statement and therefore it is anticipated that detailed commentary should be provided as part of the performance statement from all councils.

The Audit Committee also noted that a special meeting of the Audit Committee will be held on Wednesday 6 September 2017 to consider the Financial Statements and Performance Statement for year ending 30 June 2017.

Internal Audit Review – Accounts Payable and Procurement

The Internal Auditor presented the audit review report on Accounts Payable and Procurement.

The review was undertaken on the control frameworks as they relate to:

- Accounts Payable
- Procurement

The review of procurement activities was undertaken across expenditure above $15,000 and below tender threshold (where a minimum of three written quotations is required), as well as expenditure above $500 and below $15,000 where a purchase order and a written quotation are required.

The areas covered were determined by internal audit. These areas were not advised in advance and were deliberately ‘unpredictable’.
The review also involved data interrogation of transaction and master files relating to Accounts Payable and Procurement with any anomalies reported to management for follow up.

The internal audit excluded a review of controls associated with the use of purchasing cards and excluded procurement via a public tender process as this will be the subject of a review in 2017.

The objectives of the audit were to review the adequacy of:

**Accounts Payable**

- Policies and procedures;
- Overall payments and accounts payable control process flow from the point of establishment of a creditor to processing for payment;
- Control of authorisation of payments;
- Appropriateness of segregation of duties
- Steps in establishing and authorising the payment file, bank and cheque payment systems, including a high level review of EFT controls relating to the AP environment;
- New entries, amendments and terminations from the creditors masterfile; and
- Cheque security and printing;

**Procurement**

Internal Audit conducted a review of procurement activities across expenditures above $15,000 and below tender threshold, and expenditure above $500 and below $15,000. Areas of expenditure were selected on the basis of:

- Susceptibility to fraud, and/or
- Dollar value

Internal audit selected transactions and assessed whether the expenditure was:

- ‘Bona fide’ Council expenditure supported with appropriate authorisation and documentation
- Controlled and efficient
- Effective and whether the goods procured were used for the intended purpose.

Detailed, targeted, transactional testing for a sample of 25 invoices for transactions between 1 October 2015 and 30 September 2016 was undertaken for the procurement component of this review.

25 invoices were sampled (15 invoices exceeding $15,000 and 10 invoices below $15,000) selected based on the following criteria:

- Without contract number (for invoices above $15,000);
- Without purchase order (for invoices below $15,000); and
- Purchase order date later than invoice date.

Overall, The Internal Auditors found that the current controls in place over compliance with accounts payable and procurement functions maintained by Council can be further strengthened. The audit identified a range of controls that should be implemented in order to reduce the identified weaknesses and exposures.
As a result of the audit review 12 findings were identified, 1 with a high risk rating, 7 with a moderate risk rating and 4 with a low risk rating.

Details of the specific findings including management’s responses were included in the Audit Report.

**Risk Strategy**

The Audit Committee considered the organisation’s Risk Strategy and commented that the framework and strategy was very comprehensive and well written and includes all aspect of risks across the organisation.

The Committee congratulated the responsible Manager and Director on the preparation of the Risk Strategy and suggested that the strategy be shared across the sector.

**Risk Report – High Residual Risks**

The Committee reviewed the actions of the 5 high residual risks and the noted the progress taken on these matters.

**General Business**

As part of the Audit Committee’s Charter and Work Plan an opportunity must be prepared for both the External Auditor (VAGO) and the Internal Auditor (Crowe Horwath) to meet with the Committee in camera to discuss any matters that both auditors believe should be discussed privately.

Both the External and Internal Auditors indicated to the Chairman that there was nothing to report to the Committee. Both External and Internal Auditors thanked the Chairman for the opportunity to discuss any item in camera.

**Recommendation**

That Council notes the minutes of the Audit Committee meeting held on 22 February 2017 and endorses the actions of the Audit Committee.

**Support Attachments**

1. 22 February 2017 - Audit Committee for Council (separately enclosed) ⇩
The minutes of the Chief Executive Officer’s Employment Matters Committee held on 27 February 2017 (attached) are presented in-camera in accordance with the Local Government Act 1989 given they contain a personnel matter and contractual matter in accordance with section 89(2) (a) and (d) of the Local Government Act 1989.

Should Council wish to discuss any content within the attachment, Council will need to refer the matter to Confidential Business.

Executive summary

Purpose and background

The Minutes of the Chief Executive Officer’s Employment Matters Committee held on 27 February 2017 are presented in-camera in accordance with the Local Government Act 1989 Section 89(2)(a) and (d) given the minutes relate to a personnel matter and a contractual matter.

Council at its meeting held on 20 May 2014 resolved to establish an Advisory Committee of Council known as the Chief Executive Officer’s Employment Matters Committee.

The responsibilities of the Committee are to:

- Make recommendations to Council on contractual matters relating to the Chief Executive Officer or the person appointed to act as the Chief Executive Officer including the following:
  - The appointment of the Chief Executive Officer
  - Remuneration and conditions of appointment of the Chief Executive Officer
  - Any extension of the appointment of the Chief Executive Officer under section 94(4) of the Local Government Act 1989;

- Conduct performance reviews of the Chief Executive Officer; and

- Perform any other prescribed functions and responsibilities.

The membership of the Committee consists of 1 suitably qualified externally appointed Chairperson, Ms Paula Giles and four Councillors comprising of the Mayor Cr del Porto and Councillors Grinter, Martin and Heffernan.
Key issues
Items discussed at the Chief Executive Officer’s Employment Matters Committee on 27 February 2017 related to the second quarter of the Chief Executive Officer’s Performance Plan for 2016/17. The Chief Executive Officer tabled the performance report for the period and highlighted some of the activities undertaken to date.

The meeting also discussed the reappointment of the independent Chairperson of the Committee.

Recommendation
That Council:

1. notes the minutes of the Chief Executive Officer’s Employment Matters Committee held on 27 February 2017;

2. adopts the following recommendation of the Chief Executive Officer’s Employment Matters Committee meeting of 27 February 2017:

   Item 6.4 Review of the Chief Executive Officer’s Employment Matters Committee Charter

   That the review of the Chief Executive Officer’s Employment Matters Committee Charter be noted, and the Committee recommends to Council that the Charter be amended subject to the inclusion of the following editorial changes:

   - Page 9 – Item 9.2 –Focus of Attention – to read – The Committee’s focus will be in the Chief Executive Officer’s performance plan including outputs, outcomes and performance expectations.
   - Page 9 – Item 9.4 (9) to read: The Chairperson will invite the mover and seconder of the recommendation to speak and any other member to speak on the recommendation.
   - Page 13 – Item 15 Include a footnote Additional meetings may be held from time to time, and the First meeting of a newly elected Council be held earlier than the February meeting.

and noted the Charter be further reviewed in 2018.

   Item 6.7 Reappointment of the Chairperson of the Chief Executive Officer’s Employment Matters Committee

   That the Chief Executive Officer’s Employment Matters Committee recommends to Council that Ms Paula Giles be reappointed as Chairperson of the Chief Executive Officer’s Employment Matters Committee for a further three year term commencing 1 August 2017, comprising of three 1 year terms.
Support Attachments
1. Minutes - 27 February 2017 - CEO Employment Matters Committee(2) (separately enclosed) ⇨

Considerations and implications of recommendation

Liveable community

Social
There are no social considerations or impacts associated with this report.

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

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

Customer Service and Community Engagement
There are no Customer Services and Community Engagement impacts associated with this report.

Human Rights
There are no Human Rights implications associated with this report.

Legal
It is a requirement of the Advisory Committee of Council that the minutes of meetings be considered by Council to formally resolve on matters considered by the Advisory Committee.

Finance
There are financial implications associated with this report.

Links to Council policy and strategy
There are no policy or strategy implications associated with this report.
Executive summary

Purpose and background

To present the minutes of the Gallery@BACC Board meeting held on 8 February 2017 to Council for noting.

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

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

The following functions, powers, and discretions are delegated to the Gallery@ BACC Board:

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

The Gallery Board membership consists of two Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
The inaugural meeting of the Gallery Board was held on 8 February 2017 to consider the following matters:

- Election of Chairperson
- Governance issues
- Confirming the Gallery@BACC Board terms of reference
- Strategic Planning and overview of the Gallery@BACC
- Seating at Boxhall Street Gardens Brighton.

A copy of the 8 February 2017 minutes of the Gallery@BACC Board meeting is attached for Council’s information.

Recommendation
That Council notes the minutes of the Gallery@BACC Board meeting held on 8 February 2017.

Support Attachments
1. Minutes - 08 February 2017 - Gallery@BACC Board (LGA Section 86 Committee)
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are no financial or resource implications associated with this report.

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

held in the Highett Room
Corporate Centre
76 Royal Avenue
Sandringham
on Wednesday 8 February 2017

The Meeting commenced at 6.00pm

External Members
Ms Angelina Beninati
Ms Tiziana Borghese
Mr Roger Boyce
Ms Cindy Carrad
Mr Patrick Christian
Ms Charlotte Christie

Councillors
Cr Sonia Castelli
Cr Alex del Port

In attendance
Paulina Xerri – Executive Manager Communications, Customer and Cultural Services
Giacomina Pradolin – Art and Culture Program Coordinator
Joanna Bosse – Gallery Curator
Terry Callant – Manager Governance
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7. General Business
8. Confirmation of date of future meetings
The Mayor Cr del Porto welcomed members of the Gallery Board to the meeting, and invited the Governance Manager to outline some of the governance issues associated with Board.

The Governance Manager explained to members of the requirement to submit a Register of Interest form and declare any conflicts of interest on the agenda to the meeting.

The Governance Manager also advised of the need to appoint a Board Chairperson. It was indicated that it is preferred that the Chairperson be selected from the community membership rather than a Councillor appointment.

On that basis the Governance Manager called for nominations for the position of Chairperson.

Ms Angelina Beninati nominated for the position of Chairperson, and given there were no further nominations received Ms Angelina Beninati was duly declared elected as Chairperson of the Board.

The Chairperson took the Chair for the remainder of the meeting and called for nominations for the position of Deputy Chairperson in the absence of the Chairperson. Ms Tiziana Borghese nominated for the position of Deputy Chairperson, and given there were no further nominations Ms Borghese was duly declared elected as Deputy Chairperson of the Gallery Board.

1. **Welcome and opening of the meeting**

The Chairperson welcomed everyone to the meeting and invited each member to introduce themselves to members.

2. **Present**

   All members were present.

3. **Apologies**

   There were no apologies submitted to the meeting.

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

   There were no conflicts of interest submitted to the meeting.

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

   There were no minutes to confirm given this was the first meeting of the Board.
6. Reports

6.1 GALLERY@BACC BOARD TERMS OF REFERENCE

Communications, Customer & Cultural Services - Cultural services
File No: PSF/17/72 – Doc No: DOC/17/18388

The Governance Manager briefly outlined the purpose of the report seeking future dates of the Gallery Board. The Board suggested that meetings be held at either the Council Chambers or the Gallery.

Moved Ms Borghese Seconded Ms Carrad

That the Gallery@BACC Board:

1. notes the future dates for 2017 Gallery@BACC Board will be:
   Wednesday 3 May commencing at 6.00pm
   Wednesday 16 August commencing at 6.00pm; and
   Meetings to be held at the Council Chambers or Gallery;

2. resolves to develop a Code of Conduct at the Strategic Planning day and further consideration at the next scheduled Board meeting.

CARRIED

6.2 STRATEGIC PLANNING AND OVERVIEW OF GALLERY@BACC

CEO - CEO
File No: PSF/17/72 – Doc No: DOC/17/18469

The Executive Manager Communications, Customer and Cultural Services outlined the need for the Board to develop a Strategic Plan and vision for the next four years.

The Board suggested that the Strategic Planning Day he held at the Council Chambers on Saturday 4 March commencing at 10am.

Moved Mr Christian Seconded Ms Beninati

That the Gallery@BACC Board;

1. confirms a date for the Strategic Planning Day to be Saturday 4 March 2017 at the Council Chambers commencing at 10am; and

2. reviews the Council Public Art policy, Council Art and Heritage Collection policy and Council Exhibition policy and relevant procedures as part of the Strategic Planning process.

CARRIED
6.3 SEATING AT BOXSHALL STREET GARDENS BRIGHTON

CEO - CEO

File No: PSF/17/72 – Doc No: DOC/17/18471

The Executive Manager Communications, Customer and Cultural Services outlined the background of this report for the benefit of the Board members.

Moved Cr del Porto           Seconded Mr Boyce

1. That the Gallery@BACC Board recommends to Council that the design competition for a seat in the Boxshall Street gardens, Brighton, under the cork tree be deferred until the Gallery@BACC’s 4 year Strategic Plan is finalised and a vision for public art be developed, as part of the 4 year Strategic Plan; and

2. That an amount of up to 35,000 be referred for consideration to the 2017/18 budget process for the consideration of this matter.

CARRIED

7. General Business

There were no items of General Business.

8. Confirmation of date of future meetings

Wednesday 3 May 2017

Wednesday 16 August 2017

The Chairperson declared the meeting closed at 7.35pm.

CONFIRMED THIS INSERT 3RD DAY OF MAY 2017

CHAIRPERSON: ...........................................
9.2 MINUTES OF THE GALLERY@BACC BOARD MEETING HELD ON 15 MARCH 2017

Executive summary

Purpose and background
To present the minutes of the Gallery@BACC Board meeting held on 15 March 2017 to Council for noting.

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

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

The following functions, powers, and discretions are delegated to the Gallery@ BACC Board:

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

The Gallery Board membership consists of two Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting the Gallery Board was held on 15 March 2017 to consider the following matters:

- Martin Street – Public Art and Sense of Place
- The Gallery Board – Code of Conduct
- Draft Strategic Plan for the Gallery Board
- Public Art Policy Review

A copy of the 15 March 2017 minutes of the Gallery@BACC Board meeting is attached for Council’s information.

Recommendation
That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 15 March 2017; and
2. adopts the following recommendations of the Gallery@BACC Board meeting of 15 March 2017:

   Item 7.1 0 Resignation of Board Member – Ms Cindy Carrad

   That the Gallery Board recommends to Council that a letter of thanks by the Mayor be forwarded to Ms Cindy Carrad recognising her membership to the Board and accepting her resignation with regret and wish her well for the future.

   That the Gallery Board recommends to Council that the Board vacancy not be filled at this stage and be further reviewed at the November meeting.

Support Attachments
1. Minutes - 15 March 2017 - Gallery@BACC Board (LGA Section 86 to Council ↓)
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are no financial or resource implications associated with this report.

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

held in the Mayor’s Room
Council Chambers,
Civic Precinct Brighton

on Wednesday 15 March 2017

The Meeting commenced at 6.00pm

External Members
Ms Angelina Beninati (Chairperson)
Ms Tiziana Borghese (Deputy Chairperson)
Mr Roger Boyce
Ms Cindy Carrad
Mr Partick Christian
Ms Charlotte Christie

Councillors
Cr Sonia Castelli
Cr Alex del Porto (Mayor)

In attendance
Paulina Xerri
Giacomina Pradolin
Joanna Bosse
Terry Callant

Executive Manager
Communications, Customer and Cultural Services
Art and Culture Program Coordinator
Gallery Curator
Governance Manager
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   6.4 Draft Strategic Plan
   6.5 Public Art Policy Review
7. General Business
8. Confirmation of date of future meetings
1. **Welcome and opening of the meeting**

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

2. **Present**

All member were present with the exception of Ms Cindy Carrad.

3. **Apologies**

The Arts and Program Coordinator advised that meeting that an email was received from Board Member Ms Carrad wishing to resign from her position as Board Member effective immediately.

Given the above advice there were no apologies submitted to the meeting.

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

There were no conflicts of interest submitted to the meeting.

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

5.1 Confirmation of the Minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 8 February 2017.

Moved: Cr Castelli  
Seconded: Cr del Porto (Mayor)

That the minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 8 February 2017, as previously circulated, be confirmed as an accurate record of proceedings subject to the minutes to reflect the name Ms Borghese and not Ms Tiziana.

**CARRIED**
6. Reports

6.1 CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING OF THE GALLERY BOARD HELD ON 8 FEBRUARY 2017

Corporate Services - Governance
File No: PSF/17/72 – Doc No: DOC/17/51615

Moved: Cr Castelli  Seconded: Cr del Porto (Mayor)
That the minutes of the Gallery Board meeting held on 8 February 2017 be received and noted.

CARRIED

Moved Cr del Porto  Seconded Mr Boyce
That the agenda be re-order to deal with the business of the meeting in the following order: 6.3, 6.4, 6.5 and 6.2.

CARRIED

6.3 THE GALLERY BOARD - CODE OF CONDUCT

Corporate Services - Governance
File No: PSF/17/72 – Doc No: DOC/17/51527

Moved: Ms Borghese  Seconded: Cr Castelli
That that Gallery Board:

1. adopts the Gallery Board Code of Conduct dated 15 March 2017;
2. ensures each Board member signs to the Code of Conduct; and
3. provides a copy of the Code of the signed Code of conduct to each member.

CARRIED
6.4 DRAFT STRATEGIC PLAN

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/48494

The Board further discussed the draft Strategic Plan and suggested minor enhancement to the draft document. These minor amendments include:

- **Vision** - delete the word that.
- **Indicator under Goal 3** to read: *The importance of the arts to the health and wellbeing of the community is recognised.*

It was further suggested that the Board consider the final draft of the Strategic Plan at its May meeting presenting a finalised document to Council for adoption before the end of the financial year. The final document will be professionally presented and will include targets aligned to the agreed indicators.

Moved: Mr Boyce  
Seconded: Mr Christian

That the draft Strategic Plan be amended with the following enhancement:

- **Vision** - delete the word that.
- **Indicator under Goal 3** to read: *The importance of the arts to the health and wellbeing of the community is recognised.*

and the Board finalise the Strategic Plan at its May meeting.

**CARRIED**

6.5 PUBLIC ART POLICY REVIEW

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/48389

The Arts and Program Coordinator advised the meeting of the number of policies that specifically relate to the purpose and scope of the Gallery Board.

The Board agreed to review the policy framework of the various policies and procedures with a view to streamlining the number of policies.

Moved: Ms Borghese  
Seconded: Mr Christian

That the Gallery Board undertake a review of all policies in line with the new gallery structure, with a view to consolidate policies into one overarching policy, to provide greater clarity.

**CARRIED**
6.2 MARTIN STREET - PUBLIC ART & SENSE OF PLACE

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/48300

Discussion took place concerning the Martin Street commissioning of public art process.

The Arts and Culture Program Coordinator tables a revised process for commissioning Public Art. The proposed process would ensure that the Gallery Board take more accountability for the process of commissioning public art.

In relation to the Martin Street project, it was suggested that the previous community consultation undertaken on this project be reviewed to ensure the feedback can be addressed and defined with the brief to be prepared for the Expression of Interest process.

It was indicated that the project brief would be circulated to the Board for consideration before the next meeting.

Moved: Ms Christie  Seconded: Mr Christian

1. That the Gallery Board adopts the revised process for commissioning art public as attached to the minutes.

2. That the feedback from the community consultation process associated with the Martin Street Public Art Commission with the draft Expression of Interest Brief be circulated to Board Members prior to the next meeting for approval in order to commence the EOI process.

3. That the Gallery Board appoints the following Board members to the Martin Street Public Art Expression of Interest Panel:

   Ms Angelina Beninati (Chairperson)
   Ms Tiziana Borghese (Deputy Chairperson)
   Mr Roger Boyce

CARRIED

7. General Business

7.1 Resignation of Board Member – Ms Cindy Carrad

The Board discussed the resignation of Board Member Ms Cindy Carrad, and suggested that the vacancy not be filled at this time, enabling the Board to establish itself and gain a greater understanding of any additional skills the Board needs as part of a recruitment opportunity.

Moved Ms Borghese  Seconded Cr Castelli

That the Gallery Board recommends to Council that a letter of thanks by the Mayor be forwarded to Ms Cindy Carrad recognising her membership to the Board and accepting her resignation with regret and wish her well for the future.

CARRIED
Moved Mr Christian  
Seconded Ms Christie

That the Gallery Board recommends to Council that the Board vacancy not be filled at this stage and be further reviewed at the November meeting.

CARRIED

7.2 Agenda Papers

The Executive Manager Communications, Customer and Cultural Services sought clarification from the members the method of receiving agenda papers. It was indicated that the agenda papers would be distributed to Board Members 1 week prior to the meeting, via email and a hard copy would be provided at the meeting for those requesting a hard copy.

8. Confirmation of date of future meetings

It was noted that the next meeting of the Gallery Board will be held on Wednesday 3 May 2017.

The Chairperson declared the meeting closed at 7:40pm

CONFIRMED THIS INSERT 3RD DAY OF MAY 2017

CHAIRPERSON: .................................
10. Reports by the Organisation

10.1 LEVEL CROSSING REMOVAL AUTHORITY ANNOUNCEMENT - RAIL UNDER OPTION FOR CHARMAN AND PARK ROADS

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/42571

Executive summary

Purpose and background
The purpose of this report is to provide an update on the current status of the Frankston line level crossing removals at Charman and Park Roads, Cheltenham, and to outline Council's ongoing advocacy approach in relation to the level crossing removals.

Key issues

Design Option
Following a period of community engagement over the past 12 months, on 20 February 2017 the Level Crossing Removal Authority (LXRA) announced that the removal of the level crossings at Charman and Park Roads will be achieved by lowering the rail line into a trench and constructing two new road bridges at Charman and Park Roads at the current road level (rail under the road).

Project timing
The level crossing removal works at Charman and Park Roads are planned to occur in 2018.

Consultation
A submission on behalf of Council as part of the consultation process on the Charman Road and Park Road level crossing removal project was made to the LXRA by the Director Environment, Recreation and Infrastructure in October 2016. Following the recent announcement by the LXRA to proceed with the rail under road option for Charman and Park Roads level crossings, further feedback is now being sought by the LXRA to refine the details of the design solution. The request for further feedback from the LXRA presents another opportunity to reiterate and expand on Council’s adopted position to achieve better outcomes for the Bayside community.

The LXRA has established an Urban Design Advisory Panel and Council staff participate as a stakeholder on this Panel. A Council position will assist in responding to the Panel.
Advocacy Approach

The ongoing advocacy approach proposed for Council takes into account the following aspects/issues:

- Commuter Parking;
- Pedestrian and Cyclist Access and Movements;
- Interface with Cheltenham Park and Cheltenham Cemetery;
- Heritage Buildings;
- Construction phase impacts;
- Infrastructure Agreements;
- Coordination with Kingston City Council; and
- Property Acquisitions.

Commuter Parking

The LXRA has consulted with the community on a no-net-loss principle regarding the provision of commuter parking associated with the level crossing removal works. This is aligned with advice from Public Transport Victoria (PTV) that the usage of public transport be encouraged from the point of origin of the journey, rather than using a private vehicle to access public transport. However, there is currently a gap in bus route and frequency to allow passengers to complete their journeys solely on public transport and feedback from the community during the update to Bayside’s Public Transport Advocacy statement echoed this limitation.

It is recommended that Council advocates for an increase in commuter parking as part of the works to enable more passengers that are not well serviced by bus connections to access train services. Furthermore, strengthening the role of Cheltenham Station in providing opportunities for greater commuter parking provision is crucial given that the new Southland Station will provide no commuter parking provision when it opens in late 2017. This approach is also aligned with the City of Kingston’s Cheltenham Structure Plan.

Pedestrian and Bicycle Access

Pedestrian and bicycle access approaching, around the precinct and permeability from the proposed concourse area into the parkland is not clearly articulated in the material released as part of the State government’s announcement of the preferred level crossing removal method and needs to be a focus in the design of the rail trench option. Although the current cross track access at Heather Grove will be replaced by a pedestrian bridge, additional connections will improve the sense of community connectedness within the precinct.

Cross-street movements at Park Road are a concern, as it is unclear whether the intersections at the car park entrances will be signalised. It is understood that pedestrian operated signals (POS) were proposed on Park Road within close proximity to Churchill Avenue to facilitate pedestrian movement across Park Road as part of the works. However, the latest communication material released by the LXRA does not identify the inclusion of POS at this location. Whilst the LXRA need to confirm how cross street movements at Park will be facilitated, a pedestrian underpass at Park Road should be considered as an alternative to POS in the design process as this would also facilitate uninterrupted traffic flows along Park Road. Likewise, a pedestrian underpass beneath Charman Road should also be considered in the design process.
Given the increasing pressure on commuter parking at the station and the popularity of the existing Parkiteer bicycle cage, there is an opportunity to increase the footprint of the bicycle cage as part of the project in order to encourage more commuters to ride to the station.

It is recommended that Council advocates for pedestrian underpasses at Park and Charman Roads, and expanded bicycle storage at the station.

**Interface with Cheltenham Park and Cheltenham Cemetery**

Both Cheltenham Park and Cheltenham Cemetery share a boundary with the rail corridor at Cheltenham Station. Careful consideration needs to be given as to how the proposed concourse area and the shared user path will interface between these two important sites. As part of this process, there may be an opportunity to improve connectivity to the nearby Cheltenham Primary School to facilitate an uptake in active travel amongst school children living in close proximity to the school.

It is recommended that Council advocates for improved pedestrian and cyclist connectivity to the cemetery and park environs.

**Treatment of Heritage Buildings**

The announcement of the preferred level crossing removal option identifies opportunities for the heritage buildings to be repositioned either on or off-site. As an offsite location would suffer from a loss of context, the heritage buildings should be integrated into and be prominent with the new station precinct. An example of this being done effectively is Ringwood Station where a signal box with heritage value was relocated and repurposed as a cafe.

It is recommended that Council advocates for the heritage station buildings to be retained within the station precinct.

**Construction phase impacts**

Material distributed as part of the announcement depicts construction haulage routes in residential streets adjacent to the project site, such as Heather Grove. However, the residential streets between the project site and collector and arterial roads that would be used by construction traffic are not identified. Furthermore, likely impacts and how these are to be managed have not been communicated. The design phase must properly consider construction traffic and minimise impacts to residential streets and further project communication needs to explain to impacted stakeholders how these impacts will be managed.

It is recommended that Council advocates for construction activities to be confined to the rail corridor and for residential streets to be free of construction vehicle movements.
Infrastructure Agreements
The removal of the level crossings and the construction of the new station will include the delivery of associated infrastructure, such as shared paths, drainage assets (a complex siphon arrangement will be required for drainage connection across the trench), pedestrian bridge at Heather Grove and the underpass at Park Road.

So that sufficient budgets and resources are allocated to ensure the serviceability and longevity these assets, agreements regarding ongoing maintenance and management of this infrastructure need to be reached and documented between VicTrack and Metro Trains as part of the level crossing removal and new station at Cheltenham Station.

Council should not bear any additional ongoing maintenance costs as a result of this project and it is recommended that this informs Council’s advocacy position.

Coordination with Kingston City Council
It is noted in the LXRA’s proposal for replacement car parking, including a (up to) four storey multi-deck car park, sits largely within the City of Kingston.

This is a once in a lifetime opportunity to redevelop the Cheltenham Station and surrounding precinct. The Cheltenham Activity Centre Structure Plan, adopted by the City of Kingston in 2010 provides a clear plan for Kingston’s vision for developing an integrated, well designed parking facility to support the station’s commuter use role.

To provide for long term public benefit, the LXRA should be strongly encouraged to work with the City of Kingston in executing the Structure Plan’s vision for the station precinct, including car parking, pedestrian and cycle access and interface with the Cheltenham Activity Centre.

Property Acquisitions
A number of properties have been identified for compulsory acquisition to allow the level crossing removals to proceed. It is recommended that Council advocates for the property owners affected to be treated fairly and with compassion.

Recommendation
That Council:

1. Writes to the Chief Executive Officer of the Level Crossing Removal Authority and Minister for Public Transport to advocate on the matters raised in this report as Bayside’s response to the announcement of the selected level crossing removal option for Park and Charman Roads; and
2. Works closely with the LXRA on stakeholder engagement process to ensure Council’s advocacy position is presented.

Support Attachments
1. LXRA Community Information Document
Considerations and implications of recommendation

Liveable community

Social
The level crossing removal program is a State government initiative to improve the reliability of trains and to remove safety risks and traffic delays associated with railway level crossings. The removal of the Park and Charman Roads crossings will improve travel times for trains and cars and create a safer environment.

A number of houses are to be acquired as part of the project and the LXRA must treat those residents impacted by the acquisitions fairly and with compassion during this difficult time.

Natural Environment
There are no direct implications on the natural environment as works are predominately confined to the existing rail corridor, however the design of any crossing removal should not erode the natural environment and should seek to make improvements in this area.

Built Environment
The crossing removal features will be a significant impact on the built environment and the designs should be informed by community input.

The Park Road level crossing is in close proximity to the Charman Road crossing and given the extensive works and disruption required to remove the Charman Road crossing, Council successfully advocated for the removal of the Park Road crossing.

An Urban Design Advisory Panel (UDAP) has been established by the LXRA to:

- ensure the integration of urban design principles and objectives throughout project development and delivery to ensure a high quality outcome for each site;
- guide the design quality of the individual projects; and
- provide continuing advice on the optimum urban design outcome for each project.

Council staff will continue to participate in the UDAP to ensure that the design outcomes associated with the different elements of the level crossing removal works are designed to complement the character of the local area.

Customer Service and Community Engagement

To ensure the ongoing success and community support for the crossing removal project the LXRA must undertake extensive community engagement to inform the development of the detailed design associated with the rail under road grade separation treatment. This must include fully informing Council and the community of site constraints and opportunities in order to minimise misinformation and ensure a transparent process. Attachment 1 includes the current information provided by the LXRA.

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 LXRA is a State government authority. There are no known legal implications at this time. Infrastructure Agreements may be required to provide reasonable demonstration of ownership and maintenance responsibilities for some assets created and altered as part of the level crossing removal projects.

Finance
The level crossing removal program is a State government project so there are no direct costs to Council.

Links to Council policy and strategy
Council's Community Engagement Policy outlines Council's processes for seeking community input. It is important that both Council's approach to community engagement and that of LXRA work together to achieve transparency of process and clarity for all stakeholders.

The proposition will demonstrate the following strategic objectives in the Bayside Council Plan 2013 - 2017:
1.1 Ensuring decisions are informed by community input; and
3.2 Providing infrastructure and promote transport options that meet current and expected needs of the Bayside community.

Staff will be advocating this approach with the LXRA.

Options considered
There are no options relevant to this Council report.
Item 10.1 – Reports by the Organisation
10.2 AMENDMENT C155 - SITES IN BAYSIDE AT RISK OF POTENTIAL LAND CONTAMINATION

City Planning & Community Services - Urban Strategy
File No: FOL/14/412-03 – Doc No: DOC/17/36448

Executive summary

Purpose
To present Council with draft Amendment C155 to the Bayside Planning Scheme and commence the planning scheme amendment process to apply the Environmental Audit Overlay (EAO) to potentially contaminated land.

A review of potential risks of land contamination associated with historical land use in Bayside has been conducted in response to recommendations made by the 2011 Victorian Auditor General’s Office (VAGO) report on Managing Contaminated Sites in Victoria and the Bayside Planning Scheme Review prepared in 2011.

Amendment C155 proposes to apply an Environmental Audit Overlay (EAO) to privately owned land identified as having a high or medium potential risk of land contamination as a result of a current or previous land use.

Application of the EAO will require the land owner or developer to undertake an independent environmental audit of the land at the time of development to ensure the land is safe for redevelopment for a residential or other sensitive land use.

The State Environmental Protection Policy (Prevention and Management of Contamination of Land) June 2002 requires that the responsible authority seeks an environmental audit where a planning permit application may allow potentially contaminated land to be used for a sensitive use, such as residential, child care or an education centre, because of the danger posed to young children associated with ingestion of contaminated soil.

A range of other actions have also been undertaken to protect the wellbeing of the community from exposure to potentially contaminated land in Bayside. This includes:

1. Updating databases and procedures to facilitate the identification of potentially contaminated land that is not proposed for inclusion in the EAO;
2. Review of planning permit conditions for potentially contaminated sites; and
3. the inclusion of detailed information for future planning applicants and residents on the requirements for the development of potentially contaminated land.

Background
In 2011 the Bayside Planning Scheme Review identified the need to determine if any additional sites should be included in the EAO to manage potentially contaminated land in Bayside.

The 2011 VAGO report on Managing Contaminated Sites in Victoria noted a lack of information across the state on the location of contaminated sites and consequently a lack of assessment of the risk these sites pose to human health and the environment. The report also went on to suggest that with the support of the Department of Environment Land Water and Planning (DELWP), councils should develop compliance monitoring programs and improve enforcement processes to minimise risks to the public associated with potentially contaminated land.
In 2014 Golder and Associates, land contamination specialists appointed by Council, provided data on potentially contaminated land in Bayside. The data was derived from old business registers and historic planning scheme maps. The data was translated onto Council’s Geographic Information System (GIS) providing the approximate location of:

- current and past petrol station sites;
- historic industrial land;
- sites which have undergone an environmental audit; and
- sites which may contain contaminated ground water.

Site assessments of over 3,000 commercial sites in Bayside were also conducted. The Environmental Protection Authority (EPA) assisted in identifying land uses which have a high or medium potential risk of land contamination. After cross referencing current rates records, data from the internet, historic rates records and GIS data 116 sites were identified as having a potential risk of contamination if redeveloped for residential or sensitive purposes. The assessment of historical rates records clarified the use of some old industrial land and enabled the removal of some properties initially identified as having a potential risk of contamination.

Council adopted a policy in July 2015, which provided a framework for Council to manage land in Bayside identified as being potentially contaminated. The policy is scheduled for review in July 2017. In May 2016, a procedure was developed specifically for use in relation to operations, works or changes of use of Council owned or managed land. The procedure is scheduled for review in 2018.

**Key issues**

*Managing Private land*

- An EAO is currently the best planning tool available for managing sites with potential for contamination. The overlay requires certification or a statement from an environmental auditor that a site is suitable for a proposed use prior to commencement of that use or commencement of works. Planning permit conditions are also used to require completion of an environmental audit including a statement of audit by an independent auditor.

- In recent history, Council has broadly applied an EAO to land being rezoned from industrial to residential or mixed use, as required by Ministerial Direction 1. This ensured the land was to be made safe for future residents or other likely sensitive uses. With current planning policy encouraging more residential use in activity centres zoned for commercial use, there is a need for a more nuanced approach to assess the potential for land contamination on individual sites within these areas.

- The sites recommended for application of an EAO under Amendment C155 have recently or historically had exposure to uses that have a high or medium potential to cause land contamination, as specified in the state government’s “General Practice Note on Potentially Contaminated Land 2005.” The sites are generally located within Commercial 1 or Mixed Use zones within activity centres, however there are some sites already zoned residential that contain non-residential land uses that are also recommended for application of an EAO (refer Attachment 1 for the list of properties recommended to be covered by an EAO under Amendment C155).

- Land located in the Bayside Business District (BBD) zoned Commercial 2 have not been assessed for risk of potential land contamination as residential use is prohibited in the Commercial 2 Zone. Issues of contamination would be addressed by any future rezoning in this area or transition to a sensitive use. There are some sensitive land uses,
such as child care or education centres that are allowable on industrial land subject to a planning permit. Standard permit conditions and pre-application processes ensure sensitive land uses in the BBD are protected from potential land contamination through appropriate planning permit conditions.

Managing Council land

- In 2014 Golder and Associates also investigated the potential for contamination and health risks associated with the use of Council owned land in Bayside. They ranked Council owned or managed land by level of risk according to the potential health risk to the community based on likely community use of the land and the potential for land contamination associated with any previous land use.

- This information was transferred to Council’s Geographic Information System (GIS) and provides a significant resource in the management of Council land. The database has been reviewed and a number of improvements to it are being developed to ensure that the requirement for an audit for potentially contaminated land is efficiently identified. This tool will also inform Council’s decision making on the most appropriate use and management requirements.

- Council has an adopted policy requiring potential land contamination risks to be taken into account in managing Council’s land and a detailed risk assessment procedure. Council’s risk assessment procedure for potentially contaminated land provides extensive guidance for managing any potential risk of contamination on Council land including criteria and guidelines for seeking an environmental audit that duplicates the scope and intent of an EAO. Council’s adopted procedure for managing the risk of potentially contaminated Council land can be integrated with Council’s due diligence and site assessment processes and as such, no EAO is proposed to be applied to Council land.

Legislative Constraints

- Currently State planning legislation requires land covered by an EAO to be audited prior to commencement of the use or development for residential or another sensitive purpose. This allows developers/applicants to undertake the audit after a permit has been granted even if the land hasn’t been determined to be safe for the proposed use. Under planning legislation, Council’s planning officers have the discretion to require applicants to complete an environmental audit of the land prior to assessing a planning application.

Council endorsement of a requirement that land covered by an EAO be audited prior to commencement of detailed planning assessment of a proposal will ensure potential environmental hazards or risks are identified and considered before other aspects of the planning application are dealt with. A brochure has been prepared for inclusion on Council’s website to this effect. This approach is supported by the state government’s general practice note on Potentially Contaminated Land which states that an environmental audit should generally be provided as early as possible in the planning process. Planning permit conditions will continue to be used by Council’s Statutory Planning Department to ensure commercial land being redeveloped is appropriately managed so that it is suitable for its intended new use.

- With regard to monitoring and enforcement of audit requirements, the current Victoria Planning Provisions (VPPs) do not cover enforcement of audit conditions. Monitoring and other audit compliance requirements associated with redevelopment are often impractical for councils to enforce as the building regulation system is privatised and once the land is subdivided multiple new owners would share responsibility for such matters.
To address the issue of monitoring and enforcement of audit requirements, Council has developed a set of standard conditions for land covered by the EAO or identified as being potentially contaminated. The condition requires that prior to the commencement of construction or carrying out works pursuant to a permit;

a) A Certificate of Environmental Audit for the land is issued in accordance with Section 53Y of the Environmental Protection Act 1970 and provided to the Responsible Authority; or

b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

**Recommendation**

That Council:

1. Endorses the list of properties (in the form of Attachment 1) to be included in the proposed Environmental Audit Overlay as part of Amendment C155;

2. Requests authorisation from the Minister for Planning to prepare and exhibit Amendment C155 in accordance with the amendment documents (in the form of Attachment 2);

3. Authorises the Director City Planning and Community Services to make minor editorial changes to the amendment documents;

4. Endorses the standard position of requiring an audit to be completed and submitted before a permit is granted; and

5. Notes the other actions being undertaken to protect the community from exposure to the risk of potential land contamination in Bayside.

**Support Attachments**

1. Attachment 1 - List of Properties for Inclusion in the Environmental Audit Overlay (separately enclosed) ⇨

2. Attachment 2 - Amendment C155 Draft Documents (separately enclosed) ⇨
Considerations and implications of recommendation

Liveable community

Social

Amendment C155 and associated actions are designed to manage the use and development of land that has a potential risk of contamination so as to protect the health and safety of residents and the community.

Natural Environment

Amendment C155 will improve Bayside’s natural environment by requiring removal of environmental contaminants prior to redevelopment of land.

Built Environment

Amendment C155 will improve Bayside’s built environment by ensuring buildings are designed and constructed to minimise the risk of exposure to the effects of any identified land contaminants. The amendment will support redevelopment opportunities in activity centres by ensuring land redeveloped from commercial to include a residential component is constructed in a safe and sustainable manner.

Customer Service and Community Engagement

All owners and occupiers of land affected by the proposed application of the EAO will be notified as part of the amendment process, in accordance with the requirements of the Planning and Environment Act 1987. It should be noted that land covered by the EAO will only need to be audited if it is being redeveloped to a residential or other sensitive use. The audit will be requested as part of the planning process associated with land redevelopment.

During the amendment exhibition process affected land owners and occupiers will have the opportunity to review and discuss with a Council officer any issues of concern associated with the amendment and make a submission to the process.

An extended exhibition timeframe is proposed for this process to assist property owners and submitters in putting the relevant information together to inform their submission.

Human Rights

Amendment C155 will not breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The consultation process to be undertaken will comply with the prescribed process of the Planning and Environment Act 1987.

Legal

Owners and developers of land covered by an EAO will be legally required to obtain a certificate of environmental audit or a statement from an environmental auditor that the
environmental conditions of the land are suitable for a residential or community use, including a child care centre or an education centre.

The application of the EAO will facilitate enforcement processes that minimise risks to the public associated with potentially contaminated land.

Finance

Funding for implementation of Amendment C155 has been provided in Council’s 2017-2018 Budget. Any costs of an environmental audit required under an EAO will be borne by the land owner/developer.

Links to Council policy and strategy

Implementation of Amendment C155 will ensure redevelopment from a commercial use to residential use is undertaken in a safe and sustainable manner to meet the following objectives of the Council Plan 2013-2017:

- Strategy 2.1.4 Enhancing the public health and wellbeing of the Bayside community; and
- Strategic Objective 3.1 Protecting and enhancing amenity and liveability.

The Council Policy and Procedure, Contaminated and Potentially Contaminated Land, provides a framework and detailed guidance for management of Council land in a manner that will protect the community from the potential risks associated with land contamination.
10.3 AMENDMENT C152 - IMPLEMENTATION OF THE MARTIN STREET STRUCTURE PLAN

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/46549

Executive summary

Purpose and background
To present Council with the submissions received in response to Planning Scheme Amendment C152, which seeks to implement the Council adopted Martin Street Structure Plan (March 2016). The amendment proposes to introduce a General Residential Zone Schedule 9 (GRZ9) to replace the Neighbourhood Residential Zone Schedule 3 (NRZ3) that will apply to selected residential precincts within the Activity Centre and introduces a Design and Development Overlay Schedule 18 (DDO18) across the centre to guide future development.

Amendment C152 was publicly exhibited between 10 November 2016 and 16 January 2017. A summary of the exhibition process and consultation and engagement outcomes is provided in the Customer Service and Community Engagement section of this report. Throughout this period 27 submissions were received and were varied in nature. In summary:

- 13 submissions supported the amendment in full or in part; and
- 15 submissions opposed the amendment in full or in part.

Key issues

Summary of Amendment C152:
The Martin Street Structure Plan seeks to guide future development in the activity centre and outlines a range of Land Use, Built Form, Access and Movement and Landscaping objectives. The Amendment seeks to implement these directions through the use of a range of appropriate planning tools. A map of the precincts and their proposed height controls are included at Attachment 2.

State Government’s review of the Residential Zones:
On Saturday 11 March 2017, the State Government released reformed residential zones for Victoria. The reformed zones are due to come into effect at the end of March 2017. Specifically, there are a number of changes to the Neighbourhood Residential Zone and the General Residential Zone that will affect the Amendment and are likely to have implications on the residential zones selected under Amendment C152. Should Council be required to change the residential zones proposed under Amendment C152, these changes will not alter the intent of the Amendment, nor will it result in any changes that are inconsistent with the vision of the Martin Street Structure Plan. Any changes to the Amendment will be discussed as part of the Planning Panel process and will also be discussed at the Ordinary Council meeting that follows the Planning Panel hearing.

Outcomes of Public Exhibition:
The key issues and feedback raised in submissions relate to:

- Varied opinions on building heights and setbacks across the precincts, and their associated impacts on character. Some submissions sought greater height/reduced setbacks, other lesser heights/increased setbacks;
• A push to intensify land use east of the railway line due to the separation opportunities provided by the railway line, North Road and Brighton Road;

• Desire to amend the Structure Plan boundary to exclude land west of the railway line;

• Concerns about exacerbating the traffic and parking conditions for the centre;

• Impact of development on the heritage integrity of the area;

• Impact of development on the amenity of existing residential properties and concerns about potential overdevelopment of the centre; and

• Suggestions for other changes to the amendment documents, such as:
  a) Retain the Neighbourhood Residential Zone in the Activity Centre; and
  b) The design requirements for roof decks and balconies should be removed for properties in a Commercial Zone.

A response to the submissions received is included at Attachment 1.

Many of the issues raised are addressed within the Structure Plan and an approach has been established in the amendment documents. Due to the conflicting views raised by submitters, with some suggested changes diametrically opposed, no changes are proposed to be made to the amendment documents at this time. In these circumstances, Council has a number of options.

Pursuant to the Planning and Environment Act 1987, a planning authority must consider all submissions and must either:

  a) Change the amendment in the manner requested by submitters;
  b) Refer the submissions to an independent Planning Panel; or
  c) Abandon the amendment.

It is recommended that Council requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions. The Planning Panel will consider submissions, receive presentations from submitters and then provide recommendations to Council and the Minister for Planning on any changes to be made to the amendment to respond to submissions.

Changes recommended to the Amendment documents to address submissions will be presented, discussed and tested through the Panel process.

**Recommendation**

That Council:

1. Requests the Minister for Planning to appoint a Planning Panel to consider the submissions received for Amendment C152 in accordance with Section 23(1)(b) of the Planning and Environment Act 1987; and

2. Writes to all submitters and advises them accordingly.
Support Attachments

1. Response to Submissions_Attachment 1
2. Precinct Map_Attachment 2
Considerations and implications of recommendation

Liveable community

Social
Amendment C152 seeks to create a more vibrant Martin Street Activity Centre through introducing design requirements relating to built form, access and movement and landscaping. The Amendment seeks to provide a mixture of housing types to increase housing choice and diversity in an area that is well serviced by shops and transport.

Natural Environment
This amendment seeks to reduce car dependency and support public transport use by increasing the number and diversity of dwellings within the centre. This Amendment also seeks to improve the pedestrian realm through providing a safe pedestrian environment, particularly along the Martin Street commercial area.

Built Environment
The amendment will allow a moderate level of growth and development in the centre. The DDO18 provides guidance for future development in the area and outlines specific requirements for each precinct, including building height and building setbacks. The amendment will provide certainty and clarity on how the built form in the area is expected to change over the next 20-30 years.

Customer Service and Community Engagement
The exhibition of Amendment C152 followed the statutory process prescribed by the Planning and Environment Act 1987 and was publicly exhibited between 10 November 2016 and 16 January 2017. The exhibition included:

- Notice of the Preparation of an Amendment, which was published on the Bayside City Council website and in the Government Gazette on Thursday 10 November 2016;
- An advertisement in the Bayside Leader newspaper, which was published weekly from Tuesday 15 November 2016 until Tuesday 13 December 2016;
- A letter was sent to all owners and occupiers within the Martin Street Activity Centre notifying them of the exhibition and inviting them to comment;
- A pamphlet summarising the amendment was given to approximately 1000 occupiers of properties within walking distance of the activity centre; and
- A letter was also sent to the prescribed Ministers under the Planning and Environment Act 1987, the relevant referral authorities affected by the amendment, other State and Federal Ministers affected by the amendment and the City of Glen Eira notifying of the exhibition and inviting comment.

In total, 723 letters were sent and 70 emails to parties that had registered to be kept informed as part of the previous community consultation throughout the development of the draft Structure Plan.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and
Responsibilities Act 2006. The consultation process that has been undertaken complies with the provisions of Section 223 of the Local Government Act 1989 and the prescribed consultation process of the Planning and Environment Act 1987.

Legal
Pursuant to the Planning and Environment Act 1987 Council must consider all submissions made during the exhibition period. In considering submissions which request a change to the amendment, Council must either change the amendment in the manner requested; refer the submissions to a Panel; or abandon the amendment or part of the amendment. There are no legal implications from referring the submissions received to a Planning Panel and in the case of Amendment C152, Council is not in a position to change the Amendment in a way that will satisfy all submitters.

Finance
Resources to progress Amendment C152 have been allocated in Council’s 2016/2017 Budget.

Links to Council policy and strategy
Bayside City Council Plan 2013-2017
Amendment C152 – Implementation of the Martin Street Structure Plan is consistent with the following Council Plan strategies:

Strategy 1.1: Ensuring decisions are informed by community input and clearly communicated what we decided and why.

Strategy 3.1.1: Developing planning strategies and policies with our community that enhance Bayside’s Liveability along with its natural and built environment.

Strategy 3.1.2: Engaging with our community to ensure we develop appropriate planning controls for Bayside.

Amendment C152 will ensure that the Martin Street Activity Centre has a suitable planning framework in place to guide future development in the area.

Bayside Housing Strategy 2012
Amendment C152 is consistent with the Bayside Housing Strategy 2012 as it accords with the Strategy’s vision of directing medium density development within the Martin Street Activity Centre. The Housing Strategy recommended that a Structure Plan for the area be developed in order to facilitate growth and development in this area.

Integrated Transport Strategy 2013
Amendment C152 is consistent with the following principles outlined in the Integrated Transport Strategy 2013:

Principle 1: Improved local accessibility.

Principle 2: Create better public transport connections.

Principle 4: Integrated transport and land use

Amendment C152 will ensure that the Martin Street Activity Centre has a suitable planning framework in place that contributes towards the enhancement and promotion of sustainable transport in the area.
# Options considered

## Option 1

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Request that the Minister for Planning appoint an Independent Planning Panel to consider the submissions received for Amendment C152.</th>
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</table>
| **Benefits** | Will provide the opportunity for all submitters to have their issues and concerns considered by an independent body.  
Will allow the merits of the amendment to be considered and Council will have the benefit of understanding the recommendations of the Planning Panel. The Panel members will inquire into all aspects of the Amendment and submissions and will give expert advice to Council regarding the Amendment.  
After the Planning Panel hearing, a Panel report will be forwarded to Council and the Minister for Planning (usually at least 20 days after the hearing) and will be released to the public after 28 days of Council receiving the report. The Panel report will provide recommendations on how Council should proceed with the Amendment and might suggest changes to the Amendment documents. The Panel's report is not binding on the Council. However, Council must consider the recommendations of the report before any decision on how to proceed with the Amendment is made. |
| **Issues**   | None.  
The cost associated with the Planning Panel hearing has already been accounted for in the 2016/2017 budget and officer time has also been considered in the Urban Strategy Department work plan. |

## Option 2

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<tr>
<th><strong>Summary</strong></th>
<th>Seek to negotiate with submitters to achieve an outcome that is mutually acceptable.</th>
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<tr>
<td><strong>Benefits</strong></td>
<td>Will provide an additional opportunity to negotiate changes with submitters and may reduce the number of submissions.</td>
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| **Issues**   | Due to the range of issues and conflicting changes suggested in the submissions, a mutually acceptable outcome is unlikely to be achieved in all cases. It is likely that a Planning Panel would still be required.  
Extensive community consultation has already occurred as part of the development of the Structure Plan, which informed the final version of the Martin Street Structure Plan that was adopted by Council in March 2016. This option would be a repetition of this process.  
This would delay the amendment and would possible require Council having to go through the exhibition process again after making any relevant changes. |
### Option 3

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<tr>
<th>Summary</th>
<th>Abandon Amendment C152.</th>
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<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
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<td>Issues</td>
<td>Council would not be able to manage the growth and improvement in the Centre as there is limited guidance in the Bayside Planning Scheme for the activity centre. Abandoning C152 would result in Council planners relying on outdated policy to guide decision making, which is likely to lead to poor outcomes.</td>
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<td>No.</td>
<td>Comments/Summary</td>
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<td>1</td>
<td>Objects to the 5 storey height for the Bridge Club. The main concerns raised were in relation to the impacts on solar and daylight access to existing windows on their property, overlooking, visual bulk, internal amenity impacts of existing properties, property devaluation, increased noise, and lack of car parking.</td>
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<td>2</td>
<td>Supportive of the amendment and congratulated Council on working to get a good outcome for the Martin Street Structure Plan.</td>
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<td>No.</td>
<td>Comments/Summary</td>
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<td>3</td>
<td>Does not support the Amendment. In particular, the following concerns were raised:</td>
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<td>1. The increasing number of apartments and new developments is impacting on the heritage quality of the area.</td>
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<td>2. The increased traffic congestion and a lack of carparking in the area.</td>
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<td>3. The impact of building height along Asling Street on views from existing balconies and access to natural light.</td>
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<td>4. Impact on health and property value.</td>
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<th>No.</th>
<th>Comments/Summary</th>
<th>Response to Submission</th>
<th>Proposed Direction</th>
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<td></td>
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<td>and daylight access to adjoining properties. New development in this location would need to be designed in accordance with Clause 55, which requires consideration of the impacts of new development on daylight and solar access to existing dwellings.</td>
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<td>Whilst matters surrounding visual bulk and associated amenity impacts are considered within the planning process, the right to a view is not something that is considered when assessing an application against the Bayside Planning Scheme.</td>
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<td>4</td>
<td>Objects to the amendment for the following reasons:</td>
<td>1. The proposed built form controls require consideration of the impact of new development on the heritage character of the area. The heritage overlay along Martin Street will not be removed as part of this Amendment. Therefore, any new development on properties within this overlay would need to be designed in a way that does not detract from the heritage significance of the area.</td>
<td>No changes proposed.</td>
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<tr>
<td></td>
<td>1. Impact of development on the heritage character of Hamilton Street and Martin Street heritage precincts</td>
<td>2. Concern with the replacement of Neighbourhood Residential Zone with General Residential Zone in the area and the impact of overdevelopment, increased density and congestion in the area.</td>
<td>Refer submission to Planning Panel.</td>
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<td></td>
<td>2. Concern with the replacement of Neighbourhood Residential Zone with General Residential Zone in the area and the impact of overdevelopment, increased density and congestion in the area.</td>
<td>3. This level of development should be located in other areas where there is access to public transport and no Heritage Overlay.</td>
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<td>3. This level of development should be located in other areas where there is access to public transport and no Heritage Overlay.</td>
<td>4. The impact of planning scheme changes on property values are not a relevant consideration when preparing Amendments. In addition, it is not considered that higher density living will have any direct negative impacts on health and wellbeing if designed in accordance with the planning controls.</td>
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<td>5</td>
<td>Objects to the amendment:</td>
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<td></td>
<td>1. Concerned with the designation of a residential zone on a property that currently has a non-residential (medical) use.</td>
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<td>No changes proposed.</td>
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<td>2. Mandatory setback of 6m in Precinct D (facing North Road) is inappropriate and lacks strategic justification, particularly for the corner of Nepean Highway and North Road. No need for a landscaped front setback in this location due to the site’s interface.</td>
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<td>Refer submission to Planning Panel.</td>
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<td>3. The setback to the south and east would mean the corner site would be undevelopable.</td>
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<td>1. The subject site is currently zoned NRZ3 and is proposed to change to GRZ9. Given that both of these are residential zones, this change will not alter the desired use for the subject site. Under both zones, discretionary uses in residential zones area allowed, subject to obtaining planning approval. The Amendment will not change this requirement, and the use of a medical centre could still occur under the proposed rezoning. Any previous planning permits obtained for the proposed medical use that have been lawfully acted upon will not be affected by this amendment.</td>
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<td>2. The NRZ3 that currently affects the land requires front setbacks to be designed in accordance with ResCode. Under ResCode, this setback would be approximately 8m for the subject site, which is greater than the 6m as required under this Amendment. The proposed 6m setback would allow for greater development opportunities, whilst still allowing for some vegetation to be planted in the front yard. Although the site is question is located on the corner of two main roads, the site still contributes to the character of the area.</td>
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| 6   | Generally supportive of the amendment, subject to the following changes and recommendations:  
1. The intent of the Amendment is consistent with State Planning Policy and Bayside’s Local Planning Policy Framework, but it doesn’t go far enough to allow the required intensification and redevelopment of the Activity Centres. More redevelopment opportunities should be provided in this Activity Centre, particularly because there are limited growth opportunities Neighbourhood Residential areas within Bayside City Council.  
2. The 3 storey height in the Commercial 1 Zone does not take into account future site consolidation opportunities, the strategic context of the site, nor will it provide for a suitable | and should be subject to the same landscaping requirements as other properties along North Road.  
3. The setbacks outlined in the DDO18 map specifically refer to front setback requirements. The side setbacks on a new development would still need to comply with the requirements of ResCode, which vary depending on building height and are discretionary requirements. These side setbacks are substantially less than 6 metres. In addition, the 6 metre front setback is less than what would currently be required by ResCode. In conjunction with the introduction of the GRZ would result in an increase of dwelling yield to be developed on the site. This would optimise development opportunities on the subject site and in this area of the Martin Street Activity Centre. | Consider strengthening the ‘outcomes’ sought applications which seek a variation to the discretionary requirements of DDO18. Amend the DDO18 map to be more consistent with Council’s other DDO schedules. Refer submission to Planning Panel. |

1. **The Bayside Housing Strategy** 2012 Martin Street has identified Martin Street as being a Neighbourhood Activity Centre, which means that there is an expectation that there will be a moderate level of growth in Martin Street over the next 20-30 years. The approach Council has taken to Amendment C152 is consistent with State and Local Planning Policies as it provides a balance between the need to protect the heritage character of the area, with the need to allow moderate growth to occur in the centre. There are limitations associated with the presence of the Heritage Overlay on Martin Street as well as the small scale and length of the commercial strip. Given these limitations, it is not considered to be appropriate to increase the preferred heights to allow for greater growth than what can realistically be accommodated in the centre.  
2. A building height of 3 storeys is considered to be appropriate for Precinct. This is because of the limitations associated with this precinct being affected by a Heritage Overlay, having direct abuttal to a residential area and being characterised by its narrow lot sizes and fine-grain built form. Therefore, a building height of 3 storeys in this location is considered to be appropriate. However, this height requirement is a discretionary requirement in Precinct. Therefore, a planning permit may be granted to vary this |
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<td>transition in development scale to the immediately adjoining residential land. Recommended that the preferred height be changed to 4 storeys.</td>
<td>requirement. Sub-Clause 2 of the proposed DDO18 provides guidance on what would need to be provided to justify a variation to the height requirements. The site in question is located in a commercial zone and abuts a Neighbourhood Residential Zone, which is protected by a Heritage Overlay. As shown in Map 1 of the DDO, any development that adjoins a residential area outside the Martin Street Activity Centre would need to be provided with side and rear setbacks that are in accordance with Clause 55. This is required in order to ensure that any new development has limited impact on the amenity and heritage value of the adjoining residential areas. This in itself would provide an acceptable built form transition from the Commercial 1 Zone to the Neighbourhood Residential Zone.</td>
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<td>Specifically, to the site in question, the absence of a heritage control on this corner site in Martin Street provides scope for a 4-5 storey re-development on this site in line with what has previously been approved and built in Martin Street. Properties within the HO (if consolidated) could also accommodate higher built form. The heritage upper level setback on the site should be removed as the site is not within the Heritage Overlay.</td>
<td>3. Although the site in question is not covered by a Heritage Overlay, it immediately adjoins two separate Heritage Overlays to the north and east. As required by the objectives of Clause 21.06-1.2 of the Bayside Planning Scheme as well as the proposed DDO18, it is a requirement that built form conserves and enhances urban character and heritage places. This objective does not specifically apply to buildings in a Heritage Overlay, but also applies to buildings within close proximity to heritage areas. Therefore, in order to protect the heritage character this section of Martin Street, providing the same height and upper level setback requirements is considered to be necessary in order to protect the heritage character of this section of Martin Street. The developments approved on the opposite side of Martin Street were approved by VCAT and were not supported by Council. Furthermore, these sites only have a rear interface with the Heritage and do not have the same limitations regarding the immediate link to the Martin Street Heritage Overlay as the site in question has.</td>
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<td>Colour coding is different between the Martin Street Structure Plan and the DDO18 map.</td>
<td>4. The Department of Environment, Land, Water and Planning requested that Council amend the DDO map to make it more user friendly, particularly in terms of the colour palette and the separation of the commercial and residential precincts. The DDO18 will be the planning tool used to guide</td>
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<td>The ‘outcomes’ listed at 5 of 6 of the schedule do not provide adequate clarity or direction with respect to amenity outcomes in the event of proposals to vary the schedule’s requirements.</td>
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<td>development, with the Structure Plan being included as a reference document. Given that the DDO18 will be the primary assessment tool, there is no need for it to be amended to match the different maps as shown in the Structure Plan.</td>
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<td>5. A similar format of ‘variations to the requirements of this schedule’ has been adopted in the majority of Council’s DDOs. Therefore, Council seeks to maintain consistency between its DDOs and has applied similar variation requirements to DDO18. Council will consider the need to strengthen the criteria that would allow a variation to the requirements of the DDO to be granted through the Panel process.</td>
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| 7   | Supports the amendment | Support for the Amendment has been noted. | No changes proposed.  
Refer submission to Planning Panel. |
| 8   | Objects to the Amendment for the following reasons:  
1. Melbourne should be declared closed and growth should be in regional towns. Growth in Melbourne is impacting traffic, parking and public transport.  
2. Amendment should be abandoned. | 1. Melbourne’s population is continually growing. All Metropolitan Councils as well as regional towns need to continue to develop in order to cater for the growing population. This Amendment seeks to allow moderate growth in whilst ensuring that the existing heritage character and ‘village feel’ of Martin Street is maintained.  
2. Council will consider all submissions and will determine how to proceed with the Amendment at the relevant Ordinary Council Meeting. | No changes proposed.  
Refer submission to Planning Panel. |
| 9   | Objects to the Amendment for the following reasons:  
1. Traffic and parking in Martin Street is already a problem and will become worse as a result of the expected level of increased development and population growth. Specific concerns were raised | 1. Developments are required to provide car parking in accordance with Clause 52.06 of the Bayside Planning Scheme. Whilst a planning permit can be sought to reduce the car parking requirement for a development, any such application would have to justify why a reduction of the required car parking rate is acceptable. | No changes proposed.  
Refer submission to Planning Panel. |
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| 10  | Generally supportive of the amendment, subject to the following changes and recommendations:  
1. Building height proposed in Spink Street is too restrictive and the inclusion of part of Spink Street in Precinct C (3 storeys) is inappropriate. Should be in Precinct A (5 storeys).  
2. The 3 metre setback at third floor is unreasonable.  
3. The requirements for a roof deck are too restrictive and should be deleted. |
|     | The Martin Street Structure Plan seeks to make some improvements to the surrounding road network, including;  
• Improving access to and from Nepean Highway  
• Refurbish laneways to provide access to residential properties and reduce congestion on surrounding streets  
• Ensure an appropriate level of car parking is provided without compromising the streetscape.  
Actions to deliver this will commence once the Martin Street Structure Plan is included in the Bayside Planning Scheme. Traffic congestion and car parking in the area will be monitored as development occurs and Council will determine if any improvements to the area need to be made.  
2. The proposed widening of the laneways behind Rose Street / Spink Street are not intended to create an alternative route for vehicular traffic. The widening works seeks to ensure that new development provides better vehicle access to properties that abut the laneway and a better sense of identity and street address to any new development that fronts onto these laneways. |
|     | 1. Council obtained Urban Design advice on what the heights should be throughout the Martin Street Activity Centre. Spink Street / the area opposite the railway was identified as being appropriate for 3 storey developments. Feedback from the community was also in support of a 3 storey height in this location. The 3 storeys (11 metres) height requirement of Precinct 3 is a discretionary requirement. A planning permit can be sought to vary the height requirement. Should there be sufficient justification for a variation, there is a possibility that a height greater than 3 storeys could be allowed on the site.  
2. The 3 metre setback at third floor is not considered to be unreasonable. An upper level setback has been imposed on all commercial properties within the Activity Centre with the aim of maintaining a ‘human scale’ within the Centre as well as reducing the visual bulk of a development and any potential overshadowing impacts on the public realm. |
|     | No changes proposed.  
Refer submission to Planning Panel. |
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<td>11</td>
<td>Objects to the amendment for the following reasons: 1. The NRZ within the Martin Street Activity Centre boundaries should be retained and not replaced with a GRZ. Precinct D and E should be retained as NRZ 2. Precinct B (4 storeys) should be changed to Precinct D (3 storeys) 3. Allow growth, but retain the heritage character and the neighbourhood feel of the area rather than allowing more commercial developments.</td>
<td>1. Given that The Martin Street Activity Centre has been identified as an area where moderate growth should occur, retaining the Neighbourhood Residential Zone (NRZ) in the centre would restrict development in the area, would be inconsistent with the State and Local planning policies and would directly conflict with the vision of the Activity Centre. The NRZ is an area where development is limited to two dwellings on a lot. Given that this is an area designated for moderate future growth, the retention of the NRZ in this location would not be appropriate. 2. The sites located within Precinct B have already been developed as 4-5 storey mixed used developments. It is unlikely that these sites will be redeveloped in the near future. Regardless, there is not strategic justification to warrant a reduction to height in Precinct B from 4 storeys to 3 storeys. 3. The vision of the Martin Street Structure Plan is to create “A friendly hub for shopping, transport and a range of household choices that respond to Martin Street’s neighbourhood scale and enhance its village atmosphere and heritage charm.” Council has balanced the need to retain the heritage value of Martin Street with the need to allow for moderate growth and development to occur in the centre. This has been reflected in the designation of building heights and setback requirements in each precinct.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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<td>12</td>
<td>EPA Submission: No objections to the amendment, but new development should comply with the relevant noise emission requirements</td>
<td>Support for the amendment has been noted. Any applications that are required to be referred to the EPA will include any conditions that are recommended to be placed on any planning permit that is issued. These include conditions that require compliance with SEPP No. N-1 and SEPP No. N-2, as required by the EPA.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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<td>13</td>
<td>Objects to the amendment for the following reasons: 1. Concerned about overlooking and overshadowing impacts of 3 storey development in Martin Street on their property and the impact it will have on their existing landscaping. 2. Loss of village atmosphere in Martin Street due to development. 3. Impact on parking in the area. 4. Development should be restricted to areas closer to Nepean Highway rather than the Thomson St end of the Activity Centre. 5. An underground car parking for commuters and commercial users should be provided in the area. 6. Devaluation of property. 7. Poorly designed developments occurring in the area.</td>
<td>1. A requirement has been included in the DDO18, which requires development to consider the amenity impacts on adjoining properties. This has specific regard to commercial properties, which adjoin residential areas to meet the objectives and standards of ResCode. This includes consideration of overshadowing and overlooking impacts. Any proposed development will need to consider amenity impacts on adjoining properties. 2. The vision of the Martin Street Structure Plan is to create “A friendly hub for shopping, transport and a range of household choices that respond to Martin Street’s neighbourhood scale and enhance its village atmosphere and heritage charm.” Council has balanced the need to retain the heritage value of Martin Street with the need to allow for moderate growth and development to occur in the centre. This has been reflected in the designation of building heights and setback requirements in each precinct. 3. Developments are required to provide car parking in accordance with Clause 52.06 of the Bayside Planning Scheme. Whilst a planning permit can be sought to reduce the car parking requirement for a development, any such application would have to provide the relevant justification. 4. The Martin Street Activity Centre boundaries were developed in accordance with Practice Note 58. The area within the Activity Centre boundaries includes the commercial area as well as residential land within 400m of the Gardenvale Railway Station that is unimpeded by constraints, such a Heritage Overlay. All of the land within the Martin Street Activity Centre is strategically located to accommodate for a certain level of growth. The area to the east of the railway has been allocated with greater heights, whereas the area to the west of the railway tapers down to provide a transition to the residential hinterland that surrounds Martin Street. The heights allocated in each precinct are considered to be acceptable,</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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<td>14</td>
<td>Generally supportive of the amendment, subject to the following changes and recommendations: 1. Densities proposed are inconsistent with State and Local Planning Policy</td>
<td>particularly given that the Martin Street Activity Centre has been earmarked as being an area that can accommodate moderate growth. 5. The vision of the Martin Street Structure Plan does not include the provision of an underground carpark for commuters and commercial users. Council will monitor car parking and traffic in the area and should any issues be identified in the future, Council will work with Government bodies, such as PTV and VicTrack, to advocate for additional car parking to be provided for commuters. 6. The impact of planning scheme changes on property values are not a relevant consideration when preparing Amendments. 7. The purpose of the DDO18 is to ensure that new development is consistent with the vision of the Martin Street Structure Plan and respects the heritage significance and character of the area. The DDO has a number of guidelines and requirements that seek to encourage high quality apartment development including the provision of upper floor setbacks, consideration of amenity impacts of adjoining properties, activation at ground floor in commercial and ground floor setbacks with landscaping in residential areas. In addition, the State Government is introducing ‘Better Apartment Design Guidelines’, to be introduced in March 2017. Once implemented, these guidelines will be used to guide apartment development of 5 or more storeys. Any development that is 4 storeys or less will need to be assessed against ResCode (Clause 55). These assessment tools assist are used to provide quality apartment and multi-dwelling development outcomes.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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<td>Framework for Activity Centres and the heights are too modest.</td>
<td>2. The proposed 4 storey height in Precinct B does not accurately reflect the 5 storey buildings that have been developed. Given that most of Bayside City Council is zoned NRZ or contains a Heritage Overlay, an increased level of development should be provided in activity centres to accommodate additional growth and housing diversity. In particular, the areas nominated as being ‘key development sites’ should have a greater preferred height. This demonstrates that the heights are significantly lower than the activity centre can accommodate. Properties without the Heritage Overlay should be afforded a greater preferred heights to compensate for the limitations imposed on heritage sites.</td>
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<td>3. The commercial area is constrained by the existing Heritage Overlay. The presence of this overlay will limit the potential for affected sites to reach the allocated height and will place limitations on achieving higher densities in Martin Street. The transition of scale has not been achieved in the Activity Centre, particularly in the area to the east of the railway line. The heights in the commercial area should be greater than the residential area so that balance between the restrictions associated with the need to protect the heritage character of the area, whilst allowing moderate growth in this Neighbourhood Activity Centre. The Martin Street Activity Centre is subject to a number of limitations. These include the presence of Heritage Overlays in centre, the direct abuttal to sensitive residential area and the presence of the narrow lot sizes and fine-grain built form in the commercial area. Given these limitations, the proposed building heights are considered to be appropriate.</td>
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<td>4. It is unlikely that the sites in Precinct B will be redeveloped in the next 20-30 years as these sites have only recently been developed as 4-5 storey mixed use developments. Therefore, it is considered that there are no particular benefits for Council to change these height requirements to reflect what has been built. Furthermore, the 4 storey height in Precinct B is discretionary, which means that a planning permit could be sought to vary the 4 storey preferred maximum height, if the relevant requirements are met.</td>
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<td>5. Bayside City Council understands that a large portion of the municipality is zoned NRZ. This is why greater heights have been allowed in all Activity Centres within Bayside. When considering what appropriate heights are for an Activity Centre, Council must consider the capacity for an area to accommodate future growth and development, as well as the opportunities and constraints of each centre. Martin Street has the strategic support of being close to a train station and a range of shops, services and facilities. Although this implies that Martin Street Activity Centre can accommodate a high level of growth and development, it is also restricted by the small scale and length of the commercial area, its location within a Heritage Overlay and its abuttal to the residential hinterland. Based on the above reasons, Martin Street Activity Centre has been classified as a Neighbourhood Activity Centre, which is where a moderate level of growth and development is expected to occur. The proposed heights have been developed with this in mind.</td>
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<td>this transition in scale is achieved. The preferred height of the commercial land in this area (particularly along Spink Street) should be 4 storeys. In addition, the street wall heights should be 4 storeys with a 3m setback above the 4th storey. 6. Opportunities for sites with laneway access has not been realised. The intention to upgrade key laneways to accommodate more traffic does not align with the densities proposed under the Structure Plan. The presence of laneways adjacent to a property must be given weight when determining preferred building heights.</td>
<td>4. The restrictions associated with this Heritage Overlay has guided Council's consideration of heights along the affected parts of the commercial area of Martin Street. It is not considered that the existence of the Heritage Overlay in addition to the building height and upper floor setback requirements of heritage areas, will limit the development opportunities of these properties. Furthermore, the 3 storeys (11 metres) height requirement of Precinct C is a discretionary requirement and a planning permit can be sought to vary the height requirement. Should there be sufficient justification for a variation, there is a possibility that a building with a height greater than 3 storeys could possibly be developed on the site. 5. Precinct D (in the south west part of the Activity Centre) benefits from having no immediate abutal to the residential hinterland as it is separated by the railway, North Road and the Nepean Highway. Therefore, it is considered acceptable to have a 3 storey height in this area. Whilst a transition in building height has not been provided in this area, other measures have been included that would achieve this transition. This includes the requirement to provide a front setback of 3-6 metres in this area, so that landscaping can be provided within the front yards and the visual impact of development is reduced within the streetscape. In addition, the 3 storey height in Precinct D is a mandatory requirement and, unlike Precinct C, which is a preferred requirement, a planning permit cannot be sought to vary this. Whilst there may be some developments that exceed the 3 storey height limit in Precinct C, this would not occur in Precinct D. 6. DD018 seeks to increase the width of key laneways within the Martin Street Activity Centre, in order to ensure that new development provides better vehicle access to properties that abut the laneway. This will allow for these properties to cater for the expected level of growth in the area. The widening of these laneways is not expected to impact upon the ability for properties to reach their development potential, particularly in terms of height. Whilst the presence of a laneway adjacent to a property will act as a</td>
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| 15  | Generally supportive of the amendment, subject to the following change:  
1. Precinct C on the north side of Martin Street should have a height of 5 storeys. 3 storey development in this location is unfeasible and does not allow for sufficient growth and employment creation within the Activity Centre. | 1. The approach Council has taken to Amendment C152 is consistent with State and Local Planning Policies as it provides a balance between the need to protect the heritage character of the area, with the need to allow moderate growth to occur in the centre. Given the limitations associated with the size of the Martin Street commercial area and to the existing Heritage Overlay, it is not considered that an increase in heights in the area could realistically be accommodated in the centre without having significant negative impacts on the heritage integrity of the area. It is considered that the proposed level of growth will allow for the moderate increase in employment and residential growth that is sought for the Martin Street Activity Centre. Furthermore, the proposed 3 storey (11 metre) height in Precinct C is a preferred height requirement and a planning permit may be sought to vary this. Sub-Clause 2 of the proposed DDO18 provides guidance on what would need to be provided to justify a variation to the height requirements. | No changes proposed.  
Refer submission to Planning Panel. |
| 16  | Objects to the Amendment.  
1. Current traffic and parking conditions are already a problem and would only get worse.  
2. Precinct C and D will detrimentally affect Martin Street and surrounding streets. Concerns were raised by the submitter about privacy and enjoyment of living in their homes due to height of proposed developments in the area. | 1. Developments are required to provide car parking in accordance with Clause 52.06 of the Bayside Planning Scheme. Whilst a planning permit can be sought to reduce the car parking requirement for a development, any such application would have to justify why a reduction of the required car parking rate is acceptable.  
The Martin Street Structure Plan seeks to make some improvements to the surrounding road network. Traffic congestion and car parking in the area will be monitored as development occurs and Council will determine if any improvements to the area need to be made.  
2. As shown in Map 1 of the DDO, any development that abuts a residential area outside the Martin Street Activity Centre would need to be | No changes proposed.  
Refer submission to Planning Panel. |
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<td>3.</td>
<td>Recent developments have negatively impacted the character of Martin Street and more buildings with similar heights will ruin Martin Street.</td>
<td>provided with side and rear setbacks that are in accordance with the requirements of Clause 55. This is required in order to ensure that any new development has limited impact on the amenity and heritage value of the adjoining residential areas. This requirement would ensure that any overlooking and privacy impacts on adjoining residential areas that adjoin the Activity centres are considered as part of any planning permit application.</td>
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<td>17</td>
<td>The submitter objects to the Amendment, with a specific focus on the submitters site, for the following reasons:</td>
<td>Council has noted the submitter’s objection to the Amendment.</td>
<td>Update the map to show the site as a commercial area with a 2 storey preferred height.</td>
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<td>1. The modest heights outlined in Amendment C152 will impact on the development opportunities of the site.</td>
<td>1. The approach Council has taken to Amendment C152 is consistent with State and Local Planning Policies as it provides a balance between protecting the heritage character of the area, whilst allowing moderate growth to occur. Given the limitations associated with the size of the Martin Street commercial area and the existing Heritage Overlay, it is not considered that an increase in heights in the area could realistically be accommodated in the centre without detrimentally affecting the heritage integrity of the area and causing amenity impacts on adjoining properties and the public realm.</td>
<td>Refer submission to Planning Panel.</td>
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<td>2. The site is included in residential Precinct E, but is in a Commercial 1 Zone. Applying the same height to this commercial zone within an Activity Centre as is allowed in the NRZ is not considered to be appropriate.</td>
<td>2. Council acknowledges that the site is in a Commercial 1 Zone and that an error was made when the DDO map was changed at the request of DELWP and the map incorrectly shows the site as being a residential. Council agrees that this error should be corrected to show the site being in a commercial area. In terms of the height, Council does not agree that the height on this site should be changed to 3 storeys. This is due to the sites location in a Heritage Overlay and its direct abuttal to the NRZ3.</td>
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<td>3. The Heritage Overlay should not restrict height on this land. Heritage advice was obtained, which concluded that the proposed height and value placed on the</td>
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**Item 10.3 – Reports by the Organisation**
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<td>heritage value of the existing dwelling is misplaced. Overall, the following comments were made:</td>
<td>3. The subject site is contributory within the Heritage Overlay (Schedule 663) and it is unlikely that the complete demolition of this building would be supported. However, matters regarding the demolition of the subject site would be considered as part of any planning permit application. Council agrees that the mapping should be changed to reflect the commercial zoning of the site. This would result in the site being designated with a 2 storey preferred height, which means that a planning permit could be sought to exceed this height requirement. The merits of a 3 storey development on this site would be considered as part of any planning permit application. However, Council disagrees that the need to conserve this building is outweighed by the strategic objective to maximise the development potential of the site. Although the site is located within the Activity Centre boundaries, any development must consider the restrictions of the site being part of the Heritage Overlay as well as the sensitive interface the site has with the adjoining NRZ.</td>
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<td>• The site is of limited or no significance having regard to the statement of significance.</td>
<td>4. Council does not agree that the height should be changed to 3 storeys. This is due to the context of the site and its direct abuttal to the NRZ3. However, given that the site is in a Commercial 1 Zone, the changes to the mapping will result in the site changing to from a mandatory height to a preferred height. Therefore, a planning permit could be sought to exceed the proposed height requirements.</td>
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<td>• The site is on the edge of the precinct and if removed would not detract from the visual cohesion of the streetscape,</td>
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<td>• The need to conserve the building is outweighed by the strategic objective to maximise the development potential of the site.</td>
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<td>• Total demolition on this site could be entertained and so could 3 storeys on this site.</td>
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<td>1. Objects to Amendment C152 due to the overdevelopment of the area.</td>
<td>1. The objection to Amendment C152 has been noted. The Martin Street Activity Centre is a location where growth and development is expected to occur. Given that the majority of the Martin Street commercial area is 1-2 storeys in height, it is not considered that the area has been overdeveloped. Given the strategic location of the Martin Street Activity Centre near public transport and shops, a moderate increase in growth and development is encouraged.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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<td>2. The term ‘moderate growth’ used in the brochure is grossly incorrect, particularly with the recent residential and commercial developments near the corner of Martin and Asling Streets.</td>
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No. | Comments/Summary                                                                                                                                                                                                 | Response to Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed Direction |
---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
3. | Disagree that the scale of development proposed (and recently built) contributes to outcome that seeks to maintain “the village atmosphere of Martin Street with its Heritage charm...”                                                                                                                                            | 2. The recently built developments did not gain Council support, but were approved by VCAT. These developments do not reflect the ‘moderate growth’ that Council seeks to achieve through the implementation Amendment C152. The proposed heights and setback requirements of DDO18 are considered to be consistent with what Council considers to be a moderate level of growth.                                                                                                                                         |                    |
4. | Traffic and parking are already a big issue, particularly around school times.                                                                                                                                                                                                 | 3. The aim of DDO18 is to allow development to occur within the Martin Street Activity Centre whilst ensuring that the heritage value and character of the area is considered as part of any design. Height and setback requirements have been imposed in order to ensure future development is sympathetic to the character of Martin Street.                                                                                                               |                    |
5. | Overshadowing along Martin Street is already a problem and would get worse.                                                                                                                                                                                                  | 4. Developments are required to provide car parking in accordance with Clause 52.06 of the Bayside Planning Scheme, which includes the provision of visitor car spaces for certain land uses. Whilst a planning permit can be sought to reduce the car parking requirement for a development, any such application would have to provide suitable justification.                                                                                 |                    |
6. | Height should be limited to 2 storeys, not 3.                                                                                                                                                                                                                               | 5. Council has imposed upper level setbacks along Martin Street, which seek to reduce the impact of overshadowing on the public realm. Given that there is an expectation for higher density development to be provided in this area than what is currently seen, there is a likelihood that this will have some impacts on the overshadowing along Martin Street. This is not expected to be unreasonable.                                                                 |                    |
7. |                                                                                                                                                                                                                                                                            | 6. The *Bayside Housing Strategy* 2012 has identified Martin Street as being a Neighbourhood Activity Centre, which means that there is an expectation...                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |
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| 19  | Does not support the Amendment for the following reasons:  
1. Building height should be reduced. In addition, no more dwellings should be provided in the area as car parking in the area is already a significant problem.  
2. Table seating and serving of customers in Martin St cafés creates a great problem for pedestrians and can cause conflict with vehicles. | that there will be a moderate level of growth in Martin Street over the next 20-30 years. The proposed heights reflect this expectation and are not considered to be unreasonable. A height of 2 storeys in the commercial area of the Activity Centre are not considered to be sufficient enough to allow for the required level of growth in Martin Street. It is considered that a 2 storey height in this location would be contrary to the strategic direction of State and Local policies and could not be justified in a Neighbourhood Activity Centre.  
1. The *Bayside Housing Strategy* 2012 has identified Martin Street as being a Neighbourhood Activity Centre, which means that there is an expectation that there will be a moderate level of growth in Martin Street over the next 20-30 years. The proposed heights reflect this expectation and are not considered to be unreasonable. This is largely because upper level setbacks will need to be provided, which will minimise the visual impact of development within the streetscape. Furthermore, any development would need to be considered against the relevant zone, the DDO18 and Clause 55 or the ‘Guidelines for Higher Density Residential Development’. These requirements seek to ensure an appropriate design response is provided within the Activity Centre.  
Further to this, Developments are required to provide car parking in accordance with Clause 52.06 of the Bayside Planning Scheme. Whilst a planning permit can be sought to reduce the car parking requirement for a development, any such application would have to justify why a reduction of the required car parking rate is acceptable.  
2. Matters relating to footpath trade are not related to this Planning Scheme Amendment. The relevant department will be notified of the issue and will investigate whether footpath trading permits are being complied with, or if action needs to be taken. | No changes proposed.  
Contact local laws and notify them of issues relating to footpath trading in Martin Street and the associated impacts on pedestrian movement.  
Refer submission to Planning Panel. |
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<tr>
<td>20</td>
<td>Generally supportive of the amendment, subject to the following changes and recommendations:</td>
<td>1. The proposed 3 storey (11 metre) height in Precinct C is a preferred height requirement and a planning permit may be sought to vary this. Sub-Clause 2 of the proposed DD018 provides guidance on what would need to be provided to justify a variation to the height requirements. The site in question is located in a commercial zone and is protected by a Heritage Overlay. The 5 metre upper level setback is required in order to ensure development can be achieved whilst retaining the heritage value of Martin Street.</td>
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<tr>
<td></td>
<td>1. The 3 storey (11 metres) height and 5 metre upper level setback of heritage buildings in Precinct C (on the north side of Martin Street in particular) is too restrictive.</td>
<td>2. Precinct C should have the same height controls as the 4-5 storey approved / recently constructed developments in Martin Street. This is because it would not overshadow adjoining residential properties, will be tempered by the heritage overlay, is separated from the residential area by a ROW and adjoin Hamilton Street, which would provide the desired transition to the residential area.</td>
<td></td>
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<tr>
<td></td>
<td>2. Precinct C should have the same height controls as the 4-5 storey approved / recently constructed developments in Martin Street. This is because it would not overshadow adjoining residential properties, will be tempered by the heritage overlay, is separated from the residential area by a ROW and adjoin Hamilton Street, which would provide the desired transition to the residential area.</td>
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<td>3. There is currently a planning permit application with Council for consideration (Application number: 5/2016/144). The proposed development does not reflect the outcomes sought by the amendment and if approved would be inconsistent with the future outcomes sought for the area.</td>
<td>3. A decision has not yet been made on the planning permit application (5/2016/144). Given that Amendment C152 is only in the early stages of the Planning Scheme Amendment process, the application will be assessed against the current planning scheme requirements. However, the Martin Street Structure Plan has been adopted by Council, therefore, some weight will need to be given to the vision, objectives and strategies outlined within the Structure Plan.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
</tr>
<tr>
<td>21</td>
<td>Department of Economic Development, Jobs, Transport and Resources submission (DEDJTR):</td>
<td>The support for the amendment has been noted. Should any development occur in the area, measures would be taken (through both the planning and building processes) to ensure minimal disturbance to the road network and pedestrian realm.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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</table>
### Item 10.3 – Reports by the Organisation

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<th>Response to Submission</th>
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<td></td>
<td>Supportive of the Amendment but would request that any future development or upgrades to the public realm minimises disruptions to Martin Street and bus route 630 and that opportunities for pedestrians are enhanced along Martin Street and not compromised by construction / development.</td>
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</table>
| 22  | Supports in part, but made the following comments regarding the 3 storey height at 108 and 111 Martin Street:  
1. The height of these properties should be changed from 3 storeys (11 metres) to 2 storeys (8 metres). A 3 storey building would create privacy issues, visual bulk, noise impacts and loss of light to adjoining properties, particularly to the south.  
2. Language in the Structure Plan should be strengthened regarding side and rear setbacks so that it limits amenity impacts on adjoining properties.  
3. Impact on neighbourhood character - the single storey character of dwellings to the rear of these sites.  
4. Although these sites are designated as having ‘apartments or townhouses’, it is likely that they will be developed as apartment buildings to maximum height with smallest setbacks.  
5. Contrary to the Martin Street Activity Centre vision to “enhance its | 1. The *Bayside Housing Strategy* 2012 has identified Martin Street as being a Neighbourhood Activity Centre, which means that there is an expectation that there will be a moderate level of growth in Martin Street over the next 20-30 years. The proposed 3 storey heights for 108 and 111 reflect this expectation and are not considered to be unreasonable. Any development on these sites will need to provide upper level setbacks from Martin Street, which will minimise the visual impact of development within the streetscape. Furthermore, any development would need to be considered against the GRZ9, the DDO18 and Clause 55. These requirements seek to ensure an appropriate design response is provided within the Activity Centre and amenity impacts on adjoining properties, such as overshadowing, overlooking and loss of daylight and solar access are minimised.  
2. The objectives and guidelines of the Martin Street Structure Plan have been translated into DDO18. The translation into this document has sought to strengthen the intention of providing ‘appropriate’ side and rear setbacks through including the following statement under *Amenity Impacts*: “Where the site abuts the boundary of a property in a Residential Zone that contains an existing dwelling, the objectives of Clause 55 must be met, and Standards of this Clause should be met”.  
3. The Decision Guidelines at subclause 3 of DDO18 require consideration of the impact of development on heritage properties and neighbourhood | Include a Decision guideline in Subclause 3 of DDO18 to ensure that any development within a residential precinct, is considered against the Neighbourhood Character policy.  
Refer submission to Planning Panel.                                                                 |
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<tr>
<td>2</td>
<td>village atmosphere and heritage charm”. All development to the west of Hamilton Street should be 2 storeys. 6. Parking issues as a result of any 3 storey development in this location. 7. Development with greater height should be located closer to the railway line and near Nepean Highway where there isn’t a direct interface with the residential (NRZ) areas.</td>
<td>In addition, the Decision Guidelines of the DDO parent provision (Clause 43.02-5) requires development to be in keeping with the character and appearance of adjacent buildings, the streetscape of the area, as well as consideration of the impact on the character of heritage places that surround the site. Further to this, the General Residential Zone has the objective of implementing the neighbourhood character policy and adopted neighbourhood guidelines. All of the above requirements must be considered when assessing any new development. This will ensure that new development is consistent with the character of the area and has limited impact on the heritage integrity of an area. In order to further strengthen the need to consider impacts on the neighbourhood character of the area, Council will add another decision guideline to Subclause 3 to ensure that development within residential precincts has regard to the neighbourhood character policy.</td>
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<td>3</td>
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<td>4. Side and rear setbacks will need to be provided in accordance with Clause 55. This Clause does allow some walls to be located on boundaries, but the impact on the amenity of adjoining properties must be considered when determining whether the location of a wall on boundary is acceptable. The site is able to be developed for either townhouse or apartment development, but cannot exceed a height of 3 storeys. Any development on these sites must consider the neighbourhood character policy associated with Precinct G2, which “seeks to maintain and enhance the small garden settings of the dwellings”.</td>
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<td>4</td>
<td></td>
<td>5. The vision of the Martin Street Structure Plan is to create “A friendly hub for shopping, transport and a range of household choices that respond to Martin Street’s neighbourhood scale and enhance its village atmosphere and heritage charm.” Council has balanced the need to retain the heritage value of</td>
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<td>Martin Street with the need to allow for moderate growth and development to occur in the centre. This has been reflected in the allocation of building heights and setback requirements in each precinct. This part of the residential area on Martin Street is considered to be an appropriate location for a 3 storey residential development.</td>
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<td>6. Developments are required to provide car parking in accordance with Clause 52.06 of the Bayside Planning Scheme, which includes the provision of visitor car spaces for certain land uses. Whilst a planning permit can be sought to reduce the car parking requirement for a development, any such application would have to justify why a reduction of the required car parking rate would be acceptable.</td>
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<td></td>
<td>7. All of the land within the Martin Street Activity Centre is strategically located to accommodate for a certain level of growth. The area to the east of the railway has been allocated with greater heights, whereas the area to the west of the railway tapers down to provide a transition to the residential hinterland that surrounds Martin Street. The heights allocated in each precinct are considered to be acceptable, particularly given that the Martin Street Activity Centre has been earmarked as being an area that can accommodate moderate growth.</td>
<td></td>
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<tr>
<td>23</td>
<td>VicRoads submission:</td>
<td>1. Some recommendations to the draft Martin Street Structure Plan were made in the traffic report and have been considered by Council. However, the conclusion of the traffic report demonstrated that the anticipated population growth in the Martin Street Activity Centre would result in volumes that are only slightly above the volumes typically recommended for connector streets, but were considered to be acceptable. Whilst a transport impact assessment on the surrounding Arterial Roads was not undertaken as part of the traffic report, Council is satisfied that sufficient analysis and research was undertaken to determine that, subject to making the changes as recommended under the Structure Plan, the road network within the</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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<td>2.</td>
<td>A Development Contribution Overlay may be appropriate to mitigate cumulative traffic impacts.</td>
<td>Hampton East Activity Centre and surrounding streets would not unreasonably exceed its environmental capacities.</td>
<td></td>
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<tr>
<td>3.</td>
<td>Supportive of the objective of the Structure Plan to improve the safety and efficiency of the Nepean Highway / Martin Street / Gardenvale Road for all road users.</td>
<td>2. Council does not consider it appropriate to impose a locally managed infrastructure contributions plan to pay for maintenance and changes to State Government operated infrastructure.</td>
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<td>Any proposed works and reconfigurations in this area should be subject to rigorous analysis.</td>
<td>3. Council acknowledges the reasons for support that were raised by VicRoads. Should the proposed works and reconfigurations occur, Council will undertake the required level of analysis before undertaking any works or reconfiguration of existing roads.</td>
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<tr>
<td>24</td>
<td>Does not support the amendment for the following reasons: 1. 108 and 111 Martin Street heights should be changed from 3 storeys (11 metres) to 2 storeys (8 metres). These sites should be left at the current standard. 2. The 3 storey height would have unnecessary adverse impacts on immediately adjoining properties and will impact upon the surrounding heritage place. 3. A 3 storey development would look out of place as it would not provide an appropriate transition to the surrounding residential areas. Larger development should be located to the east of Hamilton Street towards the railway line and Nepean Highway.</td>
<td>1. The Bayside Housing Strategy 2012 has identified Martin Street as being a Neighbourhood Activity Centre, which means that there is an expectation that there will be a moderate level of growth in Martin Street over the next 20-30 years. The proposed 3 storey heights for 108 and 111 reflect this expectation and are not considered to be unreasonable. 2. Any development on these sites will need to provide upper level setbacks from Martin Street, which will minimise the visual impact of development within the streetscape. Furthermore, any development would need to be considered against the GRZ9, the DDO18 and Clause 55. These requirements seek to ensure an appropriate design response is provided within the Activity Centre and amenity impacts on adjoining properties are minimised. The proposed DDO18 also requires consideration of the impact of new development on the heritage character of the area. Therefore, any new apartment developments within this overlay would need to be designed in a way that does not detract from the heritage significance of adjoining heritage precincts.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
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### Item 10.3 – Reports by the Organisation

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|     |                  | 3. Given that there have been two developments constructed with a height of 4-5 storeys, the allocation of a 3 storey height on the concerned properties is considered acceptable as it would provide an appropriate transition to the two storey height of the adjacent residential area. In addition, appropriate front, side and rear setbacks will need to be provided in order to protect the amenity of adjoining properties and have regard to the character of the surrounding area. This will further contribute to the provision of an appropriate transition to the surrounding residential areas.  
All of the land within the Martin Street Activity Centre is strategically located to accommodate for a certain level of growth. The area to the east of the railway has been allocated with greater heights, whereas the area to the west of the railway tapers down to provide a transition to the residential hinterland that surrounds Martin Street. The heights allocated in each precinct are considered to be acceptable, particularly given that the Martin Street Activity Centre has been earmarked as being an area that can accommodate moderate growth. | |
| 25  | South East Water submission:  
No objection to the Amendment. It is advised that depending on the extent of the development associated with the rezoning, works may be required. Upon development, the owner of the land must enter into an agreement for the provision of water and sewage supply and fulfil all requirements to the referral authority’s satisfaction. | Should any planning permit or subdivision applications require referral to this referral authority, any planning permit conditions that are recommended will be included on the planning permit. | No changes proposed.  
Refer submission to Planning Panel. |
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</table>
| 26  | Does not support the amendment and believes it should be abandoned. The following comments were made:  
1. It is unclear if the Martin Street Activity centre is classified as a “large Activity Centre’ or a “small scale village…” There are contradictory documents (Urban Design review vs Planning Scheme).  
2. Martin Street already meets the Plan Melbourne requirements / criteria for creating a 20 minute neighbourhood and doesn’t require the level of growth proposed to meet this requirement.  
3. Amendment C152 is not required as Martin Street already works well for what it is.  
4. Asling Street is earmarked for development, but is of significance to the character and heritage of the area and should be kept intact. | 1. The Martin Street Activity Centre was originally classified as a ‘Large Neighbourhood Activity Centre’ in the Bayside Housing Strategy and the Martin Street Structure Plan. Under the Retail Commercial and Employment (RCE) Strategy, which was adopted by Council 16 August 2016, it was reclassified as a ‘Neighbourhood Activity Centre’. Given that the economic role of the centre has been clarified in the RCE strategy, its classification as a Neighbourhood Activity Centre has been confirmed.  
2. The Plan Melbourne strategy that seeks to achieve 20 minute neighbourhoods is one of many strategies, directions and objectives that need to be considered when developing a Structure Plan and a Planning Scheme Amendment. State and Local Planning policies seek to direct growth in Activity Centres, where there is already access to public transport and a range of shops, services and facilities. This Amendment seeks to allow a moderate level of growth to occur in the Martin Street Activity Centre, so that it achieves the objectives and direction of State and Local Planning Policies. This will also ensure that a greater population will have the benefit of living in a ‘20 minute neighbourhood’.  
3. In its current form, there is very little guidance on how the Martin Street Activity Centre should grow and develop in the future. In order to allow for a moderate level of growth in Martin Street, whilst retaining the heritage character of the area, it is important that proper guidance is provided on how development should occur in the future. Without this guidance there will be a lack of certainty for the community and potential developers, which could result in inappropriate development occurring within the centre. Amendment C152 is an essential step in ensuring that the vision of the Martin Street Activity Centre is fulfilled.  
4. The area of Asling Street located within the Martin Street Activity Centre is not covered by a Heritage Overlay. Therefore does not have the same level of protection as heritage dwellings outside the Martin Street Activity Centre boundaries. Given its strategic location near the train station | Update the Structure plan to reflect the Martin Street Activity Centre being a Neighbourhood Activity Centre.  
Refer submission to Planning Panel.                                                                                                                                  |
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<th>Proposed Direction</th>
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</table>
| 27  | Not supportive of the amendment for the following reasons:  
1. The boundary of the Martin Street Activity Centre should end at the eastern (railway) edge of Asling Street and the southern edge of Martin Street west of Asling Street.  
2. Overlooking issues from properties on the west side of Asling Street (north of Martin Street), which would impact privacy, amenity and property values. The amenity and character of the area has already been impacted by recent developments in the Martin Street area.  
3. Object to the replacement of the NRZ3 with GRZ9 due to the heritage precinct status of Hamilton Street and the associated protection of the appearance and amenity of Martin Street area. | 1. All of the land within the Martin Street Activity Centre is strategically located to accommodate for a certain level of growth. The area to the east of the railway has been allocated with greater heights, whereas the area to the west of the railway tapers down to provide a transition to the residential hinterland that surrounds Martin Street. The heights allocated in each precinct are considered to be acceptable, particularly given that the Martin Street Activity Centre has been earmarked as being an area that can accommodate moderate growth.  
2. A requirement has been included in the DDO18, which requires development to consider the amenity impacts on adjoining properties, with specific regards to commercial properties that adjoin residential areas to meet the objectives and standards of ResCode. This includes consideration of overshadowing and overlooking impacts. Any planning application made will need to consider the impact of the proposed development on the amenity of adjoining properties.  
The recently built developments did not gain Council support, but were approved by VCAT. The aim of DDO18 is to allow development to occur within the Martin Street Activity Centre whilst ensuring that the heritage value and character of the area is considered as part of any design. Height and setback requirements have been imposed in order to ensure future development is sympathetic to the character of Martin Street.  
The impact of planning scheme changes on property values are not a relevant consideration when preparing Amendments. | No changes proposed.  
Refer submission to Planning Panel. |
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<td>3. The Martin Street Activity Centre has been identified as an area where moderate growth should occur, retaining the NRZ in the centre would restrict development in the area and would be inconsistent with the State and Local planning policies and would directly conflict with the vision of the Activity Centre. Hamilton Street is not included within the Martin Street Activity Centre boundaries and therefore the current NRZ3 in this street will not change as part of this amendment.</td>
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<tr>
<td>28</td>
<td>VicTrack submission:</td>
<td>Council notes the support for the amendment. Council agrees that the proposed exemption can be included in the DDO18.</td>
<td>No changes proposed. Refer submission to Planning Panel.</td>
</tr>
</tbody>
</table>

Generally supportive of the Amendment. A recommendation was made that the following be included as an exemption from requiring a planning permit: “any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002”
Amendment C152  Implementation of the Martin Street Structure Plan

For more information visit bayside.vic.gov.au/MartinStreet or come to one of our drop-in sessions
10.4 REVISED RESIDENTIAL ZONES

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/53671

Executive summary

Purpose and background
To inform Council of the changes announced by the Minister for Planning on Saturday 11 March 2017 in relation to the State’s residential zones.

The announcement follows the appointment of the “Managing Residential Development Advisory Committee” in 2015 to provide independent advice on the implementation and application of the new residential zones introduced in Victoria in 2014. The 2014 changes brought into effect the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ) and Residential Growth Zone (RGZ).

All Victorian councils were invited to participate in the Managing Residential Development Advisory Committee process and Bayside City Council actively participated in this process by lodging a submission and presenting to the Advisory Committee Hearing in May 2016.

In accordance with the Terms of Reference, The Advisory Committee submitted its issues and options report to the Minister for Planning in July 2016. The report has now been made public and identifies a range of recommendations and outlines opportunities and improvements on general issues relating to residential zones and overlays and other planning controls that guide residential development outcomes.

The Reformed Residential Zones announced are in response to the advice from the committee and form part of a range of measures that seek to:

- Manage growth sustainably
- Locate housing close to jobs and transport
- Ensure housing diversity and affordability is provided.

The reformed residential zones are one part of a broader package of reforms that also includes Homes for Victorians: Affordability, access and choice, the refresh of Plan Melbourne - the blueprint for Melbourne’s sustainable growth and development, and the Better Apartments Design Standards.

The key reforms to the residential zones will:

- Allow councils to define the neighbourhood character and design objectives to be achieved.
- Strengthen building height controls in the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ).
- Introduce a new mandatory requirement for a minimum garden area to be provided in residential developments in the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ).
- Remove the limit in the number of dwellings that can be built on land in the Neighbourhood Residential Zone (NRZ).
Key issues

The purpose of the reformed residential zones, as outlined in the information material, is to provide a fairer approach to managing residential development and deliver consistent outcomes across Victoria’s suburbs, towns and cities to deliver certainty in residential areas.

Changes have been made to the three main residential zones that apply across metropolitan Melbourne and include:

- Introducing a mandatory garden area requirement in the NRZ and GRZ to enhance the garden and open character of residential areas.
- Increasing the mandatory maximum height for development in the NRZ from 8 metres to 9 metres (2 storeys maximum remains).
- Increasing the discretionary height limit for development in the GRZ from 9 metres to a mandatory maximum height of 11 metres (3 storeys maximum).
- Removing the density restriction on the number of dwellings that can be built on a property in the NRZ.

New Minimum Garden Area Requirements

A minimum garden area requirement is being introduced into the NRZ and GRZ. The new garden area requirement will ensure that the green open character of Melbourne’s neighbourhoods is protected, by requiring a mandatory minimum garden area to be provided when land is developed.

The garden area requirement will apply to all land in the NRZ and GRZ that is 400 square metres or greater. It is a mandatory requirement. A minimum percentage of the land must be set aside for garden areas at ground level as follows:

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<tr>
<th>Lot Size</th>
<th>Minimum % of a lot to set aside as garden area</th>
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<tbody>
<tr>
<td>400-500 square metres</td>
<td>25%</td>
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<tr>
<td>501-600 square metres</td>
<td>30%</td>
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<tr>
<td>Above 650 square metres</td>
<td>35%</td>
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The new requirements must be met in addition to the site coverage and permeability standards set out in the Bayside Planning Scheme. Whilst permeability and site coverage are performance based controls that can be varied, the new garden area requirement is mandatory. It must be met and cannot be reduced. A garden area does not include driveways, areas set for car parking, or any buildings or roofed areas.

Maximum building heights and number of storeys

Mandatory maximum building heights and number of storeys are being introduced into the NRZ and GRZ, to provide greater certainty to the community about residential change in their neighbourhoods.

- **NRZ Changes**
  
The mandatory building height limit of 8 metres has been increased to 9 metres with a maximum 2 storey height limit.

  The height limit has been increased to recognise the average height of two storey houses built across many different building areas.
The 2 storey maximum height limit recognises the low rise suburban character and prevents the construction of 3 storey developments in these areas.

- **GRZ Changes**
  The discretionary building height limit of 9 metres is being replaced with a mandatory building height of 11 metres and a maximum 3 storey height limit.

Where a lower maximum building height has been specified in the schedule to the NRZ or GRZ of the Bayside Planning Scheme, these will continue to apply despite higher maximum building heights introduced as a result of the reformed zones.

In Bayside some areas in the GRZ already have mandatory requirements by way of Design and Development Overlays of 11 metres. Areas in the GRZ with no specified height controls will now have the 11 metres and 3 storey maximum height limit requirement.

Lower maximum building heights can be applied through an overlay where this can be strategically justified by the Council.

- **RGZ Changes**
  A new requirement for relevant design objectives to be included in the schedule to the zone allowing the maximum building height to be increased where applicable flood levels affect residential land

The discretionary maximum building height control of 13.5 metres is to remain. Councils are still able to set an alternative mandatory maximum height in the schedule to the zone, but it must be at least 13.5 metres.

**Limit on the maximum number of dwellings in the NRZ being removed**

The advisory committee concluded that limiting the number of dwellings on a lot was proving ineffective in protecting the identified character values of land in the Neighbourhood Residential Zone.

The new minimum garden requirement will replace the limit on the maximum number of dwellings on a lot and ensure the retention of greenery and landscape character is retained whilst providing usable private open spaces for residents.

**Other changes**

In accordance with the purpose of the NRZ and GRZ as it relates to the implementation of neighbourhood character policies and guidelines, the revised NRZ and GRZ include a new requirement for relevant neighbourhood, heritage, environmental or landscape character objectives to be specified in the schedule to the zone.

This change will result in greater certainty in relation to future development that is aligned with the existing or identified future neighbourhood character of an area or precinct.
Implications for Council as a result of the changes

The revised zones provide a response to some concerns expressed by Council in relation to recent development outcomes in the NRZ and GRZ.

Feedback received through recent planning scheme amendment processes including Amendment C140 and the community plan have highlighted the importance that our community places on the following matters:

- The retention of neighbourhood character in the NRZ and GRZ areas
- The provision of private open spaces that:
  - encourage the retention of vegetation, provision of landscaping and private recreation areas
  - result in the conservation of the green character of our neighbourhoods and provide a positive environmental impacts.
- Stronger planning policy controls that limit overdevelopment.
- Opportunity to develop land without the need of a minimum lot size requirement, but that responds to the neighbourhood character of the area.
- Facilitate opportunities to age in place by allowing modest forms of multi-unit development that is in keeping with the character of the area.

A detailed analysis of all Council’s local planning policies, including residential zone schedules and design and development overlays has commenced to fully understand the implications of the revised zones on existing policy provisions and the intended purpose. Council will be briefed on the findings of this analysis once this work has been completed, which is expected to be finalised by the beginning of April 2017.

Recommendation

That Council:

1. Notes the release of the Revised Residential Zones and the Managing Residential Development Advisory Committee Report; and

2. Receives a report at the April 2017 Ordinary Meeting of Council that outlines the implications for Bayside as a result of the revised residential zones and any further work required as part of the implementation of the impending changes.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
The changes presented in this report address some of the community concerns in relation to overdevelopment in the Neighbourhood Residential Zone and General Residential Zone. It is expected the proposed changes will improve housing diversity across Bayside, while protecting the open space, garden character of more sensitive residential areas.

Natural Environment
The provision of a mandatory requirement for private open space in the Neighbourhood Residential Zone and General Residential Zone is expected to deliver improved landscape, tree canopy and stormwater management outcomes across Bayside.

Built Environment
The intent of revised residential zones is to ensure that there is only limited change in the established residential areas and that change does not detract from those elements that make the established residential areas the desirable places that they are.

Customer Service and Community Engagement
Information on the revised residential zones is available on the Council website. Information sheets have been put together and will be made available to applicants once the changes are gazetted and incorporated into the Bayside Planning Scheme.

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

Legal
No legal implications have been identified at this stage as a result of the changes to the residential zones.

Finance
There are no financial implications association with this report.

Links to Council policy and strategy
Policy or strategy implications associated with the information provided in this report will be assessed and presented to Council at the May Council briefing following a detailed analysis of all residential zone schedules and design and development overlays.
Executive summary

Purpose and background
To inform Council of the Victorian Government’s release of the Plan Melbourne Refresh, “Plan Melbourne 2017-2050”, announced by the Minister for Planning on Saturday 11 March 2017 after a 27 month review.

The Plan Melbourne Ministerial Advisory Committee (MAC) reconvened in April 2015 to review Plan Melbourne 2014. Based on the Committee’s findings, a public discussion paper was launched in 2015. Feedback from the community, local government and industry stakeholders was sought between October and December 2015. Council actively participated in the consultation process by attending and contributing at the organised workshops and by lodging a submission.

Plan Melbourne 2017-2050 builds on the extensive work and consultation underpinning Plan Melbourne 2014 and previous metropolitan strategies including Melbourne 2030 and Melbourne@5million.

The Plan, identifies both long and short term goals to be achieved over the coming decades. Several challenges that metropolitan Melbourne is expected to experience between now and 2050 are highlighted and the new Plan seeks to respond to through the actions outlined. Key challenges identified for the new plan include:

- population growth from 4.5 to 8 million;
- demand for an addition 1.6 million homes;
- capacity to accommodate an estimate 10 million more trips a day on the city’s transport network; and
- an additional 1.5 million jobs in the local economy.

Managing development in residential areas is a focus of this report. A new set of rules that attempts to increase the density of new housing construction in keeping with neighbourhood character and facilitating the retention of green space, was concurrently released.

The Plan sets out the strategy for supporting jobs and growth to facilitate the expected increase in population at a metropolitan level. Added pressure is anticipated to be placed on councils to accommodate the forecasted population growth. Whilst it is not clear yet as to what mechanisms or changes to policy will be introduced to facilitate this change, the challenge for Council will be to accommodate the additional population while maintaining the distinctiveness, liveability and sustainability of our suburbs.

Housing affordability and availability, greater focus placed on social infrastructure, sustained investment in transport and a fixed urban boundary to contain Melbourne’s sprawl are also highlighted in the new Plan.

Seven specialised and innovation clusters are also identified. These are located around a particular industry or activity, such as a major healthcare facility or universities. These are:

- Monash
- Parkville
• Fisherma's Bend
• Dandenong
• La Trobe
• Sunshine
• Werribee.

The new Plan maintains the majority of the principles and objectives of previous metropolitan strategies and includes greater emphasis on sustainability and environmental outcomes.

An Implementation Plan accompanies the document and integrates actions across different government areas. The implementation plan will be reviewed every five years, with the first review in 2022. Annual monitoring and reporting will be undertaken by the Department of Environment, Land Water and Planning (DELWP) and will include updates to the status of actions, including changes to timeframes for completion and lead agencies or implementation partners.

Key issues
Plan Melbourne seeks to address the following key challenges and opportunities.

• **A growing population**
  Between 2015 and 2051 Melbourne is projected to grow by 3.4 million people, from a population of 4.5 million to almost 8 million. During the same period, Victoria's total population is expected to reach 10.1 million, with the population aged over 65 projected to increase from 13.8 per cent to 20.5 per cent. As a result of the population increase Victoria will require:
  - another 1.6 million dwellings,
  - 1.5 million jobs; and
  - A corresponding increased need for community services and infrastructure

• **Remaining competitive in a changing economy**
  The global economy has changed rapidly in the past two decades, becoming more digital and mobile through digital disruption, more competitive through the further industrialisation of nations such as China, and more uncertain through the impact of climate change. In years to come, those changes are expected to accelerate, testing the capabilities of nations and states with ageing populations.

  For Melbourne to remain competitive there is a need to:
  - boost productivity, and support growth and innovation across all industries and regions;
  - grow jobs;
  - create accessible, affordable and attractive neighbourhoods; and
  - increase the number and diversity of jobs closer to where people live—in places such as suburban employment clusters, health and education precincts and industrial precincts.

• **Housing that is affordable and accessible**
  The challenge, as Melbourne grows, will be to ensure that people have affordable and accessible housing choices in places where they want to live.

  Many of Melbourne’s established suburbs are already unaffordable for middle and low income households looking to buy or rent. This is a major concern because these suburbs often have good access to jobs, services and transport. By contrast, although new housing in outer suburbs is more affordable, it often lacks good access to jobs, services and transport.
Without strategies to provide more housing choice, Melbourne will become less affordable and liveable risking social equity and cohesion, and slowing economic growth.

- Keeping up with the growing transport needs of the city
  Although the city’s transport system has sound foundations, it is coming under increased pressure from growth.

  By 2050, Melbourne’s transport network will need to handle an extra 10.4 million trips per day. Congestion and overcrowding is already an issue on parts of the road and public transport network, particularly at peak times.

  Major investment in transport infrastructure will boost rail and road capacity to meet the transport challenge, boost productivity, conserve energy, curb greenhouse gas emissions and protect liveability.

- Climate change—the need for both mitigation and adaptation
  Climate modelling shows that Victoria is becoming hotter and drier, facing more periods of extreme heat (days over 35°C) and drought, reductions in annual rainfall and increases in intense rainfall events, and an increased risk of extreme weather events such as flood and bushfire.
  Vulnerable groups are more likely to be affected by the economic and social impacts of climate change, including rising food prices and increased demand for essential services. Adapting to a changing climate is about taking deliberate steps to manage and mitigate these potential impacts.

  Australians are among the highest emitters of greenhouse gases per capita in the developed world, taking steps to transform Melbourne into a low-carbon city is both necessary and an opportunity.

Plan Melbourne’s vision, “Melbourne will continue to be a global city of opportunity and choice”, seeks to respond to the challenges identified and is guided by:

- 9 principles that underpin a long-term vision for Melbourne
- 7 outcomes to drive Melbourne as a competitive, liveable and sustainable city
- 32 directions setting out how these outcomes will be achieved
- 90 policies outlining how each outcome will be approached, delivered and achieved.

Principles
1. **A distinctive Melbourne** – Melbourne’s strengths will be protected and heritage preserved while the next generation of growth is planned to complement existing communities and create attractive new neighbourhoods.

2. **A globally connected and competitive city** – Developing and delivering infrastructure to support business services, health, education, manufacturing and tourism to ensure Melbourne remains attractive and liveable.

3. **A city of centres linked to regional Victoria** - The central city will remain the focus for global business and knowledge-intensive industries linked to an extensive network of clusters, centres, precincts and gateways.

4. **Environmental resilience and sustainability** - There is an urgent need for Melbourne to adapt to climate change and make the transition to a low-carbon city.
5. **Living locally-20 minute neighbourhoods** - Creating accessible, safe and attractive local areas where people can access most of their everyday needs within a 20-minute walk, cycle or local public transport trip, will make Melbourne healthier and more inclusive.

6. **Social and economic participation** - Victoria’s challenge is to make it easier for every citizen, regardless of their race, gender, age, sexuality or ability, to attain the skills they need to fully participate in the life and economy of the city and state.

7. **Strong and healthy communities** - Melbourne needs to ensure its neighbourhoods and suburbs are safe and walkable. Strong communities need affordable, accessible housing; local health, education and community services; access to recreation spaces; and healthy food.

8. **Infrastructure investment that supports balanced city growth** - Smart infrastructure investment and better utilisation of existing infrastructure is the key to creating new jobs and driving population growth in the right places. It is also vital for the social, economic and environmental wellbeing of the city.

9. **Leadership and partnership** - Melbourne’s growth relies on effective governance, strong leadership and collaborative partnerships. Maintaining strong working relationships between all spheres of government, the public and private sectors and the wider community will ensure that all Melburnians share the benefits and the responsibilities of putting plans into practice.

To support the above principles seven outcomes have been set together with the policy directions that will be undertaken to achieve those outcomes.

**Implications for Council as a result of the revised Plan Melbourne**

A detailed analysis of all Council’s local planning policies, has commenced to fully understand the implications of the revised Plan Melbourne on existing policy provisions and the intended purpose. Council will be briefed on the findings of this analysis once this work has been completed, which is expected to be finalised by the beginning of April 2017.

**Recommendation**

That Council:

1. Notes the release of Plan Melbourne 2017-2050.

2. Receives a report at the April 2017 Ordinary Meeting of Council that outline the implications for Bayside as a result of Plan Melbourne 2017-2050 and any further work identified as required as part of the implementation of the impending changes.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
While there are no social impacts as a result of this report the directions and outcomes presented in Plan Melbourne 2017-2050 are aimed to result in positive social impacts through more connected and accessible neighbourhoods and a diverse housing stock that is accessible, adaptable and caters for all the needs of our Bayside community.

Natural Environment
While there are no environmental impacts as a result of this report, some of the directions and outcomes presented in Plan Melbourne 2017-2050 will facilitate sustainable design outcomes that will result in reduced resources and energy consumption across Melbourne.

Built Environment
Plan Melbourne is a metropolitan planning strategy that defines the future shape of the city and state over the next 35 years.

Managing development in residential areas to accommodate an expected additional 1.6 million dwellings will continue to be a challenge. Ensuring the provision of social infrastructure and the retention of key neighbourhood character elements will be key in facilitating positive and sustainable outcomes that add to the liveability of Bayside’s suburbs.

Customer Service and Community Engagement
The preparation of Plan Melbourne (2014) involved extensive community consultation. Plan Melbourne was released for comment by the Victorian Government from 9 October to 6 December 2013. The Refresh builds on feedback provided as part of this process. Some of the options for discussion provided in the Melbourne Refresh Discussion Paper were in response to issues raised by local government and industry bodies and highlighted by the media in response to current planning issues. The revised Plan Melbourne was expected to be released at the start of 2016 as highlighted in the Discussion Paper, no communication, or information was released until 11 March 2017, when the final document Plan Melbourne 2017-2050 was announce by the Minister for Planning.

Human Rights
The implications of this report have been assessed and are not likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2016.

Legal
There are no direct legal or statutory requirements relevant to Council in response to this report.

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

Policy or strategy implications associated with the information provided in this report will be assessed and presented to Council at the April Council briefing, following a detailed analysis of the implications of the directions and outcomes of the Melbourne Plan 2017-2050 on Bayside’s Local Planning Policies and its strategic intent.
10.6 BAY TRAIL SHARED PATH DUPLICATION BETWEEN SANDDOWN AND BAY STREETS - CONSULTATION RESULTS

Environmental, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/45682

Executive summary

Purpose and background
The purpose of this report is to present the results of community engagement activities undertaken to inform and support the duplication of the Bay Trail shared path between the intersections with Sandown and Bay Streets in Brighton to address safety hazards to path users. These works are scheduled for May/June 2017.

The section of the Bay Trail shared path between the intersections with Sandown and Bay Streets was identified as a high risk location in terms of user safety, due to the narrow width of the existing path and the potential for conflict between pedestrians and cyclists. This location was ranked as the highest priority for safety upgrade works, based on the following criteria:

- Negligible impact on vegetation in addressing the safety hazard;
- High volume of Bay Trail users at this location;
- Cost to address the safety hazard; and
- No need for a planning permit to complete the upgrade.

At the February 2017 Ordinary Meeting, Council resolved to:
1. note that the remaining high risk safety hazards along the Bay Trail present a public safety, legal, financial and reputational risk to Council if left unresolved;
2. undertake community engagement activities associated with addressing each of the ‘high risk’ safety hazards identified in the Bay Trail Safety Audit, as outlined in the report.
3. receive a further report following the completion of the community consultation and the phased approach for the implementation of the program.

The future stages of Bay Trail safety upgrade works and the priority order of works is presented in Attachment 1.

Key issues
The section of the Bay Trail between the Sandown and Bay Streets intersections carries over 290,000 cyclists per calendar year. The high volume of cyclists combined with the existing high volume of pedestrians, including dog walkers and joggers, presents a safety hazard to path users at this location given that the existing path is only 2.5 metres wide. Essentially, the shared path is too narrow by current design standards to cater for the amount of users it carries.

The proposed design solution for section of the Bay Trail Shared Path between the intersections with Sandown and Bay Streets involves establishing a new 2.5 metre wide path for cyclists adjacent to the existing shared path. Once the new path has been installed, the existing 2.5 metre wide shared path will revert to a designated pedestrian path. This is similar to some other areas along the foreshore where the Bay Trail is complimented by a coastal walking path.

Community engagement activities detailed later in this report were undertaken for the purposes of gaining community feedback in relation to the proposed design solution for this section of the Bay Trail. Feedback received from the community identified a high level of support for the project with 94% of respondents supporting the establishment of a separate path for cyclists between the Sandown and Bay Streets intersections.
Recommendation

That Council:

1. notes the level of community support outlined in this report following the community engagement activities undertaken in relation to the plan to duplicate the section of the Bay Trail shared path between the intersections with Sandown and Bay Streets;

2. endorses the duplication of the Bay Trail between Sandown and Bay Streets to address a ‘high risk’ safety hazard to path users; and

3. notes funding for this project will be included in the draft 2017/2018 Council Budget.

Support Attachments

1. Attachment 1 - Prioritised List of Bay Trail ‘High Risk’ Safety Hazards
2. Attachment 2 - Project Information Flyer
3. Attachment 3 - Bay Trail Community Feedback Analysis: Sandown Street to Bay Street Section

Considerations and implications of recommendation

Liveable community

A safety audit of the Bay Trail identified that the current volume of pedestrians and cyclists using the Bay Trail exceeds the current safe design capacity for a shared path in several locations. Given that cycling in the inner metropolitan Melbourne suburbs is growing at an estimated 10-15% per annum and pedestrian volumes will increase in line with population growth, it is expected that both pedestrian and bike rider volumes will increase significantly along the Bay Trail in future years. Council should maintain the Bay Trail in a way to minimise hazards and address high risk areas.

Natural Environment

The installation of a new path will provide pedestrians and cyclists with their own dedicated space, making walking and cycling a more attractive transport alternative for members of the community for short trips. A reduction in private vehicle trips will assist in reducing greenhouse gas emissions.

Built Environment

The installation of a new path will change the appearance of the area, but will be completed to be sympathetic with the adjacent surroundings. Measures proposed include the use of sandy coloured concrete to provide a natural look to the new path.

Customer Service and Community Engagement

The following site specific community engagement in relation to the project has been undertaken:

- Letter Drop – Letters and a project information flyer, presented in Attachment 2, were mailed to all adjacent property owners and residents to provide information relating to the various project elements, including the proposed location of the new path in relation to adjacent property boundaries;

- On-site listening post – An on-site listening post was held on Wednesday 1 March 2017 in order for adjacent residents and shared path users to gain an understanding
Adjunct residents were advised about the meeting as part of the letter drop. Information boards advertising the meeting were also advertised on site in order to notify shared path users; and

- **Resident meetings** – An opportunity for individual meetings with Council’s project team was offered to those residents unable to attend the on-site listening post or those adjacent residents with immediate concerns in relation to the project. Council officers met with two adjacent residents prior to the on-site listening post to discuss the project in further detail. Both of these residents were supportive of the project.

Officers spoke with a total of 66 people at the on-site listening post, consisting of adjacent residents and Bay Trail users. Of these 66 people, 94% (62 participants) outlined their support for the project and 6% (4 participants) indicated that they were not supportive of the project. It is noted that residents from two adjacent properties were not supportive of the project. Reasons for not supporting the project are outlined below.

**Pedestrians will not see cyclists travelling at speed on the new bike path**

There are three locations along this section of the Bay Trail where path users can access/leave the Bay Trail. As part of the project these intersections will be treated to:

- Establish a clearly defined single access/exit and trail crossing location which will be clearly defined by line marking; and
- Provide sight lines and an open view in both directions to ensure that pedestrians and cyclists have clear visibility of each other.

At the intersections of Sandown and Bay Streets additional space will also be established adjacent to the new path for pedestrians and cyclists to stop without obstructing other path users. Each of the proposed intersection treatments are identified in Attachment 2.

**No lighting along this section of the Bay Trail**

The provision of lighting along this section of the Bay Trail is not included in the scope of the project and would require further stakeholder and community engagement as it is recognised that some members of the community, including adjacent residents, would be opposed to this section of the foreshore area being lit. It is not intended to pursue the provision of lighting along this section of the Bay Trail as part of this project.

**Opposition to the removal of grass to accommodate the new path**

The removal of some of the grassed area to accommodate the new path cannot be avoided as there is no other area in which the new path can be constructed. However, to reduce the impact of the new path on the existing grassed area a design improvement has been identified to reduce the amount of separation space between the existing shared path and new path to approximately 1 metre. This will provide more opportunities for the remaining grassed area to be utilised as a passive recreation space given that the new path will be contained within a smaller area than was originally proposed as part of the concept design.

As part of the general feedback received from the community engagement process, there was a general consensus that the scope of the current project should be extended to include the section of the Bay Trail between Sandown Street and the Middle Brighton Baths Precinct as both residents and Bay Trail users also view this location as a safety hazard.

The Middle Brighton Baths Precinct has already been identified as a high risk location in terms of user safety and has been prioritised as the next site to be addressed as part of the phased approach to resolving safety hazards on the Bay Trail. It is proposed to extend the scope of the Middle Brighton Baths Precinct project to include this section of the Bay Trail, including the existing bridge, when options to improve safety at this location are investigated.
Attachment 3 provides an analysis of the feedback received from the community engagement activities.

**Human Rights**
Addressing the public safety and reputational risks associated with the Bay Trail shared path 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 Bay Trail Safety Audit identifies a number of ‘high risk’ safety issues and suggests treatments to mitigate them. This essentially acknowledges that there are measures available to mitigate public safety risks in a practicable way, noting that ‘practicability’ is not just about cost. Should Council decide not to mitigate these risks so far as is reasonably practicable, it could be found liable in any action should an injury result from a known hazard.

**Finance**
The 2016/17 Capital Works Program contains an allocation to deliver this project.

**Links to Council policy and strategy**
The investigation of options to mitigate public safety risks on the Bay Trail shared path contributes to a number of goals contained within the 2013-17 Council Plan including:

- A liveable city; and
- A sustainable natural environment.

The Bayside Integrated Transport Strategy (2013) contains an action to ‘complete the remedial works identifies within the Bay Trail Safety Audit’. Additionally, the Bicycle Strategy and the Dendy Street Beach Masterplan both contain an action to ‘investigate the feasibility of improving the safety of users of the Bay Trail within the Dendy Street Beach area’.

**Options considered**
As the prioritisation of the safety upgrade to the Bay Trail shared path between the intersections with Sandown and Bay Streets was endorsed by Council at its meeting on 28 February 2017 and the design solution is aligned with feedback received during community engagement activities undertaken to inform and support the works, no other options have been considered as part of this report.
Prioritised List of Bay Trail ‘High Risk’ Safety Hazards

<table>
<thead>
<tr>
<th>Vegetation Removal</th>
<th>Visitation</th>
<th>Estimated Cost</th>
<th>Planning Permit Required</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant = 0</td>
<td>Head Street to South Road = 4</td>
<td>&lt;$150k = 5</td>
<td>Yes = -2</td>
<td></td>
</tr>
<tr>
<td>Extensive = 2</td>
<td>South Road to Bay Road = 3</td>
<td>&lt;$200k = 4</td>
<td>No = 0</td>
<td></td>
</tr>
<tr>
<td>Moderate = 3</td>
<td>Bay Road to Balcombe Road = 2</td>
<td>&lt;$300k = 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor = 5</td>
<td>South of Balcombe Road = 1</td>
<td>&lt;$400k = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&lt;$500k = 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>&gt;$500k = 0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location/Issue</th>
<th>Vegetation</th>
<th>Visitation</th>
<th>Estimated Cost</th>
<th>Planning Permit Required</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandown Street to Bay Street, Brighton – Path Width/Path Conflict: This section of the path is 2.5m wide. The high number of cyclists, pedestrians, dog walkers and parents with prams results in regular conflict between users.</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>Note: This issue was not identified in the original safety audit but has become relevant due to the popularity of the site for pedestrians and cyclists.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle Brighton Baths, Brighton – Path Conflict: This section of the path is located directly adjacent to Middle Brighton Baths. The high level of pedestrian activity results in people having to cross the Bay Trail shared path against the direction of travel of path users. This can often result in conflict between the different users within the precinct.</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Note: This issue was not identified in the original safety audit but has become relevant due to the popularity of the site for pedestrians and cyclists.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Road, Sandringham – Path Alignment/Adjacent Clearance: An electrical substation building is located on the edge of the path. The path narrows from 2.5m to 2.1m at this location</td>
<td>5</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Rickett’s Point (northern car park), Beaumaris – Path Alignment: To cross the car park access road the path makes a sharp 90 degree turn. This movement is difficult for the eastbound cyclist. A fence pole is located on the inside of the bend and there is little area for a bicycle to manoeuvre once off the crossing</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Location/Issue</td>
<td>Vegetation Removal</td>
<td>Visitation</td>
<td>Estimated Cost</td>
<td>Planning Permit Required</td>
<td>Total</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Hampton Life Saving Club, Hampton – Path width: This section of the path is 2.3m. South of the electrical substation building the path narrows to 2m</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Bent Parade, Black Rock – Path Alignment: The path splits to avoid a tree at this location. A raised platform is provided for northbound path users. There are small radii curves for the path user to negotiate to transition to/from the platform area</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Royal Avenue (near pedestrian operate signals), Sandringham – Path Conflict: A fence is present on the west side of the path to control pedestrian access to the adjacent car park. Pedestrians waiting to cross at the POS must wait on the shared path. There is a risk of cyclists colliding with pedestrians at the crossing or getting caught in the fence trying to avoid them</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>-2</td>
<td>7</td>
</tr>
<tr>
<td>Bridge Street, Hampton – Path Alignment/Adjacent Clearance: The path splits 3 times between Bridge Street and Jetty Road. Typically the path width on the split is 1.5m. There is a level difference between the northbound path split and the southbound path split. The northbound path splits have trees on the edge of the path. At some trees the path narrows to 1m to avoid the tree. A number of tree trunks and branches overhang the northbound section of path</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>-2</td>
<td>7</td>
</tr>
<tr>
<td>Dendy Street (north of Gould Street), Brighton – Path width: This section of the path is 2m wide</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>-2</td>
<td>3</td>
</tr>
<tr>
<td>Kinane Street, Brighton: Path width: An old tram shelter is located on the edge of the path. The path narrows from 2m to 1.8m at this location</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>-2</td>
<td>3</td>
</tr>
<tr>
<td>Red Bluff Street, Black Rock – Path Narrowing/Adjacent Clearance: The path transitions onto a raised section with a retaining wall on the east side and a pedestrian fence on the west side. The path narrows from 2.5m to 1.8m adjacent to a tree</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>-2</td>
<td>2</td>
</tr>
<tr>
<td>Rennison Street (south), Beaumaris – Path Width: The path width narrows from 2.5m to 2m and is offset 0.3m from the back of kerb. The existing wire mesh fencing also has the potential for handlebars to be caught</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>-2</td>
<td>0</td>
</tr>
<tr>
<td>Rennison Street, Beaumaris – Path Width: On the western side of the path guard rail fencing has been installed to prevent errant cars from falling down the cliff face. The guard rail fence is 0.1m offset from the edge of the path. The path narrows from 2.5m down to 1.8m through this section and is also 0.3m from the back of kerb</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>-2</td>
<td>-1</td>
</tr>
<tr>
<td>Brighton Life Saving Club, Brighton – Path width: The path narrows from 2.5m to 2m adjacent to the Brighton Life Saving Club car park</td>
<td>This issue will be addressed as part of the Dendy Street Beach Pavilion Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brighton Life Saving Club (car park exit), Brighton – Path width: This section of the path is 2m wide</td>
<td>This issue will be addressed as part of the Dendy Street Beach Pavilion Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NEW BAY TRAIL PATH FOR CYCLISTS
Brighton Foreshore

The key outcome of this project will be the creation of separated pedestrian and cycling paths along the Bay Trail between Bay Street and Sandown Street. The existing shared trail will remain as the pedestrian path. A new concrete path will be constructed to extend the separated bicycle trail that already exists north of Bay Street.

The proposed modifications to the Bay Street intersection are intended to:
- Create a single trail crossing point clearly defined by line marking and with open view lines in both directions
- Create spaces to the side of the trail for pedestrians and cyclists to stop without obstructing other trail users
- Additional space for pedestrian and cycle stopping and circulation is made available by a minor reduction in road area, moving the bollards approximately 2 metres east of their existing locations
Item 10.6 – Reports by the Organisation

The modifications to the end of the Seacombe Grove pedestrian access walkway will provide a paved access path connecting the walkway to the Bay Trail and the dog beach. This will improve access for everyone, particularly people with mobility issues.

The proposed modifications to the Sandown Street intersection are intended to:
- Create a single trail crossing point clearly defined by line marking and with open view lines in both directions
- Create spaces to the side of the trail for pedestrians and cyclists to stop without obstructing other trail users
- Create a transition between the separated and shared pedestrian/cycle trail (the trail will remain shared to the south of Sandown Street)

<table>
<thead>
<tr>
<th>Gate</th>
<th>Address</th>
<th>Distance from gate/garage doors to edge of path</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>555 Nieces Road</td>
<td>2.8 metres</td>
</tr>
<tr>
<td>B</td>
<td>333 Nieces Road</td>
<td>4.5 metres</td>
</tr>
<tr>
<td>C</td>
<td>222 Nieces Court</td>
<td>3.9 metres</td>
</tr>
<tr>
<td>D</td>
<td>333 Nieces Court</td>
<td>3.1 metres</td>
</tr>
<tr>
<td>E</td>
<td>12 Mole Avenue</td>
<td>4.4 metres</td>
</tr>
<tr>
<td>F</td>
<td>14 Mole Avenue</td>
<td>5.7 metres</td>
</tr>
<tr>
<td>G</td>
<td>16 Mole Avenue</td>
<td>5.2 metres</td>
</tr>
<tr>
<td>H</td>
<td>16 Mole Avenue</td>
<td>5.3 metres</td>
</tr>
<tr>
<td>I</td>
<td>41 Seacombe Grove</td>
<td>5.0 metres</td>
</tr>
<tr>
<td>J</td>
<td>39 Seacombe Grove</td>
<td>4.9 metres</td>
</tr>
<tr>
<td>K</td>
<td>37 Seacombe Grove</td>
<td>4.8 metres</td>
</tr>
<tr>
<td>L</td>
<td>29 Seacombe Grove</td>
<td>Min. 5.1 metres</td>
</tr>
<tr>
<td>M</td>
<td>23 Seacombe Grove</td>
<td>5.4 metres</td>
</tr>
<tr>
<td>N</td>
<td>10 Seacombe Grove</td>
<td>5.4 metres</td>
</tr>
<tr>
<td>O</td>
<td>10 Sandown Street</td>
<td>3.0 metres</td>
</tr>
<tr>
<td>P</td>
<td>10 Sandown Street</td>
<td>3.3 metres</td>
</tr>
<tr>
<td>Q</td>
<td>10 Sandown Street</td>
<td>3.8 metres</td>
</tr>
</tbody>
</table>
Consultation Analysis
Bay Trail Shared Path: Sandown Street to Bay Street Section

1.0 Introduction
Duplication of the Bay Trail at Sandown Street is not considered to be complex as it involves providing an additional path for cyclists adjacent to the existing shared path, along a straight corridor with sufficient space available to accommodate a new path (study area right).

Given the limited level of influence that the community has on the project proposal (see Table 1), the purpose of the communication and engagement was to inform the community:
- Of the public safety risk associated with this high risk site;
- That Council cannot ignore this risk;
- About the proposal to duplicate this section of the Bay Trail shared path;
- Of the potential implications of the proposal, i.e. the removal of a grassed area to accommodate a separated path.

<table>
<thead>
<tr>
<th>Table 1 Negotiables and Non Negotiables</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Non-negotiables</strong></td>
</tr>
<tr>
<td>Proposed width of the path (2.5m – 3m) set as per best practice</td>
</tr>
<tr>
<td>Material of path – concrete (hard wearing, non-slip and smooth)</td>
</tr>
<tr>
<td>The need to deliver the project (project identified in Council risk register)</td>
</tr>
</tbody>
</table>

Communication Approach
The communication approach taken to inform the community of this project and collect feedback on the proposal consisted of:
- A letter and project information flyer sent to adjacent property owners and residents to inform them about the project and to provide information on the available opportunities to speak to the project team; and
- Signage installed onsite to inform shared path users of the project and the on-site listening post.
Engagement Approach
Three engagement methods were offered to residents and affected stakeholders interested in finding out more or providing feedback about the project.

<table>
<thead>
<tr>
<th>Method</th>
<th>Rationale</th>
<th>Timing</th>
<th>Participation #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listening Post On-site</td>
<td>Speak with users of the site, at a place and time convenient to this group.</td>
<td>Wednesday 1st March 2016 5.30pm – 7.30pm</td>
<td>66 people</td>
</tr>
<tr>
<td>On-site Meetings</td>
<td>Provide interested stakeholders with specific information or those unable to make the listening post with the opportunity to discuss the project</td>
<td>Available upon request between 10th Feb – 10th March, 2017 10th Feb – 10th March</td>
<td>2 adjacent residents (did not attend the listening post)</td>
</tr>
<tr>
<td>Phone Conversation</td>
<td></td>
<td></td>
<td>2 adjacent residents (also attended the listening post)</td>
</tr>
</tbody>
</table>

2.0 Participants

Participation Rates
70 participants provided feedback or met with the project team to discuss the project. Five people met individually, either in person or over the phone; 66 people attended the listening post onsite.

A total of 74 adjacent property owners and residents were notified of the project directly through a mail out.

Location of Respondents
Participants that attended the drop in session came from the following areas:

- Brighton: 44% (includes adjacent residents)
- Bentleigh: 16%
- Elsternwick: 9%
- Melbourne CBD: 7%
- Other 24%

3.0 Insights from consultation

Providing an additional new path along this section of the Bay Trail to improve safety was strongly supported by participants with:

- 94% of respondents supporting the project (64 people)
- 6% of respondents not supporting the project (4 people)

Insights related to project
Summarised below are the insights from participants that will be used by the project team:

- An adjacent resident and user of the existing grassed area suggested reducing the width of the separation between the two paths in order to increase the of the passive recreation space provided by the grass. This can be easily incorporated into the project design and will help to improve the look and function of the area;
- A small number of participants noted that it may be difficult for some pedestrians to understand which path to use and how to access the path. In consideration of this information the project team are investigating visual aids at key intersection points to clarify entry and use; and

- A number of participants asked why Council was not looking at increasing the width or duplicating the shared path in the area immediately behind the Royal Brighton Yacht Club. It is proposed to investigate measures to improve this section of the Bay Trail as part of the Middle Brighton Baths Precinct project.

Insights about Council

Summarised below are the insights collected from participants that do not directly relate to the project, however will be passed on to the area responsible:

- The following complaints were received about the dog friendly beach adjacent to this section of the Bay Trail:
  - Dog owners not picking up after their dogs; and
  - Dogs not on leash when arriving or leaving the beach, causing a safety risk to shared path users.
Executive summary

Purpose and background

The purpose of this report is to provide an update to Council on the Marine Education Science and Community (MESAC) proposal and present the draft Project Initiation Brief (PIB) that has been developed between the Department of Land, Water and Planning, Parks Victoria, MESAC Committee and Council, for endorsement.

Background

MESAC is a community driven initiative to establish a marine education science and community facility at Ricketts Point, Beaumaris (Attachment 1).

MESAC has been operating as an incorporated entity since 2013 and has been conducting regular marine related education and community activities. The MESAC Committee includes representation from the Beaumaris Yacht Club (BYC), Marine Care Ricketts Point, Royal Melbourne Institute of Technology University (RMITU), Parks Victoria and the Department of Environment Land Water and Planning (DELWP) and was established for the purpose of progressing the concept of a Marine Education Science and Community Centre at Ricketts Point, Beaumaris. Council as Committee of Management is the responsible land manager for the coastal Crown land at Ricketts Point, Beaumaris which includes buildings such as the Beaumaris Yacht Club, Beaumaris Life Saving Club and the Ricketts Point Teahouse.

The MESAC concept proposes both community and broader benefits including a research and education facility and visitor attractions, a significant presence for the Disabled Diving Association, multi-purpose community facilities and an upgrade of the BYC including improved sailing facilities.

In 2013, Council entered into a Memorandum of Understanding (MOU). The MOU is a non-legally binding document between key stakeholders; MESAC, RMITU, BYC and Council. It is aimed at documenting the goodwill relationship and the roles and responsibilities of each party for the purpose of exploring the MESAC concept (Phase 1) and does not commit any party to support the project beyond Phase 1, the scoping stage.

During February 2014, Council and MESAC conducted initial community consultation to gauge interest in the MESAC concept. The feedback identified that there was general support for MESAC, though concerns were expressed regarding the design and possible extent of the built form required for such a facility.

At its October 2013 meeting Council adopted the Ricketts Point and Ricketts Point Landside Management Plan which provides a vision, and range of principles, objectives and strategies for Ricketts Point. The vision for Ricketts Point is:

“…… that Ricketts Point, as a coastal environment with unique and sensitive biodiversity and cultural values, is considered an exemplar of effective and sustainable management within the wider catchment of Port Phillip and Western Port, with access for all abilities. The community can enjoy and learn about the environment and conservation values of Ricketts Point and the adjacent Ricketts Point Marine Sanctuary through a variety of active recreation, ecotourism and educational opportunities, ensuring environmental sustainability of the landscape.”
Council has identified the proposed use of the existing BYC lease area requires further investigation and a masterplan is required to inform the most appropriate use of built form at Ricketts Point and the most appropriate proposed location for MESAC. There is an opportunity to redirect funds identified for redevelopment design of the Ricketts Point Teahouse to the proposed masterplan.

Subject to Council’s endorsement of the PIB (Attachment 2), it is proposed to develop the masterplan as a critical next step in progressing the MESAC proposal. The key stakeholders support a strategic review of built form at Ricketts Point through the development of a masterplan. To meet the intended timeline for the project it will be necessary to fast track the development of the masterplan inclusive of an appropriate community consultation framework.

The Tea House is currently leased until 30 June 2020 and the tenant is keen to understand future built form use and layout at Ricketts Point.

**Key issues**

Project Initiation Brief

Recently, MESAC, Council and staff from Local Infrastructure (Office for Suburban Development) in DELWP have been meeting to progress the MESAC concept and to develop a PIB. The purpose of the PIB is to detail the projects; deliverables, project partners, background, policy context, outcomes and staging/methodology.

It is intended the PIB is used to seek support at State Government ministerial level within either the Education or Environment portfolios leading to a future State funding commitment. If achieved, this would lead to further work including completing an Investment Logic Map for future funding consideration. Council’s endorsement of the PIB is required to progress this initiative to the next stage.

**Recommendation**

That Council:

1. endorses the Marine Education Science and Community Project Initiation Brief as attached; and

2. Authorises the Chief Executive Officer to sign the Marine Education Science and Community Project Initiation Brief (as set out in Attachment 2) on behalf of Council.

**Support Attachments**

1. Attachment 1 - MESAC Overview 2017
2. Attachment 2 - Project Initiation Brief MESAC March 2017

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The MESAC proposal has the potential to further enhance the existing vibrant social activities and connectedness that occurs at Ricketts Point, Beaumaris through education and community activities, marine research and water based activities.
Natural Environment
Council’s Coastal Management Plan and Ricketts Point Management Plan outlines the environmental sensitivities and provides guidance for making decisions for Ricketts Point. Discussions and exploration of a Marine Education Science and Community Centre at this location will be undertaken in the context of Council’s Management Plan and proposed masterplan.

Built Environment
The existing built infrastructure at Ricketts Point is aging and has been constructed to meet needs over time without a strategic approach. Development of a masterplan to review and inform future built infrastructure at Ricketts Point is an essential step in considering the MESAC proposal.

Customer Service and Community Engagement
Council undertook initial community engagement regarding MESAC and its proposed location as a joint venture with the Beaumaris Yacht Club in February 2014. During this period, community feedback was provided through Council’s Have Your Say web page and a listening post held adjacent to the Beaumaris Yacht Club. A stakeholder workshop was held at Council following the listening post.

Feedback from the engagement identified that there was general community support for the concept, though there were concerns raised about the possible look, feel and extent of built form.

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 MOU is a relationship document outlining the roles and commitments each party has agreed to, it is not intended to be a legal binding document.

The Project Initiation Brief is a tool used by the State Government to administer projects of this nature.

Finance
As Identified within the Project Initiation Brief, Council has indicated a willingness to undertake master planning for the built infrastructure at Ricketts Point, Beaumaris. This masterplan will identify the most suitable future layout of buildings/structures for Ricketts Point, inclusive of the most appropriate location for MESAC. Council has $100,000 previously assigned to forward planning for Ricketts Point Teahouse, and a portion of this could be reallocated to masterplan development.

Council is not intended to be a funding partner for the construction and maintenance of the proposed MESAC facility. However, the outcomes of the masterplan may identify shared use of Council facilities which could lead to Council contributing to the project.
Links to Council policy and strategy

Council's Coastal Management Plan (2014) and the Ricketts Point and Ricketts Point Landside Management Plan (2013) guides' activities, improvements and decision making for Ricketts Point.

Coastal Crown land is managed under the Coastal Management Act (1995), consent to undertake any building works will be require consent under this act.

Strategy 7.1.3 of the Council Plan 2013 – 2017 (2016 Review) Maximising community utilisation of Council assets to improve financial and/or social return is relevant to this matter as an outcome of this project will review built infrastructure at Ricketts Point and ensure building use is maximised.
The Marine Education, Science and Community Centre (MESAC) will provide opportunities for partnerships in marine research and for public and Victorian schools to engage in activities that raise community awareness of marine environmental issues and promote informed discussions about how we treat our oceans, seas, bays, estuaries and beaches.

Background
The centre is proposed to be located on coastal Crown land at Ricketts Point, Beaumaris adjacent to and overlooking the Ricketts Point Marine Sanctuary. Marine Care Ricketts Point (MCRP) is a volunteer group which has been operating out of the Beaumaris Life Saving Club for a number of years. MCRP supported by Bayside City Council established the Marine Education Science and Community Centre (MESAC) Inc. committee three years ago to investigate the feasibility of establishing permanent facilities to accommodate a purpose built marine education, science and community centre. MESAC and Bayside City Council have signed an MOU to help progress the proposal and in 2014 Council undertook community engagement which included a drop-in session, a stakeholder workshop and an online forum.

Rationale
Bayside residents and the wider population of south-eastern Melbourne will have access to, and benefit from, the multiple use environmentally sustainable facility. The community engagement process found support for the proposal to cater for:
- Capacity for delivering marine science, community and school education focused on the protection of the marine sanctuary and the environment and habitats of Port Phillip Bay
- Use of facility's modern lecture facilities, environmental library, fossil records, technical aids
- Permanent location for University in situ marine and coastal research (TBC)
- A venue for environment specific and wider community conferencing
- Base for international visitors as part of a conceptual 'Bay trail' of marine activities
- Office space and storage for local environmental volunteer groups
- Special disability marine awareness programs through the Disabled Divers Association
- Non-motorised water sports
- Regular community activities (e.g. lectures, yoga groups etc.)

Partners
The project is being led by the MESAC committee in partnership with Bayside City Council, Parks Victoria, RMIT University and the Office for Suburban Development, DELWP.

Project status
In order to progress the feasibility of the project to the concept stage project partners have agreed to:
- Undertake an Investment Logic Mapping process
- Undertake a masterplan to review the built form on the Beaumaris foreshore.
- Undertake a staged feasibility and cost plan to support a business case for the proposed building.

A draft Project Initiation Brief has been prepared to agree on the scope for the Phase 2 feasibility investigations and confirm funding and contributions from the project partners.

Funding
There is no State Government funding committed to the project.
OSD Delivery Co-ordination Support
The Office of Suburban Development is assisting Council with co-ordination with other government departments, agencies and key stakeholders, guiding the partnership to ensure the Marine Education Science and Community Centre is planned and integrated to maximise community outcomes, and assisting in securing funding for delivery.

Policy Support
- Draft Port Phillip Bay Environmental Management Plan 2017-2027 (2016)
- Victorian Climate Change Adaptation Plan 2017-20 (2016)
- Plan Melbourne (2014)
- Victorian Coastal Strategy (2014)
- Bayside Coastal Management Plan (2014)
- Ricketts Point and Ricketts Point Landside Management Plan (2013)
- Ricketts Point Marine Sanctuary Management Plan (2005)
PROJECT INITIATION BRIEF

Project Name: Feasibility Study for a Marine Education, Science and Community Centre on the Beaumaris Foreshore adjacent to Ricketts Point Marine Sanctuary

LGA: Bayside Council
Prepared by: Office for Suburban Development, DELWP
Date: As at 10 March 2017

Deliverables/Outputs

- Investment logic mapping
- A Masterplan on options for the location of the Marine Education, Science and Community Centre (MESAC) building on the Beaumaris Foreshore adjacent to Ricketts Point Marine Sanctuary including:
  - Review of existing built form and potential future locations for the Yacht Club, Teahouse Café, Life Saving Club and Sea Scouts including which would be best co-located together
  - Include review of most recent structural assessments of each building
  - Review of pedestrian and vehicular movement through the foreshore with traffic, access and parking recommendations
  - Provide at least 3 options with an estimate of costs involved for each
- A staged feasibility and cost plan to support funding for a business case for the proposed MESAC multipurpose hub on the Beaumaris foreshore including:
  - Rationale for the centre including a review of other marine education centres and how the proposal relates to them and the Victorian Marine Science Consortium (including the proposed National Centre for Coasts and Climate in Point Nepean NP)
  - Review of potential tenant space requirements (including learning spaces) and MESAC footprint required to meet them, and the potential for a green roof to offset any required increase in building footprint
  - Review of policy context and planning requirements including information required for a Coastal Management Act consent application
  - Update the facility brief and preliminary cost plan
  - Concept designs for the construction of the building

Project Partners

Marine Education, Science and Community Centre Inc. (MESAC)
The MESAC concept was first proposed in 2013 with the largely volunteer consortia documenting the concept. MESAC Inc. is an incorporated association with members from:
- Marine Care Ricketts Point (Ray Lewis - Chair)
- Beaumaris Yacht Club (Bruce Fraser, Deputy Chair and Peter Sharp, Member)
- RMIT (Prof. John Buckeridge)
- Parks Victoria (Joe Mumford) - active observer
- DELWP (Jenny Symons) - active observer

Beaumaris Yacht Club (BYC)
BYC has a lease for their clubrooms until 2024 from Bayside City Council as Committee of Management over the coastal Crown land.

Bayside City Council (BCC)
Bayside City Council is the land manager and “aims to ensure that community facilities contribute greatly to improved social outcomes for the Bayside community. Council acknowledges that the redevelopment aims to be of state-wide and even potentially of national significance and it supports this understanding that the Bayside community, including schools, will benefit locally from access to these facilities and the relationships, links and opportunities it will provide.”
RMIT University
RMIT University has assisted with early planning, and is considering providing assistance with managing the design and delivery process and provide specialist design input in the areas of cultural landscapes, geology and marine sciences. RMIT may use the facility to undertake marine and coastal research and education.

Department of Environment, Land, Water and Planning (DELWP) and Parks Victoria (PV)
Project advice and support for this phase only as both will be referral authorities (s55 and s52) for planning approval at a later stage, including consent under the Coastal Management Act 1995.

Background

To maximise the potential Ricketts Point location for marine and broader community use MESAC could offer expanded capacity for:
- Capacity for delivering marine science, community and school education focussed on the protection of the marine sanctuary and the environment and habitats of Port Phillip Bay
- Use of facility’s modern lecture facilities, environmental library, fossil records, technical aids
- Permanent location for University ‘in situ’ marine and coastal research (TBC)
- Appropriate venue for environment specific and wider community conferencing
- Base for international visitors as part of a conceptual ‘Bay trail’ of marine activities
- Office space and storage for local environmental volunteer groups
- Special disability marine awareness programs (through the Disabled Divers Association)
- Water sports (non-motorised)
- Regular community activities (e.g. lectures, yoga groups etc.)

The need for such a multipurpose facility has been recognised by DELWP and Parks Victoria. Both organisations support this community project by their involvement in the Stakeholders Panel convened by MESAC and Council.

Relevant Legislation

The legislation relevant to the MESAC proposal can be found in Attachment 1.

Policy Context

STATE

Victorian Climate Change Adaptation Plan 2017-20 (2016)
The Adaptation Plan lays out the priorities for the next four years for the Victorian Government to better understand and manage current impacts, and to prepare for the long-term risks of climate change. It lays the groundwork for a new approach to adaptation from 2020, under the proposed new Climate Change Act. It will clarify the role of the Government, and help all Victorians understand how they can take action.

Draft Port Phillip Bay Environmental Management Plan 2017-2027 (2016)
The following goals and strategies relate to the MESAC proposal:

GOAL 1: Stewardship of the Bay is fostered across community, industry and government
Strategy 1 - Improve appreciation and understanding of Bay values
Strategy 2 - Improve collaboration and partnerships across community, industry and government

GOAL 2: Health and community enjoyment of the Bay is enhanced by best practice water quality management
Strategy 4 - Reduce litter loads to the Bay
GOAL 3: The Bay’s habitats and marine life are thriving
Strategy 6 - Conserve and restore habitats and marine life
Strategy 7 - Manage risks from marine pests

Central Regional Coastal Plan 2015-2020 (2015)
Regional Priority 6: Sustainable visitation and tourism infrastructure service level hierarchy
Regional Priority 8: Promoting leadership, co-ordination and capacity building for the coast

Action 8.2 - Provide support to all Central Coastal Region stakeholders that will strengthen their capacity for managing our coast in the short and long term.
Action 8.3 - Promote and support work done by all local coastal and marine volunteer community groups

Plan Melbourne (2014)
The following initiatives relate to the proposed MESAC building:
- Initiative 4.4.2 - A coordinated approach to the delivery of education, health, recreation and cultural facilities
- Initiative 4.6.3 - Fund subregional cultural and sporting facilities
- Initiative 4.6.4 - Support cultural events, precincts and programs
- Initiative 5.2.3 - Protect the coastlines and waters of Port Phillip Bay and Western Port

*Note current Plan Melbourne Refresh process.

Victorian Coastal Strategy (2014)
Any proposal must be consistent with the ‘Criteria for use and development on coastal Crown land’ (Attachment 4)

The following hierarchy of principles and policies for decision making relate to the MESAC proposal:

Principle 1. ENSURE THE PROTECTION OF SIGNIFICANT ENVIRONMENTAL AND CULTURAL VALUES
  1.2 Marine environments
  1.4 Onshore environments

Principle 2. UNDERTAKE INTEGRATED PLANNING AND PROVIDE CLEAR DIRECTION FOR THE FUTURE
  2.1 Coastal Hazards and Processes
  2.4 Research and knowledge sharing
  2.5 Community participation

Principle 3. ENSURE THE SUSTAINABLE USE OF NATURAL COASTAL RESOURCES

Principle 4. ENSURE DEVELOPMENT ON THE COAST IS LOCATED WITHIN EXISTING, MODIFIED AND RESILIENT ENVIRONMENTS WHERE THE DEMAND FOR DEVELOPMENT IS EVIDENT AND ANY IMPACTS CAN BE MANAGED SUSTAINABLY
  3.1 Coastal buildings, infrastructure and management
  3.2 Visitation and Tourism
  3.3 Access to the coast
  3.4 Boating and water-based activities

Ricketts Point Marine Sanctuary Management Plan (2005)
Management directions for the Sanctuary are summarised below:
- maintain habitat and protect natural processes
- undertake and encourage scientific research
- recognise and reflect the Traditional Owners
- maintain and promote opportunities for marine education
- promote opportunities for visitors to enjoy the foreshore and marine environment
- manage activities within the Sanctuary sustainably with minimal impact
- interpret and promote the Sanctuary’s values, recreational and tourism opportunities and foster community appreciation and awareness
- support and encourage Friends and volunteer groups
- work collaboratively with agencies, community and other stakeholders to assist in the Sanctuary’s management
LOCAL

Bayside Coastal Management Plan (2014)

Relevant sections of the plan include:

3.5.3 Foreshore Buildings Strategy

The MESAC proposal is noted under Beaumaris Yacht Club, however the Life Saving Club also has an action to ‘explore increased utilisation opportunities’ and the Sea Scouts has an action to ‘review whole of foreshore scouts buildings’ and to ‘explore increased utilisation opportunities’.

3.7.4 Car Park Strategy

Sealing the carpark to the LSC is listed as a high priority and could be incorporated into the redevelopment of the LSC building.

4.11 Precinct 10: Ricketts Point and Table Rock

Action 10.3 includes the development of a strategic plan for the expansion of the Marine Education Centre at Ricketts Point which is co-located with other coastal facilities. Action 10.5 involves removing the existing toilet block at the LSC and preparing a Precinct Master Plan.

4.12 Precinct 11: Sparks St to Charman Rd

This edge of this precinct adjacent to the Marine NP should also be considered. Action 11.1 removal of the Rennison Street public toilet block and 11.6 review the use of building, jetty and other structures of the Sea Scouts site.

Ricketts Point and Ricketts Point Landside Management Plan (2013)

The vision for Ricketts Point is:

Our vision is that Ricketts Point, as a coastal environment with unique and sensitive biodiversity and cultural values, is considered an exemplar of effective and sustainable management within the wider catchment of Port Phillip and Western Port, with access for all abilities.

The community can enjoy and learn about the environment and conservation values of Ricketts Point and the adjacent Ricketts Point Marine Sanctuary through a variety of active recreation, ecotourism and educational opportunities, ensuring environmental sustainability of the landscape.

To achieve this vision, seven principles supported by appropriate objectives, strategies and actions have been developed:

- Principle One: Protect Environmental Values, Vegetation and Coastal Character
- Principle Two: Manage the Impacts of Climate Change
- Principle Three: Protect and Celebrate Cultural Heritage Values
- Principle Four: Manage the Built Environment
- Principle Five: Facilitate Access, Movement and Connectivity
- Principle Six: Encourage Education and Community Involvement
- Principle Seven: Support Environmentally Sustainable Economic Development

Outcomes

- A well-used, multi-purpose and environmentally friendly facility where the community can enjoy and learn about the environment and conservation values of Ricketts Point and the marine sanctuary and participate through citizen science, education, active recreation, and ecotourism. It will be fully accessible to people with a disability and will inspire and facilitate changes in visitor attitudes and actions, in order to achieve conservation of the marine and coastal environment.
### Staging/Methodology

The proposed project staging is:
- Phase 1a – Prepare and sign PEB (March)
- Phase 1b – Investment logic mapping (March-April)
- Phase 2a – Master planning and stakeholder engagement (April-May)
- Phase 2b – Preliminary Feasibility Investigation (May-June)
- Phase 3 – Detailed Feasibility Investigation to inform application for business case funding (June-July)
- Phase 4 – Business Case (Aug-Nov)
- Phase 5 – Put forward for investment consideration (Nov)

**Proposed financial contributions for the Phase 1a Masterplan:**
- Bayside Council $TBC

**Proposed financial contributions for the Phase 1b feasibility study:**
- DELWP and Bayside Council to each contribute $15,000.
- Parks Victoria?
- Others?

**In-kind contributions:**
- RMIT volunteer hours
- MESAC volunteer hours

**Previous contributions:**
- RMIT pro-bono architectural services
- RMIT $9,500 for the preparation of a Business Plan
- Bayside Council $5,000 establishment grant
- Bayside Council $6,000 Community Engagement in 2014
- MESAC has documented a total of 1,500 professional and volunteer hours invested in the concept with a value of over $240,000 up to July 2016.
### Stakeholders

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ray Lewis</td>
<td>MESAC</td>
<td>Proponent</td>
</tr>
<tr>
<td>Steven White</td>
<td>Bayside City Council</td>
<td>Foreshore manager and host Council</td>
</tr>
<tr>
<td>Bruce Fraser</td>
<td>Beaumaris Yacht Club</td>
<td>Potential host facility, lease holder</td>
</tr>
<tr>
<td>Prof. John Buckeridge</td>
<td>RMIT</td>
<td>Design, environmental and research expertise</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Potential facility user</td>
</tr>
<tr>
<td>Heide Dixon</td>
<td>DELWP</td>
<td>Project supporter</td>
</tr>
<tr>
<td>Jo Richards</td>
<td>Parks Victoria</td>
<td>Adjacent land manager</td>
</tr>
<tr>
<td>TiBC</td>
<td>Beaumaris Life Saving Club</td>
<td>Current MESAC location &amp; potential host facility</td>
</tr>
<tr>
<td>Renato Poci</td>
<td>Teahouse Café</td>
<td>Foreshore business &amp; potential relocated facility</td>
</tr>
<tr>
<td>Anne Brasier</td>
<td>Beaumaris Sea Scouts</td>
<td>Foreshore facility &amp; potential relocated facility</td>
</tr>
<tr>
<td>Beth Jensen</td>
<td>Marine Care Ricketts Point</td>
<td>Potential facility user</td>
</tr>
<tr>
<td>Professor Michael Keough</td>
<td>Victorian Marine Science Consortium</td>
<td>Group of all universities in Victoria involved in marine science, Potential facility user</td>
</tr>
<tr>
<td>Sarah Burns</td>
<td>DET SWVR</td>
<td>Senior Education Improvement Leader, Beaumaris Secondary College, Potential facility user</td>
</tr>
<tr>
<td>Kasandra Ross</td>
<td>Gould League</td>
<td>Potential facility user</td>
</tr>
<tr>
<td>Bert Parker</td>
<td>Disabled Divers Assoc.</td>
<td>Potential facility user</td>
</tr>
<tr>
<td>Carolyn Briggs</td>
<td>Boon Wurrung Foundation</td>
<td>Potential facility user</td>
</tr>
</tbody>
</table>

### Indicative Budget

<table>
<thead>
<tr>
<th>Item</th>
<th>Provider Organisation</th>
<th>Estimated budget $/000</th>
<th>Budget Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masterplan</td>
<td>Consultant</td>
<td>$TBC</td>
<td>Bayside Council</td>
</tr>
<tr>
<td>Feasibility study</td>
<td>Consultant</td>
<td>$30,000</td>
<td>DELWP and Bayside Council to each contribute $15,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$TBC</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Attachments:
1. Relevant Legislation
2. MESAC, April 2016, Business plan for the development of a marine education, science and community centre at Ricketts Point Beaumaris.
3. MESAC, July 2016, Volunteer and professional hours contributed to the MESAC concept.
5. MESAC and Bayside Council MOU
## LEGISLATION
### STATE LEGISLATION

<table>
<thead>
<tr>
<th>THEME</th>
<th>ACT</th>
<th>PROVISION</th>
<th>LEAD AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>Coastal Management Act 1995</td>
<td>• Strategic planning on the coast</td>
<td>Victorian Coastal Council, Regional Coastal Board, strategic planning Department of Environment, Land, Water and Planning (DELWP) – management &amp; consents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Management planning on the coast</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Approval to use and develop coastal Crown land</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Planning and Environment Act 1987</td>
<td>• Establishes land use planning regime for private and public land</td>
<td>DELWP Local Governments</td>
</tr>
<tr>
<td>Land Status / Management</td>
<td>Crown Land (Reserves) Act 1978</td>
<td>• Establishes power to reserve Crown land for a range of public purposes and to appoint Committees of Management to manage reserved Crown land</td>
<td>DELWP</td>
</tr>
<tr>
<td></td>
<td>Local Government Act 1989</td>
<td>• Provides legislative backing for local government and provision for local laws</td>
<td>Local Governments DELWP</td>
</tr>
<tr>
<td></td>
<td>Victorian Environment Assessment Council Act 2001</td>
<td>• Provides for establishment of the Victorian Environment Assessment Council (VEAC) to conduct investigations and make recommendations relating to the protection and ecologically sustainable management of the environment and natural resources of public land</td>
<td>VEAC</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>Environmental Protection Act 1970</td>
<td>• Provides a framework for environment protection in Victoria</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td></td>
<td>Environment Effects Act 1978</td>
<td>• Provides a framework for major project environmental impact assessments</td>
<td>DELWP</td>
</tr>
<tr>
<td>Biodiversity</td>
<td>Flora and Fauna Guarantee Act 1988</td>
<td>• Protection of rare and endangered flora and fauna</td>
<td>DELWP</td>
</tr>
<tr>
<td></td>
<td>Wildlife Act 1975</td>
<td>• Regulates the management and protection of native wildlife</td>
<td>DELWP Parks Victoria</td>
</tr>
<tr>
<td>Cultural Heritage</td>
<td>Aboriginal Heritage Act 2006</td>
<td>• Protection of Aboriginal heritage in Victoria</td>
<td>Aboriginal Affairs Victoria</td>
</tr>
<tr>
<td></td>
<td>Heritage Act 1995</td>
<td>• Protection of heritage sites in Victoria</td>
<td>Heritage Victoria</td>
</tr>
<tr>
<td>Resource / Waterway Management</td>
<td>Catchment and Land Protection Act 1994</td>
<td>• Provides for the coordinated management of catchments and water resources</td>
<td>DELWP Melbourne Water Catchment Management Authorities</td>
</tr>
<tr>
<td></td>
<td>Fisheries Act 1995</td>
<td>• Management of coastal and inland fisheries</td>
<td>Fisheries Victoria</td>
</tr>
<tr>
<td>Vessel / Port</td>
<td>Marine Act 1988</td>
<td>• Regulates vessel safety and</td>
<td>Transport Safety</td>
</tr>
</tbody>
</table>
### COMMONWEALTH LEGISLATION

<table>
<thead>
<tr>
<th>THEME</th>
<th>ACT</th>
<th>PROVISION</th>
<th>LEAD AGENCY</th>
</tr>
</thead>
</table>
| **Biodiversity**     | Environment Protection and Biodiversity Conservation Act 1999       | • Commonwealth assessment of proposals with impacts on issues of national environmental significance  
                        |                                                                      | • Protects species of national significance                               | Department of Environment and Energy (DEE)                                   |
| **Cultural Heritage**| Aboriginal and Torres Strait Islander Heritage Protection Act 1994  | • Protection of Aboriginal heritage                                        | DEE                                                                        |
|                      | Native Title Act 1993                                               | • Native Title                                                             | National Native Title Tribunal (NNTT)                                      |
| **Human Rights**     | Disability Discrimination Act 1992                                  | • To eliminate discrimination based on disability                          | Australian Human Rights andEqual Opportunity Commission                    |
Executive summary

Purpose and background
The purpose of this report is to present to Council the outcomes of the investigation into the petition regarding a proposed street tree removal at 39 Tennyson Street, Sandringham. Council received the following petition at the 28 February 2017 Ordinary Meeting of Council:

“We the undersigned hereby petition Bayside City Council to reconsider the removal of the nature strip tree located at 39 Tennyson Street Sandringham. We kindly request Council to:

- Involve the owner and residents in the street who are affected by the trees’ removal (up until now, no consultation has occurred)
- Explore options other than removal
- Conduct a cost benefit analysis
- Ensure that, under no circumstances, the tree be removed before this petition is tabled in Council.

We believe it is the Council’s obligations to consider all options, and to keep those affected informed. We believe there will be options, other than the trees removal, that will comply with the Royal Commission Bush Fire Guidelines.

In response to the Petition Council resolved:

That the petition be received and a report be submitted to the 28 March 2017 Ordinary Meeting of Council.

Key issues
The tree at 39 Tennyson Street

The tree adjacent 39 Tennyson Street, Sandringham is a mature *Eucalyptus botryoides* (Mahogany gum) approximately 72 years old (Attachment 1). It is in good health, though has a recent history of recorded branch drop from 2010-2016. The Useful Life Expectancy (ULE) of this tree is estimated at up to 10 years. The ULE considers factors such as species, age, health, defects and site and environmental conditions.

The tree is located in a 3 metre wide nature strip and presents as a significant element of the streetscape. It is located less than 1 metre from the edge of the vehicle crossing for 39 Tennyson Street, Sandringham. The asphalt footpath and kerb and channel in front of this property has been repaired several times over recent years at a cost of $2,500. Repairs to infrastructure adjacent to a large tree can result in the removal of small or medium sized roots which can have an impact on the health of the tree. Regular footpath repairs will be required in the future as a result of defects caused by the growth of the tree.
Amenity Valuation

In accordance with the Bayside Amenity Valuation Method, this tree is valued at $29,547.23. The Street and Park Tree Management Policy 2016 (the Policy) that requires Council to consider removing a tree where the costs to retain it or cost of repair to damage of nearby infrastructure outweigh the amenity value of the tree.

Consultation

As set out in the Policy, community engagement regarding the communication of maintenance, removals and planting of trees and parks is guided by the Community Engagement for Park and Street Tree Works Procedure (PR/ESOS/TM/002). The procedure identifies that for tree removal, notification is required to the 6 most adjacent residences. In this case, notification was letterbox dropped to the 10 nearest residences. Some nearby residents have stated they did not receive the notification.

The Electricity Safety (Electric Line Clearance) Regulations 2015

The Electricity Safety (Electric Line Clearance) Regulations 2015 (the Regulations) require trees to be maintained within a minimum clearance distance from Low Voltage (LV) and High Voltage (HV) lines.

Bayside is located in a low bushfire risk area and the electricity wires are uninsulated LV and uninsulated HV lines. Council as the ‘Responsible Person’ under the Regulations is responsible for the maintenance of street trees around electricity lines in accordance with the Regulations. The clearance required is 1000 mm for LV lines and 1500mm for HV lines. These distances must be maintained during the period between pruning cycles. That is, there should be no branches inside the clearance zone when the tree next undergoes cyclic pruning (two yearly intervals).

The tree in front of 39 Tennyson Street, Sandringham has branches that breach the clearance space required by the Regulations for both the LV and HV lines.

Possible exceptions for branches within the clearance zone

The Regulations allow an exception for structural branches that measure 130 mm wide at the point at which it enters the clearance zone for uninsulated LV electric lines provided the branch is no more than 500 mm inside the minimum clearance space. There is no exception for structural branches within the clearance zone for HV lines. This tree has a branch that is now touching the LV lines. Therefore, the clearance zone can only be achieved by pruning, installing aerial bundled cables or removing the tree.

Pruning to provide clearance

Pruning the tree to provide the required clearance is an option. However, pruning will require the removal of large structural limbs and reduce the canopy by greater than 50 percent. This will place the tree under significant stress and adversely affect its health and longevity as a large percentage of leaves necessary for tree processes such as photosynthesis and transpiration will be removed. Pruning is not recommended and not considered a viable option in this situation.

Installing aerial bundled cables

Aerial bundling of cables is a solution to retaining a tree. The cost to install the new cable would be borne by Council as the asset owner of the tree.

United Energy as the owner of the electricity lines has been consulted regarding upgrading the lines from uninsulated LV and HV to aerial bundled cables. This work has been quoted at $56,529.00.
Removal of the tree

Removal of the tree at 39 Tennyson Street, Sandringham is the recommended option. The cost of $56,529 to aerial bundle the electricity lines to retain the tree and ongoing cost of repairs to infrastructure is significantly greater than the $29,547.23 amenity value of the tree. As the tree cannot be pruned, removal of the tree is considered the most preferred option given its expected useful life of up to 10 years.

**Recommendation**

That Council:

Notes the intended removal of the street tree adjacent 39 Tennyson Street, Sandringham having regarded Electric Line Clearance Regulations, the tree’s estimated useful life, the amenity value of the tree and the costs associated with aerial bundling the electricity lines and replacement of this tree with a *Corymbia ficifolia* (Flowering Gum) of the largest size available during the 2017 planting season.

**Support Attachments**

1. Attachment 1 - Eucalyptus botryoides ↓

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The tree at 39 Tennyson Street, Sandringham has a significant presence in the streetscape having been in Tennyson Street for approximately 72 years. As evidenced by the petition, the tree is a valued component of the Tennyson Street community.

**Natural Environment**

Council nature strips are a valuable resource to enhance the natural environment of the local and wider community. The selective replacement of older trees with young trees allows successive planting so the streetscape remains viable and able to provide amenity for residents and shelter and food for birds and animals over the long term. Council aims to retain trees in the landscape for as long as practically possible, but must remove older trees over time to ensure the street tree population remains safe and vibrant.

**Built Environment**

The proximity of this tree to public and private infrastructure has resulted in various repairs over the years to the footpath, kerb and channel and vehicle crossing.

The tree has grown into the ‘clearance zone’ of the HV electricity lines and action is required to re-establish the clearance.

**Customer Service and Community Engagement**

The Street and Park Tree Management Policy (2016) governs the criteria under which a tree can be removed. The Community Engagement Regarding Tree Management Procedure outlines consultation required for tree removal. In these circumstances where a tree is removed to facilitate repairs to infrastructure a notification letter is given to the nearest 6...
residences. In this case 10 residences were notified, though some residents have advised they did not see the notification.

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

**Legal**
Council must comply with the Electricity Safety (Electric Line Clearance) Regulations 2015.

**Finance**
Costs of upgrade to power lines and repairs to infrastructure regarding this tree has been assessed to outweigh the trees amenity valuation. Removal of this tree will require a shutdown of the power system and replanting of another tree. The table below outlines the costs involved for retention and removal of the tree.

<table>
<thead>
<tr>
<th>Retain tree</th>
<th>Remove tree and plant a new tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install insulated electricity lines</td>
<td>Shut down of High Voltage wires to remove tree</td>
</tr>
<tr>
<td>$ 56,500.00</td>
<td>$ 5,200.00</td>
</tr>
<tr>
<td>Recommended footpath works</td>
<td>Tree removal costs</td>
</tr>
<tr>
<td>(2017)</td>
<td>$ 2,800.00</td>
</tr>
<tr>
<td>Costs to retain tree</td>
<td>New tree + 2 year watering</td>
</tr>
<tr>
<td>$ 59,300.00</td>
<td>$ 700.00</td>
</tr>
<tr>
<td>Prune and retain tree</td>
<td>Costs to remove tree and plant new tree</td>
</tr>
<tr>
<td>Shut down of High Voltage wires to prune tree</td>
<td>$ 5,200.00</td>
</tr>
<tr>
<td>Tree pruning costs</td>
<td>$ 700.00</td>
</tr>
<tr>
<td>Recommended footpath works</td>
<td>$ 2,800.00</td>
</tr>
<tr>
<td>(2017)</td>
<td></td>
</tr>
<tr>
<td>Costs to prune and retain tree</td>
<td>$ 8,700.00</td>
</tr>
</tbody>
</table>

It is likely that the pruning option will require future tree removal as the tree has been assessed as not suitable for the significant pruning required to establish the necessary electricity line clearance.

**Links to Council policy and strategy**
The Street and Park Tree Management Policy 2016 guides Council decision making in relation to tree management.

Strategy 7.2.1 of the Council Plan 2013 – 2017 (2016 Review) Demonstrating high standards of customer service, good governance, risk management and leadership is relevant to this matter given the financial implications and ongoing management of risk relating to this tree.
Options considered

Option 1 Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>Removal of the tree and replacement with a new street tree to the west of the location of the existing tree. Therefore meeting Council's obligations under the Electricity Safety (Electric Line Clearance) Regulations 2015.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>New tree of a similar species to other mature trees in the street providing uniformity to the streetscape.</td>
</tr>
<tr>
<td>Issues</td>
<td>Loss of amenity in the streetscape and costs of $7,300 to remove and replace the tree.</td>
</tr>
</tbody>
</table>

Option 2 Not Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>Retain tree and install insulated electricity wires (Aerial bundled cables). Therefore meeting Council's obligations under the Electricity Safety (Electric Line Clearance) Regulations 2015.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Mature tree retained in the landscape for its useful life, estimated at up to ten years.</td>
</tr>
<tr>
<td>Issues</td>
<td>Costs of $59,300 to install aerial bundled cables and ongoing costs for repair to infrastructure to retain this tree in the streetscape. The cost of these works outweigh the tree amenity value of $29,600.</td>
</tr>
</tbody>
</table>

Option 3 Not Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>Prune to meet Council’s obligations under the Electricity Safety (Electric Line Clearance) Regulations 2015.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Mature tree retained in the landscape for its useful life, estimated at up to ten years.</td>
</tr>
<tr>
<td>Issues</td>
<td>Costs of $8,700 for ongoing costs for tree pruning and repair to infrastructure to retain this tree in the streetscape.</td>
</tr>
</tbody>
</table>
*Eucalyptus botryoides* (Mahogany gum) located in front of 39 Tennyson Street, SANDRINGHAM (indicated by yellow arrow).
10.9 **CON/16/129 - HEAD CONTRACTOR FOR THE CONSTRUCTION OF TWO PUBLIC TOILET FACILITIES (INCLUDING ONE DEMOLITION) ON JETTY ROAD, SANDRINGHAM**

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/15/8763 – Doc No: DOC/17/18132

**Executive summary**

**Purpose and background**

The purpose of this report is to recommend the appointment of a contractor to deliver two public toilet facilities on the foreshore at Jetty Road Sandringham under contract CON/16/129.

Site 1 (near Picnic Point Car Park) has an existing public toilet facility that no longer meets standard or regulations and will be demolished for a new facility as outlined in Council’s Public Toilet Strategy (2012). Site 2 will be a two cubicle facility with showers and drinking fountain located near the B7 carpark as outlined in the Sandringham Foreshore Masterplan. The new facilities will have family friendly facilities, comply with current building regulations, be accessible and comply with CPTED (Crime Prevention Through Environmental Design) principles.

Each coastal site is sensitive in regards to cultural heritage, vegetation and public interface. Council therefore sought submissions from suitably experienced contractors that could deliver the works successfully in these environs.

**Key issues**

The following companies were invited to tender through a selective tender process utilising the State Government Construction Supplier Register. The following companies provided a submission:

1. Cellstruct Industries Pty Ltd TA Cellstruct Building Group
2. May Constructions Pty Ltd
3. McCorkell Constructions Pty Ltd
4. Merkon Constructions Pty Ltd

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

Submissions were evaluated against a pre-selected criteria of price, experience, project appreciation and resources. The results of the analysis can be found in Confidential Attachment 1 – CON/16/129 Evaluation Matrix.

Tenderer’s were shortlisted based on the written submissions and Cellstruct Industries Pty Ltd was the preferred tenderer. As such Cellstruct Industries Pty Ltd were invited for an interview.

Cellstruct Industries Pty Ltd attended an interview with the Tender Evaluation Panel on Friday 3 March 2017. Cellstruct Industries Pty Ltd demonstrated a thorough understanding of the site, project, timeframes, risks and public interface.

A financial assessment was also requested. Cellstruct Industries Pty Ltd was deemed financial capable of completing the works.

The evaluation assessment identifies Cellstruct Industries Pty Ltd as the successful Contractor.
Recommendation

That Council:

1. awards contract CON/16/129 Head Contractor For The Construction Of Two Public Toilet Facilities on Jetty Road, Sandringham to Cellstruct Industries Pty Ltd (ABN: 85007238717) for the lump sum price $544,500 exclusive of GST ($598,950 inclusive of GST); and

2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/16/129 Head Contractor For The Construction Of Two Public Toilet Facilities on Jetty Road, Sandringham to Cellstruct Industries Pty Ltd; and

3. advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CON/16/129 Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social
The works under this contract will deliver new public toilets to the community which are safe, user friendly, bright and accessible. One objective of this project was to achieve a design that complies with Crime Prevention Through Environmental Design principles in response to anti-social behaviour (that has previously been present at the building on site 1). This has been achieved through thorough site analysis and siting the new building with a better orientation to maximise public surveillance from roads, pathways and open space areas to the doors. Achieving this has improved the utilisation of the area and created more usable foreshore open space for the community.

During the works, the existing amenities at Site 1 will be kept operational for the majority of time to reduce potential disruption to the community. Works will also be co-ordinated with the Farmers Markets to ensure facilities are available during monthly weekend markets.

Natural Environment
The natural environment will be protected through the following methods:

- Vegetation and cultural heritage zones will be fenced off and protected prior to the commencement of works;
- Screw pile footings have been adopted (as this method poses the least disturbance to the ground and surrounding areas); and
- Due diligence investigations have been completed for cultural heritage to protect existing registered sites.

Built Environment
The new amenities have a low elevation and profile to blend in with the coastal landscape and will constructed of materials suitable for harsh coastal conditions while matching existing materials already used along the Sandringham foreshore. In addition, the existing sea wall at Site 2 will be protected and remain intact as part of these works.
Customer Service and Community Engagement
Community Engagement was undertaken at both sites and positive feedback was received by all nearby stakeholders, authorities and the community.

The engagement process was in the form of meetings with the Sandringham Yacht Club, Hampton Sailing Club, Stand Up Paddle Board Hire and Kiosk, Kayak Hire, Boat Shed owner, Rotary Club (Hampton), Farmers Market, Black Rock Sandringham Conservation Society, Police and local Registered Aboriginal Party. Signs were also displayed at each site and pamphlets provided at the local Kiosk for the Community. No objection was received through or after this process.

A planning permit process was then undertaken as a permit was required for the demolition of the existing toilet facility at Site 1, with two objections received. The application was presented at a Planning Consultation Meeting. No objectors attended and a decision was made to grant a Planning Permit.

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

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

Finance

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant costs</td>
<td>$12,400</td>
</tr>
<tr>
<td>Contract Cost</td>
<td>$544,500</td>
</tr>
<tr>
<td>Contingencies &amp; Project Management Costs</td>
<td>$60,000</td>
</tr>
<tr>
<td><strong>Project Cost</strong></td>
<td><strong>$617,000</strong></td>
</tr>
<tr>
<td><strong>Overall Budget</strong></td>
<td><strong>$637,000</strong></td>
</tr>
</tbody>
</table>

The expected project cost is $617,000 (Ex GST) which is within the allocated budget.

Links to Council policy and strategy
Bayside Council’s Public Toilet Strategy (2012)
Sandringham Foreshore Masterplan (2016)

Options considered
Not Applicable to this report.
Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of a contractor to undertake the North Road Drain Project construction works under the Contract CON/17/2. This project is for the construction of stormwater pipes/pits and a stormwater detention tank at North Road, Brighton including the following works:

- Construction of 300 metres of drains and several pits along the south side of North Road from properties 110 to 136. Most of the drains are to be bored through a tree protection zone to be established as part of the project to protect the heritage significant trees; and
- Construction of a stormwater detention tank at Asling Street and North Road junction to capture and hold stormwater to mitigate down stream flooding

After the completion of the project the frequent flooding problems expected at properties 110 to 136 North Road are expected to be minimised.

This project is identified in Council’s Drainage Upgrade Strategy.

Key issues
A public Tender was advertised on Saturday 21 January 2017 and closed Wednesday 15 February 2017 with submissions from the following three companies:

1. Jaydo Construction Pty Ltd
2. Kalow Holdings Pty Ltd
3. VCrete Contractors Pty Ltd

This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989. The result of the analysis can be found in Confidential Attachment 1 – CON/17/2 Evaluation Matrix.

The evaluation panel met and assessed all three tenderers against the evaluation criteria as stated in the tender documents. Based on the assessment the panel shortlisted Kalow Holdings Pty Ltd for a tender interview. At the interview, Kalow Holdings Pty Ltd demonstrated a good understanding of the project scope as they have done many projects of a similar nature in the past and is committed to complete the works within the required timeframe.

Kalow Holdings Pty Ltd has completed a number of successful projects for various Councils such as:

- Manningham City Council - Drainage improvement works across Eastern Freeway to Gregory Court in Doncaster, 600mm – 1800mm dia pipes (trenched and bored);
- Glen Eira City Council - Installation of new underground drainage 225mm-1500mm dia. (trenched and bored), new concrete kerb & Channel and re-asphalting of the roadway; and
- Knox City Council - Retarding Basin Drainage works
Reference checks with previous clients came back satisfactory. A financial assessment was also requested and Kalow Holdings Pty Ltd was deemed financially capable of completing the works.

The evaluation panel finalised the assessment and recommends Kalow Holdings Pty Ltd as the preferred Contractor.

**Recommendation**

That Council:

1. awards contract CON/17/2 North Road Drain Project to Kalow Holdings Pty Ltd (ABN: 51 006 811 641) for the lump sum price of $481,643.80 exclusive of GST ($529,808.18 inclusive of GST);

2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/2 North Road Drain Project; and

3. advises the unsuccessful tenderers accordingly

**Support Attachments**

1. Confidential Attachment 1 - CON/17/2 Evaluation Matrix (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The implementation of the North Road Drain Project is aimed at mitigating flooding issues at properties on the south side of North Road from number 110 to 136 for major rainfall events. This project is included in Councils Drainage Upgrade Strategy.

**Natural Environment**

Work under this contract will help to reduce the damage to the natural environment from flooding and storm water runoff. It will also stop debris collection on nature strip, footpath and road from flood events. The stormwater detention element will buffer peak flows to Port Phillip Bay.

**Built Environment**

Flood mitigation will help to reduce deterioration of road, footpath, kerb and channel. It will lessen the frequency of flooding of private property. The drainage infrastructure is predominately underground so will have minimal visual impact on the area.

**Customer Service and Community Engagement**

Together with the contractor, Council will provide further advice prior to commencement of the work and maintain contact with key stakeholders during the construction period. The works will be implemented in accordance with the specifications and relevant statutory requirements.
Human Rights

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

Legal

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

Finance

The Capital Works Budget for 2016/17 has an allocation of $760,000.00 (ex GST) for this project. The following table summarises proposed distribution of the allocated budget including this work.

<table>
<thead>
<tr>
<th>Consultant costs-design review</th>
<th>$ 30,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Cost</td>
<td>$ 481,643.80</td>
</tr>
<tr>
<td>Contingencies &amp; Project Management Costs</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Project Cost</td>
<td>$ 551,643.80</td>
</tr>
</tbody>
</table>

The expected project cost is $551,643.80 (ex GST), which is within the allocated budget. Savings will be reflected in the March forecast and used to offset projects that may exceed budget within the Capital Program. The upgraded drainage system will reduce the level of flooding experienced in this part of North Road.

Links to Council policy and strategy

This project is consistent with the 2013/17 Council Plan as identified under Strategy 3.2.1: Ensuring community assets and infrastructure meet current and expected needs.

Options considered

Not Applicable to this report
Executive summary

Purpose and background
The purpose of this report is to seek Council endorsement for a letter to be signed in support of Project Respect. The letter will be used by Project Respect in its fundraising and grant applications. This matter was raised amongst member Councils at the March Inner South Metro Mayors Forum with a request that member Councils support the service.

Project Respect is a support and referral service for women in the sex industry, and women trafficked to Australia and has been operational for 18 years. It provides unique specialised woman’s service which reaches hard to access women experiencing intersectional disadvantage, who require the support of social and welfare services and are at risk of falling through the gaps. The 2016 Annual Report for Project Respect is provided in Attachment 1.

The Project Respect service delivery model was recently redesigned to be more sustainable. It undertakes outreach to licensed brothels, however will triage women requesting support to “partnership” agencies. To do this, Project Respect undertakes capacity building training across the social welfare sector to ensure services are knowledgeable about and responsive to women in the sex industry, including women trafficked. Project Respect continues to provide intensive case management support to women trafficked.

Key issues
Project Respect was on the verge of closure in 2016 due to lack of ongoing funding. It received $60,000 in funding to redesign its service delivery model in April 2016.

Project Respect has received the following funding:
- $75,000 per annum for two years from Victorian Multicultural Commission for implementation of new service delivery with a focus on supporting Culturally and Linguistically Diverse women in October 2016; and
- $150,000 per annum for two years from Department of Health and Human Services for implementation of new service delivery with a focus on family violence services in January 2017.

In 2014 – 2017 Project Respect received funding of $104,000 per year from the Attorney-General’s Department for supporting women who have been trafficked. This is due to expire in July 2017. Continuation of this funding has not been confirmed.

Project Respect has a constant struggle to secure ongoing funding. Time spent seeking funding consumes a large portion of resources that would otherwise be available for support services.

There are a number of local councils who are supportive of Project Respect’s work and provide funding towards its work through community grants programs however, with rate capping and the fact the service Project Respect delivers is ongoing, this is becoming harder to secure. Bayside does not currently contribute to Project Respect.

Project Respect services the Greater Melbourne region yet cannot secure ongoing State government funding.
Project Respect is seeking the support of the State government to secure recurrent core funding of $450,000 in order for its service to be sustainable.

**Recommendation**
That Council endorses the provision of a letter of support to assist Project Respect in its funding submission to the State government.

**Support Attachments**

**Considerations and implications of recommendation**

**Liveable community**

**Social**
The core work of Project Respect is to ensure women are connected in to the support and services they require, and to make sure women are not discriminated against during this process, while actively working to reduce the stigma women in the sex industry experience.

**Natural Environment**
There are no natural environment implications of the recommendation.

**Built Environment**
There are no built environment implications of the recommendation.

**Customer Service and Community Engagement**
There are no customer service implications of the recommendation and there has been no community consultation on this matter.

**Human Rights**
Project Respect provides specialist support to women whose human rights have been impacted through being trafficked into Australia’s sex industry.

**Legal**
There are no legal implications of the recommendation.

**Finance**
There is no financial implications for Council associated with this report. Project Respect are a support service that requires grants and contributions to continue to operate and this report provides Council’s support of Project respect to enable it to make grant applications.

**Links to Council policy and strategy**
Empowering individuals and communities through advocacy and addressing the broader determinants of health are two of the underlying principles of Council’s Wellbeing for All Ages and Abilities Strategy 2013 – 2017 and are core functions of Project Respect.
Options considered
There are no options considered for this paper.
OUR VISION
PROJECT RESPECT’S VISION IS FOR A WORLD WHERE WOMEN ARE FREE FROM TRAFFICKING, PROSTITUTION AND SEXUAL EXPLOITATION. WE ARE INFORMED BY WOMEN IN THE SEX INDUSTRY AND AIM TO SEE OUR GOALS ACHIEVED BY:

- supporting women in the sex industry through direct outreach, practical assistance, support stream referrals, ongoing emotional support and social inclusion in a community
- empowering women who have been in the sex industry by using a strengths-based, women-centred approach that facilitates access to genuine options for rebuilding lives and fostering a sense of self-worth and self-esteem
- educating the wider community to bring greater awareness of the impacts of prostitution and trafficking and to prevent the exploitation and enslavement of women by the sex industry
- advocacy and activism that addresses the demand, violence and structural inequalities that maintain the sex industry
- research on the sex industry that will allow us to inform our evidence-based practices and provide us with the tools for social change
- leading the way in Australia as the experts in specialist support for women who have been trafficked into the sex industry

CORE PRINCIPLES
PROJECT RESPECT’S CORE PRINCIPLES ARE:

- feminist; we recognise gender inequality and work to promote women’s rights
- women-centred; our outreach is focussed on women’s needs and experiences, and our activities are led and informed by the women we support
- respectful; we respect all women and acknowledge diversity and individuality
- proactive; we are committed to being leaders in education, advocacy and research in order to achieve sustainable social change
- compassionate; our work is grounded in compassion and empathy
- human rights; we are here for all women
- non-violence; we reject violence in any form and focus on preventing violence against women
3

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Item 10.11 – Reports by the Organisation
REPORT FROM THE CHAIR

Well, this has been another challenging, exciting and surprising year for Project Respect. This has been a year of highs and lows and a year that has channelled us into focusing on developing a clear and sustainable business plan to enable us to continue the vital work of Project Respect well into the future.

As most of our supporters and friends are well aware, we faced a crisis in the early months of the year. The re-building of Project Respect has continued steadily since this time, and at some stages has not been an easy or a comfortable journey. Thank you to each and every one of you who played a part in ensuring the continuation of this organisation.

We welcomed our new Executive Director, Cindy Smith in January, of this year – who took the role on with enormous energy, knowing that our situation was dire! She did an amazing job of steering the organisation, and our lovely volunteers through some very anxious moments, directing us in leading a campaign to save Project Respect and in exploring and adopting a more sustainable operation model in terms of our funding and our connections. Cindy now joins us on the COM, working to realize our new vision alongside us, and giving Rachel Reilly the opportunity to step into the ED role to continue this work. Thank you to Rachel for your enthusiasm with this change.

I had the privilege of taking on the role of Chair in March of this year and suffice to say, it has been hard work, steep learning and asking yet again for the members of the COM to give a little more than we all signed up for! We have had to make some hard decisions, commit a huge amount of time to meetings, campaigning and strategising - and the members of the COM have done this in the most respectful and ethical ways possible.

Change like this is not without heartache. We said goodbye to some very valued and experienced staff during our re-structure. I would like to thank Yummi, Shirley and Kate for their work over the years with Project Respect. Their wisdom and commitment to the women and girls we work with is a huge legacy to live up to. I would like to thank them for their energy and passion and look forward to drawing on their expertise in our future work.

This past year also saw Kathleen Matthehn (Founding ED) and Veli Mandev (past Chair), move on to pursue other goals. Both Kathleen and Veli stepped into their roles at Project Respect again when they were needed, to keep the organisation going and showing the kind of commitment and generosity that is evident in the staff and volunteers of Project Respect – this is what makes this organisation so very special. Thank you both for your hard work and the time you took out of your lives to keep things moving.

I would like to thank those whose grants and financial contributions have assisted us in being given this opportunity to rebuild Project Respect, including the Department of Premier and Cabinet, the City of Yarra, The Attorney General’s Department, RE Ross Trust, Inner North Community Foundation, Cabrini Linear, City World and other organisations such as Igniting Change, the English Family Foundation, the Cities of Monash, Melbourne and Moreland, and many others have also played a part in our survival.

Most of all, I would like to thank our amazing staff, volunteers and my fellow COM members for being brave enough to see this through and for getting excited alongside us with the possibilities for our future (which means more hard work of course). It is a very exciting time for Project Respect.

We head off into the next year armed with a new and sustainable strategy and a new and sustainable business model. We will keep the important work we do on the State and National agenda, we will work to educate services and agencies to make them more approachable and inclusive for our women and we will ensure that the work we do respects and empowers the women we work with. Our commitment to working towards ending the violence to, and exploitation of, women and young girls in the sex industry is stronger than ever.

Christine Croik
CHAIR PROJECT RESPECT

Item 10.11 – Reports by the Organisation
WE WILL WORK TO EDUCATE SERVICES AND AGENCIES TO MAKE THEM MORE APPROACHABLE AND INCLUSIVE FOR OUR WOMEN AND WE WILL ENSURE THAT THE WORK WE DO RESPECTS AND EMPOWERS THE WOMEN WE WORK WITH.

### 2015-2016 Highlights

**WORKING WITH WOMEN**

- **165** total brothel visits
- **82** individual brothels visited
- **348** women met
  - > 222 CALD background
  - > 62 women supported
  - > 16 trafficked women

**ORGANISATIONAL**

- **42** volunteers
- **12** student placements

**ADVOCACY & COMMUNICATION**

- **3** print & online media
- **2** radio
- **5** guest speaker events

- **1471** Facebook likes
- **2067** newsletter subscribers
EXECUTIVE DIRECTOR REPORT

While it has no doubt been a challenging year, there has also been many exciting initiatives as well as plenty to celebrate on the ground, in the office and with our work with women!

We continued our fortnightly community lunches and weekends away, and implemented new initiatives for women we support. This included art therapy held after the community lunches by our wonderful volunteer Kathryn Reidy and our legal information service run by a team of volunteers on Monday afternoon. We also implemented the Women’s Advisory Group (WAG), to ensure we are guided by the voices of women from the industry. This is a key initiative, and we will ensure our WAG remains operational as the organisation begins to move in a new direction. We were also fortunate enough to further develop our Employment and Education Program, ably overseen by Nicole Shuler to assist women in their pursuit of alternative forms of employment.

We implemented our brand new, custom made database and case-noting system which will allow us to streamline our working methods, while capturing more detailed information about the women we meet and support. This will enable us to report in greater depth and detail on the work we do, and provide the opportunity to gather more tangible data to feed up to different bodies to ensure the experiences of women in the sex industry are incorporated into planning and policy at local, state and national levels.

As the financial pressures became apparent at the beginning of 2016, we took the time to reflect and evaluate our working methods, which resulted in redesigning our service delivery model to capture the essence of our service. While a large part of Project Respect’s work over the years has been about creating a safe community for women in the sex industry, we identified the core of our work is to ensure women are connected to the support and services they require, and to make sure women are not discriminated against during this process, while actively working to reduce the stigma women in the sex industry experience.

Our new model will have a large outward focus, relying on integration with existing services. A core element of the service redesign will be to build strong partnerships with community, social and welfare services in order for us to provide warm referrals for women seeking assistance or support. Through these partnerships, we aim to increase the capacity of staff to be informed about the sex industry in Victoria as well as the issues women in the sex industry experience, while actively reducing stigma and discrimination associated with the industry. The long-term outcomes of this work will ensure the service system is knowledgeable about, and responsive to, women in the sex industry.

We will continue to conduct outreach to licensed brothels across the Greater Melbourne Region to let women know we are available to them, should they need. We will continue intensive case-management support for women trafficked and for women presenting with complex issues. Through our partnership development with the service sector, we will be able to provide warm referrals to services women require. We will be reducing our community engagement initiatives such as weekends away and material aid deliveries due to the resource intensive nature of those services, however, through developing a strong network of partnerships, we will still be able to link women in to similar services.

We are also connecting in with existing networks locally and nationally to ensure the voices of women in the sex industry are captured at all levels and incorporated into planning and policy development. We are now a member of the Australian Women Against Violence Alliance (AWAVA) Advisory Group which is a federally funded alliance of women’s services and a great space for Project Respect to be. And on a local level, we are members of the Yuva Health Plan Advisory Committee, and plan to continue developing relationships with local governments with the aim to participate in their strategic direction around health, gender equity and family violence planning.

We continue to attend the Human Trafficking National Roundtable in Canberra to ensure we...
THE CORE OF OUR WORK IS TO ENSURE WOMEN ARE CONNECTED IN TO THE SUPPORT AND SERVICES THEY REQUIRE, AND TO MAKE SURE WOMEN ARE NOT DISCRIMINATED AGAINST DURING THIS PROCESS, WHILE ACTIVELY WORKING TO REDUCE THE STIGMA WOMEN IN THE SEX INDUSTRY EXPERIENCE

remain informed about the Australian government response to human trafficking, and to highlight the experiences of the survivors of human trafficking we work with. This year we were fortunate enough to be a participant in the consultations for the third action plan of The National Plan to Prevent Violence Against Women and their Children 2010-2022. Involvement and participation in these groups, meetings and consultations provides the platform and opportunity for Project Respect to speak out to ensure the voices and experiences of women in the sex industry and women trafficked are included in future planning at a federal level.

On another positive note, it was a successful year for Project Respect and our wonderful volunteers in being acknowledged for the work we all do! We were honoured to be selected as a finalist in the Human Rights Awards in the Tony Fitzgerald Memorial Community Award category. It was an absolute pleasure to attend the awards in Sydney, and have the opportunity to listen to Gillian Triggs (Human Rights Commissioner), Peter Greaves (winner of the 2015 Human Rights Medal) and other guests speak about the inspiring work which they do.

Melissa Tines, our Volunteer Volunteer Coordinator was recognised for all her hard work and received a Premier’s Volunteer Champion Award in the category of Outstanding Volunteer Manager. The ceremony was held at Government House, and Melissa was presented with her award by The Hon. Daniel Andrews, Premier of Victoria. And Alison Barton, another one of our wonderful volunteers was acknowledged for her hard work and received a City of Yarra volunteer award!

Finally, a big thank you to all the staff, students, volunteers, members, supporters, donors and funders who have assisted and supported us on our journey this year. Project Respect always attracts amazing people, and this year was certainly no different! As always, we couldn’t have done it without you.

Rachel Reilly
ACTING EXECUTIVE DIRECTOR
working WITH women
BROTHEL OUTREACH

BROTHEL OUTREACH IS A KEY COMPONENT OF PROJECT RESPECT. IT ALLOWS US TO PROVIDE INFORMATION ABOUT RIGHTS AND SERVICES WHICH ARE AVAILABLE TO WOMEN, INCLUDING ABOUT PROJECT RESPECT.

Further, Outreach allows us to assess brothels for indicators or signs of trafficking and identify potential survivors of trafficking. Brothel outreach is often the first point of contact a woman may have with Project Respect.

Outreach to brothels is undertaken in teams, which are supervised by our Outreach Coordinator who is supported by students and volunteers with various skills such as bi-lingual multi-language skills but also lived experience in the sex industry. We found that having diverse teams improved our ability to break barriers and to connect with women during our outreach visits through language and shared experiences.

There are currently 87 licensed brothels in Melbourne. This year we conducted a total of 165 visits to 82 different brothels, of which 3 appeared closed. We were denied entry on 59 visits, however were able to leave information for women on those occasions. For the first time ever we also gained entry to 2 brothels who engage trans-gender women in the sex industry.

During our outreach activities we met 348 women of which 222 women (63%) were from Culturally and Linguistically Diverse (CaLD) backgrounds, primarily from Asia (210 women, 60%), especially from China, South Korea and Thailand.

Further, we updated and revamped our “info kits” to ensure information we provide to women during brothel visits is up-to-date and that the format is more compact and easier to read.
INDIVIDUAL AND INTENSIVE CASE MANAGEMENT SUPPORT

Project Respect’s individual support is women-centred, strengths based and available to any women from the sex industry who seeks our assistance. Further, we have no waiting lists for women to access our service.

We provided individual support and casework to 62 women as well as to their 32 children. The number of women supported has decreased from previous years which is a result of reduced staffing. This year, we had between one and two staff members engaging in direct service work at any one time. This number reflects that the amount of assistance required remained high and there continues to be a demand for specialized services for women in the sex industry.

Whilst we continue to receive referrals from other organisations, the majority of women self-referred to Project Respect, which was often an outcome of outreach to brothels.

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**WOMEN SUPPORTED**

- **5** Child Protection
- **4** CentralLink
- **4** Alcohol & Drugs
- **10** Education
- **12** Employment
- **8** Family Violence
- **18** Working
- **10** Immigration
- **5** English
- **9** Legal
- **11** Mental Health
- **8** Sexual Assault
- **10** Physical Health

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**FAMILY VIOLENCE**

- **24** Women did not experience family violence
- **18** Women experienced family violence
- **18** Women did not disclose

**SEXUAL ASSAULT**

- **10** Women did not experience sexual assault
- **25** Women experienced sexual assault
- **27** Women did not disclose
A large number (52%) of women supported are from CALD backgrounds.

Women from CALD backgrounds may often be exposed to additional issues resulting from language barriers, isolation and cultural differences due to living in a new country with different rights, laws, regulations and culture. Many CALD women supported by Project Respect indicated they were on their own in Australia. Some were trying to support their families in their home countries, as well as pursuing their own study.

A large proportion of women from CALD backgrounds that Project Respect supported this year do not have Permanent Residency or Citizenship status. This means that some are not entitled to any governmental support, including Medicare, and may not qualify for support from other services due to their immigrant status. Humanitarian visa pathways remain uncertain for many women.

Further, a large number of women who accessed our services were single mothers (23%), relied on social welfare such as Centrelink payments (45%) and experienced financial distress (78%). Family Violence and Sexual Assault continue to be significant issues for women supported by Project Respect.

Additionally, women supported by Project Respect continue to experience stigma and discrimination because of their experience in the sex industry, including when accessing other mainstream services.
SUPPORT FOR WOMEN WHO HAVE BEEN TRAFFICKED

Case Studies

Project Respect met Sylvie when she was homeless and she was referred to us by a homelessness service. Sylvie had been trafficked to Australia and managed to escape this situation, however found herself in a new country completely left by herself not knowing where in Melbourne she was. When we first met her she presented to be fearful and traumatised. Sylvie didn’t speak any English, she had experienced multiple sexual assaults and other traumatic events happened to her. She didn’t have work or study rights nor access to healthcare. Sylvie also needed urgent assistance related to immigration matters and health. With assistance from the housing service, emergency accommodation was secured for Sylvie and we were able to secure a pro-bono lawyer for her to assist with immigration related matters.

Sylvie now has access to healthcare thanks to the collaboration of the Royal Nursing District Services. We were also able to link Sylvie in with specialist counselling services.

Whilst Sylvie’s immigration status still means that she doesn’t have access to Medicare or other important forms of support such as Centrelink, she now finds herself in a safe situation and has further access to community support, including long-term housing. She is also receiving pro-bono English tutoring until her study rights are granted to enrol into an English course.

Project Respect continued to provide specialised support to women who have been trafficked into Australia’s sex industry. This year we assisted 14 women who were trafficked internationally into Australia’s sex industry, 1 woman who was trafficked domestically outside of Australia and 1 woman who was trafficked domestically within Australia. Project Respect’s support for women who have been trafficked ranges from long-term, intensive case management to assisting women in accessing relevant services, provision of information about their rights, peer support and community activities as well as emergency accommodation.

Our support for women trafficked is especially important for women who are ineligible to access the governmental Support for Trafficked People Program (STPP) (which is by delivered the Australian Red Cross and administered by Department of Social Services). Project Respect highly respects the Support for Trafficked People Program, but unfortunately in 2015-2016 only one woman we worked with was able to access the program.

We found that women have difficulties accessing the STPP due to its conditional nature, as it requires survivors of trafficking to assist the Australian Federal Police (AFP) with investigations against their traffickers and participation in the criminal justice system.

Some women currently supported by Project Respect were willing to cooperate with the AFP. However, they were only able to access the STPP’s resources either temporarily, or not at all.

Others do not wish to engage with Australian authorities for a range of reasons, including concern for personal safety and that of their families or because they may have been told that authorities cannot be trusted. For women who come from countries where prostitution is illegal, this is intensified, due to their fear of punishment upon returning home.

We also continued to participate in a range of advocacy activities, media and community events to discuss and educate women about human trafficking in Australia as well as our concerns about the conditional nature of the STPP.

Additionally, Project Respect is part of Australia’s National Roundtable on Human Trafficking and Slavery Senior Officials’ Meeting. Please refer to page 19 to read more about our advocacy work.

We would like to thank the Attorney General’s Department for continuing to fund our work with survivors of trafficking.
My contacted Project Respect as she found our brochure at the brothel where she worked. My had been sexually exploited for a long period of time. She had managed to leave this situation by herself, however found herself in a position needing urgent legal assistance. Project Respect linked her in with relevant legal services. Additionally, Project Respect assisted her to secure an Intervention Order against one of her previous clients. My also found herself very isolated which also led to her having felt depressed. My participated in our community activities such as our lunches, art therapy and weekend away. My on multiple occasions expressed that having found a community like Project Respect had been very beneficial for her general wellbeing. We also were able to link her in with counselling and other mental health services. Additionally, My participated in our Education and Employment Support Program through which she was part-time employment and she was able to improve her computer skills during this process (see page 16). My also managed to significantly reduce her engagement in the sex industry.

Kassia contacted Project Respect after she had been sexually assaulted in the sex industry. Child Protection services had removed her child from her and she had a substance abuse issue. Kassia was in the sex industry to support her addiction. We were able to link Kassia in with a specialist counselling service to address the trauma she experienced through the sexual assault. Further we provided Kassia support with Child Protection related matters. Kassia now no longer engages in the sex industry; she has been granted visitor rights to see her child and also undergone rehab.
COMMUNITY ENGAGEMENT & PEER SUPPORT ACTIVITIES

COMMUNITY LUNCHES
Project Respect continued to facilitate fortnightly community lunches for women in the sex industry. Our lunches are an informal and safe environment, free of judgement and discrimination. Women have the opportunity to get together, meet other people and share experiences with people who understand — many women often cannot talk freely about their involvement in the sex industry. In addition to the company, the lunches also come with a free, freshly cooked meal and if women wish, they can take some fresh fruit and vegetables home.

Thank you to SecondBite, Streetsmart and Foodbank Victoria for your support.

WEEKENDS AWAY
Project Respect facilitated three recreational and therapeutic weekends away for women from the sex industry, as well as their children with a total of 40 participants. This year in particular we had an increased numbers of children joining us. Our weekends are held in a peaceful country setting, providing a safe, non-judgemental space where women can get away and relax through peer support.

At our weekends away, women and their children are provided with healthy food and can participate in optional daily activities or have a remedial massage if they wish.

Thank you to Cabrini Linen, SecondBite, Streetsmart, Pierce Armstrong Trust and Foodbank Victoria for your support.

ART THERAPY
Project Respect facilitated fortnightly art therapy following our lunches. Women who participated in our art therapy were able to explore their creativity through drawing, painting, arts and crafts whilst also talking about experiences, having time out and connecting and sharing with others. We received great feedback and from the over ten women who participated in our art therapy activities on a frequent basis.

MATERIAL AID
We continued to provide material aid to women and their children primarily in the form of food and clothing. Many women stated that this form of support became essential to their daily lives.

Thank you to Mumsfit, St Kilda Mums, Streetsmart, Sydney Myer Foundation, Foodbank, Second Bite, New Hope, Deanna Papo, St Mary's House of Welcome and the Scooponomics.

WOMEN’S ADVISORY GROUP
In 2015, Project Respect formed the Women’s Advisory Group (WAG), a group of women who could guide the organisation and provide insight and advice based on their expert knowledge related to the sex industry. This enabled Project Respect to stay current, relevant and informed by women from the sex industry.

In 2015/2016 our Women’s Advisory Group:
- Provided expert interviews, which lead to a print media article highlighting the nexus of family violence and the sex industry.
- Was consulted for our submission to the proposed changes to the Sex Work Regulations 2016.
- Provided training to students and volunteers on matters related to the sex industry.
- Participated in, and provided input to, our 2014/2015 AGM’s Hypothetical Activity.
- Consulted in relation to the implementation of our Legal Information Service.
- Was included in the interviewing process of new staff members including the Executive Director.

We would like to thank the participants of our Women’s Advisory Group for sharing their expertise with us.
11 WOMEN PARTICIPATED IN ART THERAPY

40 WOMEN PARTICIPATED AT THE WEEKENDS AWAY

I love spending time meeting other women. It was valuable because it got me out of home and took my mind off my personal struggles I suffer daily. It boosted my self-esteem.

The weekend away is valuable to myself and my children because it’s something to look forward to and I wouldn’t be able to afford holidays anyway.

The best thing about the weekend away was setting to meet new people and socialising and enjoying my children.

I appreciate the company and being stress-free it is a retreat from daily pressures.
EDUCATION AND EMPLOYMENT SUPPORT PROGRAM

Project Respect was fortunate to receive funding to continue building our Education and Employment Support Program implemented and supported by Inner North Community Foundation in previous years, and to transform the work from a grant-dependent project into an ongoing and sustainable project. We recruited a highly competent Employment, Education and Engagement Officer, as well as skilled volunteers to deliver the project.

The program was a success, with 17 women initially engaging in the program and a number of key partnerships across the sector developed. Additionally, through this program, we were able to provide women from the industry with student placements, volunteer opportunities and, work for the role positions within Project Respect, providing women with the opportunity to gain first-hand work experience in a safe and supported environment.

The delivery of this program highlighted how crucial it is for Project Respect to draw on existing services in the community to deliver quality outcomes for women we support.

Thank you to Inner North Community Foundation, Our Neighbourhood Trust – Australia Post and Westpac Foundation for providing the financial support and opportunity to run this program.

Julie’s story

Julie has been in the sex industry since her 20s and is now in her late 50s. She has not been in mainstream employment for over 25 years and relies on government financial assistance. Julie has been attending Project Respect’s community lunches on a regular basis and also, on occasion, received material aid assistance however did not seek any form of further support from Project Respect until recently when she experienced housing distress and was at risk of homelessness. Project Respect was able to offer Julie a placement at the Project Respect office. Julie hadn’t worked in an office environment for a lengthy period of time and she lacked computer literacy and other administrative skills. Project Respect matched her with one of our volunteers who alongside with staff members – provided Julie with assistance related to computer proficiency and other administrative responsibilities such as utilising office equipment and internal processes and procedures. Julie has become an integral and much-admired part of our team, sharing her knowledge and experiences from the sex industry with Project Respect.

This is what Julie has to say:

"They not only offered me a placement but completely embrace and value my opinion, insight and experiences, re-framing them as the invaluable assets that they are, incorporating a component always missing from my life, a place where I can thrive as myself without fear of judgment or punishment and sense of belonging. It is promising to see social workers alike actually practice what they preach. I am truly privileged to be part of such a beautiful team that are equally empowering, passionate and supportive. This opportunity allows me to continue progressing personal and professionally, securing a bright future. I pray just to be given a chance, but Project Respect has given me so much more and I am forever grateful."

ALL NAMES AND IDENTIFYING DETAILS HAVE BEEN CHANGED TO PROTECT THE PRIVACY OF THE INDIVIDUALS INVOLVED IN THIS CASE STUDY
EDUCATION & EMPLOYMENT SUPPORT PROGRAM

5 🏢 BUSINESSES
5 🏦 EDUCATIONAL INSTITUTIONS
2 🧑‍🤝‍🧑 VOLUNTEERS
17 🧑 WOMEN PARTICIPATED
10 🧑 WOMEN COMPLETED
STUDENT AND VOLUNTEER PROGRAM

WE CONTINUED TO RUN OUR STUDENT AND VOLUNTEER PROGRAM, WITH A DIVERSE MIX OF WOMEN CONTRIBUTING TO PROJECT RESPECT'S AIMS AND VISION THROUGHOUT THE YEAR. BELOW IS A SNAPSHOT OF SOME OF THE PROJECTS UNDERTAKEN

SUPPORT FOR CHINESE WOMEN IN THE SEX INDUSTRY

A small team of students undertook a needs analysis of Chinese women in the sex industry, and how Project Respect can improve our services to be more responsive to Chinese women in the sex industry.

The research project suggested some new initiatives for Project Respect such as developing and building partnerships with ethno-specific services where training and resource exchanges can be fostered to be able to better support Chinese women in the sex industry. We will implement these suggestions into our new service delivery model.

Thank you to Kayley, Leona and Erin for their work on this project.

WORKING WITH GENDER DIVERSE PEOPLE

Research about supporting transgender women in the sex industry was undertaken by a student who provided guidelines around useful terminology, definitions and appropriate ways to approach and discuss transgender women in order to be able to provide the best support possible. Through this research, it became apparent that there are few resources for transgender women in the sex industry. We aim to become one of them and will continue this work in the year ahead.

Thank you to Angela for her work on this project.

RESEARCH INTO SUPPORT AND VISAS FOR SURVIVORS OF HUMAN TRAFFICKING

One of our volunteers looked into Australia's current government support and visa pathways for Trafficked People Program compared to other countries. This research highlighted the restricted nature of the Australian Government's form of support, including visa pathways as survivors of trafficking are conditioned to assist with investigations against their traffickers.

Regulations differ in other countries such as Canada, Netherlands, Italy and Norway where support and visa pathways are delinked from participation in the criminal justice for longer periods, compared to Australia.

Thank you to Mi for her work on this project.

LEGAL INFORMATION SERVICE

Facilitated by volunteer lawyers, our Legal Information Service ran fortnightly. The service was designed to provide women with legal information regarding a range of issues they may experience including immigration and visa issues, Family Law, discrimination cases and family violence. A large component of this program was to develop partnerships and relationships with Community Legal Centres to ensure women could be warmly referred to the services and receive stigma free support. We will continue to reach out and develop relationships with Community Legal Centres in the new year.

Thank you to Donna, Gabby, Hannah and Lucy for their work on this project.
ADVOCACY AND ACTIVISM

THIS YEAR WAS A STRONG YEAR OF ADVOCACY FOR PROJECT RESPECT BOTH FOR THE WOMEN WE SUPPORT AND FOR THE ORGANISATION.

SEX WORK REGULATIONS 2016 CONSULTATION

Consumer Affairs Victoria requested feedback on proposed changes to the Sex Work Regulations Act 2006 in early 2016. Project Respect consulted with a group of women with experience of the sex industry to inform our response. In sum, Project Respect’s position was as follows:

Project Respect did not endorse the removal of the “head shoulders” restriction on sex work advertising published on the internet. Without this restriction it was feared images of women in highly suggestive poses would be produced, subsequently creating an expectation on women to perform such roles or positions with clients.

We opposed the proposed changes allowing sex work advertising to make reference to race, colour or ethnicity of woman. The sex industry is a highly racialised environment, with a perceived idea women of Asian backgrounds are more likely to engage in risk taking activities such as sex without a condom. We believe these proposed changes will lead to more exploitation of already marginalised and vulnerable women.

We endorsed specific content restrictions such as images of frontal nudity and simulated sex acts on sex work advertising published on the internet. We recommended these restrictions go further and include suggestive poses (as indicated above) such as “died pose”, ripped clothes, and women positioned on their hands and knees as we believe such images imply and perpetuate violence against women.

“REVENGE PORN” SUBMISSION

A submission was made by a talented student to the Senate Legal and Constitutional Affairs References Committee Inquiry in early 2016. The submission called for revenge porn legislation to be updated to also reflect the experiences of women in the sex industry, not just women who have had their private photos and videos stolen.

The report also called for an update of the term ‘revenge porn’, pointing out that this term focuses more on the women involved rather than the crime of the perpetrator. It also suggests that the exploitation of women is motivated solely by revenge, when Project Respect’s research shows that violence against women has many origins, many of which are founded on a gender-based inequality. Project Respect proposes using the term “technologically facilitated sexual violence” instead.

HUMAN TRAFFICKING

We continue to participate in the Human Trafficking National Roundtable hosted once per year in Canberra. This is a forum where we can remain informed about the Australian Government’s response to human trafficking, while highlighting the issues survivors of trafficking experience. Project Respect collaborates with other non-government organisations prior to the meeting to amplify the voice of survivors in this space. We have also engaged in a number of media interventions raising the issue of contingent nature of the Support to Trafficked People Program limiting women’s access to the program.

PUBLIC SPEAKING AND MEDIA ENGAGEMENT

Project Respect is often sought out to present at a myriad of public speaking and media engagements. This year, we set up two panel discussions, provided 2 radio interviews, interviewed for three print media articles, and were the guest speaker at 5 separate events. Additionally, we connected with two International NGOs working in the human trafficking space. All of these opportunities provide the platform to advocate for women in the sex industry, raise awareness of the issues women in the sex industry experience and, discuss human trafficking in the Australian context.
THE TEAM

STAFF
Cindy Smith
(Executive Director)
Kathleen Maltzahn
(Founding Director)
Kate Connett
(Advocacy and Programs Coordinator)
Lana Katharina Sivacek-Pichler
(Advocacy and Programs Coordinator)
Nicole Shuler
(Employment, Education and Engagement Officer)
Rebecca Kerisson-Evans
(Admin Officer and Receptionist)
Rebecca Reilly
(Operations Manager)
Shirley Woods
(Strategic Advisor)
Yunn Lee
(Outreach Coordinator)

COMMITTEE OF MANAGEMENT
Current
Ade Conroy (Deputy Chair)
Aine McGrath
Caroline Norma (Secretary)
Cecilia Winterfox
Christine Craig (Chair)
Deanne Pepe
Emily Reid
Jessica Ng
Norelle Keem (Treasurer)

Resigned
Yali Menzies (Chair)
Christie Harris

STUDENT PLACEMENT
Yanjun (Leanne) Xu
Rongdhen (Erin) Lin
Kee Leng (Keyley) Teo
Karan Day
Rebecca Griffin
Christie Harris
Alyssa Scott
Henri Peggie
Faye Choopinchern
Wai Tung Chin (Angela)
Katherine (Kat) McCormack
Amy Evison

VOLUNTEERS
Abby Stone
Alison Barton
Allana Smith
Amy Evison
Angie Jackson
Carolina Prug-Blett
Charlie Martin
Chu Chu Wang
Deborah Byrne
Donna Nadeiros
Gabby Lawrence
Georgie Brough
Jasmine McGowan
Jaynelle Samuel
Jean Darling
Kara Day
Katherine Allen
Kathryn Reid
Kwee Ling Seu (Kally)
Lisa Ashton
Lucie Burns-Warr
Lucy Stanton
Malene Raymackers
Manda Malakin
Meg Pearce
Melissa Tines
Ming Li
Miranda Webster
Nikola White
Nina Roxburgh
Omera Pasci
Priya Prabhu
Roverene Morris
Sarah Rafter
Sarah Reynolds
Sarah Siok
Shanna Staley
Simonne Robertson
Stephanie Lindeman
Susan Shelton
Tegan Lenin
Toni Durrant

THANK YOU

TO OUR FUNDERS:
Attorney General's Department
Cabirin Linan
City of Melbourne
City of Moree
City of Yarra
Department of Premier and Cabinet
English Family Foundation
IBIS World
Igniting Change
Inner North Community Foundation
Mercy Foundation

Our Neighbourhood Trust – Australia Post
Pierce Armstrong Trust
RF Ross Trust
Sidney Myer Foundation
Soroptimists International
StreetSmart Australia
Westpac Foundation
FoodBank Australia
Mums Supporting Families in Need
Second Bite

TO OUR FRIENDS, SUPPORTERS, FOLLOWERS AND MEMBERS
Finally, a big thank you to all the individuals who are too numerous to mention by name.
Thank you for the support, for the donations, the awareness raising, the advocacy, the sharing and, for believing in the work of Project Respect.
FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2016

NOTES TO THE FINANCIAL STATEMENTS

Note 1 - Statement of Significant Accounting Policies
This financial report includes the financial statements and notes of Project Respect Incorporated, an incorporated association which is incorporated in Victoria under the Associations Incorporation Reform Act 2012. The committee has determined that the association is not a reporting entity.

The financial statements have been prepared on an accruals basis and are based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

The following is a summary of the material accounting policies adopted by the company in the preparation of the general purpose financial report. The accounting policies have been consistently applied, unless otherwise stated.

Accounting Policies

a. Property, Plant and Equipment
Each class of property, plant and equipment is carried at cost or fair value, where applicable, less accumulated depreciation and impairment losses.

Plant and Equipment
Plant and Equipment are measured on the cost basis less depreciation and impairment losses. The carrying amount of plant and equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows that will be received from the associated employment and subsequent disposal. The expected net cash flows have been discounted to their present values in determining recoverable amounts.

Subsequent costs are included in the asset’s carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the company and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Depreciation
The depreciable amount of all fixed assets is depreciated over the useful lives of the assets to the Committee commencing from the time the asset is held ready for use. The asset’s residual values and useful lives are reviewed and adjusted, if appropriate, at each balance date.

An asset’s carrying amount is written down immediately to its recoverable amount if the asset’s carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds from the carrying amount. These gains and losses are included in the income statement.

b. Cash and Cash Equivalents
Cash and cash equivalents include cash on hand, deposits held with banks, call with banks, other short-term highly liquid investments with original maturities of less than three months or

The accompanying notes form part of these financial statements. These financial statements should be read in conjunction with the above.

last, and bank overdrafts. Bank overdrafts are shown
within borrowings in current liabilities on the balance sheet.

c. Revenue
Revenue is measured at the fair value of the consideration received or receivable.

Grants are recognised at fair value where there is reasonable assurance that the grant will be received and all grant conditions will be met. Grants relating to expense items are recognised as income over the periods necessary to match the grant to the costs they are compensating.

Grants received for specific programs are recognised as income only to the extent of work completed on those projects when the terms of the grants stipulate that any unexpended funds are to be returned to the sponsor. If the program is not completed in that circumstance, the funds attributable to work still to be completed are carried forward as grants income deferred.

Revenue from the sale of goods is recognised at the point of delivery as this corresponds to the transfer of significant risks and rewards of ownership of the goods and the cessation of all involvement in those goods.

Interest revenue is recognised on a proportion of basis taking into account the interest rates applicable to the financial assets.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customer.

All revenue is stated net of the amount of goods and services tax (GST).

d. Income Tax
By virtue of its aims as set out in the constitution, the Association qualifies as an organisation specifically exempt from income tax under Section 50-45 of the Income Tax Assessment Act, 1997.

e. Goods and Services Tax (GST)
Revenue, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of expense. Receivables and payables in the Balance Sheet are shown inclusive of GST.

f. Employment Entitlements
Provision is made for the association’s liability for employee benefits arising from services rendered by employees to balance date. Employee benefits that are expected to be settled within one year have been measured at the amount expected to be paid when the liability is settled.

Contributions are made by the association to employee superannuation fund and are charged as expense when incurred.

g. Provisions
Provisions are recognised when the association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.
PROJECT RESPECT INCORPORATED
A.B.N. 41 965 510 696
INDEPENDENT AUDITOR’S REPORT TO THE MEMBERS

I have audited the accompanying financial report of Project Respect Incorporated, which comprises the balance sheet as at 30 June 2016, and the income statement, statement of changes in equity and cash flow statement for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the statement by the members of the Committee.

Committee’s Responsibility for the Financial Report
The Committee of the Association are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the Associations Incorporation Reform Act (Victoria 2012). This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error, selecting and applying appropriate accounting policies, and making accounting estimates that are reasonable in the circumstances.

Auditor’s Responsibility
My responsibility is to express an opinion on the financial report based on my audit. I conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity’s internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence
In conducting my audit, I have complied with the independence requirements of the Australian professional ethical pronouncements.

Auditor’s Opinion
In my opinion, the financial report of Project Respect Incorporated (the Association) is in accordance with the Associations Incorporation Reform Act (Victoria 2012), including:

i. giving a true and fair view of the Association’s financial position as at 30 June 2016 and of its performance for the year ended; and

ii. complying with Australian Accounting Standards as per Note 1 and the Associations Incorporation Reform Act (Victoria 2012).

Basis of Accounting and Restriction on Distribution
Without modifying my opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Project Respect Incorporated to meet the requirements of the Associations Incorporation Reform Act (Victoria 2012). As a result, the financial report may not be suitable for another purpose.

Name of Auditor: Frederik R. L. Eksteen
Address: Collins & Co
127 Paisley Street
Footscray VIC 3011
Date: 10/10/2016

Liability limited by a scheme approved under Professional Standards Legislation
## BALANCE SHEET

<table>
<thead>
<tr>
<th></th>
<th>2016 ($)</th>
<th>2015 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unappropriated Profit</td>
<td>77,650</td>
<td>196,320</td>
</tr>
<tr>
<td><strong>Total Equity</strong></td>
<td>77,650</td>
<td>195,320</td>
</tr>
<tr>
<td>Represented by:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petty Cash</td>
<td>211</td>
<td>133</td>
</tr>
<tr>
<td>Cash at Bank</td>
<td>120,866</td>
<td>213,662</td>
</tr>
<tr>
<td>Sundry Debtors</td>
<td>566</td>
<td>402</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>-</td>
<td>7,750</td>
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<tr>
<td>Prepayments</td>
<td>-</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>121,338</td>
<td>222,966</td>
</tr>
<tr>
<td><strong>Non-Current Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Equipment</td>
<td>325</td>
<td>325</td>
</tr>
<tr>
<td>Less: Provision for Depreciation</td>
<td>(325)</td>
<td>(216)</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>108</td>
</tr>
<tr>
<td>Motor Vehicles</td>
<td>32,000</td>
<td>49,904</td>
</tr>
<tr>
<td>Less: Accumulated Depreciation</td>
<td>(21,997)</td>
<td>(24,833)</td>
</tr>
<tr>
<td></td>
<td>11,008</td>
<td>25,051</td>
</tr>
<tr>
<td>Office Furniture &amp; Equipment</td>
<td>1,979</td>
<td>1,979</td>
</tr>
<tr>
<td>Less: Accumulated Depreciation</td>
<td>(1,484)</td>
<td>(1,451)</td>
</tr>
<tr>
<td></td>
<td>531</td>
<td>528</td>
</tr>
<tr>
<td></td>
<td>11,839</td>
<td>25,588</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>133,175</td>
<td>248,534</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2016 ($)</th>
<th>2015 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sundry Creditors</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>GST &amp; PAYGW Payable to ATO</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Superannuation Payable</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Income in Advance</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Provision for Annual Leave</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Provision for Time In Lieu</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Provision for Long Service Leave</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>55,525</td>
<td>52,315</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>55,525</td>
<td>52,315</td>
</tr>
<tr>
<td><strong>Net Assets</strong></td>
<td>77,650</td>
<td>196,320</td>
</tr>
</tbody>
</table>
### STATEMENT OF CHANGES IN EQUITY

<table>
<thead>
<tr>
<th></th>
<th>Accumulated Members Funds ($)</th>
<th>Total ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance as at 1 July 2014</strong></td>
<td>227,140</td>
<td>227,140</td>
</tr>
<tr>
<td><strong>Prior Year Adjustment</strong></td>
<td>481</td>
<td>481</td>
</tr>
<tr>
<td><strong>Surplus/(Deficit) attributable to the Association</strong></td>
<td>(31,301)</td>
<td>(31,301)</td>
</tr>
<tr>
<td><strong>Balance as at 30 June 2015</strong></td>
<td>196,320</td>
<td>196,320</td>
</tr>
<tr>
<td><strong>Surplus/(Deficit) attributable to the Association</strong></td>
<td>(118,670)</td>
<td>(118,670)</td>
</tr>
<tr>
<td><strong>Balance as at 30 June 2016</strong></td>
<td>77,650</td>
<td>77,650</td>
</tr>
</tbody>
</table>

### STATEMENT OF CASH FLOWS

<table>
<thead>
<tr>
<th></th>
<th>2016 ($)</th>
<th>2015 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash Flows From Operating Activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from Grants &amp; Other Receipts</td>
<td>347,335</td>
<td>325,337</td>
</tr>
<tr>
<td>Payments to Suppliers and Employees</td>
<td>(459,549)</td>
<td>(405,962)</td>
</tr>
<tr>
<td>Interest Paid</td>
<td>-</td>
<td>(181)</td>
</tr>
<tr>
<td>Interest Received</td>
<td>2,451</td>
<td>5,110</td>
</tr>
<tr>
<td><strong>Net Cash Generated From/ (Used in) Operating Activities</strong></td>
<td>(100,763)</td>
<td>(75,297)</td>
</tr>
<tr>
<td><strong>Net Increase/(Decrease) in Cash Held</strong></td>
<td>(97,962)</td>
<td>(75,297)</td>
</tr>
<tr>
<td><strong>Cash and Cash Equivalents as at 1 July 2015</strong></td>
<td>213,995</td>
<td>208,292</td>
</tr>
<tr>
<td><strong>Cash and Cash Equivalents as at 30 June 2016</strong></td>
<td>121,071</td>
<td>213,995</td>
</tr>
</tbody>
</table>
## NOTES TO STATEMENT OF CASH FLOWS

<table>
<thead>
<tr>
<th>Note 1 - Net cash generated from/ (used in) operating activities</th>
<th>2016 ($)</th>
<th>2015 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Deficit for the Year</td>
<td>(118,670)</td>
<td>(81,301)</td>
</tr>
<tr>
<td>Non-Cash Flow Item: Depreciation</td>
<td>6,010</td>
<td>6,544</td>
</tr>
<tr>
<td>Non-Cash Flow Item: Prior Year Adjustment</td>
<td>-</td>
<td>481</td>
</tr>
<tr>
<td>Increase/(Decrease) in Accounts &amp; Other Receivables</td>
<td>7,837</td>
<td>(9,119)</td>
</tr>
<tr>
<td>Increase/(Decrease) in Prepayments</td>
<td>800</td>
<td>(800)</td>
</tr>
<tr>
<td>Increase/(Decrease) in Trade and Other Payables</td>
<td>(12,288)</td>
<td>6,269</td>
</tr>
<tr>
<td>Increase/(Decrease) in Grants Receivable in Advance</td>
<td>7,300</td>
<td>(32,000)</td>
</tr>
<tr>
<td>Increase/(Decrease) in Provisions</td>
<td>7,948</td>
<td>(1,371)</td>
</tr>
</tbody>
</table>

### (100,763) (75,297)

### Note 2 - Cash and cash equivalents at end of financial year

<table>
<thead>
<tr>
<th></th>
<th>2016 ($)</th>
<th>2015 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at Bank</td>
<td>123,860</td>
<td>213,362</td>
</tr>
<tr>
<td>Petty Cash</td>
<td>211</td>
<td>133</td>
</tr>
</tbody>
</table>

| | 121,071 | 213,995 |
### PROFIT AND LOSS STATEMENT

<table>
<thead>
<tr>
<th>Income</th>
<th>2016 ($)</th>
<th>2015 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australia Post</td>
<td>9,091</td>
<td></td>
</tr>
<tr>
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**NET DEFICIT ATTRIBUTABLE TO THE ASSOCIATION**

(118,670)  (31,301)
How can you support Project Respect?

DONATE
Your donations will help us extend our services and programs to support women in the sex industry across the Greater Melbourne Region. Whether you donate monthly or just once, your contribution will assist us in supporting women. Jump on to our website https://projectrespect. nationbuilder.com/monthly_donation_2 to donate today!

VOLUNTEER
We are always looking for skilled volunteers who are willing to donate their time to specific projects we need assistance with – such as producing the Annual Report! Or Fundraising! Please contact info@projectrespect.org.au if you wish to get involved.

WORKPLACE GIVING
Workplace Giving is a great way to donate to us and provides an immediate tax benefit by reducing your taxable income! You will need to speak to your Payroll and/or Human Resources department to set this up, but there are a number of organisations out there who provide workplace giving platforms.

LEAVE A GIFT IN YOUR WILL
A bequest is a very significant way to make a positive difference to the lives and welfare of women in the sex industry and women who are trafficked. Please contact us directly on (03) 9416 3401 if you wish to discuss this further.

SPONSORSHIP
Your organisation can play an important community role by sponsoring our programs or providing crucial pro-bono advice and support in a number of key areas. Please contact us directly on (03) 9416 3401 if you wish to discuss ways your organisation can support us.

BECOME A FUNDRAISER FOR PROJECT RESPECT!
You can become a fundraising champion for us! There are many ways to fundraise for us, including involvement in fun runs or other fundraising events. For further information or ideas, please email info@projectrespect.org.au

Content & Editing
Rachel Reilly
(Acting Executive Director)
Lene Katherine Sivasseim-Pichler
(Programmes and Advocacy Coordinator)

Graphic Design donated by The Hungry Zoo
Louise Gault | hello@thehungryzoo.com.au | 0422 9707 84 | thehungryzoo.com.au
Item 10.11 – Reports by the Organisation
10.12 GENERAL REVALUATION 2018

Executive summary

Purpose and background
The purpose of this report is to advise Council of the requirement under the Valuation of land Act 1960 to undertake the 2018 General Revaluation of all rateable and non-rateable properties within the municipal boundary of Bayside City Council.

Key issues
In line with State Government requirements for biennial property valuations, Council's contract valuer, Matheson Stephen Valuations Australia Pty Ltd conducts inspections, analyse market sales, rental data and commercial leases every two years to develop levels of value for land, buildings and rentals. This information is then applied to individual properties, taking into account the different characteristics of each property.

Three valuations are made on a property:
- Site value (SV) – the value of land only, excluding any improvements
- Capital Improved Value (CIV) – the market value of land plus buildings and other improvements at the date of valuation (i.e. what it would have sold for on that date); and
- Net annual value (NAV) — for non-residential and investment residential properties, this is the assessed rental value. In accordance with legislation this must be at least 5 per cent of the CIV for any property. For residential properties it is fixed at 5 per cent of the CIV, but the amount is not set for commercial or industrial properties and will generally be higher.

The current valuation became operative from 1 July 2016. The next valuation will become operative on 1 July 2018, based on the value of properties at 1 January 2018.

Each revaluation reflects shifts in property values throughout the City, on the basis of suburb and on the type of property, including residential, commercial and industrial. This change in individual property values can have an effect on an individual ratepayer's rates. The State Government also uses these valuations to levy land tax.

In certain circumstances, valuations will be conducted between general valuations. Known as supplementary valuations, these occur when building or planning changes have been made to the property; for example the erection, demolition, extension or renovation of a dwelling, or subdivision of land. Valuations will also be changed as a result of successful valuation objections.

Prior to the official return of the General Valuation, the Contract Valuers must make a statutory declaration that the valuation and return will be impartial and true to the best of that person's judgement and will be made by that person or under his/her immediate personal supervision (Section 13DH of the Valuation of Land Act 1960). Statutory declarations of Valuation Impartiality and Trueness made pursuant to Section 13 DH of the Valuation of Land Act 1960 have been received from Shelly Wijaya Paini and Briony Stephen, Contract Valuers engaged by Matheson Stephen Valuations Australia Pty Ltd and are attached.
Following the adoption of the recommendation to carry out the General Valuation, the Valuer-General and all other rating authorities will be notified of Council’s resolution to cause such a General Valuation to be made.

Recommendation

That Council:

1. Pursuant to the Valuation of Land Act 1960, undertakes a General Valuation of all rateable and non-rateable properties within the municipal boundaries of Bayside City Council to be returned no later than 30 June 2018;

2. pursuant to Section 13DA of the Valuation of Land Act 1960, appoints Matheson Stephen Valuations Australia Pty Ltd for the making and return of the General Valuation;

3. pursuant to Section 6 of the Valuation of Land Act 1960, appoints Matheson Stephen Valuations Australia Pty Ltd to value land within the municipality in addition to the return of the Net Annual Value the Site Value and the Capital Improved Valuation of all properties within the municipal boundaries of Bayside City Council;

4. pursuant to Section 6 of the Valuation of Land Act 1960, advises the Valuer General and other relevant rating authorities of the resolution to cause such a General Valuation to be made; and

5. receives the statutory declaration by Briony Stephen and Shelly Wijaya Paini Contract Valuers engaged by Matheson Stephen Valuations Australia Pty Ltd for the purposes of returning a General Valuation to be effective from 1 July 2018.

Support Attachments

Nil
STATUTORY DECLARATION OF VALUATION IMPARTIALITY AND TRUENESS MADE PURSUANT TO
SECTION 13 DH OF THE VALUATION OF LAND ACT 1960

1. Shelly Wijaya Pani of Matheson Stephen Valuations Australia Pty Ltd., Level 1, Suite 13, 40
Burgundy Street, Heidelberg, in the state of Victoria, do solemnly and sincerely declare that:

The General Valuation of all properties in the Bayside City Council, to be returned after 1
January 2018 and before 30 June 2018, will be made by me or under my immediate personal
supervision, will be impartial and true to the best of my judgement.

And I make this solemn declaration conscientiously believing the same to be true and by virtue
of the provisions of an Act of the Parliament of Victoria rendering persons making a false
declaration punishable for wilful and corrupt perjury.

Declared at ___ in the State of Victoria on the ___ in the
Day of ___ in the Year Two Thousand and Seventeen

Signed

Before me:

Bill Shannon CPA.
STATUTORY DECLARATION OF VALUATION IMPARTIALITY AND TRUENESS MADE PURSUANT TO SECTION 13 DH OF THE VALUATION OF LAND ACT 1960

1. Kenneth Charles Flude of Matheson Stephen Valuations Australia Pty Ltd., Level 1, Suite 13, 40 Burgundy Street, Heidelberg, in the state of Victoria, do solemnly and sincerely declare that:

The General Valuation of all properties in the Bayside City Council, to be returned after 1 January 2018 and before 30 June 2018, will be made by me or under my immediate personal supervision, will be impartial and true to the best of my judgement.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at Cheltenham in the State of Victoria on the 23rd Day of January in the year Two Thousand and Seventeen

Signed

Before me:

Nova Pharmacy Cheltenham
Prop: Alan Feil
227 Warrigal Road
Cheltenham VIC 3192
Ph: 03 9583 3311
Fax: 03 9583 0570
Considerations and implications of recommendation

Liveable community

Social
Council requires from the supplier an understanding of Local Government, corporate social responsibility and a customer focus.

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

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

Customer Service and Community Engagement
Council requires from the supplier an understanding of Local Government, corporate social responsibility and a customer focus.

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
Pursuant to the Valuation of Land Act 1960 it is a requirement for Council to complete biennial property valuations.

Finance
Council’s 2016/17 Budget includes an amount of $240,000 for Valuation Services. A further provision will be included in 2017/18 Budget.

Links to Council policy and strategy
The Valuation Services Contract is consistent with the 2013-17 Council Plan as identified in Commitment Goal 7 relating to Council’s intention to continue to be financially responsible with good governance.
10.13 CORRECTION TO PREVIOUS COUNCIL RESOLUTION - CONTRACT 16/71 - CHELTENHAM RECREATION RESERVE SPORTS PAVILION

Executive summary

Purpose and background

To advise Council of a correction to a previous resolution of 28 February 2017 concerning Contract 16/71 – Cheltenham Recreation Reserve Sports Pavilion.

Council at its meeting on 28 February 2017 considered a report on Contract 16/71 regarding the Cheltenham Recreation Reserve Sports Pavilion, and Council subsequently resolved as follows:

That Council:

1. notes that the contract with Fercon Property Group Pty Ltd for Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation has been terminated; and

2. authorises the Chief Executive Officer to award a new contract for CON/16/71 Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation provided the Contract value and costs of associated works are within the budget allocation of $1,573,743.

Following the meeting it was brought to Council’s attention that there were some inaccuracies within the report concerning the contractor such as:

- Report states that Fercon’s pricing for the clean-up was excessive;
- The cause of delay was not stated leaving it open to infer Fercon as the contractor were the cause; and
- The contract had not been terminated.

The contractor has requested that these inaccuracies be corrected in an open and transparent manner.

Key issues

The contract for Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation was initially awarded to Fercon Property Group Pty Ltd (Fercon) on 23 August 2016 and demolition works commenced in October 2016.

During the demolition process, Fercon found contamination in the soil under the building. A contaminated soil test report confirmed that the soil under the demolished building was contaminated, requiring remediation. It should be noted that the contaminated soil is located within the building footprint and does not pose a risk to park or pavilion users.

Fercon was requested to provide a price to carry the soil remediation works. Council also arranged a quotation for the soil remediation works from an independent contractor for comparison.
Having considered the proposed cost associated with soil remediation and the contractor’s insistence to use a preferred third party to remedy the soil contamination, and given the additional works, time and cost associated with the contaminated soil it was mutually agreed that the contract be terminated.

This proposal to terminate the contract does not in any way reflect on Fercon Property Group Pty Ltd performance and capacity under the contract.

It is therefore recommended that Council notes the proposed termination of the contract based on a mutual agreement between Feron Property Group and Council.

**Recommendation**

That Council:

1. notes the proposed termination of contract with Fercon Property Group Pty Ltd for Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation based on a mutual agreement, given third party arrangements for the clean-up of site cannot be reached. This by no means reflects on Fercon Property Group Pty Ltd performance under the contract.

2. reaffirms its previous decision (10.9 – 28 February 2017) and authorises the Chief Executive Officer to award a new contract for CON/16/71 Cheltenham Recreation Reserve Sports Pavilion - Part Demolition, Reconstruction and Renovation provided the Contract value and costs of associated works are within the budget allocation of $1,573,743.

**Support Attachments**

Nil

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The works to Cheltenham Recreation Reserve Sports Pavilion will improve the experience for people using the pavilion and will increase club numbers as the new building caters for all genders and allows access to people of all abilities. The new kitchen will provide improved food handling capacity.

**Natural Environment**

The works under this contract include the protection of existing vegetation. The project includes the following sustainability elements:

- Low energy lighting; and
- Water efficient tap ware.
Built Environment
The works under this contract will enhance and improve the built amenities at Cheltenham Recreation Reserve in order to meet the current and future needs of the community.
Customer Service and Community Engagement

Together with the contractor, Council will provide further advice prior to commencement of the work and will maintain contact with key stakeholders during the construction period.

The works have been planned in consultation with the relevant sporting clubs. It was originally planned that works would be completed.

Human Rights

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

Legal

Council’s lawyers have drafted the necessary documentation (Deed of Termination and Release) to effectively terminate the contract. This is subject to final agreement between Council and Fercon with regard to the specific settlement details.

Finance

The Capital Works Budget for 2016/17 has an allocation of $1,573,743 (ex GST) for this project. Fercon have been paid for the work it has completed (subject to Claim 2 being paid). The revised project budget is shown below:

| Costs Associated with Works to Date       | $80,450.66 |
| Soil Remediation Works (approx.)          | $125,000.00 |
| Temporary Facilities (for sporting club use) | $72,000.00 |
| Project Management & Other Expenses      | $45,000.00  |
| Budget available for Contract CON/16/71 and other associated costs | $1,251,292.34 |
| Total (ex GST)                            | $1,573,743.00 |

Links to Council policy and strategy

This project is consistent with the 2013 - 2017 Council Plan as identified under Strategy 3.2.1: Ensuring community assets and infrastructure meet current and expected needs.

The Cheltenham Recreation Reserve Sports Pavilion does not meet the standards required of a contemporary sports pavilion and the work under this contract will upgrade the building to current standards.
Executive summary

Purpose and background
To advise Council of the State Council Meeting of the Municipal Association of Victoria (MAV) and to propose motions to be put forward to the State Council Meeting.

The MAV will be convening its State Council Meeting on Friday 12 May 2017. The State Council is the body consisting of all the representatives of Councils which are financial members of the MAV, and the role of the State Council is to set high-level strategic directions for the MAV.

The State Council enables member Councils to put forward motions for consideration.

Only Council’s appointed representative is able to vote on its behalf at the State Council. Council’s MAV representative is the Mayor, Cr Alex del Porto.

Key issues
It is proposed that the following motions be put forward to the State Council Meeting:

**Motion 1**

Commuter parking

*That the MAV State Council advocates to the State Government to develop a program to expand commuter parking at train stations to meet the current and future demands for commuter parking and public transport,*

**Rationale**

The provision of commuter car parking at train stations is a State government responsibility. Whilst some commuter car parking is provided at train stations, there is a massive deficiency in the level of parking available given the great density of population since the early provision of commuter parking. The lack of available commuter parking at train stations discourages many commuters from catching the train, or it also forces them to seek alternative parking in and around local residential streets, diminishing residential amenity.

**Motion 2**

Parkiteer bicycle cages at train stations

*That the MAV State Council advocates to the State Government to introduce Parkiteer bicycle cages at all train stations.*
Rationale

To improve sustainable transport options, consideration needs to be given to how well people can interchange between different modes of transport. Cycling is well suited for short journeys between 2km to 5 kms, but in partnership with rail it can be particularly effective in making long journeys a more attractive alternative to the private car in terms of both time and convenience. Facilities at trains stations such as secure bicycle parking can be crucial in supporting people to make sustainable transport choices. Parkiteer bicycle cages provide secure and undercover bike parking at train stations and major transport interchanges across Victoria. It is strategically important that Parkiteer bicycle parking is available at all train stations to encourage more people to cycle to their local train station.

Motion 3

Bus / Rail connectivity

That the MAV State Council advocates to the State Government to undertake a review of the bus service timetable for all rail-bus interchange connectively in order to improve bus-rail connectively, and encourage commuters to take the bus to train stations.

Rationale

There is a need for better coordination between buses and trains to reduce delays and travel times in order to make public transport a more attractive option for accessing train stations as part of an onward journey. Vastly improved bus-rail connectively would also assist in reducing commuter parking pressure within the vicinity of train stations.

Motion 4

MAV Committee Structure

That the MAV Board as a matter of priority review the MAV’s use of Advisory and Working Committees to ensure their contribution and relevance to the development and pursuit of the MAV’s purposes and strategy, including strategic planning. The review should have regard to the ability of the MAV to support and resource the Committees, the way in which the Committees might contribute to the MAV Board and State Council deliberations and the periodic review of the Committees to ensure their ongoing relevance and outputs. The benefits of Committee minutes being distributed to MAV delegates after consideration by the MAV Board should also be considered.

Rationale

Many of the existing Committees of the MAV appear to have not met for some time. It appears that distribution of minutes and follow-up is inconsistent. Minutes of committee meetings need to be distributed to members in a timely way. The Committee Chairs are meant to report to the Board on minutes and actions. After the Board receives and resolves on these, the minutes should also then be released to all delegates for information.

It is suggested a thorough review of the Committee structure be undertaken to review the relevance of each Committee, including terms of reference and membership of each Committee. It is also suggested that the MAV reviews its ability to support and resource a relevant number of committees, to ensure they are conducted effectively and efficiently with agendas, minutes and actions from each meeting.
Recommendation
That Council submits the following three motions to the MAV State Council meeting to be held on 12 May 2017:

1. Commuter parking

That the MAV State Council advocates to the State Government to develop a program to expand commuter parking at train stations to meet the current and future demands for commuter parking and public transport.

2. Parkiteer bicycle cages at train stations

That the MAV State Council advocates to the State Government to introduce Parkiteer bicycle cages at all train stations.

3. Bus / Rail connectivity

That the MAV State Council advocates to the State Government to undertake a review of the bus service timetable for all rail-bus interchange connectively in order to improve bus-rail connectively, and encourage commuters to take the bus to train stations.

4. MAV Committee Structure

That the MAV Board as a matter of priority reviews the MAV’s use of Advisory and Working Committees to ensure their contribution and relevance to the development and pursuit of the MAV’s purposes and strategy, including strategic planning. The review should have regard to the ability of the MAV to support and resource the Committees, the way in which the Committees might contribute to the MAV Board and State Council deliberations and the periodic review of the Committees to ensure their ongoing relevance and outputs. The benefits of Committee minutes being distributed to MAV delegates after consideration by the MAV Board should also be considered.

Support Attachments
Nil

Considerations and implications of recommendation

Liveable community

Social
The provision of additional commuter parking, better connectively between bus and rail, and the provision of parkiteer bicycle cages at train stations will assist commuter to use public transport, reducing the impact on local roads and parking in residential streets.
Natural Environment
There are no natural environment implications associated with this report.

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

Customer Service and Community Engagement
It is intended that the proposed motions will be circulated amongst member Councils prior to the State Council Meeting, and Bayside will seek support from neighbouring Councils to support the proposed motion.

Councillors will be advised of the adopted motions following the MAV meeting.

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 2016.

Legal
There are no legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The proposed motions concerning
Executive summary

Purpose and background
To advise Council of the Australian Local Government Association 2016 National General Assembly of Local government to be held in Canberra from 18-21 June 2017.

The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. The ALGA’s work includes but is not limited to the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local communities.

The Assembly is the major event on the annual local government events calendar and typically attracts more than 700 Mayors, Councillors and senior officers from Councils across Australia.

The Australian Government is increasingly looking at local government to play a role as a partner in tackling the major issues facing the nation and the Assembly is the opportunity to make sure that the views of local governments are represented.

The Annual General Assembly is also a great opportunity for Council to present various motions for consideration by the Assembly that have a national sector impact. Over the last few years Council has submitted motions to the National Assembly. All motions have been accepted and successfully carried by the Assembly.

It is not proposed to put forward any motions at the 2017 National General Assembly.

Key issues
Council has been represented at previous National General Assemblies in Canberra. All Councillors have been advised of the National Assembly and to date the Mayor Cr del Porto and Crs Castelli and Long have expressed a desire to attend. The cost of registration is approximately $1,159 based on early bird registration per delegate and approximate cost for accommodation in the range of $900 for a total of three nights. The Mayor has indicated that he intends to drive the mayoral vehicle to the Assembly which provides the opportunity for the two Councillors to join the Mayor in this travel arrangement.

Recommendation
That Council approves the attendance of the Mayor, Cr del Porto and Councillors Castelli and Long at the ALGA National Assembly to be held in Canberra from 18 – 21 June 2017.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

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

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

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

Human Rights
The implications of this report have been accessed and not considered likely to breach or fringe upon the human rights contains in the Victorian Charter of the Human Rights and Responsibilities Act 2016.

Legal
There are no legal implications associated with this report.

Finance
The cost associated with the attendance of three councillors at the National Assembly is provided within the current 2016/17 budget.

Links to Council policy and strategy
In accordance with Council’s Reimbursement, Support, Resources, Reimbursement and Accountability Policy each Councillor is able to attend one interstate conference per annum. To date during the 2016/17 financial year no councillor has attended an interstate conference. The attendance of councillor presentation at the National Assembly is in accordance with Council's policy.
Executive summary

Purpose and background
This report provides a summary and analysis of Council’s financial performance for seven months to 31 January 2017.

The report is designed to analyse actual results against the 2016/17 Adopted Budget to ensure consistency and compliance with the Budget, and to measure Council’s overall financial performance.

Please refer to the Detailed Financial Report attached for full analysis.

Key issues
The Adjusted Budget surplus for 2016/17 of $22.279M reported below has decreased by $13k from the Adopted Budget of $22.292M and includes the following adjustments

- $50k increase in the rollover of funding for the Beaumaris Sports Club pavilion to $2.055 M
- ($63k) 2015/16 Urban Strategy projects to be delivered in 2016/17
  - Hampton East (Moorabbin) structure plan implementation
  - Martin St structure plan implementation
  - Car parking precinct plans

2016/17 Year-to-date operating result
The January 2017 result is a surplus of $16.2M which is $6.3M favourable to budget.

2016/17 Forecast operating result
The current forecast for the year represents a surplus of $23.3M which is $1.0M favourable to Budget.

The underlying forecast result is favourable to budget by $2.5M and excludes the following one off or timing related items:

- ($161k) Timing of income and expenditure for Aged and Disability Regional projects
- ($1.394M) Timing of capital grants and contributions received in advance or deferred to align with the expected completion of capital projects.

Cash and Investments
The cash position as at January 2017 is $81.2M and is forecast to be $67.9M at June 2017.

The YTD favourable variance to budget of $23.3M as at January 2017 is mainly due to:

- $17.9M greater opening cash balance than budgeted:
  - $6.8M Favourable capital works underspend including Rollover of 2015/16 capital projects of $5.1M (to be spent in 2016/17)
  - $11.1M Favourable operating result at June 2016 compared to budget forecast which includes $4M of additional developer contributions
transferred to reserves, increased parking fines, interest income and grants in advance.

- $2.7M YTD favourable operating cash flow results and $2.7M YTD favourable capital cash flow results.

There will be a significant drawdown on these cash reserves over the next 4 years to pay off debt and to fund a rapid expansion of major capital projects.

**Victorian Auditor General's Office (VAGO) Indicators**

Current forecasts indicate that Council will achieve VAGO indicator targets.

**Local Government Performance Reporting Framework (LGPRF) Indicators**

Current forecasts indicate that Council will achieve LGPRF indicator targets.

**Capital Result**

The forecast for capital expenditure to 30 June 2017 is favourable $6.6M and indicates that 86% of the capital expenditure budget will be spent by June 2017.

The forecast indicates that $8.3M of capital expenditure will be required to be carried forward to 2017/18 due to the following projects:

- $3.3M construction for Elsternwick Park No 1 Oval Precinct to be completed in 17/18.
- $3M construction for Dendy Street Beach Masterplan Implementation, construction works likely to commence in 17/18.
- $2M Banksia Reserve Beaumaris Pavilion Redevelopment to be completed in 17/18.

**Feasibility report for storage options for Bayside City Council Art and heritage collection at the Brighton Town Hall**

Council approved a capital budget of $44,318 in 2016/17 to commission a detailed design for the proposed upgrade and renewal of the HVAC system at the Brighton Town Hall. Further investigation has identified that the HVAC system is contingent on improvements to the storage of the collection. It is recommended that the $44,318 budget be utilised instead for a feasibility report for storage options for the collection which would include an isolated HVAC system for the Galleries two exhibition spaces.

**Brighton Library Interior Development**

Council approved a budget in 2016/17 of $103,345 for the upgrade to the interior of the Brighton Library. Full detailed costings have now been completed which take into account the Heritage nature of the building and it is expected the works will exceed the budget by $76,050. Council also approved a budget in 2016/17 of $250,000 for Library Future Development feasibility and design works for Sandringham, Hampton, and Highett/hampton. The full budget allocation will not be required to complete the works and therefore funds are available to support the increase required for the Brighton Library development works.

Including the impact of projects carried forward to 2017/18 the capital program forecast is unfavourable $1.1M of which $925k is being funded from reserves.

**Recommendation**
That Council

1. Notes the operating and capital financial report for the seven months to 31 January 2017.

2. Approves the allocated in the 2016/17 capital budget for Brighton Town Hall Gallery Climate Control $44,318 to be used instead to fund a feasibility report on storage options for the collection which would include an isolated HVAC system for the Galleries two exhibition spaces.

3. Approves the capital works for the Brighton Library Interior redevelopment works of $76,050 in excess of the approved budget which is to be funded from the savings identified in the Libraries Future Development capital project.

Support Attachments

1. Bayside City Council January 2017
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

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

No community engagement has been undertaken in preparing this report.

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

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

Finance
The year-end forecast operating result is a surplus of $23.3M which is $1.0M favourable to budget. Taking into account one off and timing issues the underlying operating result is $2.5M favourable to budget.

The capital result forecast including the anticipated rollover of projects to 2017/18 is $1.1M unfavourable to budget of which $925k is funded from reserves.

Links to Council policy and strategy
The monthly financial report is identified within Goal 7 in the Council Plan 2013-2017 Strategic Objective 7.2.2- Reporting regularly to our community on Council’s performance.
Operating Result

The Adjusted Budget surplus for 2016/17 of $22.279M reported below has decreased by $13k from the Adopted Budget of $22.292M and includes the following adjustments:

- $50k increase in the rollover of funding for the Beaumaris Sports Club pavilion to $2.055M
- $(63k) 2016/16 Urban Strategy projects to be delivered in 2016/17
  - Hampton East (Moorabbin) structure plan implementation
  - Martin St structure plan implementation
  - Car parking precinct plans

2016/17 Year-to-date operating result

The January 2017 result is a surplus of $16.2M which is $6.3M favourable to budget.

2016/17 Forecast operating result

The current forecast for the year represents a surplus of $23.3M which is $1.0M favourable to Budget. The underlying forecast result is favourable to budget by $2.5M and excludes the following one off or timing related items:

- $(181k) Timing of income and expenditure for Aged and Disability Regional projects
- $(1.394M) Timing of capital grants and contributions received in advance or deferred to align with the expected completion of capital projects.

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Services &amp; New Initiatives Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>49,846</td>
<td>50,152</td>
<td>307</td>
<td>86,286</td>
<td>85,471</td>
<td>185</td>
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<tr>
<td>Statutory Fees and Fines</td>
<td>2,508</td>
<td>3,295</td>
<td>786</td>
<td>4,389</td>
<td>5,625</td>
<td>1,237</td>
</tr>
<tr>
<td>User Fees</td>
<td>4,515</td>
<td>4,746</td>
<td>231</td>
<td>7,966</td>
<td>8,260</td>
<td>265</td>
</tr>
<tr>
<td>Rental Income</td>
<td>3,045</td>
<td>3,022</td>
<td>(23)</td>
<td>4,054</td>
<td>4,063</td>
<td>8</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>6,857</td>
<td>6,996</td>
<td>139</td>
<td>10,209</td>
<td>10,322</td>
<td>114</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>645</td>
<td>79</td>
<td>(566)</td>
<td>3,659</td>
<td>3,649</td>
<td>(10)</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>20</td>
<td>38</td>
<td>18</td>
<td>124</td>
<td>140</td>
<td>16</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,166</td>
<td>1,686</td>
<td>520</td>
<td>4,380</td>
<td>3,007</td>
<td>(1,373)</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,003</td>
<td>1,447</td>
<td>444</td>
<td>1,775</td>
<td>2,080</td>
<td>305</td>
</tr>
<tr>
<td>Other Income</td>
<td>928</td>
<td>759</td>
<td>(170)</td>
<td>1,608</td>
<td>1,255</td>
<td>(353)</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Income</td>
<td>70,534</td>
<td>72,219</td>
<td>1,686</td>
<td>123,479</td>
<td>123,873</td>
<td>394</td>
</tr>
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</table>

Expenditure

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>24,343</td>
<td>23,589</td>
<td>754</td>
<td>40,192</td>
<td>40,389</td>
<td>(197)</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>26,187</td>
<td>22,812</td>
<td>3,376</td>
<td>43,469</td>
<td>42,714</td>
<td>755</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>3</td>
<td>(3)</td>
<td>172</td>
<td>172</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>9,604</td>
<td>9,896</td>
<td>507</td>
<td>14,470</td>
<td>14,470</td>
<td>-</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>233</td>
<td>168</td>
<td>65</td>
<td>426</td>
<td>406</td>
<td>20</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>257</td>
<td>309</td>
<td>(53)</td>
<td>441</td>
<td>434</td>
<td>6</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>69,624</td>
<td>55,978</td>
<td>4,646</td>
<td>101,200</td>
<td>100,585</td>
<td>615</td>
</tr>
</tbody>
</table>

Operating Result - Surplus | 9,910                     | 16,242              | 6,332                         | 22,279                  | 23,287                    | 1,009                                 |
### Operating Result by Division

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>4,766</td>
<td>4,325</td>
<td>442</td>
<td>8,189</td>
<td>7,923</td>
<td>265</td>
<td>3.2%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>4,932</td>
<td>4,141</td>
<td>791</td>
<td>8,571</td>
<td>8,129</td>
<td>441</td>
<td>5.1%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>18,717</td>
<td>17,672</td>
<td>1,045</td>
<td>31,624</td>
<td>31,485</td>
<td>138</td>
<td>0.4%</td>
</tr>
<tr>
<td>City Planning &amp; Community Services</td>
<td>5,044</td>
<td>2,804</td>
<td>2,240</td>
<td>8,897</td>
<td>7,978</td>
<td>919</td>
<td>10.3%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(1,520)</td>
<td>(2,563)</td>
<td>1,043</td>
<td>(2,795)</td>
<td>(3,266)</td>
<td>471</td>
<td>-16.8%</td>
</tr>
<tr>
<td>Underlying Operating</td>
<td>31,940</td>
<td>26,380</td>
<td>5,560</td>
<td>54,485</td>
<td>52,251</td>
<td>2,235</td>
<td>4.1%</td>
</tr>
<tr>
<td>Rates</td>
<td>(49,642)</td>
<td>(49,951)</td>
<td>309</td>
<td>(85,196)</td>
<td>(85,354)</td>
<td>158</td>
<td>-0.2%</td>
</tr>
<tr>
<td>Capital Income</td>
<td>(1,811)</td>
<td>(1,766)</td>
<td>(46)</td>
<td>(8,039)</td>
<td>(6,055)</td>
<td>(1,383)</td>
<td>17.2%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>9,604</td>
<td>9,096</td>
<td>508</td>
<td>16,470</td>
<td>16,470</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>(9,910)</td>
<td>(16,242)</td>
<td>6,332</td>
<td>(22,279)</td>
<td>(23,287)</td>
<td>1,009</td>
<td>-4.5%</td>
</tr>
</tbody>
</table>

**Executive forecast favourable $265k**
- $172k savings in salaries due to the timing of the appointment to positions in Strategy & Performance, Arts & Culture and Library Services.
- $50k forecast saving for the My Bayside App project. This project is no longer required as the new website functionality is adaptable to different media devices.

**Corporate Services forecast favourable $441k**
- $296k forecast savings in insurance premiums based on favourable tender results.
- ($53k) reduction in lease cost recovery from tenants due to the reduced insurance premiums.
- ($72k) insurance audit required to provide a comprehensive insurance register
- $120k merchant service fees charged from 1 July to recover merchant fees for credit card payments.
- $61k savings in salaries due to the timing of appointments to positions in Commercial Services, Governance and Human Resources.
- $52k forecast savings in the contract for the Provision of Electoral Services.

**Environment, Recreation & Infrastructure forecast favourable $138k**
- $167k favourable variance relating to a number of Open Space services contracts with CPI being lower by 1.3% than the budgeted 2.5%:
  - $61k Bushland and foreshore
  - $26k Garden beds
  - $35k Turf
  - $45k Tree Management
- $84k reduction ($7k per month) in lighting and maintenance charges due to the implementation of the energy efficient public lighting program.
- (270k) contract re-negotiation for sales of recyclable materials has resulted in a reduction in revenue.
City Planning & Community Services forecast favourable $919k
- ($45k) forecast unfavourable budget result for Development Services mainly due to
  - $515k forecast increase in revenue which reflects a 30% year on year increase in planning applications lodged and also includes a $250k forecast increase to reflect the impact of the increase in fees from 13 October 2016.
  - $237k forecast increase in revenue for general and other statutory planning fees reflecting trends based on current rate of applications and requests for service.
  - ($158k) forecast increase in legal fees for VCAT major cases expected as a result of Council decisions on permit applications with an increase in refusal of complex activity centres and apartment applications.
  - ($570k) forecast increase in staffing and other direct costs required to meet service targets. This is funded from increased revenue.
- $555k forecast increase in Parking infringement revenue based on YTD results due to increase in patrol area hotspots.
- $169k favourable for Aged & Disability due to staff vacancies and increase in Personal Care grant funding
- $72k increase in Local Laws and Investigation permits and prosecutions.
- $57k Environmental Health forecast increase due to a successful prosecution and timing of appointment to a position.
- $69k savings in Youth Services due to staff member on extended unpaid sick leave and vacant roles during the year which have now been filled.
- ($161k) Aged & Disability Regional projects to be delivered in 2016/17 but funded in 2015/16.

Corporate Finance forecast favourable $471k
- $305k forecast increase in interest from term deposits due mainly to a favourable opening cash position for the year.
Cash and Investments

The cash position as at January 2017 is $81.2M.

The YTD favourable variance to budget of $23.3M as at January 2017 is mainly due to:

- $17.9M greater opening cash balance than budgeted:
  - $6.8M Favourable capital works underspend including Rollover of 2015/16 capital projects of $5.1M (to be spent in 2016/17)
  - $11.1M Favourable operating result at June 2016 compared to budget forecast which includes $4M of additional developer contributions transferred to reserves, increased parking fines, interest income and grants in advance.
- $2.7M YTD favourable operating cash flow results and $2.7M YTD favourable capital cash flow results.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30 Jun 16</th>
<th>31 Jan 17</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual $'000</td>
<td>Actual $'000</td>
<td>Budget $'000</td>
</tr>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>35,032</td>
<td>43,184</td>
<td>35,195</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>40,123</td>
<td>38,923</td>
<td>29,720</td>
</tr>
<tr>
<td></td>
<td>75,155</td>
<td>82,107</td>
<td>64,915</td>
</tr>
</tbody>
</table>

Cash & cash equivalents (Including investments) consists of:
- Retail banks: 70,000 vs. 80,000
- Community banks: - vs. -
- Cash on hand and at bank: 5,185 vs. 1,207

Total cash and cash equivalents: 75,155 vs. 81,207

Statutory Reserves:
- Recreational Land Reserve: 13,209 vs. 14,273
- Car Parking Reserve: 388 vs. 401

Total Statutory Reserves: 13,697 vs. 14,661

Funds Subject to Intended Allocation:
- Infrastructure Reserve: 6,824 vs. 6,729
- Dendy Street Beach Improvement Reserve: 1,244 vs. 1,500
- Community Facilities Enhancement Reserve: 924 vs. 924
- Early Childhood Facilities Reserve: 5,500 vs. 5,450
- Defined Superannuation Shortfall: 1,500 vs. 1,500
- Unspent Conditional Grants Reserve: 934 vs. 934
- Capital Works Carried Forward Reserve: 5,096 vs. 3,739

Total Funds Subject to Intended Allocation: 22,115 vs. 28,810

Total Other Reserves: 35,902 vs. 35,471

Committed Funds:
- Trust Funds and Deposits: 4,321 vs. 2,552
- Total Committed Funds: 4,321 vs. 3,709

Total Restricted, Committed and Allocated funds: 40,123 vs. 38,023

Restricted funds include trust funds and reserves.
<table>
<thead>
<tr>
<th>Indicator</th>
<th>VAGO Target (to maintain low risk)</th>
<th>Forecast Performance</th>
<th>Forecast Achievable</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Liquidity</strong> (&lt;Current assets / Current liabilities)&gt;</td>
<td>&gt; 1.5</td>
<td>3.23</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Self-financing</strong> (&lt;Net operating cash flow / Underlying revenue&gt;)</td>
<td>&gt; 20.0%</td>
<td>30.86%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Capital Replacement</strong> (&lt;Total Capital spend / Depreciation&gt;)</td>
<td>&gt; 1.5</td>
<td>2.42</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Indebtedness</strong> (&lt;Non-current liabilities / Own source revenue&gt;)</td>
<td>&lt; 40.0%</td>
<td>1.11%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Underlying result</strong> (&lt;Net surplus / Revenue&gt;)</td>
<td>&gt; 0%</td>
<td>18.80%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Renewal gap</strong> (&lt;Renewal capital spend / Depreciation&gt;)</td>
<td>&gt; 1.0</td>
<td>1.31%</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Definitions:**
- **Liquidity** - the ability to pay liabilities within the next 12 months.
- **Self Financing** - the ability to replace assets using cash generated from day to day operations.
- **Capital Replacement** - to ensure sufficient spending on capital renewal and new capital works.
- **Indebtedness** - the ability to repay debt from own source revenue being revenue not tied to specific projects.
- **Underlying result** - sufficient operating income to cover operating expenses.
- **Renewal gap** - to ensure sufficient spending on existing capital assets.

### Local Government Performance Reporting Framework Indicators

<table>
<thead>
<tr>
<th>LGPRF Performance Indicators</th>
<th>Expected Range</th>
<th>2016/17 Forecast</th>
<th>Within Range?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average residential rate per residential property assessment</td>
<td>$700 to $2,000</td>
<td>$1,884</td>
<td>✓</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,245</td>
<td>✓</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>189.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings compared to rates</td>
<td>0% to 70%</td>
<td>2.5%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings repayments compared to rates</td>
<td>0% to 20%</td>
<td>6.5%</td>
<td>✓</td>
</tr>
<tr>
<td>Adjusted underlying surplus (or deficit)</td>
<td>-20% to 20%</td>
<td>14.6%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>72.5%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to property values</td>
<td>0.15% to 0.75%</td>
<td>0.15%</td>
<td>✓</td>
</tr>
</tbody>
</table>
Capital Results

<table>
<thead>
<tr>
<th></th>
<th>$000's</th>
<th>16/17 YTD Adjusted Budget</th>
<th>16/17 YTD Actuals</th>
<th>Variance</th>
<th>2018/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Forecast Budget Variance</th>
<th>Forecast rollover to 2017/18</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Income</td>
<td>1,811</td>
<td>1,766</td>
<td>(45)</td>
<td></td>
<td>8,039</td>
<td>6,055</td>
<td>(1,384)</td>
<td>2,055</td>
<td>671</td>
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<tr>
<td>Capital Expenditure</td>
<td>12,295</td>
<td>10,774</td>
<td>1,521</td>
<td></td>
<td>46,426</td>
<td>39,860</td>
<td>6,566</td>
<td>8,300</td>
<td>(1,734)</td>
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<tr>
<td>Grand Total</td>
<td>10,484</td>
<td>9,008</td>
<td>1,476</td>
<td></td>
<td>38,387</td>
<td>33,205</td>
<td>5,183</td>
<td>6,245</td>
<td>(1,063)</td>
</tr>
</tbody>
</table>

The forecast for capital expenditure to 30 June 2017 is favourable $6.6M and indicates that 86% of the capital expenditure budget will be spent by June 2017.

The forecast indicates that $8.3M of capital expenditure will be required to be carried forward to 2017/18 due to the following projects:
- $3.3M construction for Elsternwick Park No 1 Oval Precinct to be completed in 17/18.
- $3M construction for Dendy Street Beach Masterplan Implementation, construction works likely to commence in 17/18.
- $2M Banksia Reserve Beaumaris Pavilion Redevelopment to be completed in 17/18.

Including the impact of projects carried forward to 2017/18 the capital program forecast is unfavourable $1.1M of which $925k is being funded from reserves.

Capital Programs Status

![Graph showing Capital Programs Status]

$000's
- 2016/17 Actual
- 2016/17 Budget

Capital Forecast Revenue unfavourable ($1.384M)
- $550k Elsternwick Park No 1 Oval Precinct funding from the State Government to be received in advance in 2016/17 rather than 2017/18.
- $250k Sandringham Golf Club Car Park unbudgeted income from lease agreement, offset by expenditure.
- $214k Synthetic Green & Lighting-Brighton Beach Bowls Club unbudgeted income for works in 16/17.
- ($250k) Annual Road Reseal and Resheet Program decrease in funding for R2R Program in 16/17.
- ($100k) Cheltenham Recreation Reserve Pavilion CSIF funding unsuccessful.
- ($2.055M) Banksia Reserve Beaumaris Pavilion Redevelopment capital grants and club contribution to be received on completion of the project in 17/18

Capital Forecast Expenditure favourable $6.566M
- $3.3M construction for Elsternwick Park No 1 Oval Precinct to be completed in 17/18.
- $3M construction for Dandy Street Beach Masterplan Implementation, construction works likely to commence in 17/18.
- $2M Banksia Reserve Beaumaris Pavilion Redevelopment to be completed in 17/18.
- $1M construction for the Sandringham Village Activity Centre Streetscaping now to be completed in 17/18 as works will commence later than originally planned.
- ($1M) overspend for Brighton Golf Stormwater project 16/17 to bring works forward and funded by the delay in commencement of the Sandringham Village Activity Centre Streetscaping.
- $210k works postponed for Brighton Beach Oval Precinct Redevelopment to future years as per Council’s resolution.
- ($300k) Sandringham Golf Club Car Park works to be funded from income received.
- ($275k) additional works required for Hurlingham Park Masterplan Implementation after Council decision to modify the oval perimeter drain and other associated changes.
- ($320k) Synthetic Green & Lighting-Brighton Beach Bowls Club unbudgeted works in 16/17 as per Council’s resolution funded partially from unbudgeted income.
- ($200k) Playground Renewal projects not completed in 15/16 to be funded from Reserves as per council resolution.
- ($200k) completion of works in 16/17 for Hurlingham Park Pavilion Redevelopment that was funded in 15/16.
- ($150k) Kindergarten Upgrades Council resolution to undertake improvement works. Immediate actions to be undertaken in 2016/17 to be funded from Reserves

Feasibility report for storage options for Bayside City Council Art and heritage collection at the Brighton Town Hall
Council approved a capital budget of $44,318 in 2016/17 to commission a detailed design for the proposed upgrade and renewal of the HVAC system at the Brighton Town Hall. Further investigation has identified that the HVAC system is contingent on improvements to the storage of the collection. It is recommended that the $44,318 budget be utilised instead for a feasibility report for storage options for the collection which would include an isolated HVAC system for the Galleries two exhibition spaces.

Brighton Library Interior Development
Council approved a budget in 2016/17 of $103,345 for the upgrade to the interior of the Brighton Library. Full detailed costings have now been completed which take into account the heritage nature of the building and it is expected the works will exceed the budget by $76,050. Council also approved a budget in 2016/17 of $250,000 for Library Future Development feasibility and design works for Sandringham, Hampton, and Highett/Hampton. The full budget allocation will not be required to complete the works and therefore funds are available to support the increase required for the Brighton Library.
### Detailed Schedules

#### 1. Income Statement

<table>
<thead>
<tr>
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<td>Income</td>
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<td>3,649</td>
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<td>4,380</td>
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<td><strong>Net Profit/(Loss) on Disposal of assets</strong></td>
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<td><strong>Total Income</strong></td>
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#### Expenditure

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<td>40,192</td>
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<td>42,714</td>
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<td>(3)</td>
<td>172</td>
<td>172</td>
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<td>Depreciation and Amortisation</td>
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<td>Finance Costs</td>
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<td>441</td>
<td>434</td>
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<td><strong>Total Expenditure</strong></td>
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<td>101,200</td>
<td>100,585</td>
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#### Operating Result - Surplus

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<td><strong>Operating Result - Surplus</strong></td>
<td>9,910</td>
<td>16,242</td>
<td>6,332</td>
<td>22,279</td>
<td>23,287</td>
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### 2. Statement of Capital Works

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<th>Adjusted Budget</th>
<th>YTD Actual</th>
<th>Budget Actual</th>
<th>2016/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>2016/17 Forecast variance</th>
<th>2016/17 Carry Forward Balance to 2017/18</th>
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<td>Property Expenditure</td>
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<td>72</td>
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<td>Plant &amp; Equipment Expenditure</td>
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<td>-</td>
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<td>Fixtures, Fittings and Furniture</td>
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<td>101</td>
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<td>222</td>
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<td>(76)</td>
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<td>Arts and Culture</td>
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<td>110</td>
<td>110</td>
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<td>IT Systems, Network, Servers and Communication</td>
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<td>489</td>
<td>520</td>
<td>520</td>
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<td>Library Assets</td>
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<td>207</td>
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<td>420</td>
<td>420</td>
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<td></td>
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<td>Infrastructure Expenditure</td>
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<td>-</td>
<td>-</td>
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<td>Foreshore and Conservation</td>
<td>253</td>
<td>106</td>
<td>147</td>
<td>894</td>
<td>894</td>
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<td>Parks and Recreation</td>
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<td>12,232</td>
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<td>114</td>
<td>(25)</td>
<td>431</td>
<td>731</td>
<td>(300)</td>
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<td>Drainage Infrastructure</td>
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<td>301</td>
<td>10</td>
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<td>4,105</td>
<td>(992)</td>
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<td>266</td>
<td>7,614</td>
<td>7,748</td>
<td>(134)</td>
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<tr>
<td><strong>Total Expense</strong></td>
<td>12,295</td>
<td>10,773</td>
<td>1,522</td>
<td>46,426</td>
<td>39,860</td>
<td>6,566</td>
<td>8,300</td>
</tr>
</tbody>
</table>

| Revenue            |                |            |               |                        |                 |                          |                                          |
| Grants - Capital   | (845)          | (79)       | (556)         | (3,659)                | (3,649)         | (10)                     | (2,055)                                  |
| Contributions - Cash - Capital | (1,166)     | (1,886)    | 520           | (8,380)                | (3,007)         | (1,373)                  | (2,055)                                  |
| **Total Revenue**  | (1,811)        | (1,766)    | (46)          | (8,039)                | (6,655)         | (1,384)                  | (2,055)                                  |
| **Total**          | 10,484         | 9,009      | 1,476         | 38,387                 | 33,205          | 5,183                    | 6,245                                    |
### Statement of Cash Flows

**Cashflow Statement - period ended 31 January 2017**

|                      | 30 Jun. 16 | Actual | $'000 | | 31 Jan. 17 | Actual | $'000 | | Budget | $'000 | | Variance | $'000 | | Budget | $'000 | | Forecast | $'000 | | Variance | $'000 |
|----------------------|------------|--------|-------|-----|------------|--------|-------|-----|--------|-------|-----|--------|-------|-----|--------|-------|
| **Cash flows from operating activities** |            |        |       |     |            |        |       |     |        |       |     |        |       |     |        |       |
| Receipts             |            |        |       |     |            |        |       |     |        |       |     |        |       |     |        |       |
| Rates and charges    | 82,602     | 42,721 | 43,005 | (284) | 85,206     | 84,934 | (272) |
| Statutory fees and fines | 6,243     | 2,757  | 2,819  | (62)  | 4,491      | 5,916  | 1,425 |
| User charges         | 7,561      | 6,372  | 6,809  | (437) | 8,364      | 8,656  | 292  |
| Rental income        | 4,010      | 3,022  | 3,308  | (286) | 4,463      | 4,388  | (75)  |
| Contributions - monetary | 5,332     | 1,724  | 1,198  | 526   | 4,546      | 3,178  | (1,371) |
| Grants - Operating   | 9,370      | 7,924  | 7,147  | (123) | 10,296     | 10,311 | 15   |
| Grants - Capital     | 2,118      | 79     | 714    | (635) | 3,910      | 3,933  | 23   |
| Interest             | 2,177      | 1,298  | 1,042  | (226) | 1,803      | 2,228  | 535  |
| Trust funds and deposits | 396       | 87     | 72     | 15    | 123        | 120    | 3    |
| Other receipts       | 2,702      | 245    | 1,174  | (920) | 1,825      | 1,265  | (620) |
| Net GST refund       | 4,851      | 1,641  | 3,011  | (1,370) | 6,398      | 6,203  | (195) |
| Employee costs       | (38,356)   | (23,087) | (23,553) | (434) | (39,646)  | (39,600) | (44) |
| Payments to suppliers| (45,820)   | (25,801) | (32,296) | 6,465  | (31,586)  | (33,159) | (1,563) |
| **Net cash provided by (used in) operating activities** | 43,276     | 17,152 | 14,480 | 2,672 | 40,076     | 38,223 | (1,853) |
| **Cash flows from investing activities** |            |        |       |     |            |        |       |     |        |       |     |        |       |     |        |       |
| Payments for property, infrastructure, plant & equipment | (23,343)   | (10,772) | (13,502) | 2,730 | (46,428)  | (39,859) | 6,567 |
| Proceeds from sale property, infrastructure, plant & equipment | 3,425     | -      | -     | -    | -          | -      | -    |
| Proceeds from term deposit investments | (17,000)   | (10,000) | (1,000) | (9,000) | 12,000     | 6,000  | (6,000) |
| **Net cash used in investing activities** | (36,918)   | (20,772) | (14,502) | (6,270) | (34,426)  | (33,859) | 567  |
| **Cash flows from financing activities** |            |        |       |     |            |        |       |     |        |       |     |        |       |     |        |       |
| Finance costs        | (735)      | (263)  | (254)  | (8)  | (425)      | (399)  | 26   |
| Proceeds from borrowings | -         | -      | -     | -    | -          | -      | -    |
| Repayment of borrowings | (4,164)   | (95)   | (80)   | (15) | (5,190)    | (5,188) | 2    |
| **Net cash used in financing activities** | (4,919)    | (358)  | (334)  | (24) | (5,615)    | (5,587) | 28   |
| **Net increase(decrease) in cash and cash equivalents** | 1,439      | (3,978) | (356)  | (3,622) | 35         | (1,223) | (1,258) |
| **Cash and cash equivalents at the beginning of the period** | 3,746      | 5,185  | 3,281  | 1,904 | 3,281      | 5,185  | 1,904 |
| **Cash and cash equivalents at the end of the period** | 5,185      | 1,207  | 2,925  | (1,718) | 3,316      | 3,962  | 648  |
| **Term Deposits**    | 70,000     | 80,000 | 56,000 | 26,000 | 42,000     | 64,000 | 22,000 |
| **Total cash and cash equivalents at the end of the period** | 75,185     | 81,207 | 57,925 | 23,282 | 45,316     | 67,962 | 22,646 |
| **Unallocated and unrestricted** | 35,052     | 43,184 | 28,195 | 14,999 | 20,183     | 29,178 | 8,996 |
| **Restricted, committed and allocated funds** | 40,123     | 38,023 | 29,730 | 8,293 | 25,133     | 38,784 | 13,651 |
| **Total**            | 75,185     | 81,207 | 57,925 | 23,282 | 45,316     | 67,962 | 22,646 |
## 4. Balance Sheet

### Balance Sheet as at 31 January 2017

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<tr>
<th></th>
<th>30 Jun.16</th>
<th>Actual</th>
<th>31 Jan.17</th>
<th>Actual</th>
<th>Variance</th>
<th>Budget</th>
<th>Forecast</th>
<th>Variance</th>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>5,185</td>
<td>1,207</td>
<td>2,926</td>
<td>(1,718)</td>
<td></td>
<td>3,316</td>
<td>3,962</td>
<td>646</td>
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<td>Trade and other receivables</td>
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<td>9,612</td>
<td>10,384</td>
<td>(772)</td>
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<td>6,482</td>
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<td>70,000</td>
<td>80,000</td>
<td>55,000</td>
<td>25,000</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Other assets</td>
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<td>611</td>
<td>886</td>
<td>(287)</td>
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<td>1,476</td>
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<td><strong>Total current assets</strong></td>
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<td>53,404</td>
<td>76,157</td>
<td>22,753</td>
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<td><strong>Non-current assets</strong></td>
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<td></td>
</tr>
<tr>
<td>Trade and other receivables</td>
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<td>154</td>
<td>170</td>
<td>(16)</td>
<td></td>
<td>170</td>
<td>131</td>
<td>(39)</td>
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<tr>
<td>Property, infrastructure, plant and equipment</td>
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<td>2,892,105</td>
<td>2,581,038</td>
<td>311,076</td>
<td>2,607,094</td>
<td>2,913,819</td>
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<tr>
<td>Financial assets</td>
<td>230</td>
<td>230</td>
<td>230</td>
<td>-</td>
<td></td>
<td>230</td>
<td>230</td>
<td>-</td>
</tr>
<tr>
<td>Other assets</td>
<td>55</td>
<td>55</td>
<td>69</td>
<td>(14)</td>
<td></td>
<td>69</td>
<td>69</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total non-current assets</strong></td>
<td>2,890,868</td>
<td>2,892,544</td>
<td>2,581,507</td>
<td>311,037</td>
<td>2,607,563</td>
<td>2,914,249</td>
<td>306,686</td>
<td></td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>2,972,967</td>
<td>2,984,050</td>
<td>2,650,841</td>
<td>333,209</td>
<td></td>
<td>2,660,967</td>
<td>2,990,406</td>
<td>329,439</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>9,699</td>
<td>7,304</td>
<td>4,214</td>
<td>(3,090)</td>
<td></td>
<td>7,520</td>
<td>8,133</td>
<td>(613)</td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>4,321</td>
<td>2,552</td>
<td>3,709</td>
<td>1,570</td>
<td></td>
<td>3,760</td>
<td>4,441</td>
<td>(681)</td>
</tr>
<tr>
<td>Provisions</td>
<td>7,785</td>
<td>7,464</td>
<td>9,053</td>
<td>1,598</td>
<td></td>
<td>8,697</td>
<td>8,269</td>
<td>428</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>5,193</td>
<td>5,098</td>
<td>5,110</td>
<td>12</td>
<td></td>
<td>2,132</td>
<td>2,131</td>
<td>1</td>
</tr>
<tr>
<td>Income in Advance</td>
<td>514</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total current liabilities</strong></td>
<td>27,512</td>
<td>22,418</td>
<td>22,086</td>
<td>(332)</td>
<td></td>
<td>22,109</td>
<td>23,583</td>
<td>(1,474)</td>
</tr>
<tr>
<td><strong>Non-current liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provisions</td>
<td>983</td>
<td>917</td>
<td>1,239</td>
<td>322</td>
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<td>1,322</td>
<td>1,188</td>
<td>134</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>2,126</td>
<td>2,126</td>
<td>2,132</td>
<td>6</td>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>3,109</td>
<td>3,043</td>
<td>3,371</td>
<td>328</td>
<td></td>
<td>1,322</td>
<td>1,188</td>
<td>134</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>30,621</td>
<td>25,461</td>
<td>25,457</td>
<td>(4)</td>
<td></td>
<td>23,431</td>
<td>24,771</td>
<td>(1,340)</td>
</tr>
<tr>
<td><strong>Net assets</strong></td>
<td>2,942,346</td>
<td>2,958,589</td>
<td>2,625,384</td>
<td>333,205</td>
<td></td>
<td>2,637,536</td>
<td>2,965,635</td>
<td>328,099</td>
</tr>
<tr>
<td><strong>Equity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td>828,466</td>
<td>845,039</td>
<td>841,878</td>
<td>3,161</td>
<td></td>
<td>858,678</td>
<td>853,214</td>
<td>(5,464)</td>
</tr>
<tr>
<td>Asset revaluation reserve</td>
<td>2,078,078</td>
<td>2,078,079</td>
<td>1,757,485</td>
<td>320,594</td>
<td></td>
<td>1,757,485</td>
<td>2,078,078</td>
<td>320,593</td>
</tr>
<tr>
<td>Other reserves</td>
<td>35,802</td>
<td>35,471</td>
<td>26,021</td>
<td>9,450</td>
<td></td>
<td>21,373</td>
<td>34,343</td>
<td>12,970</td>
</tr>
<tr>
<td><strong>Total equity</strong></td>
<td>2,942,346</td>
<td>2,958,589</td>
<td>2,625,384</td>
<td>333,205</td>
<td></td>
<td>2,637,536</td>
<td>2,965,635</td>
<td>328,099</td>
</tr>
</tbody>
</table>
10.17 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/48831

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 28 February 2017.

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 March meeting

Item 10.17 – Reports by the Organisation
### Council Action Awaiting Report Attachment

<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 19.08.14        | **10.7 Planning Scheme Amendment C116:** Mandatory height controls in Hampton Street Activity Centre & Willis Street Urban Design Framework  
3. receives a further report at the conclusion of the exhibition process for both Amendments to consider submissions and legal representation requirements. | DCP&CS    | Officers are currently in the process of seeking authorisation for Amendment C130. It is Council's confirmed intention to run amendment C116 and C130 for Hampton in parallel. Amendment C116 has been put on hold pending outcome of Amendments C113-C115. |
| 25.11.14        | **10.4 Home and Community Care (HACC) Service Review**  
8. receives further reports as information becomes available on the arrangements to be put in place in subsequent years, in order to consider Council's future role and contribution to meeting the needs of its community for home support services; | DCP&CS    | Report to proceed to the June 2018 Council Meeting.                                                                                                                                                               |
| 28.07.15        | **10.3 HMVS Cerberus Update**  
That Council receives a report at the completion of the feasibility study outlining the findings and proposed actions.                                                                                       | DER&I     | Awaiting the Commonwealth Governance to finalise the variation to the funding agreement to allow the feasibility study to commence. Once the variation is finalised it will take some months to complete the feasibility study and heritage studies. The Friends of the Cerberus will complete part, and Council will complete part of the study with the National Trust project managing the overall study. |
| 25.08.15        | **10.1 Hampton Willis Street Precinct – Traffic Management and Scout Hall Site**  
That Council:  
4. receives a further separate report no earlier than the November Ordinary Meeting of Council regarding the future use or sale of 6A Willis Street Hampton; | DCorp     | A report was presented outlining the options for 6A Willis Street. Consideration was deferred to a future time pending the outcome of traffic management in the precinct. A report will be provided to the new Council on the future of the site including use as carpark, open space or sale. |
**Item 10.17 – Reports by the Organisation**

<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>22/09/15</td>
<td>DCP&amp;S</td>
<td>Bayside City Council Ordinary Council Meeting - 28 March 2017 Attachment 1</td>
</tr>
<tr>
<td>27/10/15</td>
<td>DCorp</td>
<td>Owner has been advised survey plans need to be finalised to allow Council to provide a sworn valuation. Further work is pending upon the acceptance of these costs as per the Discontinuance and Sale of Land procedures. The owner has yet to accept the costs so surveying and valuation is yet to occur.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>DER&amp;I</td>
<td>In the event that the bus changes in Bay Road, Beach Road, Weedon Street and Station Street do not proceed, a revised Master Plan of the Village Square concept will be presented at a future Council meeting for adoption.</td>
</tr>
<tr>
<td>Date</td>
<td>Item</td>
<td>Sub-Item</td>
</tr>
<tr>
<td>--------</td>
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<td>----------</td>
</tr>
</tbody>
</table>
| 24/05/16 | 10.6 | **Environmental Sustainability Framework 2016-2025** | That Council:  
1. receives a report annually on the progress and updates to the Environmental Sustainability Framework Action Plan. | DER&I | An annual update report will be provided to the May 2017 Council meeting. |
| 29/11/16 | 10.11 | **Development Services Sustainable Staff and Resourcing** | That Council receives a report to the Ordinary Meeting of Council in April 2017 on progress towards these timelines and service standard levels. | DCP&CS | A report to be presented to Council in April 2017. |
| 24/05/16 | 10.7 | **Childrens' 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. | DER&I | A further report will be provided to a future Council meeting. |
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Description</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>21/06/16</td>
<td>10.3</td>
<td><strong>Bayside Public Transport Advocacy Statement</strong></td>
<td>DER&amp;I</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. receives further updates of the Bayside Public Transport Advocacy Statement as part of the annual Integrated Transport Strategy (ITS) update report required as part of Council’s resolution for adopting the ITS to seek the endorsement of any new advocacy issues and positions that are evolved.</td>
<td></td>
</tr>
<tr>
<td>21/06/16</td>
<td>10.1</td>
<td><strong>Brighton Secondary College Synthetic Hockey Facility Management Committee Financial Update</strong></td>
<td>DER&amp;I</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council receives a further report no later than July 2017 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td></td>
</tr>
<tr>
<td>16/08/16</td>
<td>10.1</td>
<td><strong>Indian Myna Control – Trial Outcomes</strong></td>
<td>DER&amp;I</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council, subject to the Bayside Indian Myna Action Group (BIMAG) continuing to operate the Indian Myna control program:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. reviews future funding for this program as part of Council’s annual budget considerations;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Requests a report from BIMAG to be provided to Council in May 2017 detailing the operations of the group for the period April 2016 to April 2017;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>A report will be presented to the May 2017 Council meeting.</td>
<td></td>
</tr>
<tr>
<td>Item Code</td>
<td>Item</td>
<td>Report Title</td>
<td>Details</td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td>13/09/16</td>
<td>10.2</td>
<td>Acquisitive Art Prize</td>
<td>Council receives to review the Acquisitive Art Prize process and criteria for 2018 and beyond in November 2017.</td>
</tr>
<tr>
<td>13/09/16</td>
<td>13.3</td>
<td>NOM – 298 Pedestrian Crossing along Hamilton Street/Hampton Street</td>
<td>That a Council report be prepared to review the signal control of Hamilton Street, whether three existing crossings between Crisp Street and South Road.</td>
</tr>
</tbody>
</table>

** DER&I **

** DCP&CS **

** Bayside Integrated Transport Strategy **

That Council:

2. receives a further report on the implementation of the Bayside Integrated Transport Strategy and supporting suite of transport strategies and plans at the conclusion of the 2016-17 financial year.
<table>
<thead>
<tr>
<th>Date</th>
<th>Item 10.11: <strong>Development Services Sustainable Staff and Resourcing Plan</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>29/11/16</td>
<td>DCP&amp;CS</td>
</tr>
<tr>
<td></td>
<td>That Council:</td>
</tr>
<tr>
<td></td>
<td>3. Receives a report to the Ordinary Meeting of Council in April 2017 on progress towards these timeliness and service standard levels.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Item 10.2: <strong>Future Provision of Netball and Athletics Facilities in Bayside</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>20/12/16</td>
<td>DER&amp;I</td>
</tr>
<tr>
<td></td>
<td>That Council:</td>
</tr>
<tr>
<td></td>
<td>5. Presents a report to the August 2017 Ordinary meeting of Council outlining the findings of the netball site assessment and facility planning activities;</td>
</tr>
<tr>
<td></td>
<td>7. Presents a report to the September 2017 Ordinary meeting of Council outlining the findings of the Athletics Needs Assessment and recommend next steps for Council to support athletics in Bayside; and</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Item 7.1: <strong>Petition – Retention of Street Tree at 39 Tennyson Street Sandringham</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>28/2/17</td>
<td>DER&amp;I</td>
</tr>
<tr>
<td></td>
<td>“We the undersigned hereby petition Bayside City Council to reconsider the removal of the nature strip tree located at 39 Tennyson Street Sandringham. We kindly request Council to:</td>
</tr>
<tr>
<td></td>
<td>That the petition be received and a report be submitted to the March Ordinary Meeting of Council</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>10.17</td>
<td>Reports by the Organisation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10.4</th>
<th>Potential Land Purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>28/02/17</td>
<td>1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and</td>
</tr>
<tr>
<td></td>
<td>2. receives a further report on the outcomes of these negotiations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10.5</th>
<th>Christmas in Bayside 2016 Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>28/02/17</td>
<td>That Council receives a further report on the feasibility of installing additional Christmas decorations in appropriate Neighbourhood Activity Centres (NACs) along with Highett, Hampton East and Cheltenham areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10.7</th>
<th>Bay Trail Shared Path Public Safety Risks and Outstanding Audit Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>28/02/17</td>
<td>That Council receives a further report following the completion of the community consultation and the phased approach for the implementation of the program.</td>
</tr>
</tbody>
</table>
11. Reports by Delegates

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

12. Urgent Business

13. Notices of Motion

   Nil
14. Confidential Business

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

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

14.1 BRIGHTON GOLF COURSE WATER HARVESTING PROJECT
(LGA 1989 Section 89(2)(d) contractual matters.)

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

Adrian Robb

Chief Executive Officer