Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 19 December, 2017
at 7.00pm

Cr: Cr Laurence Evans (Mayor)

Councillors: Cr Rob Grinter
            Cr Alex del Porto
            Cr James Long BM JP
            Cr Michael Heffernan
            Cr Clarke Martin
            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
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10. Reports by the Organisation
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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 21 November 2017.

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

7.1 PETITION: ALLOCATE BAYSIDE UNITED FOOTBALL CLUB ACCESS TO A PERMANENT PAVILION AND OVAL WITHIN THE MUNICIPALITY

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/267606

Petition from residents requesting Bayside City Council to allocate Bayside United Football Club access to a permanent pavilion and oval within the municipality. (18 signatories).

Petition Prayer

“We the undersigned hereby petition Bayside City Council to allocate Bayside United Football Club access to a permanent pavilion and oval within the municipality.”

Further Detail

Bayside United FC was granted a National Premier League license in 2015 with a strong letter of support from the Bayside City Council, to provide an elite pathway for Bayside’s talented female soccer players. Despite the letter of support, Bayside United is the only women’s Premier League club with no permanent access to an oval and pavilion. We currently pay more than $20,000 p.a. to access pitches outside the municipality - $15-17,000 more than any other soccer club in Bayside or in the women’s Premier League. We have no storage, no clubrooms for match review or team meetings or fundraising events, and no canteen to help raise funds to offset the costs of a season that runs 46 weeks of the year. This results in ever increasing fees - currently sitting at $1,850 p.a. - which is making the league unaffordable for some talented girls.

We ask that a report be prepared by Council officers and tabled at a future council meeting detailing oval and pavilion access, and that the report refers to the Bayside Sportsground Allocation Policy that states: “Preference will be given to clubs that demonstrate providing participation opportunities for under-represented target groups (e.g. females, people with disabilities, older adults)”.

Petition Requirements

The submitted petition containing 18 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Officer Comment

Council’s Sportsground Allocation Policy (2012) governs the allocation sportsgrounds by Council. The Policy includes a hierarchy that considers users’ access to other sports facilities, the reliance on access to Council sportsgrounds for the users’ ongoing viability and Council’s level of responsibility in providing facilities for community sporting and recreational activities. The Policy has criteria to assess historical tenancy, a Club’s tenancy record and the division of sports seasons.

Council has a fixed amount of soccer fields and is unable to increase supply. Bayside United Football Club is a new club (established in 2015) and is seeking allocation for several months outside of the allocated winter sporting season (April - September). In previous seasons Council has been able to provide space for up to two training sessions per week during the winter season. It is likely that Council will be able to provide a similar level of access in 2018. Brighton United Football Club do not currently fixture matches on Council’s soccer fields.
**Recommendation**
That the petition be received and referred to the Chief Executive Officer for consideration and response.

**Support Attachments**
Nil
7.2 PETITION: WEST SIDE OF JACK ROAD TO BE KNOWN AS PENNYDALE

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/268422

Petition from residents requesting Bayside City council to rename the west side of Jack Road Cheltenham. (17 signatories)

Petition Prayer

“We the undersigned hereby petition Bayside city Council to include the west side of Jack Road properties into the proposed area to be renamed Pennydale, and a survey of the properties be undertaken in conjunction with the current survey being undertaken within the proposed Pennydale boundary.”

Petition Requirements
The submitted petition containing 17 signatories meets the required format of a petition in accordance with Council’s Government Local Law No: 1, Clause 65.

Officer Comment
Currently a survey is being undertaken to gauge community views on renaming the area bounded by the railway line, south side of Bay Road, east side of Jack Road and north side of Park Road.

A survey of the those properties on the west side of Jack Road could be undertaken and reported back to Council in conjunction with the current survey being undertaken in the broader area. However it should be noted that preference for suburb boundaries is along the centre of roadways and not at the back fence line of properties.

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

Support Attachments
Nil
Petition from residents requesting Bayside City Council to oppose inappropriate development that doesn’t respond to the neighbourhood character of the area and diminishes the liveability of existing residents.

Petition Prayer
“We the undersigned hereby petition Bayside City Council to oppose inappropriate development that doesn’t respond to the neighbourhood character of the area and diminishes the liveability of existing residents.”

Further Detail
Stop our beautiful Bayside suburbs being destroyed by inappropriate apartment development.

Three level bulky developments do not enhance, protect or respond to the valued character of the Bayside neighbourhood. They affect the look and feel of our beautiful streetscapes, heritage buildings and open spaces, the reasons residents live in Bayside in the first place.

These planned developments ruin the cultural identity of the neighbourhood, as they do not respect neighbourhood character. Often the buildings in the streets and surrounding the proposed developments are single level or double storey houses. The new developments are three level high density apartment complexes which are large and bulky. They are dramatically greater in height than all adjacent buildings making them look bulky and out of place.

The character of our Bayside neighbourhood is spacious visual separation between buildings and this will remove the open space feel that the residents love.

A three level complex is an excessive building height and will cause unreasonable adverse impact to neighbouring properties by way of visual bulk, access to daylight and overshadowing.

Planning regulations allow buildings up to 3 levels or 11 metres in the General Residential Zone but that doesn’t mean you have to approve every development if it is outside the character of the surrounding neighbourhood houses.

The General Residential Zone is a transitional zone and is up for discretion by the Council to oppose developments based on whether they diminish neighbourhood character.

The remaining residential areas should maintain the present scale and spacious character with any increase in density only where this character can be maintained.

This is supported by the stated objective of the Future Role and Character Statement within Church St Centre Structure Plan 2006 being “existing residential areas will retain their spacious and leafy character, which is highly valued by the local community” and “encourage additional housing in established residential neighbourhoods that is in keeping with the preferred future character of the area as outlined in the Bayside Neighbourhood Character Policy”. The Bayside Neighbourhood Character Review 2004 confirming that character for the area to be “predominantly single storey, new development and some localised streets predominantly 2 storeys”.

Thus we request that developments within the General Residential Zone be limited to only two level townhouses, with a maximum of 2-3 per block if not in line with neighbourhood character and/or if outside the 400m walking distance to the train station. This distance as prescribed by the Church St Centre Structure Plan 2006.
Petition Requirements
The submitted petition containing 67 signatories meets the required format of a petition in accordance with Council's Governance Local Law No: 1, Clause 65.

Officer Comment
It is proposed that Council will consider a report at the March Ordinary Meeting of Council on the various approaches to enhance management of development growth through the implementation of strategic planning tools.

Recommendation
That Council receives the petition and a further report on this matter is submitted to Council at the March 2018 Ordinary Meeting

Support Attachments
Nil
8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 22 NOVEMBER 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/268254

The minutes of the Audit Committee meeting held on 22 November 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 November 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 November included:

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

- VAGO Parliamentary report – Internal Audit Performance
- VAGO Parliamentary report – Effectively planning for population growth.

Brighton Golf Course Water Harvesting Project
The Chief Executive Officer advised the Audit Committee that the Brighton Golf Course Water Harvesting project was nearing completion and the level of compensation required to be paid to the Course operator is in line with the estimate.

2017/18 Internal Audit Plan Amendment
The Chief Executive Officer advised the Audit Committee that given additional audit work has been undertaken earlier in year in relation to IT Controls it is recommended that the Internal audit in relation to Business Continuity be postponed for 2017/18 and be included in the next Audit Plan for 2018/19.

ICT & Digital Advisory Committee
The Terms of Reference in relation to the ICT & Digital Advisory Committee was tabled at the Audit Committee for information.

Local Government Performance Reporting Framework (LGPRF)
The Chief Executive Officer advised the Audit Committee that the LGPRF results would go live on “Know your Council” website from 29 November 2017. It was indicated that Bayside would also include a narrative on Council’s website in relation to the results.

Summary of the Information Technology (IT) Controls Audit Recommendations
A summary of the actions taken since the previous meeting in relation to the VAGO IT Controls audit was tabled

September 2017 – Financial Report
The Manager Finance tabled the financial report for the 3 months period to September 2017.

Self-Assessment against the Internal Control Framework
The Manager Finance provided a summary of the Internal Control framework within the organisation.
**Internal Audit Review – Contract Performance Management**

The Internal Auditor presented the Internal Audit report on Contract Performance Management. The review focussed on:

1. Alignment of procurement and contract management policies and procedures.
2. Qualitative and quantitative performance measures that have been put in place to enable the Contract Manager to monitor and measure service delivery.
3. Performance review processes in place.
4. Compliance with commercial contract conditions.
5. Management of contract variations.
6. Existing internal control processes for the:
   - identification and requisition of works for completion; and
   - confirmation of the satisfactory completion of works.

The review focussed on the following two construction contracts chosen in conjunction with management:

- Contract (CON)-1645 – Banksia Reserve Pavilion Redevelopment
- Contract (CON)-1666 – Dendy Park Soccer and Cricket Club Pavilion

Both of these contracts are significant in costs and size, complexity and community interest.

Overall, the Internal Auditors found that the current controls in place over Contract Performance Management maintained by Council need strengthening. The review identified a range of controls that should be implemented and or improved in order to reduce the identified weaknesses and exposures.

As a result of the audit review 11 findings were identified, 4 with a high risk rating and 7 with a moderate risk rating.

The Audit Committee discussed the risks and benefits between a centralised and decentralised model of contract management.

The Director Corporate Service advised the Audit Committee that a specific Project Management Office is currently being implemented to ensure consistency across the organisation. Currently the structure and resources are being developed and the role of the Project Management Office is being defined.

**Risk Management Report**

The Manager Commercial Services tabled Risk Management update report outlining the organisation’s strategic risks. Discussion took place regarding the self-insurance and it was recommended that a dedicated section be included in future reports in relation to insurance and self-insurance key issues. It was also recommended that the organisation investigate protection against automatic billing across all Council telephones and mobile devices.
Recommendation

That Council:

1. notes the minutes of the Audit Committee held on 22 November 2017, and
2. adopts the following recommendations of the Audit Committee meeting of 9 August 2017:

8.1 Chief Executive Office’s Report

That the Audit Committee:

1. notes the Chief Executive Officer’s report for the period August 2017 to November 2017;
2. recommends the deferral of the Internal Audit Review relating to Business Continuity from 2017/18 audit plan, to the 2018/19 program; and
3. recommends that the ICT & digital Systems Steering Committee be renamed as the ICT & Digital Advisory Committee.

9.7.1. Risk Management Update

That the Audit Committee:

1. notes the Risk Management update report;
2. recommends to Council that a dedicated section be included in future reports in relation to insurance and WorkCover self-insurance key issues; and
3. recommends to Council that the organisation investigate protection against automatic billing across all Council telephone and mobile devices.

Support Attachments

1. Minutes - 22 November 2017 - Audit Committee (confidential – separately enclosed) ⇩
Executive summary

Purpose and background

To present the minutes of the Gallery@BACC Board meeting held on 16 August 2017 and 29 November 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 five ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Gallery Board was held on 16 August 2017 to consider the following matters:

- 2017/18 Year 1 Proposed Activities for the Gallery@BACC Board.
- Martin Street Public Art Commission Update
- Annual Report of the Board
- Art and Heritage Collection Acquisition and Deaccession report
- Bayside Acquisitive Art Prize Report
- Proposed cancellation of design competition for seating under the Cork Tree

A copy of the 16 August 2017 minutes of the Gallery@BACC Board meeting is attached for Council’s information.

A meeting of the Gallery Board was held on 29 November 2017 to consider the following matters:

- Public Art Future sites
- Acquisitions Report
- Report on 2017 Exhibitions and Programs

A copy of the 29 November 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 16 August 2017 and 29 November; and

2. adopts the following recommendations of the Gallery@BACC Board meeting of 16 August 2017 and 29 November 2017:

16 August 2017 - Item 6.3 Annual Report 2016/17

That the Gallery@BACC Board recommends to Council that the Gallery @BACC Board Annual Report be included in the Bayside City Council’s 2016/17 Annual Report.
16 August 2017 - Item 6.7 Bayside Aquisitive Art Prize Report

That the Gallery@BACC Board:

1. notes the report and agrees to retain the current governance processes and criteria for the Bayside Acquisitive Art Prize in 2018 and beyond in line with the following Strategic Objectives:
   1.1 Consolidate, manage, preserve, promote and grow the arts and heritage collection
   1.2 Provide opportunities and support for the artistic community

2. recommends to Council that the resources for the Bayside Acquisitive Art Prize budget be increased by from $36,000 to $39,000 and be referred to the 2018/2019 budget process; and

3. reviews the Acquisitive Art Prize business case proposal for an increase of funding to $39,000 at the November Board meeting.

16 August 2017 - Item 6.8 Proposed cancellation of design competition for seating under Cork Tree

That the Gallery@BACC Board:

1. notes the report of the cancellation of the design competition for seating under the Cork Tree at the Brighton Civic Precinct, and agrees that the Design Competition for seating under the Cork Tree at Boxshall Street not proceed; and

2. recommends to Council that a standard street furniture seat be reinstated on the paving area adjacent to the Cork Tree.

29 November 2017 – Item 6.1 – Public Art Sites

That the Gallery@BACC Board:

1. supports the commissioning of public art at the Dacey Street playground site; and

2. recommends to Council that a review of the public art sites be undertaken to discuss the alternative locations for public art including activity centres, and the Board considers a report at this matter at the February 2018 meeting.

29 November 2017 – Item 6.3 – Report on 2017 Exhibitions and programs

That the Gallery@BACC Board:

1. notes the report on the 2017 Exhibitions and Programs;

2. recommends that Council officers give consideration of advertising opportunities of the Gallery with Palace Cinema to assist in promotion of the Gallery; and

3. receives a strategic communications and marketing plan for the gallery to be considered at the February 2018 meeting.
Support Attachments

1. Gallery Minutes 16 August 2017
2. Gallery Minutes 29 November 2017

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
The cost of the three acquisitions are budgeted within the 2017/18 budget.

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 Bayside Room
Corporate Centre
76 Royal Avenue
Sandringham
on Wednesday 16 August 2017

The Meeting commenced at 6.30pm

External Members
Ms Angelina Beninati (Chairperson)
Ms Tiziana Borghese
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  Executive Manager Communications, Customer and Cultural Services
Giacomina Pradolin  Arts and Culture Program Coordinator
Terry Callant  Manager Governance
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7. General Business
8. Confirmation of date of future meetings
1. Welcome and opening of the meeting

The Chairperson welcomed Board Members and Council Officers to the meeting.

2. Present

Ms Angelina Beninati (Chairperson)
Mr Roger Boyce
Mr Partick Christian
Ms Charlotte Christie
Cr Sonia Castelli
Cr Alex del Porto (Mayor)

3. Apologies

An apology from Ms Tiziana Borghese was 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 & 6.9 Confirmation of the Minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 3 May 2017.

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

That the minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 3 May 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED
6. Reports

6.1 2017/2018 YEAR 1 PROPOSED ACTIVITIES FOR THE GALLERY@BACC BOARD

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/154119

The Arts and Culture Program Coordinator presented the Year 1 activities for the Gallery@BACC Board as part of the Strategic Plan.

Moved: Cr Castelli  Seconded: Mr Boyce

That the Gallery Board:

1) Approves the Year 1 Activities as outlined in the Gallery@BACC Board Strategic Plan 2017-2021;

2) Monitors performance for Year 1 against the Four Year Strategic Plan; and

3) receives a quarterly progress report on the activities at each quarterly Board meeting.

CARRIED

6.2 MARTIN STREET PUBLIC ART COMMISSION UPDATE

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/154300

The Executive Manager Communications, Customer and Cultural Services provided an update on the Martin Street Public Art Commission. Discussion took place concerning the Board representation on the future Expression of Interest (EOI) Procurement Panels and it was suggested that only one Board representative be appointed to future EOI Procurement Panels for Public Art, and the appointments be shared across Board members.

Discussion took place on the process for the Martin Street public art indicating that the selective tenders clos on 6 September 2017 and it is scheduled that the Panel will meet on 21 September to evaluate the tenders. It was indicated to the meeting that all three Board representative to the EOI Panel will be absent on the 21 September, therefore it was agreed that the Board appoint a replacement representative to this Panel.

Moved: Cr del Porto (Mayor)  Seconded: Mr Christian

That the Gallery@BACC Board:

1. notes the updated report on the Martin Street Public Art Commission; and

2. appoints Cr Sonia Castelli to the Martin Street Public Art EOI Procurement Panel as the Board’s representative given the absence of the 3 Board members to attend the EOI Procurement Panel evaluation meeting.

CARRIED
6.3 ANNUAL REPORT 2016/2017

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/154306

The Arts and Culture Program Coordinator presented the 2016/17 Annual Report of the Gallery Board. It was indicated that the Board’s Annual Report will be included in Council’s 2016/17 Annual Report. Members reviewed the content and expressed satisfaction with the content.

Moved: Mr Boyce  
Seconded: Ms Christie

That the Gallery@BACC Board:

1) adopts the Board’s 2016/2017 Annual Report; and

2) recommends to Council that the Gallery@BACC Board Annual Report be included in the Bayside City Council’s 2016/2017 Annual Report.

CARRIED

6.4 BAYSIDE CITY COUNCIL ART & HERITAGE COLLECTION
ACQUISITION AND DEACCESSION REPORT

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/155773

The Arts and Culture Program Coordinator presented a summary of items proposed to be acquired which included 4 pieces of artwork from Margaret Baskerville, local artist and 1 piece of artwork from Charles Richardson a local artist to the area.

Discussion took place on the restoration of the Featherston chairs which form part of the collection. The Board were supportive that the chairs be restored with a view to them being used in the Council Chamber Mezzanine level and Library reading area.

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

1) That the Gallery@BACC Board recommends to Council the acquisition of the following works total value of $563.06 through purchasing:

- Margaret Baskerville, Farm Fence, valued at $60
- Charles Douglas Richardson, Farmhouse, 1904 valued at $150
- Margaret Baskerville, Landscape, 1909 valued at $100
- Margaret Baskerville, River Landscape, 1909 valued at $80
- Margaret Baskerville, The Farm Shack, valued at $80

Total = $470 + Buyers premium + GST $563.06

2) That the Gallery@BACC Board recommends to Council to:

a) restore the 18 Featherston Floating Chairs;

b) return the Featherston Floating Chairs to Council Chambers and Library as per original design once they have been restored.

CARRIED
6.5 PUBLIC ART COMMISSIONING PROCESS

Communications, Customer & Cultural Services - Cultural services
File No: FOU/18/1934 – Doc No: DOC/17/159940

The Executive Manager Communications, Customer and Cultural Services presented the Public Art Commissioning process to provide clarity and understanding of the roles throughout the commissioning of future public art works

Moved: Ms Christie  Seconded: Mr Boyce

That the Gallery@BACC Board:

1. notes the following process for commissioning Public Art:
   - Council Officers/Public Art Acquisition Project Team are responsible for the preparation of all administration and paperwork in preparation for the EOI and Selective Tender Process ensuring all procurement processes are followed;
   - Procurement Panel is responsible for assessing EOIs and preparing shortlist for Selective Tender process;
   - Procurement Panel is responsible for choosing the preferred Tender for the Public Art work;
   - The Curator prepares an Acquisition proposal and the Arts & Culture Coordinator recommends to the Board the accessioning of the Public Art work; and
   - In accordance with its Charter the Gallery@BACC Board is responsible for approving the acquisition of the Public Artwork into the Bayside Art and Heritage Collection.

2. appoints 1 only Board member to future Public Art EOI Procurement Panels, and at the establishment of timelines and prior to the commencement of each project, the Board must appoint 1 members from those members expressing an interest in participating in the process and who is available throughout the process; and

3. notes that the Board member representation to future EOI Procurement Panels will be shared amongst all Board members subject to availability.

CARRIED
6.6 BAYSIDE ART & HERITAGE COLLECTION MANAGEMENT REPORT

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/159030

The Arts and Culture Program Coordinator presented the Art and Heritage Collection Management inventory implementation plan for 2017/18.

Moved: Mr Christian  Seconded: Cr Castelli
The Gallery@BACC Board endorses the 2017/2018 implementation plan for the management of the Bayside Art & Heritage Collection.

CARRIED

6.7 BAYSIDE ACquisitive ART Prize REPORT

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/161053

The Arts and Culture Program Coordinator presented a report on the governance process and criteria associated with the Bayside Acquisitive Art Prize. The Board discussed the need and desire to seek sponsorship for the awards in the future to increase the prize money for artists. It was suggested that the Board discuss the concept of philanthropy and sponsorship at the special meeting to be held on 4 October.

Moved: Cr Castelli  Seconded: Mr Boyce
That the Gallery@BACC Board:

1. notes the report and agrees to retain the current governance processes and criteria for the Bayside Acquisitive Art Prize in 2018 and beyond in line with the following Strategic Objectives:
   1.1.1 Consolidate, manage, preserve, promote and grow the arts and heritage collection
   1.1.4 Provide opportunities and support for the artistic community

2. recommends to Council that the resources for the Bayside Acquisitive Art Prize budget be increased by from $36,000 to $39,000 and be referred to the 2018/2019 budget process; and

3. reviews the Acquisitive Art Prize business case proposal for an increase of funding to $39,000 at the November Board meeting.

CARRIED
6.8 PROPOSED CANCELLATION OF DESIGN COMPETITION FOR SEATING UNDER CORK TREE

Communications, Customer & Cultural Services - Cultural services
File No: FOL/18/1934 – Doc No: DOC/17/167681

The Executive Manager Communications Customer and Cultural Services presented the report on the proposed cancellation of the design competition for a seat under the Cork Tree at the Brighton Civic Precinct.

Moved: Mr Christian Seconded: Ms Christie

That the Gallery@BACC Board:

1. notes the report of the cancellation of the design competition for seating under the Cork Tree at the Brighton Civic Precinct, and agrees that the Design Competition for seating under the Cork Tree at Boxshall Street not proceed; and

2. recommends to Council that a standard street furniture seat be reinstated on the paving area adjacent to the Cork Tree.

CARRIED

6.9 CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING OF THE GALLERY BOARD HELD ON 3 MAY 2017

Communications, Customer & Cultural Services - Cultural services
File No: FOL/18/1934 – Doc No: DOC/17/169981

It is recorded that this was dealt with earlier in the meeting under item 5. Confirmation of the Minutes.
7. General Business

7.1 Open House Day

The Arts and Culture Program Coordinator advised the Board of the recent success of the Open House Day which included the Bayside Gallery and the Council Chambers. A large number of visitors attended both buildings over the day, and it showcased the wonderful designs in the Civic Precinct.

7.2 Public Art Locations

Moved Cr Castelli

Seconded Mr Boyce

That a report be submitted to the November Board meeting on the current masterplans and structure plans which highlight the preferred locations of public art in the various plans, to assist the Board in recommending a preferred locations or the 2017/18 Public Art Commission.

8. Confirmation of date of future meetings

The next meetings will be held on:

- Wednesday 4 October 2017 – Special Meeting
- Wednesday 29 November 2017 – Ordinary Meeting

All meetings to commence at 6.00pm with light refreshments available at 5.30pm and all meetings will be held in the Mayor’s Room, Council Chambers Brighton.

The Chairperson declared the meeting closed at 7.49pm.

Confirmed this insert 4 Day of October 2017

Chairperson: ........................................
Minutes of the
Gallery@BACC Board (LGA Section 86 Committee) Meeting

held in the Mayor’s Room
Council Chambers Brighton
on Wednesday 29 November 2017

The Meeting commenced at 6.00pm

External Members
Ms Angelina Beninati (Chairperson)
Ms Tiziana Borghese
Mr Roger Boyce
Mr Patrick Christian
Ms Charlotte Christie

Councillors
Cr Sonia Castelli
Cr Alex del Porto

In attendance
Paulina Xerri
Executive Manager
Communications, Customer and Cultural Services

Giacomina Pradolin
Arts and Culture Program Coordinator

Joanna Bosse
Gallery Curator
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1. Welcome and opening of the meeting
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5. Adoption and Confirmation of the minutes of previous meeting
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   6.2 Acquisitions Report .................................................................4
   6.3 Report on 2017 Exhibitions and programs ....................................5
7. General Business
8. Confirmation of date of future meetings

Page 2 of 5
1. Welcome and opening of the meeting

The Chairperson welcomed members of the Board to the meeting.

2. Present

It is recorded that the following members of the Board were present at the meeting:

- Ms Angelina Beninati (Chairperson)
- Ms Tiziana Borghese
- Mr Roger Boyce
- Ms Charlotte Christie
- Cr Alex del Porto

3. Apologies

Apologies were received from Cr Sonia Castelli and Mr Patrick Christian.

Moved Cr del Porto Seconded Ms Borghese

That the apologies of Cr Sonia Castelli and Mr Patrick Christian be received and leave of absence be granted.

CARRIED

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 9 October 2017.

Moved: Cr del Porto Seconded: Mr Boyce

That the minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 9 October 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED
6. **Reports**

6.1 **PUBLIC ART FUTURE SITES**

The Arts and culture Program Coordinator presented the report on the public art future sites. It was indicated that the Dacey Street Playground (Dendy Park) be the next locations for the commission of public art. It was suggested that the Board review the remaining locations of public art as documented in the Bayside Public Art sites review and assessment report dated 2015 include activities centres and other locations.

Moved: Cr del Porto  
Seconded: Ms Borghese

That the Gallery@BACC Board:

1. support the commissioning of public art at the Dacey Street playground site; and

2. recommends to Council that a review of the public art sites be undertaken to discuss the alternative locations for public art including including activity centre and the Board considers a report on this matter at the February 2018 meeting.

**CARRIED**

6.2 **ACQUISITIONS REPORT**

The Curator presented a number of proposal for acquisition which would complement Council’s Art and Heritage collection.

Moved: Ms Borghese  
Seconded: Mr Boyce

That the Gallery@BACC Board having considered the recommendation from the Executive Manager Communications, Customer and Cultural Services, approves the following acquisitions to the Bayside Art and Heritage Collection:

1) Victoria Reichelt, Flood 3, oil on canvas, 2014 (Visual Arts Collection)

2) Shannon Smiley, Beside the tracks, oil on canvas, 2015 (Visual Arts Collection)

**CARRIED**
6.3 REPORT ON 2017 EXHIBITIONS AND PROGRAMS

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/247874

The Arts and Culture Program Coordinator presented a report on the 2017 Exhibitions and Programs.

Moved: Mr Boyce          Seconded: Ms Borghese

That the Gallery@BACC Board:

1. notes the report on the 2017 Exhibitions and Programs;
2. recommends that Council officers give consideration of advertising opportunities of the Gallery with Palace Cinema to assist in promotion of the Gallery; and
3. receives a strategic communications and marketing plan for the gallery to be considered at the February 2018 meeting.

CARRIED

7. General Business

There were no items of general business submitted to the meeting.

8. Confirmation of date of future meetings

The next meeting of the Gallery@BACC Board will be held on Wednesday 28 February 2018 at 6.00pm.

The Chairperson declared the meeting closed at 6.53pm.
Executive summary

Purpose and background
To note the Minutes of the Special Committee of Council established to hear submissions in relation to the proposal sale of 31 Abbott Street and 16 Station Street Sandringham.

Council at its meeting on 19 September 2017 established a Special Committee of Council for the purpose of undertaking the statutory process to hear submission in relation to the proposal sale of 31 Abbott Street and 16 Station Street Sandringham in accordance with Section 223 of the Local Government Act 1989.

Key issues
Attached for Council’s information is a copy of the Special Committee of Council minutes of the meeting held on 15 November 2017. It is proposed that Council considers the submissions received in conjunction with the report listed as part of this agenda.

Recommendation
That Council receives and notes the Minutes of the Special Committee of Council held on 15 November 2017 to hear submissions in relation to the proposed sale of 31 Abbott Street and 16 Station Street Sandringham.

Support Attachments
1. Special Committee of Council Minutes 15 November 2017
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with the minutes of this Special Committee of Council.

Natural Environment
There are no natural environmental impacts associated with the minutes of this Special Committee of Council.

Built Environment
There are no built environmental impacts associated with the minutes of this Special Committee of Council.

Customer Service and Community Engagement
Consultation on the proposal sale of the property was undertaken in accordance with Section 223 of the Local Government Act 1989.

Human Rights
The implications of this report has been assessed and are considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
The process associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
There are no financial impacts associated with the minutes of the Section 223 Hearing.

Links to Council policy and strategy
This is an administrative report that facilitates the process for the proposed sale of property which relates to Council Plan Goal 3 – A Liveable City, Strategy 3.2.1. - Ensuring community assets and infrastructure meet current and expected needs.
Minutes of the
Special Committee of Council Meeting
to hear submissions in relation to the proposed sale
of 31 Abbott Street and 16 Station Street Sandringham

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Wednesday 15 November 2017

The Meeting commenced at 7:00pm

Present:  
Cr Rob Grinter (Deputy Mayor)
Cr Alex del Porto
Cr James Long BM JP
Cr Michael Heffernan
Cr Sonia Castelli
Cr Clarke Martin

Officers in attendance:  
Adrian Robb  Chief Executive Officer
Mick Cummins  Director Corporate Services
Hamish Reid  Director City Planning and Community Services
Steven White  Director Environment, Recreation and
Terry Callant  Manager Governance

Item 9.2 – Reports by Special Committees
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   4.2 Ms Heather Stewart - Submission: Notice of Intention to Sell Council Land located at 31 Abbott Street, Sandringham....................4
   4.3 Ms Lisa McAlpin - Submission: Notice of Intention to Sell Council Land located at 31 Abbott Street, Sandringham....................4

5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.
   1. Ms Sarah Shatkin
   2. Ms Heather Stewart
   3. Ms Lisa McAlpin
1. **Welcome and opening of the meeting**

The Deputy Mayor welcomed Councillors and members of the public to the meeting. The Deputy Mayor advised the meeting that for the purpose of Section 73(3) of the Local Government Act 1989 he is appointed as Acting Mayor in the absence of the Mayor.

2. **Apologies**

The Mayor Cr Evans submitted an apology to the meeting.

Moved Cr del Porto Seconded Cr Long

That the apology of the Mayor Cr Evans be received and leave of absence be granted.  
CARRIED

3. **Declarations of any Conflict of Interest**

There were no conflicts of interest submitted to the meeting.

4. **Submissions**

In accordance with Section 223 of the Local Government Act 1989, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received 3 written submissions in relation to the Proposed sale of 31 Abbott Street Sandringham.

Of the 3 submissions received, 3 submitters have requested to be heard in support of their written submission.

1. Ms Sarah Shatkin  
2. Ms Heather Stewart  
3. Ms Lisa McAlpin

The Deputy Mayor reminded speakers that Section 223 (b)(i) of the Local Government Act 1989 indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council’s Governance Local Law No: 1 (2013) submissions in relation to section 223 of the Local Government Act be granted up to 15 minutes to speak in support of their submission. A copy of the submissions have been circulated to all councilors for their consideration prior to the meeting.
4.1 MS SARAH SHATKHIN

It is recorded that Ms Sarah Shatkin spoke for 3 minutes and 10 seconds in support of her submission.

4.2 MS HEATHER STEWART

It is recorded that Ms Heather Stewart spoke for 4 minutes and 50 seconds in support of her submission.

4.3 MS LISA MCALPIN

It is recorded that Ms Lisa McAlpin spoke for 5 minutes and 30 seconds in support of her submission

The Mayor thanked the submitters for their comprehensive submissions.

Moved: Cr del Porto          Seconded: Cr Long
That the submissions in relation to the proposed sale of 31 Abbott Street Sandringham, be received and noted.

CARRIED

Following consideration all Submissions the Chairperson declared the meeting closed at 7.18pm.
10. Reports by the Organisation

10.1 PROPOSED SALE OF 31 ABBOTT STREET AND 16 STATION STREET SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/17/73 – Doc No: DOC/17/265692

Executive summary

Purpose and background
At the Council meeting on 19 September 2017 Council resolved to undertake statutory procedures to sell 31 Abbott Street and 16 Station Street (the Land). The Land is made up of two parcels described as 31 Abbott Street, Lots 1&2 Certificate of Title volume 4088 folio 597 and 16 Station Street, Lot 1 on Certificate of Title volume 8267 folio 875 (the Land).

As part of the public notification process 660 letters were sent to Maternal and Child Health Service (MCH) users along with the required statutory advertising. Council received 3 submissions all of which were heard at a Special Committee of Council on 15 November 2017. A copy of the agenda is attached.

Key issues
The relocation of the MCH service is required to be completed to allow the sale to proceed. The submitters suggested a location in Sandringham was preferable to them for access to shops and other services as part of their trip for early infant check ups. Access to the train and other public transport options was also noted as a benefit of the existing location.

All submitters also expressed that the quality of the MCH nurse was the primary importance and that the existing nurses provided a good service. There is no proposal to reduce the resources or quality of the service provided. The delivery of MCH service is also in part building independent with an outreach service to the home for new parents that are unable to travel to a centre. Other locations are also readily accessed with public transport if required.

Concerns were also raised that funds should be put back into early years projects and not the library. It should be noted that there is over $6M in the early years reserves which can be used to fund future infrastructure related to early years. The proceeds from the sale of the land will be sufficient to cover the cost of relocating the MCH service and refurbish the library building.

The future location of the Maternal and Child Health service will be informed by the Early Years Infrastructure study which is currently underway. There are options to locate the service in the Sandringham Activity Centre should the study indicate that this is desirable. Should Council resolve to proceed with the proposed sale, the timing and conditions of the sale will be managed in a way that allows for the continuity of MCH services in the Sandringham area.

Sale of Land
Given the limited number of submissions following a direct mail out to potentially impacted parents, and the continuation of the existing service at an alternative location, it is proposed to continue the process of sale.

Council does not have a policy directly relevant to property sales, however the Local Government Best Practice Guideline for the Sale/Exchange of Land (June 2009) (Best Practice Guidelines) as prepared by the State Government has been considered, in particular General Principle 2 which provides as follows:
“Sales should be conducted through a public process (i.e. public auction, public tender or by registration of expression of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of land by private treaty.”

These Best Practice Guidelines further acknowledge that sales should be in the best interests of the community and provide the best result (both financial and non-financial) for the Council and the community. It provides guidance to address the various methods available to Council for the sale of Council land, including sale by public auction, public tender, EOI and by private treaty. It is considered that the most appropriate method of sale for the property is by way of public auction. This would require a current market valuation, not more than 6 months old, to set a reserve price.

**Recommendation**

That Council:

1. Having undertaken the necessary statutory procedures and considered the public submissions delegates authority to the Director Corporate Services to sell the property at 31 Abbott Street and 16 Station Street by public auction with a reserve price at the sworn valuation not more than six months old at the time of sale;

2. In the event that the reserve price is not achieved, authorises the Director Corporate Services to negotiate the sale privately with the highest bidder in the first instance, at a price no less than 5% below the reserve price;

3. In the event of negotiations being unsuccessful, authorises the Director Corporate Services to negotiate privately at a price no less than 5% below the reserve price;

4. Authorises the Director Corporate Services to sign and seal all documentation associated with the proposed sale and transfer of the land on behalf of Council for the price in accordance with points 1, 2 and 3 above;

5. Allocates the net funds of the sale to the relocation of the Maternal and Child Health Service and the upgrade of the Sandringham Library building; and

6. Refers consideration of the future location of Maternal and Child Health services in the Sandringham/Black Rock area to the Early Years Infrastructure study.

**Support Attachments**

1. Title Plan Abbott Street Sandringham
2. Title Plan Station Street Sandringham
3. Agenda - 15 November 2017 - Special Committee of Council to hear submissions
Considerations and implications of recommendation

Liveable community
The provision of Council assets for community use, must be matched to strategic community needs, fit for purpose and well utilised is critical to supporting liveability. The proceeds of any proposed sale will go to upgrading Sandringham Library and the relocation of the MCH service.

Social
The bulk of the proceeds of the potential sale will go towards upgrading Sandringham Library which provides significant social benefits.

Natural Environment
There are no impacts on the natural environment in relation to this report.

Built Environment
Council manages a significant property portfolio. This includes a large number of aging facilities that were purpose built, are single use, poorly utilised, are not energy efficient and require ongoing maintenance and renewal. This proposal supports improvement to Sandringham Library.

Customer Service and Community Engagement
The sale of land required a statutory consultation process which generated 3 submissions with speakers all wishing to be heard. 660 Clients of the MCH were advised of the prospective sale and service relocation by direct mail out.

Human Rights
There are no Human Rights issues assessed in relation to this report.

Legal
Council is required under Section 189 and 223 of the Local Government Act 1989 to undertake statutory processes including consultation in relation to the sale of the Land. These procedures have been completed and a report on the outcomes is attached.

Finance
The nett funds from the sale of land and relocation of MCH will be re-directed towards the funding of the upgrade to the Sandringham Library.

An agent will be appointed to undertake a public marketing and auction process should the sale be agreed.

A valuation not more than 6 months old at the time of sale is required and would be used to set the reserve.

Links to Council policy and strategy
The Council Plan contains three strategies that link to the property related matters as follows:
Goal 3 - A liveable City, strategy 3.2.1 Ensuring community assets and infrastructure meet current and expected needs;
Goal 7 - Financial Responsibility and Good Governance, strategy 7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability; and strategy 7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

The Long Term Financial Plan and Strategic Resource Plan identified the development of a Property Strategy as a key guide to drive better community value from Council’s property assets.
Options considered

Option 1

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<td>Benefits</td>
<td>Maintains a property asset in Sandringham for potential future uses</td>
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<td>Meets the concerns of some of the submitters based on the s223 process</td>
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<tr>
<td></td>
<td>Retains MCH at its current location</td>
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<tr>
<td>Issues</td>
<td>Continue to maintain an asset that is not effectively utilised</td>
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<tr>
<td></td>
<td>Council must continue to fund maintenance and renewal on an underutilised asset</td>
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<tr>
<td></td>
<td>Need to find other methods to fund local infrastructure and property projects</td>
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<td>May not meet emerging MCH needs with changing demographics</td>
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TITLE PLAN

Location of Land
Parish: MOORABBIN
Township: 
Section: 
Crown Allotment: 
Crown Portion: 

Land Plan Reference LP 4412
Derived From: VOL 6267 FOL 876
Depth Limitation: NIL

NOTATIONS

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

ALL THAT piece of land delineated and coloured red on the map in the margin - being part of Lot 66 on Plan of Subdivision No. 4412 Parish of Moorabbin -
Together with a right of carriage way over the road coloured brown on the said map.

COLOUR CODE
BR = BROWN  R = RED

TABLE OF PARCEL IDENTIFIERS

WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separate disposable parcels under Section 8A of the Sale of Land Act 1992

PARCEL 1 = LOT 66 (PT) ON LP 4412

LENGTHS ARE IN FEET & INCHES
Mitre = ± 0.5046 x Feet
Mitre = ± 0.20166 x Links

Sheet 1 of 1 sheets
Special Committee of Council Meeting Agenda

Agenda

for a Special Committee of Council
to hear submissions in relation to:

The Proposed Sale of Council Land located at
31 Abbott Street Sandringham

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

on

Wednesday, 15 November, 2017
at 7:00pm
Order of Business

1. Welcome and opening of the meeting

2. Apologies

3. Disclosure of any Conflict of Interest

4. Submissions
   In accordance with Section 223 of the Local Government Act 1989, Council has received the following submissions in relation to Special Committee of Council Meeting.

   4.1 Ms Sarah Shatkin - Submission: Notice of Intention to Sell Council Land located at 31 Abbott Street, Sandringham .................. 5

   4.2 Ms Heather Stewart - Submission: Notice of Intention to Sell Council Land located at 31 Abbott Street, Sandringham .................. 7

   4.3 Ms Lisa McAlpin - Submission: Notice of Intention to Sell Council Land located at 31 Abbott Street, Sandringham.......................... 9

5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting.

   1. Ms Sarah Shatkin
   2. Ms Heather Stewart
   3. Ms Lisa McAlpin

   It should be noted that each speaker has up to 15 minutes each to speak in support of their submission.
1. Welcome and opening of the meeting

2. Apologies

3. Declarations of any Conflict of Interest
4. Submissions

4.1 MS SARAH SHATKHIN - SUBMISSION: NOTICE OF INTENTION TO SELL COUNCIL LAND LOCATED AT 31 ABBOTT STREET, SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/17/68 - Doc No: DOC/17/238126

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<td>30 October 2017</td>
<td>Yes</td>
<td>31 October 2017</td>
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Organisation’s comments

Council sent over 660 letters to families registered at Sandringham advising of the future sale of the centre and the temporary relocation to Fern St with very little response received from families. The relocation of the Maternal and Child Health (MCH) Service will provide the same staff and resource levels so there will be no change to service levels or quality. The new site supports an equitable distribution of service locations across Bayside to meet the changing demographic profile. Access to MCH service is still accessible along bus and train routes in the municipality with Hampton being near the train line. If parents cannot attend a centre in the first four months due to being unable to drive, cultural reasons etc then MCH operate an outreach service and visit parents in the home.

Sale of the Abbott Street property will reduce the overall maintenance and renewal budget as it will reduce the overall number of buildings maintained by Council. Upgrade to the Fern Street facility is anticipated to cost up to $50,000. This will convert the hall from its current use as a kindergarten to incorporate consulting rooms to support the MCH functions. The site has excellent outdoor space. Council has already established Early Childhood Facilities Reserve of $5.36 Million was created by the sale of two properties which historically provided child care services and will provide funding towards the future development.

No offers from third parties in any form have been received and the decision to undertake statutory procedures to sell the land relates to the kindergarten relocating from Fern Street making the site available for MCH service to move.

Support Attachments

1. Ms Sarah Shatkhin - Submission: Proposed sale of Land - 31 Abbott Street Sandringham
RE: Submission for Proposed Sale - Notice of Intention to Sell Council Land at 31 Abbot Street, Sandringham, and Potential Relocation of Sandringham Maternal and Child Health Centre

As a user of the Sandringham Maternal and Child Health Centre I have been impressed by the service provided from this centre and have been happy with the central location and facilities.

Before the current site is sold it would seem appropriate that a new site is found that and the new centre is built first, before moving out of and selling the existing site. Not only has money been spent recently on improving the Sandringham centre but it seems like a waste of funds to spend on retrofitting the Fern Street Guide Hall to make it suitable for a Maternal Health Centre which does not appear to be an ideal building to do this well, and then spending additional funds on building the final Maternal and Child Health Centre. What is the budget allocated to spend on retrofitting the Fern Street Guide Hall?

Additionally, it would seem fitting that the money from the sale of the existing Maternal Health Centre should go into the new Maternal Health Centre and not towards the new library redevelopment.

I believe the council needs to clarify how moving the centre from Sandringham to Fern St. will make it a more accessible service across Bayside which appears to be the main reason provided for moving the centre in the first place. Fern St is not central to Hampton parents, for example, I currently walk to the Health Centre and I would have to drive to the Fern St location. Parents can walk to Sandringham from Hampton or Black Rock plus there are many public transport options available with the centre's current location near the Sandringham train station.

In the relevant Council Report the following issues are also cited:

1. "Continue to maintain an asset that is not effectively utilised" – how would the Fern St. site be more effectively utilised? Wouldn't the same amount of people still go there? How is it determined that Sandringham is not effectively utilised?

2. "Council must continue to fund maintenance and renewal" – that would happen with Fern Street as well?

3. "Need to find other methods to fund local infrastructure and property projects" – this doesn't solve the potential problem of having to find funds to build the new Maternal Health Centre in addition to paying stamp duty for the new site?

I believe it is the council's duty to fully disclose the reasons for selling the site including any offers from developers that have already been made whether formal or informal, and providing fully costed solutions for the new Maternal and Child Health Centre before the current site is sold.

As required in writing as per the notice in the 26 September 2017 Leader paper, I request to be heard regarding the above matter at the Special Committee of Council on 15 November, 2017.

Sarah Shatkini
82 Linacre Road
Hampton 3188
0431 479 244
4.2 MS HEATHER STEWART - SUBMISSION: NOTICE OF INTENTION TO SELL COUNCIL LAND LOCATED AT 31 ABBOTT STREET, SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/17/68 – Doc No: DOC/17/238175

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<td>30 October 2017</td>
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Organisation’s comments
Council sent over 660 letters to families registered at Sandringham advising of the future sale of the centre and the temporary relocation to Fern St with very little response received from families. Staff and resourcing will not be affected by the move of Maternal and Child Health (MCH) service to Fern Street. The location supports a changing demographic profile and more equitably locates the service points across Council. The spread of service locations allows access to MCH centres via public transport and train to Hampton. Fern Street is on the bus route from Sandringham station on Bluff Road, and is within walking distance to coffee shops and is also more centrally located between the Hampton and Beaumaris MCH centres. If parents cannot attend a centre in the first four months due to being unable to drive, cultural reasons etc then MCH operate an outreach service and visit parents in the home.

The Fern Street location is currently operating as a kindergarten and the timing of the relocation is to support fitout to provide ongoing quality MCH service.

Support Attachments
1. Ms Heather Stewart - Submission: Proposed Sale of Council land located at 31 Abbot Street Sandringham
Subject: Register to speak - Sandringham maternal health centre closure and sale

From: Heather Stewart [mailto:hesstewar1366@ccloud.com]
Sent: Monday, 30 October 2017 7:35 PM
To: Lawrence Evans <Lawrence.Evans@bayside.vic.gov.au>; Clarke Martin <cmartin@bayside.vic.gov.au>; Rob Grimer <robert.grimmet@bayside.vic.gov.au>; Michael Heffernan <mheffernan@bayside.vic.gov.au>; Sonia Castelli <scastelli@bayside.vic.gov.au>; Cr Alex del Porto <AlexDelPorto@bayside.vic.gov.au>; James Long <jlong@bayside.vic.gov.au>
Cc: Mick Curminns <MCurminns@bayside.vic.gov.au>

Hello Councillors

I wish to provide some feedback about the sale and relocation of the Sandringham maternal health centre. Can I please register to speak at the November 15th meeting?

I have recently had a baby Edward, photo attached.

We see Caroline at the Sandy MCH centre. Please nominate Caroline for employee of the decade she is so amazing, very practical, supportive, non judgemental and very good at solving problems.

We have spent a lot of time at the Sandy MCH centre for his 2 week, 4 week, 8 week checks, 2 lactation drop in sessions, 6 mothers group sessions.

We still have a handful of key stages checks over the next two years but the vast majority of his MCH visits are in the first couple of months of a babies life.

The first couple of months are a rather tricky time it is logistically difficult to get a sleeping baby in and out of the car. After our mothers group at the MCH centre we all go for coffee at Limoncello and then the mums go shopping at Coles or the many other useful shops at Sandy or we borrow books at the library (babies nap a lot so we have time to read books as a first time mom, maybe not for baby number 2). It is so handy to have the MCH centre in Sandringham. For the mums who have had c-sections (33%) you cannot drive a car for the first few weeks so Sandy is located within walking distance for many Mums or is along the train line.

Fern Street Blackrock is not well located near any useful facilities or transport. And the location does not make much sense.

I have taken a poll of the Mums and spoken to all the MCH nurses, it is a much better idea to relocate the MCH centre to the new Sandringham library. The two services are well matched and the MCH centre only really requires two tiny rooms and one larger room. It also retains this vital MCH service within a useful location.

The temporary relocation to a hall in Blackrock does not make much sense financially or practically. Babies like the heat when they are weighed and will scream the place down in a drafty hall, mums when practicing breastfeeding are not going to be keen to do this in a drafty old hall. Whilst the Sandy MCH centre needs to be rebuilt in the meantime it is a still very fit for purpose and should be retained until it can be relocated to the Sandy library.

Many thanks for your time

Heather Stewart

Sent from my iPhone
4.3 MS LISA MCALPIN - SUBMISSION: NOTICE OF INTENTION TO SELL COUNCIL LAND LOCATED AT 31 ABBOTT STREET, SANDRINGHAM

Corporate Services - Commercial Services
File No: PSF/17/68 – Doc No: DOC/17/238328

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Organisation's comments
Council sent over 660 letters to families registered at Sandringham advising of the future sale of the centre and the temporary relocation to Fern St with very little response received from families. Staff and resourcing will not be affected by the move of Maternal and Child Health (MCH) service to Fern Street. The Abbott Street site was identified as part of an audit of Council properties as potentially surplus with the Fern Street location becoming available. The timing of the proposed sale is to align with the kindergarten relocating from Fern Street making the site available for MCH service to move. The final location of the new MCH facility will be determined through the Early Years Plan development, however the temporary location supports a changing demographic profile and more equitably locates the service points across Council. The spread of service locations allows access to MCH centres via public transport and train to Hampton. The Early Childhood Facilities Reserve of $5.35 Million was created by the sale of two properties which historically provided child care services and will provide funding towards the future development.

Support Attachments
1. Ms Lisa McAlpin - Submission: Intention to Sell Council Land at 31 Abbott Street Sandringham
31st October 2017

Re: Submission on the notice of intention to sell council land: 31 Abbott Street, corner 16 Station Street, Sandringham, and relocation of Sandringham Maternal and Child Health Centre.

As a Sandringham resident and mother I regularly use the services provided at the Sandringham Maternal and Child Health Centre, and would be affected by the current proposal to sell the council land at this site and relocation of the centre.

Under the proposal it is detailed that the proceeds from the sale of the site are to go to a major redevelopment of the Sandringham library. This would seem inappropriate, given that if this site were sold, considerable finances would be required to replace the current Sandringham Centre. I believe the appropriate use for the primary proceeds of such a sale, would be the purchase and development of a replacement site and/or facilities.

I believe the level of service provided to current users of the Sandringham site would be affected by the the relocation of this service to the Guide Hall at Fern St Black Rock. This location is a considerable distance from the current Sandringham site and unlikely to be convenient to the Bayside residents currently accessing its services, and therefore may not be as well utilised.

In contrast to the Fern St site, the current Sandringham site is accessible by multiple bus lines, train and many whom do not drive live nearby due to the proximity to other services in use by families (such as the Sandringham Library, Playhouse, shops, pharmacy, medical clinics etc).

As well as regular scheduled appointments, I have also personally made great use of the drop in sessions at the current Sandringham site. The assistance, advice and support I have received has been significant. Due to maternal health issues I was unable to drive for a period of time, making the ease of access to the centre a very important factor in utilising its services.

I understand that the council is commencing development of a plan to consult with the community on a new ‘Early Years Plan’. It would seem rather premature to sell the current site at 31 Abbott Street, Sandringham prior to this community consultation taking place.

I would like the council to cease the proposed sale of council land until an appropriate and permanent location for a new Sandringham Maternal and Child Health Centre has been located and aforementioned community consultation has taken place.

I request to be heard by the council at the upcoming Special Council Meeting on the 15th November 2017.

Yours Sincerely,

Lisa McAlpin
12 Victory St
Sandringham Vic 3191

lisa@proof.com.au
0438 183 949
Executive summary

Purpose and background

This report recommends that Council commences the statutory processes required under sections 190 and 223 of the Local Government Act 1989 (the Act) in relation to the proposed lease of the pavilion and associated facilities to be constructed in the near future at Elsternwick Park, Oval Number 1, Glenhuntly Road, Elsternwick (the Park).

Elsternwick Park No 1 Oval is a regional sportsground facility hosting amateur AFL football, subdistrict cricket and a number of other community events. The Victorian Amateur Football Association (VAFA) currently occupies an existing pavilion located at Elsternwick Park under a lease arrangement with Council acting as the Committee of Management for the Park which has the status of Crown Land.

Facilities at the No 1 oval precinct require renewal, are poorly accessible and do not meet the needs of female sports people. There has been no significant upgrade of the ground or facilities for over 25 years.

Previous reports to Council have related to the replacement of the existing pavilion with a modern multi use facility funded from a number of sources, including Council, as outlined later in this report. The project for the Park also includes new public facilities and a substantial refurbishment of the No 1 oval.

In December 2015, Council was approached by Sport and Recreation Victoria Major Projects to consider a funding proposal to develop facilities at the No 1 Oval precinct to accommodate the co-location of the Old Melburnians Football Club (OMFC) to the Park.

In 2016, Council endorsed the proposed re-development of the precinct including a new pavilion and spectator facilities, a refurbished sports ground and associated lighting.

Construction of the new pavilion and the oval works has recently commenced. Part of the new pavilion will be leased to the VAFA as its administrative headquarters with game related facilities being used on a licensed or seasonal basis by Old Melburnians Football Club and Elsternwick Cricket Club.

Key issues

Sections 190 and 223 of the Local Government Act 1989 (the Act) require Council to give public notice of its intention to lease or licence Council land for a term exceeding ten (10) years. The Act further requires Council to invite and consider public submissions received in response to the public notice before making any final decision to enter into a lease and/or licence and these requirements therefore apply to the proposed arrangements at Elsternwick Park.

The proposed occupancy arrangements with the VAFA include a twenty one (21) year term under a Community Lease for exclusively used Administration and storage areas, plus control of the Social space including the bar and kitchen.
The use by the OMFC will be by a separate twenty one (21) year Community Licence for use of the gym and storage area 12 months per year and game related facilities including access to the change rooms (1 & 2), sportsground, social space, including bar and kitchen on training and match days during 1 April to 30 September.

Under a twelve month seasonal allocation, the Elsternwick Cricket Club will have use of the same facilities as the OMFC, but excluding 12 month access to the gym and storage.

A twenty one (21) year terms is in accordance with the maximum term for the leasing of Crown Land and the proposed occupancy arrangements also require the formal approval of the relevant State Government Minister responsible for the administration of Crown Land and that is expect to occur as a matter of process.

Once completed, in cooperation with the VAFA and other user bodies, the new facilities will open up a wider range of opportunities for participation in sports at both a club and community level.

In cooperation with VAFA, Council will ensure that appropriate community access is encouraged in the Social Space outside of regular licensed and allocated usage times and may set charges for community use with revenue being retained by Council.

Other aspects relating to the operation of the facilities, including cleaning and maintenance, liquor licensing and signage etc. will be the subject of a standard Council Community lease or licence or by way of casual hirer agreement. The use of the oval will be in accordance with Council’s seasonal ground allocations.

**Recommendation**

That Council:–

1. In accordance with Section 190 and Section 223 of the Local Government Act 1989 (the Act) gives public notice of its intention to enter into leasing arrangements for the pavilion located at Elsternwick Park, Glenhuntly Road, Elsternwick with;
   
   a. the Victorian Amateur Football Association at an annual rental of $353 with annual increase of 5% or CPI whichever is greater, for a term of twenty one years for the Elsternwick Park Pavilion areas exclusively used for Administration and storage areas, plus control of the social space including the bar and kitchen; and
   
   b. the Old Melburnians Football Club at an annual rental of $353 with annual increase of 5% or CPI whichever is greater, for a term of twenty one years for the Elsternwick Park Pavilion for use of the gym and storage area and seasonal licence agreement to game related facilities;

2. Establishes a Special Committee of Council in accordance with S223 of the Act 1989 consisting of all councillors with a quorum of four (4) Councillors to consider any public submissions, including those submitters who wish to be heard or represented at a meeting to be held on 7 February at 6:30pm 2018 in the Council Chambers, Boxshall Street Brighton in relation to the proposal to lease;

3. In the event that no submissions are received, authorise the Director Corporate Services to undertake all necessary actions to finalise and execute the lease and licence agreements, and;
4. Seek the approval of the Minister for the occupancy arrangements outlined in this report in accordance with Section 17E of the Crown Land (Reserves) Act 1978.

Support Attachments
1. Elsternwick Park Pavilion - Floor Plan ↓
Considerations and implications of proposition

Liveable community
The provision of Council assets for community use, be they leased or Council operated, that are fit for purpose and well utilised is critical to supporting liveability. This proposal relates to the upgrading of a quality and well utilised facility.

Social
Council property provides a wide range of social, health and sporting benefits. The upgrade to the facility will provide significantly enhance social spaces.

Natural Environment
There are no impacts on the natural environment in relation to this report.

Built Environment
Council manages a significant property portfolio. This includes a large number of aging facilities that were purpose built, are single use, poorly utilised, are not energy efficient and require ongoing maintenance and renewal. This proposal acknowledges the need for facilities to be upgraded to match changing standards and community expectations

Customer Service and Community Engagement
It is expected that the upgrading of the facilities at the Elsternwick Park would be strongly supported by existing patrons and would present the opportunity for a wider range of program options.

Human Rights
There are no Human Rights issues assessed in relation to this report.

Legal
There is no specific legal issues related to this report other than the possibility of changes to the current leasing arrangements if Council proceeds with the granting of the additional lease option.

Finance
The project cost is $6.4M made up as follows:

- State Government $3,100,000
- Bayside City Council $1,200,000
- VAFA $1,050,000
- Old Melburnians FC $250,000
- AFL $250,000
- AFL Victoria $250,000
- Combined Football Contribution $300,000
Rental for the lease and licence arrangements will be at the current community rate of $353pa with 5% annual increases (or CPI if greater) in recognition of the substantial external capital funding contributions.

**Links to Council policy and strategy**

The Council Plan contains two strategies that link to the property related matters as follows:

- **Goal 3** - A liveable City, strategy 3.2.1 Ensuring community assets and infrastructure meet current and expected needs;
- **Goal 7** - Financial Responsibility and Good Governance, strategy 7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

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

- Leasing Policy
- Sportsground Allocation Policy
Floor Plan
Executive summary

Purpose and background

The Beaumaris Lawn Tennis Club (BLTC) currently operates under a lease with Council for the tennis facilities at Banksia Reserve, Beaumaris. Facilities at the site include thirteen (13) courts and a new pavilion which is currently nearing completion and which also incorporates the former tennis pavilion that is being refurbished as part of its integration with the new pavilion.

The new pavilion will be leased to the newly constituted Beaumaris Sports Club (BSC) which represents the Tennis, Football and Cricket clubs that use sporting facilities at Banksia Reserve and will also use the change rooms and social facilities etc. within the new integrated pavilion.

The term of the lease with the BSC is fifteen (15) years from the date of construction completion of the new pavilion. The use of the existing oval will be allocated to the Football and Cricket clubs under the usual seasonal licence arrangements. The lease for the new pavilion also does not include the tennis courts which is to be leased to the BLTC under a separate arrangement as proposed in this report, for a term of fifteen (15) years which aligns with the lease of the pavilion to the BSC. The previous lease with the BLTC is currently in over holding and will remain so until the processes relating to the new lease for the courts are completed, as explained below.

Key issues

Sections 190 and 223 of the Local Government Act 1989 (the Act) require Council to give public notice of its intention to lease Council land for a term exceeding ten (10) years. The Act further requiresCouncil to invite and consider public submissions received in response to the public notice before making any final decision to enter into a lease and these requirements therefore apply to the proposed new lease with the BLTC.

In recent times, some activities at the Banksia Reserve courts have caused issues with some residents in the immediate vicinity of the courts in relation to noise, language and early game starts. The BLTC were formally advised by letter dated 11 May, 2017 that games were not to start before 8am. However, at the subsequent request of the then club President, it was agreed that formal coaching classes and private practice could commence at 7am but not matches.

Residents have reported matches starting before 8am and on occasions before 7am. The processes relating to the proposed intention to enter into a new lease with the BLTC, as described above, presents an opportunity for the Club to present its position on court usage times to Council. It also enables Council to afford the same opportunity to residents who are most likely to be affected, and Council on balance, can then make a final decision on the court operating times when it considers public submissions.

To ensure that situation is addressed, it is proposed that in addition to the public notice being placed in the local newspaper, the BLTC and all nearby residents will also be informed of the process by direct mail, including notification of the opportunity to make a submission to Council.
Proposed operating times
Following recent discussions with the BLTC, it is proposed that the court operating times listed below would be included in the public notice outlined earlier in this report. The BLTC may not necessarily agree with all of these times, however, they are aware that they are entitled to make a formal submission which will also be considered by Council. The hours are:

- No tennis court activities are to occur before 7am daily, and;
- Individual practice sessions and programmed tennis coaching classes are permitted from 7am daily - but not social or competition matches, and;
- All tennis court activities including matches are permitted from 8am daily, and;
- No tennis court activities are to continue after 10.30pm daily and all external court lighting is to be turned off at 10.30pm, and;
- The BLTC will be required to place timers on the court lighting system ensuring its shut down at 10.30pm.

Code of Conduct

The existing lease with the BLTC is currently in over holding and the manner in which the Club and its members are to conduct themselves, including court operating times will be addressed in the lease document that will be finalised once Council has completed the consultation processes outlined above.

It is also proposed that there will be a special condition in the lease requiring the BSC to enter a Code of Conduct which determines the values and behaviour of the Clubs' members and guests and based on the principles of being a good neighbour. It is further proposed that the Club actively promote this requirement to all members and users of the facilities.

Recommendation

That Council:-

1. In accordance with S190 of the Local Government Act 1989 (the Act) gives public notice of its intention to enter into a lease with the Beaumaris Lawn Tennis Club for a term of fifteen years and inviting submissions from the public within twenty eight (28) days; and such public notice to include details of proposed operating times for the tennis courts at Banksia Reserve;

2. Provides written notification of the proposed lease and court operating time to the Beaumaris Lawn Tennis Club and also residents in the immediate vicinity of the tennis courts including the opportunity to make a submission;

3. In accordance with S223 of the Act consider public submissions, including those submitters who wish to be heard or represented at a special committee meeting of Council to be held on 7 February at 7:00pm 2018;

4. In the event that no submissions are received, authorise the Director Corporate Services or Council's delegate to finalise and execute the lease including the operating times outlined in this report;
5. Requests the Beaumaris Lawn Tennis Club to develop a Code of Conduct relating to its members and guests and submit the draft Code of Conduct to Council for approval; and

6. Authorises Council’s delegate to finalise, approve and execute the Code of Conduct on Council’s behalf.

Support Attachments
1. Proposed Lease Area to the The Beaumaris Lawn Tennis Club ↓

Considerations and implications of recommendation

Liveable community
The provision of Council assets for community use, be they leased or Council operated, that are fit for purpose and well utilised is critical to supporting liveability. This proposal relates to the upgrading of a quality and well utilised facility.

Social
Council property provides a wide range of social, health and sporting benefits. The upgrade to the facility will provide significantly enhance social spaces.

Natural Environment
There are no impacts on the natural environment in relation to this report.

Built Environment
Council manages a significant property portfolio. This includes a large number of aging facilities that were purpose built, are single use, poorly utilised, are not energy efficient and require ongoing maintenance and renewal. This proposal acknowledges the need for facilities to be upgraded to match changing standards and community expectations

Customer Service and Community Engagement
It is expected that the upgrading of the facilities at the Elsternwick Park would be strongly supported by existing patrons and would present the opportunity for a wider range of program options.

Human Rights
There are no Human Rights issues assessed in relation to this report.

Legal
There is no specific legal issues related to this report other than the possibility of changes to the current leasing arrangements if Council proceeds with the granting of the additional lease option.
Finance
There are no direct financial implications associated with this report. Council currently receives a rental income of $7,770 inclusive GST from this lease.

Links to Council policy and strategy
The Council Plan contains two strategies that link to the property related matters as follows:

Goal 3 - A Liveable City, strategy 3.2.1 Ensuring community assets and infrastructure meet current and expected needs;
Goal 7 - Financial Responsibility and Good Governance, strategy 7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

Options considered

Option 1

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<th>Summary</th>
<th>Termination of the Lease</th>
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<tr>
<td>Benefits</td>
<td>Avoid any future conflict between the BLTC and persons on neighbouring properties by any activities associated with the use of tennis courts facility.</td>
</tr>
<tr>
<td>Issues</td>
<td>Loss of a community facility where the BLTC has been a provider for tennis facility for the Bayside community.</td>
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<tr>
<td></td>
<td>The Beaumaris Sports Club Inc funding model is based on all the user groups coexisting on the current reserve.</td>
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<td></td>
<td>Significant concern from tennis club members if this action was taken</td>
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Option 2

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<th>Summary</th>
<th>Renewal the Lease with more restrictive times with no tennis prior to 8:00am</th>
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<td>Benefits</td>
<td>Continues to provide a tennis community facility for the broader community.</td>
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<td></td>
<td>Reduces the chance of players having an early morning casual hit up under the guise of practice leading to resident concerns.</td>
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<td></td>
<td>If negotiations fail to put in place an effective strategy to mitigate the nuisance between the club and neighbours this approach would resolve the early start and noise issue.</td>
</tr>
<tr>
<td>Issues</td>
<td>Limits use of courts before 8:00am and will impact coaching in mornings.</td>
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<tr>
<td></td>
<td>May make the tennis centre less attractive to some members.</td>
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Aerial Image

Legend:
- Proposed Lease
- Area to the BLTC
10.4 DELEGATIONS FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER AND OTHER COUNCIL OFFICER POSITIONS WITHIN THE ORGANISATION.

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/260579

Executive summary

Purpose and background
To update Council’s Instrument of Delegation to the Chief Executive Officer and other members of staff within the organisation relating to specific Acts of Parliament.

Section 98 of the Local Government Act 1989 (the Act) provides that a Council may be Instrument of Delegation delegate to a member of staff, any power, duty or function of the Council under the Act or any other Act, other than some powers (such as the adoption of the budget) that are reserved for Council decision. The delegations are made to the position rather than to the staff member occupying the position.

Delegations are essential to enable Council staff to specifically carry out professional duties particularly in areas which involve enforcement, such as Planning, Local Laws, Environmental Health, Animal Management, Parking Control and Road Management.

Key issues
The Instrument of Delegations are split into two separate instruments:

- Delegation to the Chief Executive Officer; and
- Delegation to specific members of Council staff.

Delegation to the Chief Executive
The review of this specific delegation to the Chief Executive Officer has been reviewed and no changes to the existing delegations are recommended.

Delegation to specific members of Council staff
This Instrument provides delegation from Council to specific members of Council staff to undertake a specific duty or power in accordance with a specific section of an Act of Parliament.

This Instrument has been updated to reflect new titles of specific officers and reallocation of duties to specific officers. Minor administrative changes have been made to the delegation to provide accuracy in processes and duties currently undertaken administratively. A summary of the proposed changes to the Instrument is attached which highlight these administrative duties and functions.

Of note to Council, this Instrument of Delegation also includes the recent Council resolution of 21 November 2017 concerning the planning delegations which are with recommended changes to reflect the current delegation pertaining to multiple objections from one residence:
Part 1 - Section 61 (1)(a & b) of the Planning and Environment Act 1987

Council officers do not have delegation to decide an application where:

- Any application is ‘called in’ by a Councillor; and
- An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. **Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.**

Part 2 - Section 61 (1)(a & b) of the Planning and Environment Act 1987

Council officers do not have delegation to decide an application where:

- Any application is ‘called in’ by a Councillor; and
- An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. **Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.**

- An application for the removal of two or more trees protected by the Vegetation Protection Overlay (VPO) and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.

- Where an application is sought for a 3 or more storey building that triggers a requirement for a permit under the Design and Development Overlay Schedule 3 and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.

The Instrument of Delegation also includes changes to Section 59(1) and Section 59(2) which were omitted from the Council report and resolution on 21 November 2017.

**Section 59(1) – Power to decide on an application**

In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:

- Any application ‘called in’ by a Councillor; and

An application where **three or more** objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.
Section 59(2) – Power to decide on an application as soon as it gets the last of the replies from referral authorities

Any application ‘called’ in by a Councillor; and

An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.

Recommendation

That Council:

1. Revokes the existing Instruments of Delegation to the Chief Executive Officer and to members of Council staff previously approved by Council on 23 August 2016;

2. Adopts the attached Instrument of Delegations to the Chief Executive Officer noting no change to the Instrument of Delegation;

3. Adopts the attached Instrument of Delegation to Members of Council Staff dated 19 December 2017; and

4. Signs and seals the Instruments of Delegation.

Support Attachments

1. Summary of Proposed changes to delegations from Council to Chief Executive Officer

2. Instrument of Delegation to CEO - December 2017

3. S6 Instrument of Delegation - Members of Staff - Version 1 - 07/12/2017
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
Relevant Managers and Directors have been consulted in the updating of the proposed delegations.

Human Rights
An assessment has been undertaken against the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006 and it is considered that the recommendations will not breach or infringe human rights.

Legal
The proposed Instruments of Delegations is based on an instrument prepared by Council’s Lawyers and is the template commonly used by many Victorian municipalities. The review of the delegations is in accordance with section 98 of the Local Government Act 1989.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
This report aligns with Council Plan Goal 8 in relation to Governance by increasing efficiency in awarding small contracts.
Summary of Proposed changes to Instrument of Delegations from Council to Chief Executive Officer and Member of Council Staff

Delegation to CEO
No changes to the Instrument of Delegation

Summary of Proposed changes to delegations from Council to Members of Council Staff
Note: Administrative changes made to the delegations reflect changes to position titles.

Domestic (Feral and Nuisance Animals) Act 1994
No changes to existing delegations

Environment Protection Act 1970
No changes to existing delegations

Food Act 1984

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<th>Act Description</th>
<th>Type of Function</th>
<th>Previous Delegation</th>
<th>Proposed delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>19(2)(a)</td>
<td>Power to direct written order that the food premises be put into a clean and sanitary condition</td>
<td>Administrative Duty</td>
<td>EHC, EHO, SEHO</td>
<td>EHC, EHO, SEHO, MAP</td>
</tr>
<tr>
<td>19(2)(b)</td>
<td>Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable</td>
<td>Administrative Duty</td>
<td>EHC, EHO, SEHO</td>
<td>EHC, EHO, SEHO, MAP</td>
</tr>
<tr>
<td>19(3)</td>
<td>Power to direct by written order that the food premises not be kept or used for the sale or handling for sale of any food or for the preparation of any food or for any other specified purpose or for the use of any specified equipment or a specific process</td>
<td>Administrative Duty</td>
<td>Nil</td>
<td>EHC, EHO, SEHO, MAP</td>
</tr>
</tbody>
</table>
Heritage Act 1995

No changes to existing delegations

Planning and Environment Act 1987

Administrative changes to deleted reference to delegate CFP

Change title of PAC to SASTL where applicable

New delegate SEC

Change title PAO to ASO where applicable

<table>
<thead>
<tr>
<th>Section</th>
<th>Act Description</th>
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<th>Previous Delegation</th>
<th>Proposed delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>46Q(1)</td>
<td>Duty to keep proper accounts of levies paid</td>
<td>Administrative levy</td>
<td>DCPSC, DERI, MCAP, MDS, MST</td>
<td>DCPSC, DERI, MCAP, MDS, MST, MF</td>
</tr>
</tbody>
</table>
Additional change to delegation in line with the Council decision on 21 November 2017 which was not included in the resolution.

<table>
<thead>
<tr>
<th>59(1)</th>
<th>Power to decide on an application</th>
<th>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Any application ‘called’ in by a Councillor; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DCPCS, MDS, PSP, SPC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DCPCS, MDS, PSP, SPC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>59(2)</th>
<th>Power to decide on an application as soon as it gets the last of the replies from referral authorities.</th>
<th>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Any application ‘called’ in by a Councillor; and</td>
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<td>An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.</td>
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<tr>
<td></td>
<td></td>
<td>DCPCS, MDS, PSP, SPC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DCPCS, MDS, PSP, SPC</td>
</tr>
</tbody>
</table>
Reaffirming the change to delegates from Council resolution 21 November 2017.

| 61(1)(a) | Power to decide to grant a permit | In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:

Any application ‘called’ in by a Councillor whereby a Councillor; and

An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.

An application for the removal of two or more trees protected by the Vegetation Protection Overlay (VPO) and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.

Where an application is sought for a 3 or more storey building that triggers a requirement for a permit under the Design and De

DCPCS, MDS, PSP, SPC

DCPCS, MDS, PSP, SPC |
| 61(1)(b) | Power to decide to grant a permit with conditions | In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:

Any application ‘called’ in by a Councillor whereby a Councillor; and

An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued.

DCPCS, MDS, PSP, SPC

DCPCS, MDS, PSP, SPC |
permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of this delegation.

An application for the removal of two or more trees protected by the Vegetation Protection Overlay (VPO) and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.

Where an application is sought for a 3 or more storey building that triggers a requirement for a permit under the Design and Development Overlay Schedule 3 and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.

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**Rail Safety (Local Operations) Act 2006**

No changes to existing delegations

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**Residential Tenancies Act 1997**

No changes to existing delegations

---

**Road Management Act 2004**

<table>
<thead>
<tr>
<th>Section</th>
<th>Act Description</th>
<th>Type of Function</th>
<th>Previous Delegation</th>
<th>Proposed delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>12(5)</td>
<td>Duty to consider written submissions received within 28 days’ notice.</td>
<td>Administrative Duty</td>
<td>DCORP, DCS</td>
<td>DCORP, MCS</td>
</tr>
</tbody>
</table>

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**Planning and Environment Regulations 2015**

No changes to existing delegations
Planning and Environment (Fees) Interim Regulations 2011

Regulations revoked

Planning and Environment (Fees) Interim Regulations 2016

<table>
<thead>
<tr>
<th>Reg</th>
<th>Regulation Description</th>
<th>Type of Function</th>
<th>Previous Delegation</th>
<th>Proposed delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Power to waive or rebate a fee relating to an amendment of a planning scheme</td>
<td>Administrative</td>
<td>New Regs</td>
<td>CEO, DCP, MDS</td>
</tr>
<tr>
<td>20</td>
<td>Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme</td>
<td>Administrative</td>
<td></td>
<td>CEO, DCP, MDS</td>
</tr>
<tr>
<td>21</td>
<td>Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under Reg 19 or 20.</td>
<td>Administrative</td>
<td></td>
<td>CEO, DCP, MDS</td>
</tr>
</tbody>
</table>

Road Management (General) Regulations 2005

Regulations Revoked

Road Management (General) Regulations 2016

<table>
<thead>
<tr>
<th>Reg</th>
<th>Regulation Description</th>
<th>Type of Function</th>
<th>Previous Delegation</th>
<th>Proposed delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>8(1)</td>
<td>Duty to conduct reviews of road management plan</td>
<td>Administrative</td>
<td>New Regs</td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>9(2)</td>
<td>Duty to produce a written report of review of road management plan and make report available</td>
<td>Administrative</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>9(3)</td>
<td>Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)</td>
<td>Administrative</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>10</td>
<td>Duty to give notice of amendment which relates to standards of construction, inspection, maintenance or repair under section 41 of the Act.</td>
<td>Administrative</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>13(1)</td>
<td>Duty to publish notice of amendments to road management plan,</td>
<td>Administrative</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>Reg</td>
<td>Regulation Description</td>
<td>Type of Function</td>
<td>Previous Delegation</td>
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<tr>
<td>-------</td>
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</tr>
<tr>
<td>13(3)</td>
<td>Duty to record on road management plan the substance and date of effect of amendment.</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>16(3)</td>
<td>Power to issue permit</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>18(1)</td>
<td>Power to give written consent re: damage to road</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>23(2)</td>
<td>Power to make submission to Tribunal</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>23(4)</td>
<td>Power to charge a fee for application under Section 66(1) Road Management Act.</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>25(1)</td>
<td>Power to remove objects, refuse, rubbish or other material deposited or left on road.</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>25(2)</td>
<td>Power to sell or dispose of things removed from road or part of road (after first complying with regulations 25(3)</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
<tr>
<td>25(5)</td>
<td>Power to recover in the Magistrates’ Court expenses from person responsible.</td>
<td>Administrative Duty</td>
<td></td>
<td>DERI, MST, MCAP</td>
</tr>
</tbody>
</table>

Road Management (works and Infrastructure) Regulations 2005

Regulations revoked

Road Management (Works and Infrastructure (Regulations) 2015

<table>
<thead>
<tr>
<th>Reg</th>
<th>Regulation Description</th>
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<th>Previous Delegation</th>
<th>Proposed delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works</td>
<td>Administrative Duty</td>
<td>Nil</td>
<td>DERI,MST, MCAP</td>
</tr>
<tr>
<td>22(2)</td>
<td>Power to waive whole or part of fee in certain circumstances.</td>
<td>Administrative Duty</td>
<td>Nil</td>
<td>DERI,MST, MCAP</td>
</tr>
</tbody>
</table>
Instrument of Delegation

to the

Chief Executive Officer

Adopted by Council by resolution ..... on 19 December 2017
Bayside City Council

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 (“the Act”) and all the powers enabling it, the Bayside City Council (“Council”) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 19 December 2017.

2. the delegation
   2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
   2.2 remains in force until Council resolves to vary or revoke it;
   2.3 is subject to any conditions and limitations set out in the Schedule; and
   2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;

3. the Instrument of Delegation to Council’s Chief Executive Officer authorised by a Resolution of Council passed on 23 August 2016 is revoked on the coming into force of this Instrument of Delegation;

4. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other power incapable of sub-delegation which this Instrument of Delegation delegates to him or her.

The Common Seal of Bayside City Council was affixed to this Instrument of Delegation on 19 December 2017 in the presence of:-

____________________________________
Cr Laurence Evans
Mayor

____________________________________
Mr Adrian Robb
Chief Executive Officer
Schedule

The power to
1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

The power to appoint a person to the position of Acting Chief Executive Officer in the absence of the Chief Executive Officer for periods of annual leave, long service leave or any other extended period of leave up to a maximum period of 3 months, with the exception of sick leave in excess of 6 weeks.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. If the issue, action, act or thing is an issue, action, act or thing which involves:
   4.1 awarding a contract exceeding the value of $300,000 for works;
   4.2 awarding a contract exceeding the value of $300,000 for goods and services or, in the case of multi-year goods and services contracts awarding a contract exceeding an averaged value of $100,000 per annum and/or for a period exceeding 5 years;
   4.3 approving a contract variation exceeding 20% of the original contract sum, where the original contract sum is $250,001 or greater and where the contract variation amount will result in the adopted budget allocation being exceeded;
   4.4 making a local law under Part 5 of the Act;
   4.5 approval of the Council Plan under section 125 of the Act;
   4.6 adoption of the Strategic Resource Plan under section 126 of the Act;
   4.7 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
   4.8 adoption of the Auditor’s report and Annual Financial Statements under Part 6 of the Act;
   4.9 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
   4.10 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
4.11 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
4.12 appointment of councillor or community delegates or representatives to external organisations; or
4.13 the return of the general valuation and any supplementary valuations;

5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action or thing which must be the subject of a Resolution of Council.

6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
   6.1 policy; or
   6.2 strategy
   adopted by Council; or

7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

8. if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Updated: 19 December 2017 Cnl Resolution 10.0.
S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994

<table>
<thead>
<tr>
<th>#</th>
<th>Section</th>
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<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
<th>Delegate / Authorised Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>89958</td>
<td>s.41A(1)</td>
<td>Domestic Animals Act 1994</td>
<td>power to declare a dog to be a menacing dog</td>
<td>Council may delegate this power to an authorised officer</td>
<td>LLC, MAP</td>
</tr>
<tr>
<td>163942</td>
<td>s.41A(3)</td>
<td>Domestic Animals Act 1994</td>
<td>Power to revoke a declaration made under s.41A(91)</td>
<td></td>
<td>LLC, MAP</td>
</tr>
<tr>
<td>163943</td>
<td>s.41B(1)</td>
<td>Domestic Animals Act 1994</td>
<td>Duty to notify the owner</td>
<td></td>
<td>LLC, MAP</td>
</tr>
<tr>
<td>163944</td>
<td>s.41C</td>
<td>Domestic Animals Act 1994</td>
<td>Duty to give notice of a menacing dog declaration to owner</td>
<td></td>
<td>LLC, MAP</td>
</tr>
</tbody>
</table>
## Environment Protection Act 1970

<table>
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<tr>
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<tbody>
<tr>
<td>89959</td>
<td>s.53M(3)</td>
<td>Environment Protection Act 1970</td>
<td>power to require further information</td>
<td></td>
<td>EHC, MAP, AEHO, EHO, SEHO</td>
</tr>
<tr>
<td>89960</td>
<td>s.53M(4)</td>
<td>Environment Protection Act 1970</td>
<td>duty to advise applicant that application is not to be dealt with</td>
<td></td>
<td>EHC, MAP, AEHO, EHO, SEHO</td>
</tr>
<tr>
<td>89961</td>
<td>s.53M(5)</td>
<td>Environment Protection Act 1970</td>
<td>duty to approve plans, issue permit or refuse permit</td>
<td>refusal must be ratified by council or it is of no effect</td>
<td>EHC, MAP, AEHO, EHO, SEHO</td>
</tr>
<tr>
<td>89962</td>
<td>s.53M(6)</td>
<td>Environment Protection Act 1970</td>
<td>power to refuse to issue septic tank permit</td>
<td>refusal must be ratified by council or it is of no effect</td>
<td>EHC, MAP, AEHO, EHO, SEHO</td>
</tr>
<tr>
<td>89963</td>
<td>s.53M(7)</td>
<td>Environment Protection Act 1970</td>
<td>duty to refuse to issue a permit in circumstances in (a)-(c)</td>
<td>refusal must be ratified by council or it is of no effect</td>
<td>EHC, MAP, AEHO, EHO, SEHO</td>
</tr>
</tbody>
</table>
### Food Act 1984

<table>
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<tr>
<th>#</th>
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<tbody>
<tr>
<td>166527</td>
<td>S.19(1) and (2)</td>
<td>Food Act 1984</td>
<td>Order directing premises be cleaned, or steps taken to ensure food is safe etc, on being satisfied about unsatisfactory nature of the food premises or food.</td>
<td></td>
<td>EHC, EHO, SEHO</td>
</tr>
<tr>
<td>89964</td>
<td>s.19(2)(a)</td>
<td>Food Act 1984</td>
<td>power to direct by written order that the food premises be put into a clean and sanitary condition</td>
<td>If section 19(1) applies</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>89965</td>
<td>s.19(2)(b)</td>
<td>Food Act 1984</td>
<td>power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable</td>
<td>If section 19(1) applies</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>167021</td>
<td>s.19(3)</td>
<td>Food Act 1984</td>
<td>power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process</td>
<td>If section 19(1) applies Only in relation to temporary food premises or mobile food premises</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>89966</td>
<td>s.19(4)(a)</td>
<td>Food Act 1984</td>
<td>power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise</td>
<td>If section 19(1) applies</td>
<td>CEO, DCPCS, EHC, MAP</td>
</tr>
<tr>
<td>166530</td>
<td>s.19(4)(b)</td>
<td>Food Act 1984</td>
<td>Duty to notify the Department of the making of the order</td>
<td>If section 19(1) applies</td>
<td>CEO, DCPCS, EHC, MAP</td>
</tr>
<tr>
<td>166529</td>
<td>s.19(4)(c)</td>
<td>Food Act 1984</td>
<td>Duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal.</td>
<td>If section 19(1) applies and if the council is not the registration authority</td>
<td>CEO, DCPCS, EHC, MAP</td>
</tr>
<tr>
<td>89967</td>
<td>s.19(6)(a)</td>
<td>Food Act 1984</td>
<td>duty to revoke any order under section 19 if satisfied that an order has been complied with</td>
<td>If section 19(1) applies</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>89968</td>
<td>s.19(6)(b)</td>
<td>Food Act 1984</td>
<td>duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with</td>
<td>If section 19(1) applies</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>89969</td>
<td>s.19AA(2)</td>
<td>Food Act 1984</td>
<td>power to direct, by written order, that a person must take any of the actions described in (a)-(c).</td>
<td>Where council is the registration authority</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>89970</td>
<td>s.19AA(4)(c)</td>
<td>Food Act 1984</td>
<td>power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises</td>
<td>Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution</td>
<td>EHC, MAP, EHO, SEHO</td>
</tr>
<tr>
<td>89971</td>
<td>s.19AA(7)</td>
<td>Food Act 1984</td>
<td>duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with</td>
<td>Where council is the registration authority</td>
<td>DCPCS, EHC, MAP, EHO</td>
</tr>
<tr>
<td>#</td>
<td>Section</td>
<td>Delegation Source</td>
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<td>-------------------------------</td>
</tr>
<tr>
<td>89972</td>
<td>s.19CB(4)(b)</td>
<td>Food Act 1984</td>
<td>power to request copy of records</td>
<td>where council is the registration authority</td>
<td>EHC, EHO, SEHO</td>
</tr>
<tr>
<td>89973</td>
<td>s.19E(1)(d)</td>
<td>Food Act 1984</td>
<td>power to request a copy of the food safety program</td>
<td>where council is the registration authority</td>
<td>EHC, EHO, SEHO</td>
</tr>
<tr>
<td>166531</td>
<td>s.19EA(3)</td>
<td>Food Act 1984</td>
<td>Function of receiving a copy of any significant revision made to the food safety program</td>
<td>Where council is the registration authority</td>
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<td>89974</td>
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<td>Food Act 1984</td>
<td>power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor</td>
<td>where council is the registration authority</td>
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<td>166532</td>
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<td>Food Act 1984</td>
<td>Specify the range of frequencies and intervals for assessment or audit that may be applied to a specific premises, instead of the default requirements.</td>
<td>Where council is the registration authority</td>
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<td>166533</td>
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<td>Food Act 1984</td>
<td>Duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits.</td>
<td>Where council is the registration authority</td>
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<td>166534</td>
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<td>166535</td>
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<td>166536</td>
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<td>89978</td>
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<td>89980</td>
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<td>89981</td>
<td>s.19W(3)(b)</td>
<td>Food Act 1984</td>
<td>power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises</td>
<td>where council is the registration authority</td>
<td>EHC, MAP, EHO, SEHO</td>
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<td>89982</td>
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<td>Food Act 1984</td>
<td>power to register, renew or transfer registration</td>
<td>where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))</td>
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<td>166537</td>
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<td>Food Act 1984</td>
<td>Power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises</td>
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<td>166538</td>
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<td>Duty to consult with the Secretary about the proposed exemption under section 38(2)</td>
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<td>166539</td>
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<td>Food Act 1984</td>
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<td>Where council is the registration authority</td>
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<td>89983</td>
<td>s.38A(5)</td>
<td>Food Act 1984</td>
<td>power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt</td>
<td>where council is the registration authority</td>
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<td>89984</td>
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<td>Food Act 1984</td>
<td>power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)</td>
<td>where council is the registration authority</td>
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<td>89985</td>
<td>s.38A(4)</td>
<td>Food Act 1984</td>
<td>power to request a copy of a completed food safety program template</td>
<td>where council is the registration authority</td>
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<td>89986</td>
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<td>Food Act 1984</td>
<td>duty to assess the application and determine which class of food premises under section 19C the food premises belongs</td>
<td>where council is the registration authority</td>
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<td>89987</td>
<td>s.38B(1)(b)</td>
<td>Food Act 1984</td>
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<td>where council is the registration authority</td>
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<td>166542</td>
<td>s.38B(1)(c)</td>
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<td>Duty to inspect premises</td>
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<td>89988</td>
<td>s.38B(2)</td>
<td>Food Act 1984</td>
<td>duty to be satisfied of the matters in section 38B(2)(a)-(b)</td>
<td>where council is the registration authority</td>
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<td>89989</td>
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<td>Food Act 1984</td>
<td>duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39</td>
<td>where council is the registration authority</td>
<td>EHC, MAP, EHO, SEHO</td>
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<td>89990</td>
<td>s.38D(2)</td>
<td>Food Act 1984</td>
<td>duty to be satisfied of the matters in section 38D(2)(a)-(d)</td>
<td>where council is the registration authority</td>
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<td>89991</td>
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<td>Food Act 1984</td>
<td>power to request copies of any audit reports</td>
<td>where council is the registration authority</td>
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<td>166543</td>
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<td>Function of assessing the requirement for a food safety program</td>
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<td>89992</td>
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<td>power to register the food premises on a conditional basis</td>
<td>where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).</td>
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<td>where council is the registration authority</td>
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<td>166550</td>
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<td>Duty to note the change to the classification of the food premises on the certificate of registration</td>
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<td>89994</td>
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<td>166551</td>
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<td>Where council is the registration authority</td>
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<td>Food Act 1984</td>
<td>power to register, renew or transfer food premises despite minor defects</td>
<td>where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)</td>
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<td>166553</td>
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<td>Food Act 1984</td>
<td>Duty to issue a certificate of registration in the prescribed form</td>
<td>Where council is the registration authority</td>
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<td>89996</td>
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<td>power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008</td>
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<td>89997</td>
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<td>power to grant or renew the registration of food premises for a period of less than 1 year</td>
<td>Where council is the registration authority</td>
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<td>Duty to specify how long a suspension is to last under s.40D(1)</td>
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<td>89999</td>
<td>s.43F(6)</td>
<td>Food Act 1984</td>
<td>duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business</td>
<td>where council is the registration authority</td>
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<td>90000</td>
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<td>Food Act 1984</td>
<td>power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements</td>
<td>where council is the registration authority</td>
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<td>90001</td>
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<td>Food Act 1984</td>
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<td>where council is the registration authority</td>
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<td>If authorised by the Minister</td>
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<td>90005</td>
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<td>90012</td>
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<td>duty of giving copy s.173 agreement</td>
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<td>90020</td>
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<td>duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days</td>
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<td>90021</td>
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<td>90022</td>
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<td>power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme</td>
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<td>90023</td>
<td>s.19</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving notice of preparation of an amendment to a planning scheme</td>
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<td>90025</td>
<td>s.21(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make submissions available</td>
<td></td>
<td>DCPCS, MUS, PStratP, StratPC, SStratP, StratP</td>
</tr>
<tr>
<td>90026</td>
<td>s.21A(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to publish notice in accordance with section</td>
<td></td>
<td>DCPCS, MUS, PStratP, StratPC, SStratP, StratP</td>
</tr>
<tr>
<td>90027</td>
<td>s.22</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider all submissions</td>
<td></td>
<td>DCPCS, MUS, PStratP, StratPC, SStratP, StratP</td>
</tr>
<tr>
<td>90028</td>
<td>s.23(1)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to refer submissions which request a change to the amendment to a panel</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90029</td>
<td>s.23(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to refer to a panel submissions which do not require a change to the amendment</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90030</td>
<td>s.24</td>
<td>Planning and Environment Act 1987</td>
<td>function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)</td>
<td>DCP&amp;CS, MUS or StratPC must authorise, PStratP, SStratP to represent Council at a Panel Hearing and may also delegate External Representation</td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90031</td>
<td>s.26(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to make report available for inspection</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90032</td>
<td>s.26(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to keep report of panel available for inspection</td>
<td></td>
<td>DCPCS, MUS, PStratP, StratPC, SStratP, StratP, USAO</td>
</tr>
<tr>
<td>#</td>
<td>Section</td>
<td>Delegation Source</td>
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<tr>
<td>90033</td>
<td>s.27(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to apply for exemption if panel's report not received</td>
<td></td>
<td>DCPCS, MUS</td>
</tr>
<tr>
<td>90034</td>
<td>s.28</td>
<td>Planning and Environment Act 1987</td>
<td>duty to notify the Minister if abandoning an amendment</td>
<td>Note: the power to make a decision to abandon an amendment cannot be delegated</td>
<td>DCPCS, MUS</td>
</tr>
<tr>
<td>90035</td>
<td>s.30(4)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to say if amendment has lapsed</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90036</td>
<td>s.30(4)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to provide information in writing upon request</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90037</td>
<td>s.32(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give more notice if required</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>166558</td>
<td>s.31</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to submit adopted amendment to Minister and, if applicable, details under section 19(1B)</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>90038</td>
<td>s.33(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give more notice of changes to an amendment</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
</tr>
<tr>
<td>166559</td>
<td>s.35A(2)</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to not approve an amendment under section 35B unless the amendment has been certified by the Secretary</td>
<td></td>
<td>DCPCS, MUS</td>
</tr>
<tr>
<td>166560</td>
<td>s.35B(1)</td>
<td>Planning and Environment Act 1987</td>
<td>Power to approve amendment in form certified under section 35A</td>
<td></td>
<td>DCPCS, MUS</td>
</tr>
<tr>
<td>166561</td>
<td>s.35B(2)</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to give to Minister notice of approval, copy of approved amendment and other documents</td>
<td></td>
<td>DCPCS, MUS, PStratP, StratPC, SStratP, StratP</td>
</tr>
<tr>
<td>90039</td>
<td>s.36(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of approval of amendment</td>
<td></td>
<td>DCPCS, MUS, PStratP, StratPC, SStratP, StratP</td>
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<tr>
<td>90040</td>
<td>s.38(5)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of revocation of an amendment</td>
<td></td>
<td>DCP, MUS, StratPC</td>
</tr>
<tr>
<td>90041</td>
<td>s.39</td>
<td>Planning and Environment Act 1987</td>
<td>function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT</td>
<td>DCP, MUS or StratPC must determine the appointment of external representation</td>
<td>DCP, MUS, StratPC</td>
</tr>
<tr>
<td>90042</td>
<td>s.40(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of lodging copy of approved amendment</td>
<td></td>
<td>DCP, MUS, StratPC</td>
</tr>
<tr>
<td>166563</td>
<td>s.40(1A)</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to lodge prescribed documents and copy of approved amendment with the relevant authorities</td>
<td></td>
<td>DCP, MUS, StratPC</td>
</tr>
<tr>
<td>90043</td>
<td>s.41</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make approved amendment available</td>
<td></td>
<td>DCP, MUS, PStratP, StratPC, SStratP, StratP</td>
</tr>
<tr>
<td>90044</td>
<td>s.42</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make copy of planning scheme available</td>
<td></td>
<td>DCP, MUS, StratPC</td>
</tr>
<tr>
<td>90045</td>
<td>s.46AS(ac)</td>
<td>Planning and Environment Act 1987</td>
<td>power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria</td>
<td></td>
<td>DCP, MDS, MUS</td>
</tr>
<tr>
<td>90432</td>
<td>s.46GF</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with directions issued by the Minister</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90433</td>
<td>s.46GG</td>
<td>Planning and Environment Act 1987</td>
<td>duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90434</td>
<td>s.46GH(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to require the payment of an amount of infrastructure levy to be secured to Council’s satisfaction</td>
<td>where council is a collecting agency</td>
<td></td>
</tr>
<tr>
<td>90435</td>
<td>s.46GH(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable</td>
<td>where council is a collecting agency</td>
<td></td>
</tr>
<tr>
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<tr>
<td>90050</td>
<td>s.46Q(1)(d) &amp; (2)(d) Planning and Environment Act 1987</td>
<td>power to enter into agreement with the applicant regarding payment of community infrastructure levy</td>
<td></td>
<td>DCP, MDS</td>
<td></td>
</tr>
<tr>
<td>90051</td>
<td>s.46P(1) Planning and Environment Act 1987</td>
<td>power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured</td>
<td></td>
<td>DCP, MDS</td>
<td></td>
</tr>
<tr>
<td>90052</td>
<td>s.46P(2) Planning and Environment Act 1987</td>
<td>power to accept provision of land, works, services or facilities in part or full payment of levy payable</td>
<td></td>
<td>DCP, MDS</td>
<td></td>
</tr>
<tr>
<td>90053</td>
<td>s.46Q(1) Planning and Environment Act 1987</td>
<td>duty to keep proper accounts of levies paid</td>
<td></td>
<td>DCP, DERIS, MCAP, MDS, MF, MST</td>
<td></td>
</tr>
<tr>
<td>90054</td>
<td>s.46Q(1A) Planning and Environment Act 1987</td>
<td>duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency plan preparation costs incurred by a development agency</td>
<td></td>
<td>DCP, DERIS, MCAP, MDS, MF, MST</td>
<td></td>
</tr>
<tr>
<td>90055</td>
<td>s.46Q(2) Planning and Environment Act 1987</td>
<td>duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc</td>
<td></td>
<td>DCP, DERIS, MCAP, MDS, MF, MST</td>
<td></td>
</tr>
<tr>
<td>90056</td>
<td>s.46Q(3) Planning and Environment Act 1987</td>
<td>power to refund any amount of levy paid if it is satisfied the development is not to proceed</td>
<td>only applies when levy is paid to Council as a 'development agency'</td>
<td>DCP, MDS</td>
<td></td>
</tr>
<tr>
<td>90057</td>
<td>s.46Q(4)(c) Planning and Environment Act 1987</td>
<td>duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)</td>
<td>must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister</td>
<td>DCP, MUS</td>
<td></td>
</tr>
<tr>
<td>90058</td>
<td>s.46Q(4)(d) Planning and Environment Act 1987</td>
<td>duty to submit to the Minister an amendment to the approved development contributions plan</td>
<td>must be done in accordance with Part 3</td>
<td>DCP, MUS</td>
<td></td>
</tr>
<tr>
<td>90059</td>
<td>s.46Q(4)(e) Planning and Environment Act 1987</td>
<td>duty to expend that amount on other works etc.</td>
<td>with the consent of, and in the manner approved by, the Minister</td>
<td>DCP, DERIS</td>
<td></td>
</tr>
<tr>
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<tr>
<td>90436</td>
<td>s.46GH(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant</td>
<td>where council is a collecting agency</td>
<td></td>
</tr>
<tr>
<td>90437</td>
<td>s.46GI(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987</td>
<td>must be done in accordance with Local Government Act 1989.</td>
<td></td>
</tr>
<tr>
<td>90438</td>
<td>s.46GI(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90439</td>
<td>s.46GI(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90440</td>
<td>s.46GI(4)</td>
<td>Planning and Environment Act 1987</td>
<td>power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90441</td>
<td>s.46GI(5)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90442</td>
<td>s.46GL</td>
<td>Planning and Environment Act 1987</td>
<td>power to recover any amount of infrastructure levy as a debt due to Council</td>
<td>where council is a collecting agency</td>
<td></td>
</tr>
<tr>
<td>90443</td>
<td>s.46GM</td>
<td>Planning and Environment Act 1987</td>
<td>duty to prepare report and give a report to the Minister</td>
<td>where council is a collecting agency or development agency</td>
<td></td>
</tr>
<tr>
<td>90446</td>
<td>s.46N(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to include condition in permit regarding payment of development infrastructure levy</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
<td></td>
</tr>
<tr>
<td>90447</td>
<td>s.46N(2)(c)</td>
<td>Planning and Environment Act 1987</td>
<td>function of determining time and manner for receipt of development contributions levy</td>
<td>DCPCS, MDS</td>
<td></td>
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<tr>
<td>#</td>
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<tr>
<td>90048</td>
<td>s.46N(2)(d)</td>
<td>Planning and Environment Act 1987</td>
<td>power to enter into an agreement with the applicant regarding payment of development infrastructure levy</td>
<td></td>
<td>DCPCS, MDS</td>
</tr>
<tr>
<td>90049</td>
<td>s.46O(1)(a) &amp; (2)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit</td>
<td></td>
<td>DCPCS, MBS, MDS</td>
</tr>
<tr>
<td>90060</td>
<td>s.46QC</td>
<td>Planning and Environment Act 1987</td>
<td>power to recover any amount of levy payable under Part 3B</td>
<td>where council is a collecting agency or development agency</td>
<td>DCPCS</td>
</tr>
<tr>
<td>90444</td>
<td>s.46QD</td>
<td>Planning and Environment Act 1987</td>
<td>duty to prepare report and give a report to the Minister</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90061</td>
<td>s.46V(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make a copy of the approved strategy plan (being the Melbourne Airport Environ’s Strategy Plan) and any documents lodged with it available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90062</td>
<td>s.46Y</td>
<td>Planning and Environment Act 1987</td>
<td>duty to carry out works in conformity with the approved strategy plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90063</td>
<td>s.47</td>
<td>Planning and Environment Act 1987</td>
<td>power to decide that an application for a planning permit does not comply with that Act</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP, SASTL</td>
</tr>
<tr>
<td>90064</td>
<td>s.49(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to keep a register of all applications for permits and determinations relating to permits</td>
<td></td>
<td>DCPCS, MDS</td>
</tr>
<tr>
<td>90065</td>
<td>s.49(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make register available for inspection</td>
<td></td>
<td>DCPCS, MDS, SASTL</td>
</tr>
<tr>
<td>90066</td>
<td>s.50(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to amend application</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90067</td>
<td>s.50(5)</td>
<td>Planning and Environment Act 1987</td>
<td>power to refuse to amend application</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90068</td>
<td>s.50(6)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make note of amendment to application in register</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90069</td>
<td>s.50A(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to make amendment to application</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90070</td>
<td>s.50A(3)</td>
<td>Planning and Environment Act 1987</td>
<td>power to require applicant to notify owner and make a declaration that notice has been given</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90071</td>
<td>s.50A(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to note amendment to application in register</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SASTL</td>
</tr>
<tr>
<td>90072</td>
<td>s.51</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make copy of application available for inspection</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SASTL</td>
</tr>
<tr>
<td>90073</td>
<td>s.52(1)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90074</td>
<td>s.52(1)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the application to other municipal councils where appropriate</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SASTL</td>
</tr>
<tr>
<td>90075</td>
<td>s.52(1)(c)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the application to all persons required by the planning scheme</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90076</td>
<td>s.52(1)(ca)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90077</td>
<td>s.52(1)(cb)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
</tr>
<tr>
<td>90078</td>
<td>s.52(1)(d)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the application to other persons who may be detrimentally effected</td>
<td></td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>166564</td>
<td>s.52(1A)</td>
<td>Planning and Environment Act 1987</td>
<td>Power to refuse an application</td>
<td>Council Resolution 11/04</td>
<td>DCPCS, MDS, SPC</td>
</tr>
<tr>
<td>90079</td>
<td>s.52(1AA)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of an application to remove or vary a registered restrictive covenant</td>
<td>Refusal of application where inadequate</td>
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<tr>
<td>90080</td>
<td>s.52(3)</td>
<td>Planning and Environment Act 1987</td>
<td>power to give any further notice of an application where appropriate</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90081</td>
<td>s.53(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to require the applicant to give notice under section 52(1) to persons specified by it</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90082</td>
<td>s.53(1A)</td>
<td>Planning and Environment Act 1987</td>
<td>power to require the applicant to give the notice under section 52(1AA)</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<td>90083</td>
<td>s.54(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to require the applicant to provide more information</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90084</td>
<td>s.54(1A)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice in writing of information required under section 54(1)</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<td>90085</td>
<td>s.54(1B)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to specify the lapse date for an application</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90086</td>
<td>s.54A(3)</td>
<td>Planning and Environment Act 1987</td>
<td>power to decide to extend time or refuse to extend time to give required information</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90087</td>
<td>s.54A(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give written notice of decision to extend or refuse to extend time under section 54A(3)</td>
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<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90088</td>
<td>s.55(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme</td>
<td></td>
<td>DCP, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>90089</td>
<td>s.57(2A)</td>
<td>Planning and Environment Act 1987</td>
<td>power to reject objections considered made primarily for commercial advantage for the objector</td>
<td></td>
<td>DCP, MDS</td>
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<tr>
<td>90090</td>
<td>s.57(3)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving name and address of persons to whom notice of decision is to go</td>
<td></td>
<td>DCP, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90091</td>
<td>s.57(5)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make available for inspection copy of all objections</td>
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<td>DCP, MDS, SPC, SASTL</td>
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<td>90092</td>
<td>s.57A(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to amend application in accordance with applicant's request, subject to section 57A(5)</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<td>90093</td>
<td>s.57A(5)</td>
<td>Planning and Environment Act 1987</td>
<td>power to refuse to amend application</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<td>90094</td>
<td>s.57A(6)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to note amendments to application in register</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td>90095</td>
<td>s.57B(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to determine whether and to whom notice should be given</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td>90096</td>
<td>s.57B(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider certain matters in determining whether notice should be given</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td>90097</td>
<td>s.57C(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give copy of amended application to referral authority</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<td>90098</td>
<td>s.58</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider every application for a permit</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<td>90099</td>
<td>s.58A</td>
<td>Planning and Environment Act 1987</td>
<td>power to request advice from the Planning Application Committee</td>
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</table>
| 166565 | s.59(1) | Planning and Environment Act 1987 | Power to decide on an application | In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:  
Any application 'called in' by a Councillor.  
An application where more than three or more objections have been received and Council officers are recommending for a notice of decision to grant a permit. Noting that multiple objections from persons residing at one address shall be considered as a single | DCPCS, MDS, PSP, SPC |
| 166566 | s.59(2) | Planning and Environment Act 1987 | Power to decide on an application as soon as it gets the last of the replies from referral authorities | In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:  
Any application 'called in' by a Councillor.  
An application where more than three or more objections have been received and Council officers are recommending for a notice of decision to grant a permit. Noting that multiple objections from persons residing at one address shall be considered as a single | DCPCS, MDS, PSP, SPC |
<p>| 166567 | s.59(3)(a) | Planning and Environment Act 1987 | Duty for a decision to not be made on any other case until the end of the prescribed period allowed by the Minister under s56 | | DCPCS, MDS, PSP, SPC |
| 90100 | s.60 | Planning and Environment Act 1987 | duty to consider certain matters | | DCPCS, MDS, PSP, SP, SPC, SSP |</p>
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<td>Planning and Environment Act 1987</td>
<td>power to consider certain matters before deciding on application</td>
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<td>90445</td>
<td>s.60(1B)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider number of objectors in considering whether use or development may have significant social effect</td>
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<td>90102</td>
<td>s.61(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application</td>
<td>the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</td>
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<td>166568</td>
<td>s.61(1)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>Power to decide to grant a permit</td>
<td>In respect of a decision to grant a permit without conditions. This power cannot be exercised in relation to:</td>
<td>DCPCS, MDS, PSP, SPC</td>
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<td>Any application 'called in' by a Councillor.</td>
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<td></td>
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<td></td>
<td>An application where more than three or more objections have been received and Council officers are recommending for a notice of decision to grant a permit. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation.</td>
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<td></td>
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<td></td>
<td>An application for the removal of two or more trees protected by the Vegetation Protection Overlay (VPO) and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.</td>
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<td></td>
<td></td>
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<td></td>
<td>Where an application is sought for a 3 or more storey building that triggers a requirement for a permit under the Design and Development Overlay Schedule 3 and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.</td>
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</table>
| 166569 | s.61(1)(b) | Planning and Environment Act 1987 | Power to decide to grant a permit with conditions                                                | In respect of a decision to grant a permit with conditions. This power cannot be exercised in relation to:  
Any application ‘called in’ by a Councillor.  
An application where three or more objections have been received and Council officers are recommending that a notice of decision to grant a permit be issued. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation.  
An application for the removal of two or more trees protected by the Vegetation Protection Overlay (VPO) and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued.  
Where an application is sought for a 3 or more storey building that triggers a requirement for a permit under the Design and Development Overlay Schedule 3 and Council officers are recommending that a planning permit or a notice of decision to grant a permit be issued. | DCPCS, MDS, PSP, SPC |
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<td>166570</td>
<td>s.61(1)(c)</td>
<td>Planning and Environment Act 1987</td>
<td>Power to refuse to grant a permit</td>
<td>Refusal of applications where inadequate information is submitted or where the application is clearly contrary to policy. Refusal of the applications is subject to no Councillor call-in via email to the Manager Development Services prior to a decision notice being issued.</td>
<td>DCPCS, MDS, PSP, SPC</td>
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<td>90103</td>
<td>s.61(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit</td>
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<td>DCPCS, MDS, PSP, SPC</td>
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<tr>
<td>90104</td>
<td>s.61(2A)</td>
<td>Planning and Environment Act 1987</td>
<td>power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit</td>
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<td>DCPCS, MDS, PSP, SPC</td>
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<td>90105</td>
<td>s.61(3)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to decide to grant a permit to use coastal Crown land without Minister's consent</td>
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<td>DCPCS, MDS, PSP, SPC</td>
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<td>90106</td>
<td>s.61(3)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to refuse to grant the permit without the Minister's consent</td>
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<td>90107</td>
<td>s.61(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant</td>
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<td>90108</td>
<td>s.62(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to include certain conditions in deciding to grant a permit</td>
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<td>90109</td>
<td>s.62(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to include other conditions</td>
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<td>90110</td>
<td>s.62(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to ensure conditions are consistent with paragraphs (a),(b) and (c)</td>
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<td>90111</td>
<td>s.62(5)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>power to include a permit condition to implement an approved development contributions plan</td>
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<td>90112</td>
<td>s.62(5)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement</td>
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<td>90113</td>
<td>s.62(5)(c)</td>
<td>Planning and Environment Act 1987</td>
<td>power to include a permit condition that specified works be provided or paid for by the applicant</td>
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<td>90114</td>
<td>s.62(6)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N</td>
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<td>DCP, MDS, PSP, SP, SPC, SSS</td>
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<td>90115</td>
<td>s.62(6)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)</td>
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<td>DCP, MDS, PSP, SP, SPC, SSS</td>
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<td>90116</td>
<td>s.63</td>
<td>Planning and Environment Act 1987</td>
<td>duty to issue the permit where made a decision in favour of the application (if no one has objected)</td>
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<td>90117</td>
<td>s.64(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of decision to grant a permit to applicant and objectors</td>
<td>this provision applies also to a decision to grant an amendment to a permit - see section 75</td>
<td>DCP, MDS, ASTL, PSP, SP, SPC, SSS, SASTL</td>
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<td>90118</td>
<td>s.64(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to issue a permit until after the specified period</td>
<td>this provision applies also to a decision to grant an amendment to a permit - see section 75</td>
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<td>90119</td>
<td>s.64(5)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give each objector a copy of an exempt decision</td>
<td>this provision applies also to a decision to grant an amendment to a permit - see section 75</td>
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<td>90120</td>
<td>s.64A</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit</td>
<td>this provision applies also to a decision to grant an amendment to a permit - see section 75A</td>
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<td>90121</td>
<td>s.65(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of refusal to grant permit to applicant and person who objected under section 57</td>
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<td>90122</td>
<td>s.66(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities</td>
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<td>90123</td>
<td>s.66(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give a recommending referral authority notice of its decision to grant a permit</td>
<td>if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90124</td>
<td>s.66(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give a recommending referral authority notice of its decision to refuse a permit</td>
<td>if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td>90125</td>
<td>s.66(6)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65</td>
<td>if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td>90126</td>
<td>s.69(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving application for extension of time of permit</td>
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<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td>90127</td>
<td>s.69(1A)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving application for extension of time to complete development</td>
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<td>90128</td>
<td>s.69(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to extend time</td>
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<td>90129</td>
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<td>Planning and Environment Act 1987</td>
<td>duty to make copy permit available for inspection</td>
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<td>Planning and Environment Act 1987</td>
<td>power to correct certain mistakes</td>
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<td>90131</td>
<td>s.71(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to note corrections in register</td>
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<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90132</td>
<td>s.73</td>
<td>Planning and Environment Act 1987</td>
<td>power to decide to grant amendment subject to conditions</td>
<td></td>
<td>DCPCS, MDS, PSP, SPC</td>
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<tr>
<td>90133</td>
<td>s.74</td>
<td>Planning and Environment Act 1987</td>
<td>duty to issue amended permit to applicant if no objectors</td>
<td></td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90134</td>
<td>s.76</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give applicant and objectors notice of decision to refuse to grant amendment to permit</td>
<td></td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>166571</td>
<td>s.76A</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to give referral authorities copy of amended permit and copy of notice</td>
<td></td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90135</td>
<td>s.76A(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give relevant determining referral authorities copy of amended permit and copy of notice</td>
<td></td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90136</td>
<td>s.76A(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give a recommending referral authority notice of its decision to grant an amendment to a permit</td>
<td>if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90137</td>
<td>s.76A(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give a recommending referral authority notice of its decision to refuse a permit</td>
<td>DCP, CS, MD, DS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<td></td>
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<td></td>
<td>if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended</td>
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<tr>
<td>90138</td>
<td>s.76A(6)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76</td>
<td>if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit</td>
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<tr>
<td>90139</td>
<td>s.76D</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with direction of Minister to issue amended permit</td>
<td></td>
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<tr>
<td>90140</td>
<td>s.83</td>
<td>Planning and Environment Act 1987</td>
<td>function of being respondent to an appeal</td>
<td>Additional Delegate: External Representative</td>
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<tr>
<td>90141</td>
<td>s.83B</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give or publish notice of application for review</td>
<td></td>
</tr>
<tr>
<td>90142</td>
<td>s.84(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to decide on an application at any time after an appeal is lodged against failure to grant a permit</td>
<td>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised to any applications called in by a Councillor whereby a Councillor advises the Manager Development Services via email prior to a decision being issued. An application where more than two objections has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation.</td>
</tr>
<tr>
<td>90143</td>
<td>s.84(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit</td>
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<p>| 90144 | s.84(3) | Planning and Environment Act 1987 | duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | This power cannot be exercised in relation to an application where more than two objections have been received. The application must be reported to Council for determination of Council's position. | DCPCS, LSP, MDS, ASTL, PSP, SP, SPC, SSP |</p>
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<td>90145</td>
<td>s.84(6)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to issue permit on receipt of advice within 3 working days</td>
<td></td>
<td>DCP, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90146</td>
<td>s.86</td>
<td>Planning and Environment Act 1987</td>
<td>duty to issue a permit at order of Tribunal within 3 working days</td>
<td></td>
<td>DCP, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90147</td>
<td>s.87(3)</td>
<td>Planning and Environment Act 1987</td>
<td>power to apply to VCAT for the cancellation or amendment of a permit</td>
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<td>DCP, IC, LSP, MAP, MDS, SPC</td>
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<tr>
<td>90148</td>
<td>s.90(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of being heard at hearing of request for cancellation or amendment of a permit</td>
<td>Additional Delegate: External Representative</td>
<td>DCP, LSP, MDS, SPC</td>
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<tr>
<td>90149</td>
<td>s.91(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with the directions of VCAT</td>
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<td>DCP, IC, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90150</td>
<td>s.91(2A)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to issue amended permit to owner if Tribunal so directs</td>
<td></td>
<td>DCP, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90151</td>
<td>s.92</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90</td>
<td></td>
<td>DCP, IC, MAP, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90152</td>
<td>s.93(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of VCAT order to stop development</td>
<td></td>
<td>DCP, IC, MAP, MDS, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90153</td>
<td>s.95(3)</td>
<td>Planning and Environment Act 1987</td>
<td>function of referring certain applications to the Minister</td>
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<td>DCP, MDS, SPC</td>
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<tr>
<td>90154</td>
<td>s.95(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with an order or direction</td>
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<td>DCP, MDS, SPC</td>
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<tr>
<td>90155</td>
<td>s.96(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to obtain a permit from the Minister to use and develop its land</td>
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<td>DCP, MDS, SPC</td>
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<td>90156</td>
<td>s.96(2)</td>
<td>Planning and Environment Act 1987</td>
<td>function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land</td>
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<td>CEO, DCORB, DCPCS</td>
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<tr>
<td>90157</td>
<td>s.96A(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to agree to consider an application for permit concurrently with preparation of proposed amendment</td>
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<td>DCPCs, MDS, MUS</td>
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<tr>
<td>90158</td>
<td>s.96C</td>
<td>Planning and Environment Act 1987</td>
<td>power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C</td>
<td></td>
<td>DCPCs, MDS, MUS</td>
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<tr>
<td>90159</td>
<td>s.96F</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider the panel's report under section 96E</td>
<td></td>
<td>DCPCs, MDS, MUS, StratPC</td>
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<tr>
<td>90160</td>
<td>s.96G(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)</td>
<td></td>
<td>DCPCs, MDS, MUS</td>
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<tr>
<td>166572</td>
<td>s.96H</td>
<td>Planning and Environment Act 1987</td>
<td>Power to give notice in compliance with Minister's direction</td>
<td></td>
<td>DCPCs, MDS, MUS</td>
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<tr>
<td>90161</td>
<td>s.96H(3)</td>
<td>Planning and Environment Act 1987</td>
<td>power to give notice in compliance with Minister's direction</td>
<td></td>
<td>DCPCs, MDS, MUS, StratPC, ASTL, PSP, SP, SPC, SSP, SASTL</td>
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<tr>
<td>90162</td>
<td>s.96J</td>
<td>Planning and Environment Act 1987</td>
<td>power to issue permit as directed by the Minister</td>
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<td>DCPCs, MDS, SPC</td>
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<tr>
<td>90163</td>
<td>s.96K</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with direction of the Minister to give notice of refusal</td>
<td></td>
<td>DCPCs, MDS, SPC</td>
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<tr>
<td>90416</td>
<td>s.96Z</td>
<td>Planning and Environment Act 1987</td>
<td>duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate</td>
<td></td>
<td>DCPCs, MDS, MUS, PStratP, StratPC, ASTL, PSP, SP, SPC, SSP, SStratP, StratP, SASTL, USAO</td>
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<tr>
<td>90164</td>
<td>s.97C</td>
<td>Planning and Environment Act 1987</td>
<td>power to request Minister to decide the application</td>
<td></td>
<td>CEO, DCPCS</td>
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<tr>
<td>90165</td>
<td>s.97D(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with directions of Minister to supply any document or assistance relating to application</td>
<td></td>
<td>DCPCS, MDS</td>
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<tr>
<td>90166</td>
<td>s.97G(3)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister</td>
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<td>90167</td>
<td>s.97G(6)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make a copy of permits issued under section 97F available for inspection</td>
<td></td>
<td>DCPCS, MDS</td>
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<tr>
<td>90168</td>
<td>s.97L</td>
<td>Planning and Environment Act 1987</td>
<td>duty to include Ministerial decisions in a register kept under section 49</td>
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<td>DCPCS, MDS</td>
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<tr>
<td>166573</td>
<td>s.97MCA(2)</td>
<td>Planning and Environment Act 1987</td>
<td>Function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established.</td>
<td></td>
<td>DCPCS, MDS, MUS</td>
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<tr>
<td>166574</td>
<td>s.97MG</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to provide documents and information to development assessment committee</td>
<td></td>
<td>DCPCS, MDS</td>
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<tr>
<td>90169</td>
<td>s.97MH</td>
<td>Planning and Environment Act 1987</td>
<td>duty to provide information or assistance to the Planning Application Committee</td>
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<td>DCPCS, MDS</td>
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<tr>
<td>90170</td>
<td>s.97MI</td>
<td>Planning and Environment Act 1987</td>
<td>duty to contribute to the costs of the Planning Application Committee or subcommittee</td>
<td></td>
<td>DCPCS, MDS</td>
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<tr>
<td>166575</td>
<td>s.97MJ(2)</td>
<td>Planning and Environment Act 1987</td>
<td>Duty to ensure that the register of applications specifies whether the development assessment committee has made the decision.</td>
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<td>DCPCS, MDS</td>
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<td>166576</td>
<td>s.97MK</td>
<td>Planning and Environment Act 1987</td>
<td>Function of nominating member of the development assessment committee.</td>
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<td>166577</td>
<td>s.97ML(4)</td>
<td>Planning and Environment Act 1987</td>
<td>Power to nominate alternate members of the development assessment committee.</td>
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<td>90171</td>
<td>s.97O</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider application and issue or refuse to issue certificate of compliance</td>
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<td>90172</td>
<td>s.97P(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate</td>
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<td>90173</td>
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<td>Planning and Environment Act 1987</td>
<td>function of being heard by VCAT at hearing of request for amendment or cancellation of certificate</td>
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<td>90174</td>
<td>s.97Q(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with directions of VCAT</td>
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<td>90175</td>
<td>s.97R</td>
<td>Planning and Environment Act 1987</td>
<td>duty to keep register of all applications for certificate of compliance and related decisions</td>
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<td>90176</td>
<td>s.98(1)&amp;(2)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving claim for compensation in certain circumstances</td>
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<td>90177</td>
<td>s.98(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to inform any person of the name of the person from whom compensation can be claimed</td>
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<td>90178</td>
<td>s.101</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving claim for expenses in conjunction with claim</td>
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<td>DCPCS, MDS, MUS</td>
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<td>90179</td>
<td>s.103</td>
<td>Planning and Environment Act 1987</td>
<td>power to reject a claim for compensation in certain circumstances</td>
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<tr>
<td>166578</td>
<td>s.107</td>
<td>Planning and Environment Act 1987</td>
<td>Function of receiving claim for compensation</td>
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<tr>
<td>90180</td>
<td>s.107(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving claim for compensation</td>
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<td>90181</td>
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<td>Planning and Environment Act 1987</td>
<td>power to agree to extend time for making claim</td>
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<td>DCP</td>
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<td>90182</td>
<td>s.114(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to apply to the VCAT for an enforcement order</td>
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<td>90183</td>
<td>s.117(1)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>function of making a submission to the VCAT where objections are received</td>
<td>Additional Delegate: External Representative</td>
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<td>90184</td>
<td>s.120(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to apply for an interim enforcement order where section 114 application has been made</td>
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<td>90185</td>
<td>s.123(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to carry out work required by enforcement order and recover costs</td>
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<td>ND</td>
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<td>90186</td>
<td>s.123(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)</td>
<td>except Crown Land</td>
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<td>166579</td>
<td>s.125</td>
<td>Planning and Environment Act 1987</td>
<td>Power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order</td>
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<td>90187</td>
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<td>Planning and Environment Act 1987</td>
<td>function of recovering penalties</td>
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<td>90188</td>
<td>s.130(5)</td>
<td>Planning and Environment Act 1987</td>
<td>power to allow person served with an infringement notice further time</td>
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<td>90189</td>
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<td>Planning and Environment Act 1987</td>
<td>power to refer a matter to the VCAT for determination</td>
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<td>90190</td>
<td>s.149A(1A)</td>
<td>Planning and Environment Act 1987</td>
<td>power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement</td>
<td>where council is the relevant planning authority, Where Council is the relevant planning authority. For amendments that are privately requested, Council will require reimbursement from applicant before proceeding.</td>
<td>DCPCS, DERIS, IC, MAP, MDS, MUS</td>
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<tr>
<td>90191</td>
<td>s.156</td>
<td>Planning and Environment Act 1987</td>
<td>duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B); power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
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<tr>
<td>90192</td>
<td>s.171(2)(f)</td>
<td>Planning and Environment Act 1987</td>
<td>power to carry out studies and commission reports</td>
<td></td>
<td>DCPCS, MUS, StratPC</td>
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<tr>
<td>90193</td>
<td>s.171(2)(g)</td>
<td>Planning and Environment Act 1987</td>
<td>power to grant and reserve easements</td>
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<tr>
<td>90194</td>
<td>s.173</td>
<td>Planning and Environment Act 1987</td>
<td>power to enter into agreement covering matters set out in section 174</td>
<td></td>
<td>CEO, DCPCS, DERIS</td>
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<tr>
<td>90195</td>
<td></td>
<td>Planning and Environment Act 1987</td>
<td>power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority</td>
<td></td>
<td>DCPCS, DERIS, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90196</td>
<td></td>
<td>Planning and Environment Act 1987</td>
<td>power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority</td>
<td></td>
<td>DCPCS, DERIS, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90197</td>
<td>s.177(2)</td>
<td>Planning and Environment Act 1987</td>
<td>power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9</td>
<td></td>
<td>DCPCS, DERIS, MCAP, MDS, MST, MUS</td>
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<tr>
<td>90198</td>
<td>s.178</td>
<td>Planning and Environment Act 1987</td>
<td>power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9</td>
<td></td>
<td>DCPCS, DERIS, MCAP, MDS, MST, MUS</td>
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<td>90199</td>
<td>s.178A(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving application to amend or end an agreement</td>
<td></td>
<td>DCPCS, IC, MAP, MDS, MUS, StratPC, SPC</td>
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<td>90200</td>
<td>s.178A(3)</td>
<td>Planning and Environment Act 1987</td>
<td>function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)</td>
<td></td>
<td>DCPCS, IC, MAP, MDS, MUS, StratPC, SPC</td>
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<tr>
<td>90201</td>
<td>s.178A(4)</td>
<td>Planning and Environment Act 1987</td>
<td>function of notifying the applicant and the owner as to whether it agrees in principle to the proposal</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<td>90202</td>
<td>s.178A(5)</td>
<td>Planning and Environment Act 1987</td>
<td>power to propose to amend or end an agreement</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<td>90203</td>
<td>s.178B(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider certain matters when considering proposal to amend an agreement</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90204</td>
<td>s.178B(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to consider certain matters when considering proposal to end an agreement</td>
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<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90205</td>
<td>s.178C(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<td>90206</td>
<td>s.178C(4)</td>
<td>Planning and Environment Act 1987</td>
<td>function of determining how to give notice under s.178C(2)</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90207</td>
<td>s.178E(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to make decision until after 14 days after notice has been given</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90208</td>
<td>s.178E(2)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>power to amend or end the agreement in accordance with the proposal</td>
<td>If no objections are made under s.178D Must consider matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90209</td>
<td>s.178E(2)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>power to amend or end the agreement in a manner that is not substantively different from the proposal</td>
<td>If no objections are made under s.178D Must consider matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90210</td>
<td>s.178E(2)(c)</td>
<td>Planning and Environment Act 1987</td>
<td>power to refuse to amend or end the agreement</td>
<td>If no objections are made under s.178D Must consider matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90211</td>
<td>s.178E(3)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>power to amend or end the agreement in accordance with the proposal</td>
<td>After considering objections, submissions and matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90212</td>
<td>s.178E(3)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>power to amend or end the agreement in a manner that is not substantively different from the proposal</td>
<td>After considering objections, submissions and matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90213</td>
<td>s.178E(3)(c)</td>
<td>Planning and Environment Act 1987</td>
<td>power to amend or end the agreement in a manner that is substantively different from the proposal</td>
<td>After considering objections, submissions and matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90214</td>
<td>s.178E(3)(d)</td>
<td>Planning and Environment Act 1987</td>
<td>power to refuse to amend or end the agreement</td>
<td>After considering objections, submissions and matters in s.178B</td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90215</td>
<td>s.178F(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of its decision under s.178E(3)(a) or (b)</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90216</td>
<td>s.178F(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice of its decision under s.178E(2)(c) or (3)(d)</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90217</td>
<td>s.178F(4)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90218</td>
<td>s.178G</td>
<td>Planning and Environment Act 1987</td>
<td>duty to sign amended agreement and give copy to each other party to the agreement</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90219</td>
<td>s.178H</td>
<td>Planning and Environment Act 1987</td>
<td>power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement</td>
<td></td>
<td>DCPCS, DERIS, IC, MAP, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<td>90220</td>
<td>s.178I(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land</td>
<td>DCPCS, DERIS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90221</td>
<td>s.179(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make available for inspection copy agreement</td>
<td>DCPCS, DERIS, MCAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90222</td>
<td>s.181</td>
<td>Planning and Environment Act 1987</td>
<td>duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General</td>
<td>DCPCS, DERIS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90223</td>
<td>s.181(1A)(a)</td>
<td>Planning and Environment Act 1987</td>
<td>power to apply to the Registrar of Titles to record the agreement</td>
<td>DCPCS, DERIS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90224</td>
<td>s.181(1A)(b)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to apply to the Registrar of Titles, without delay, to record the agreement</td>
<td>DCPCS, DERIS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90225</td>
<td>s.182</td>
<td>Planning and Environment Act 1987</td>
<td>power to enforce an agreement</td>
<td>DCPCS, DERIS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90226</td>
<td>s.183</td>
<td>Planning and Environment Act 1987</td>
<td>duty to tell Registrar of Titles of ending/amendment of agreement</td>
<td>DCPCS, DERIS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90227</td>
<td>s.184F(1)</td>
<td>Planning and Environment Act 1987</td>
<td>power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision</td>
<td>DCPCS, IC, MAP, MCA, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90228</td>
<td>s.184F(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement</td>
<td>DCPCS, IC, MAP, MDS, MST, MUS, StratPC, SPC</td>
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<tr>
<td>90229</td>
<td>s.184F(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement</td>
<td>DCPCS, IC, MAP, MDS, MST, MUS, StratPC, SPC</td>
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<td>90230</td>
<td>s.184F(5)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision</td>
<td>DCPCS, IC, MAP, MDS, MST, MUS, StratPC, SPC</td>
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<td>90231</td>
<td>s.184G(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to comply with a direction of the Tribunal</td>
<td>DCPCS, IC, MAP, MDS, MUS, StratPC, SPC</td>
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<tr>
<td>90232</td>
<td>s.184G(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give notice as directed by the Tribunal</td>
<td>DCPCS, IC, MAP, MDS, MUS, StratPC, SPC</td>
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<td>90233</td>
<td>s.198(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function to receive application for planning certificate</td>
<td>DCPCS, MDS</td>
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<td>90234</td>
<td>s.199(1)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to give planning certificate to applicant</td>
<td>DCPCS, MDS</td>
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<td>90235</td>
<td>s.201(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of receiving application for declaration of underlying zoning</td>
<td>DCPCS, MDS, MUS, StratPC</td>
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<td>90236</td>
<td>s.201(3)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to make declaration</td>
<td>DCPCS, MDS, MUS</td>
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<td>90237</td>
<td></td>
<td>Planning and Environment Act 1987</td>
<td>power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council</td>
<td>DCPCS, MDS, MUS, StratPC, SPC</td>
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<tr>
<td>90238</td>
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<td>Planning and Environment Act 1987</td>
<td>power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council</td>
<td>DCPCS, MDS, MUS, StratPC, SPC</td>
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<tr>
<td>90239</td>
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<td>Planning and Environment Act 1987</td>
<td>power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit</td>
<td>DCPCS, MDS, PSP, SP, SPC, SSP</td>
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<td>90240</td>
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<td>Planning and Environment Act 1987</td>
<td>power to give written authorisation in accordance with a provision of a planning scheme</td>
<td>DCPCS, MDS, MUS</td>
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<td>90241</td>
<td>s.201UAB(1)</td>
<td>Planning and Environment Act 1987</td>
<td>function of providing the Victoria Planning Authority with information relating to any land within municipal district</td>
<td>DCPCS, MDS, MUS</td>
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<tr>
<td>90242</td>
<td>s.201UAB(2)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible</td>
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<td>DCPCS, MDS, MUS</td>
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<td>166513</td>
<td>s.224(8)</td>
<td>Planning and Environment Act 1987</td>
<td>duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority</td>
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<td>90243</td>
<td>s.33</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to comply with a direction of the Safety Director under this section</td>
<td>where council is a utility under section 3</td>
<td>DERIS, MCAP, MST</td>
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<td>90244</td>
<td>s.33A</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to comply with a direction of the Safety Director to give effect to arrangements under this section</td>
<td>duty of council as a road authority under the Road Management Act 2004</td>
<td>DERIS, MCAP, MST</td>
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<td>90245</td>
<td>s.34</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)</td>
<td>where council is a utility under section 3</td>
<td>DERIS, MCAP, MST</td>
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<td>90246</td>
<td>s.34C(2)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>function of entering into safety interface agreements with rail infrastructure manager</td>
<td>where council is the relevant road authority</td>
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<td>90247</td>
<td>s.34D(1)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed</td>
<td>where council is the relevant road authority</td>
<td>DERIS, MCAP, MST</td>
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<td>90248</td>
<td>s.34D(2)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>function of receiving written notice of opinion</td>
<td>where council is the relevant road authority</td>
<td>DERIS, MCAP, MST</td>
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<td>90249</td>
<td>s.34D(4)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>function of entering into safety interface agreement with infrastructure manager</td>
<td>where council is the relevant road authority</td>
<td>DERIS, MCAP, MST</td>
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<td>90250</td>
<td>s.34E(1)(a)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to identify and assess risks to safety</td>
<td>where council is the relevant road authority</td>
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<td>90251</td>
<td>s.34E(1)(b)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)</td>
<td>where council is the relevant road authority</td>
<td>DERIS, MCAP, MST</td>
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<td>90252</td>
<td>s.34E(3)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to seek to enter into a safety interface agreement with rail infrastructure manager</td>
<td>where council is the relevant road authority</td>
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<td>90253</td>
<td>s.34F(1)(a)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)</td>
<td>where council is the relevant road authority</td>
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<td>90254</td>
<td>s.34F(1)(b)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)</td>
<td>where council is the relevant road authority</td>
<td>DERIS, MCAP, MST</td>
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<td>90255</td>
<td>s.34F(2)</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>duty to seek to enter into a safety interface agreement with rail infrastructure manager</td>
<td>where council is the relevant road authority</td>
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<td>90256</td>
<td>s.34H</td>
<td>Rail Safety (Local Operations) Act 2006</td>
<td>power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)</td>
<td>where council is the relevant road authority</td>
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<tr>
<td>90257</td>
<td>s.34I</td>
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<td>s.67(2)</td>
<td>Road Management Act 2004</td>
<td>function of receiving the name &amp; address of the person responsible for distributing the sign or bill</td>
<td>where council is the coordinating road authority</td>
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<td>Road Management Act 2004</td>
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<td>90350</td>
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<td>Road Management Act 2004</td>
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<td>90351</td>
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<td>where council is the infrastructure manager or works manager</td>
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<td>90353</td>
<td>Schedule 7, Clause 8(1)</td>
<td>Road Management Act 2004</td>
<td>duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road</td>
<td>where council is the infrastructure manager or works manager</td>
<td>DERIS, MCAP, MST</td>
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<td>90354</td>
<td>Schedule 7, Clause 9(1)</td>
<td>Road Management Act 2004</td>
<td>duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works</td>
<td>where council is the infrastructure manager or works manager</td>
<td>DERIS, MCAP, MST</td>
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<td>90355</td>
<td>Schedule 7, Clause 9(2)</td>
<td>Road Management Act 2004</td>
<td>duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance</td>
<td>where council is the infrastructure manager or works manager</td>
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<td>90356</td>
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<td>Road Management Act 2004</td>
<td>where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected</td>
<td>where council is the infrastructure manager or works manager</td>
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<td>90357</td>
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<td>Road Management Act 2004</td>
<td>power to direct infrastructure manager or works manager to conduct reinstatement works</td>
<td>where council is the coordinating road authority</td>
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<td>90358</td>
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<td>Road Management Act 2004</td>
<td>power to take measures to ensure reinstatement works are completed</td>
<td>where council is the coordinating road authority</td>
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<td>90359</td>
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<td>Road Management Act 2004</td>
<td>duty to ensure that works are conducted by an appropriately qualified person</td>
<td>where council is the coordinating road authority</td>
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<td>Road Management Act 2004</td>
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<td>where council is the coordinating road authority</td>
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<td>90361</td>
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<td>Road Management Act 2004</td>
<td>duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)</td>
<td>where council is the works manager</td>
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<td>90362</td>
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<td>Road Management Act 2004</td>
<td>power to vary notice period</td>
<td>where council is the coordinating road authority</td>
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<td>90363</td>
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<td>Road Management Act 2004</td>
<td>duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)</td>
<td>where council is the infrastructure manager</td>
<td>DERIS, MCAP, MST</td>
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<td>where council is the coordinating road authority</td>
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<td>90365</td>
<td>Schedule 7 Clause 16(4)</td>
<td>Road Management Act 2004</td>
<td>duty to consult</td>
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<td>DERIS, MCAP, MST</td>
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<td>90366</td>
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<td>Road Management Act 2004</td>
<td>power to consent to proposed works</td>
<td>where council is the coordinating road authority</td>
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<td>90367</td>
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<td>Road Management Act 2004</td>
<td>power to set reasonable conditions on consent</td>
<td>where council is the coordinating road authority</td>
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<td>90368</td>
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<td>Road Management Act 2004</td>
<td>power to include consents and conditions</td>
<td>where council is the coordinating road authority</td>
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<td>90369</td>
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<td>Road Management Act 2004</td>
<td>power to refuse to give consent and duty to give reasons for refusal</td>
<td>where council is the coordinating road authority</td>
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<td>90370</td>
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<td>Road Management Act 2004</td>
<td>power to enter into an agreement</td>
<td>where council is the coordinating road authority</td>
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<td>90371</td>
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<td>Road Management Act 2004</td>
<td>power to give notice requiring rectification of works</td>
<td>where council is the coordinating road authority</td>
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<td>90372</td>
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<td>Road Management Act 2004</td>
<td>power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred</td>
<td>where council is the coordinating road authority</td>
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<td>90373</td>
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<td>Road Management Act 2004</td>
<td>power to require removal, relocation, replacement or upgrade of existing non-road infrastructure</td>
<td>where council is the coordinating road authority</td>
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<td>90374</td>
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<td>Road Management Act 2004</td>
<td>power to cause street lights to be installed on roads</td>
<td>power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road</td>
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<td>Road Management Act 2004</td>
<td>duty to pay installation and operation costs of street lighting - where road is not an arterial road</td>
<td>where council is the responsible road authority</td>
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<td>90376</td>
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<td>Road Management Act 2004</td>
<td>duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas</td>
<td>where council is the responsible road authority</td>
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<td>Road Management Act 2004</td>
<td>duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4</td>
<td>duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal</td>
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<td>where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.</td>
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<td>90379</td>
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<td>power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act</td>
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<td>Planning and Environment Regulations 2015</td>
<td>duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge</td>
<td>where Council is the responsible authority</td>
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<td>90429</td>
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<td>Planning and Environment Regulations 2015</td>
<td>function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge</td>
<td>where Council is not the responsible authority but the relevant land is within Council's municipal district</td>
<td>DCPCS, MDS, ASTL, PSP, SP, SPC, SSP</td>
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<td>90380</td>
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<td>where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.</td>
<td>DCPCS, MDS, MUS, PStratP, StratPC, ASTL, PSP, SP, SPC, SSP, SStratP, StratP</td>
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<td>function of entering into a written agreement with a caravan park owner</td>
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<td>duty to renew the registration if satisfied that the caravan park complies with these regulations</td>
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<td>power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations</td>
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</tr>
<tr>
<td>90393</td>
<td>r.19(6)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to determine where certain information is displayed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90394</td>
<td>r.22A(1)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90395</td>
<td>r.22A(2)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>duty to consult with relevant emergency services agencies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90396</td>
<td>r.23</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to determine places in which caravan park owner must display a copy of emergency procedures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90397</td>
<td>r.24</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to determine places in which caravan park owner must display copy of public emergency warnings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90398</td>
<td>r.25(3)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>duty to consult with relevant floodplain management authority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90399</td>
<td>r.26</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>duty to have regard to any report of the relevant fire authority</td>
<td></td>
<td></td>
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<tr>
<td>90400</td>
<td>r.28(c)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90401</td>
<td>r.39</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Section</td>
<td>Delegation Source</td>
<td>Item Delegated / Authorisation</td>
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<td>Delegate / Authorised Officer</td>
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<tr>
<td>90402</td>
<td>r.39(b)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to require notice of proposal to install unregistrable movable dwelling or rigid annexe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90403</td>
<td>r.40(4)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>function of receiving installation certificate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90404</td>
<td>r.42</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to approve use of a non-habitable structure as a dwelling or part of a dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90405</td>
<td>Schedule 3 clause 4(3)</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</td>
<td>power to approve the removal of wheels and axles from unregistrable movable dwelling</td>
<td></td>
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</tr>
</tbody>
</table>

Item 10.4 – Reports by the Organisation
## Road Management (General) Regulations 2016

<table>
<thead>
<tr>
<th>#</th>
<th>Section</th>
<th>Delegation Source</th>
<th>Item Delegated / Authorisation</th>
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</thead>
<tbody>
<tr>
<td>90406</td>
<td>r.8(1)</td>
<td>Road Management (General) Regulations 2016</td>
<td>duty to conduct reviews of road management plan</td>
<td></td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90407</td>
<td>r.9(2)</td>
<td>Road Management (General) Regulations 2016</td>
<td>duty to produce written report of review of road management plan and make report available</td>
<td></td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90486</td>
<td>r.9(3)</td>
<td>Road Management (General) Regulations 2016</td>
<td>Duty to give notice where road management review is completed and no amendments will be made (or no notice is given if amendments are made)</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90408</td>
<td>r.10</td>
<td>Road Management (General) Regulations 2016</td>
<td>duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 10</td>
<td></td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90487</td>
<td>r.13(1)</td>
<td>Road Management (General) Regulations 2016</td>
<td>Duty to publish notice of amendments to road management plan</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90409</td>
<td>r.13(3)</td>
<td>Road Management (General) Regulations 2016</td>
<td>duty to record on road management plan the substance and date of effect of amendment</td>
<td></td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90410</td>
<td>r.16(3)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to issue permit</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90411</td>
<td>r.18(1)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to give written consent re damage to road</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90412</td>
<td>r.23(2)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to make submission to Tribunal</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90488</td>
<td>r.23(4)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to charge a fee for application under section 66(1) Road Management Act</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90413</td>
<td>r.25(1)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to remove objects, refuse, rubbish or other material deposited or left on road</td>
<td>where council is the responsible road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90414</td>
<td>r.25(2)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))</td>
<td>where council is the responsible road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90415</td>
<td>r.25(5)</td>
<td>Road Management (General) Regulations 2016</td>
<td>power to recover in the Magistrates’ Court, expenses from person responsible</td>
<td></td>
<td>DERIS, MCAP, MST</td>
</tr>
</tbody>
</table>
## Road Management (Works and Infrastructure) Regulations 2015

<table>
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<tr>
<th>#</th>
<th>Section</th>
<th>Delegation Source</th>
<th>Item Delegated / Authorisation</th>
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<tbody>
<tr>
<td>90484</td>
<td>r.15</td>
<td>Road Management (Works and Infrastructure) Regulations 2015</td>
<td>power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works</td>
<td>where council is the coordinating road authority and where consent given under section 63(1) of the Act</td>
<td>DERIS, MCAP, MST</td>
</tr>
<tr>
<td>90485</td>
<td>r.22(2)</td>
<td>Road Management (Works and Infrastructure) Regulations 2015</td>
<td>power to waive whole or part of fee in certain circumstances</td>
<td>where council is the coordinating road authority</td>
<td>DERIS, MCAP, MST</td>
</tr>
</tbody>
</table>
# Bayside Planning Scheme

<table>
<thead>
<tr>
<th>#</th>
<th>Section</th>
<th>Delegation Source</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
<th>Delegate / Authorised Officer</th>
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</thead>
<tbody>
<tr>
<td>166586</td>
<td>Bayside Planning Scheme</td>
<td>Planning and Environment Act 1987</td>
<td>Authority to determine Secondary consent where the consent relates to permits issued at the direction of VCAT or where retrospective consent is sought.</td>
<td>Not Delegated (Cnl Res 4.12 - 21/11/17)</td>
<td>ND</td>
</tr>
<tr>
<td>166587</td>
<td>Bayside Planning Scheme</td>
<td>Planning and Environment Act 1987</td>
<td>Authority to determine a Development Plan or an amendment to a Development Plan submitted in response to the Development Plan Overlay.</td>
<td></td>
<td>ND</td>
</tr>
</tbody>
</table>
10.5 PRIVACY AND DATA PROTECTION POLICY 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/258857

Executive summary

Purpose and background
Council at its meeting on 25 July 2017 adopted the Council Strategy and Policy Review Program 2017-2021 (the Program). The purpose of this report is to review existing policies and where appropriate rescind policies or developed replacement policies. This report proposes that the Information Privacy Policy 2012 be rescinded and the Privacy and Date Protection Policy be adopted.

Key issues
The Information Privacy Policy 2012 was developed in accordance with state government legislation known as the Information Privacy Act 2000 and under the Health Records Act 2001.

The purpose of this policy was to meet the 10 Information Privacy Principles and the additional 2 Health Privacy Principles and set out Council’s obligation in the management and handling of personal and health information.

Since that time the Information Privacy Act 2000 has been replaced by the Privacy and Data Protection Act 2014, which continues to incorporate both the Information Privacy Principles and the Health Privacy Principles.

The proposed Privacy and Data Protection Policy encapsulates the requirement of the legislation, by setting out Council’s obligation for managing and handling of personal and health information, and also provides the mechanism for referral of complaints to the Commissioner for Privacy and Data Protection.

Recommendation
That Council:
1. rescinds the Information Privacy Policy (2000); and
2. adopts the Privacy and Data Protection Policy (2017).

Support Attachments
1. Privacy and Data Protection Policy 2017 ↓
Considerations and implications of recommendation

Liveable community

Social
The development of the Privacy and Data Protection Policy protects personal information of an individual stored within Council’s operations and specifically protects the more sensitive information pertaining to an individual.

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 is no impact on customer service or community engagement associated with this report.

Human Rights
This report specific relates to the protection of Human Rights and specifically restricts the collection and storage of sensitive information of an individual, which includes information or opinion about an individual’s: political views; religious beliefs; sexual preference; members of groups (eg: unions and political groups); racial or ethnic groups; or criminal records.

Legal
This policy is in accordance with the requirement of Privacy and Data Protection Act 2014 and meets Council’s requirement to clearly articulate Council’s commitment to the Privacy Principles and Health Principles.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The program for review or development of Council Strategy and Policy incorporates actions from the Council Plan 2017-2021. The Better Place Strategic Planning Framework provides the alignment of Council Strategy and Policy to deliver against Council’s strategic objectives.

The Privacy and Data Protection Policy 2017 meets the core government requirements of local government, and demonstrates Council’s commitment of collecting and handling personal information in a responsible manner and maintain the privacy of an individual.
Policy intent

The responsible handling of personal information is a key aspect of democratic governance and Council is strongly committed to ensuring that personal information received by the Council is collected and handled in a responsible manner that maintains the privacy of an individual.

Accordingly, Council demonstrates its commitment through implementing the Information Privacy Principles (“IPPs”) in the Privacy and Data Protection Act 2014 (Vic) and the Health Privacy Principles (“HPPs”) in the Health Records Act 2001 (Vic).

In fulfilling the objectives of the Privacy Principles, Council is mindful of the need to balance the public interest in the free flow of information with the public interest in protecting the privacy of personal and health information.

Policy purpose

To meet the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs) in relation to managing and handling personal and health information within the organisation.

Scope

This policy applies to all employees, Councillors, contractors and volunteers of Bayside City Council.

This policy applies to all personal information and health information held by Council, including personal information sourced by Council from third parties, that is information, or an opinion about an individual, whose identity is apparent, or can be reasonable ascertained, from that information or opinion.
## Glossary - Definitions and Abbreviations

<table>
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<tr>
<th>Term</th>
<th>Meaning</th>
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| Personal Information                  | Means information or an opinion about an individual who can be identified from the information, or whose identity can reasonably be ascertained from the information. The information can be recorded in any form and does need to be true. This includes information the Council has collected in any format including correspondence, in person, over the phone and via our various web sites, or information or an opinion that forms part of a database. However, where the information is health information, it need not be recorded and, where the individual has been dead for more than 30 years, the information is no longer considered to be personal information.  

Examples of personal information:
Names; addresses; contact details; work addresses; signatures; attendance at meetings; and opinions (particularly where those opinions would identify the person). Personal information on a public register, in complaints records, in records of telephone calls, on building plans, in meeting minutes and many, many other types of records held by the Council. |
| Health Information                    | Includes information or an opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual where that information is also personal information. Health information includes other personal information that is collected to provide or in providing a health service.  

Examples of health information:
The view of a maternal child health nurse on a database that a mother may have an illness, records held by Council of attendees at immunisation sessions, requests for home support to be provided to a person living in the municipality made by family members outside the municipality. |
| Health service                         | Means an activity that is intended or claimed to assess, maintain or improve the individual’s health, to diagnose the individual’s illness, injury or disability or to treat the individual’s illness, injury or disability. |
| Information Privacy Principles (IPPs)  | Means a set of principles established by the Privacy and Data Protection Act 2014 that regulate how organisations such as the Council collects, hold, manages, uses, discloses or transfers health information. |
| Health Privacy Principles (HPPs)       | Means a set of principles established by the Health Records Act 2001 that regulate how a Council when it is a health service provider collects, holds, managers, uses, discloses or transfers health information. |
Sensitive Information

Council may also hold sensitive information in order to provide education, welfare and other services. Sensitive information is personal information that is information or an opinion about an individual's:

- Race or ethnic origin;
- Political opinions;
- Membership of a political association;
- Religious beliefs or affiliations;
- Philosophical beliefs;
- Membership of a professional trade association;
- Membership of a trade union;
- Sexual preferences or practice;
- Criminal record

Public Registers

Documents that are held by Council and:

- Are open to inspection by members of the public;
- Contain information that a person or body was required or permitted by legislation to give the Council under an Act or regulation; and
- Contain information that would be personal information if the document was not a generally available publication.

5. **Policy statement**

The Privacy Data and Protection At 2014 (Vic) replaced the Information Privacy Act 2000 (Vic) and this policy reflects the change to a single privacy and data protection framework with clear privacy standards.

Under this Act Council has an obligation to collect and handle personal information in accordance with the 10 Information Privacy Principles (IPPs) which are listed below and further detailed in attachment 1:

**Privacy Principles**

Bayside City Council will manage personal information and health information as outlined in the following principles:

**Collection of Information (IPP1) (HHP1)**

Bayside City Council will only collect personal information that is necessary for specific and legitimate functions of Council.

Bayside City Council will only collect health information that is necessary for specific and legitimate functions of Council, and following the additional collection requirements of the HHP.

Information will be collected by fair and lawful means, and not in an unreasonable intrusive way.

Where reasonable and practicable to do so, Council will collect personal and health information directly from the individual involved. However, Council reserves the right to collect personal and health information from third parties where the law or circumstances warrant it.

In most cases, Council will advise individuals of its privacy practices, including the purposes for which their information is being collected, and of those third parties to whom their
information is usually disclosed etc. However, council reserves the right not to do so where permitted by law.

Sensitive information will only be collected where the individual has consented or collection is otherwise required or permitted by law.

Sensitive information will be treated with the utmost security and confidentiality and only used for the purpose for which it was collected.

Use and Disclosure of Information (IPP2) and (HPP2)

Bayside City Council will not use or disclose information about an individual other than for the primary purpose or other Council business related purpose for which it was collected, unless one of the following applies:

For personal information – it is for a related purpose that the individual would reasonable expect;

For sensitive and health information – It is for a directly related purpose that the individual would reasonable expect;

Data Quality (IPP3) and (HPP3)

Council will take reasonable steps to ensure that all personal, sensitive and health information collected, held, used and disclosed is accurate, complete and up to data, bearing in mind and relevant to its purpose, functions and activities.

Data Security and Retention (IPP4) and (HPP4)

Council will take reasonable steps to prevent misuse or loss or unauthorised access, modification or disclosure of personal and health information.

Personal and health information will be managed confidentially and securely and destroyed, de-identified or archived in accordance with Public Records Office (Victoria (PROV) standards.

Council will monitor and implement reasonable and appropriate technical advances or management processes, to provide an up to date ongoing safeguard for personal information.

Openness (IPP5) and (HPP5)

Bayside City Council Privacy and Data Protection Policy will be available on Bayside’s website or at the Corporate Centre and branch libraries.
Access to and Correction of Information (IPP6) and (HPP6)
Individuals have a right to request access to any personal or health information held about them, and may request any incorrect information be corrected.
Council may decide not to allow access to personal information or health information in accordance with the exemptions contained within the Privacy and Data Protection and Health Records Acts.
The process for requesting the correction of personal and health information, ie: documents, is through a Freedom of Information application.

Unique identifiers (IPP7) and (HPP7)
Council will not assign, adopt, use, disclose or require unique health or other identifiers from individuals except for the course of conducting normal business or if allows or required by law.

Anonymity (IPP8) and (HPP8)
Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council.
Council will ensure that individuals are aware of all, if any, limitations to services if the information requested is not provided.

Transborder Data Flows (IPP9) and (HPP9)
Bayside City Council will only transfer personal or health information outside of Victoria in accordance with the provisions outlined in the Privacy and Data Protection and Health Records Acts.

Sensitive Information (IPP10)
Bayside City Council will not collect sensitive information unless an individual has consented or collection is required or permitted by law, or when necessary for research or statistical purposes as permitted under the Privacy and Data Protection Act.

Transfer or Closure of Health Service (HPP11)
Health Information relating to a discontinued Council Health Service will be managed in accordance with the Health Records Act.

Making information available to another Health Service Provider (HPP12)
Council’s Health Services will provide health information to other health providers in accordance with the Health Records Act.
Complaints or enquiries concerning privacy
Complaints, in the first instance, may be directed to the Governance Manager. These complaints will be acknowledged within two business days and will be resolved as soon as possible.

The complaint must be received within six months from the time the complainant first became aware of the misconduct and details of the complaint will be kept confidential at all times. Alternatively, complaints can be directed to the Commissioner for Privacy and Data Protection, although the Commissioner can decline a complaint if the complainant has not first complained directly to Council.

The Commissioner for Privacy and Data Protection can be contacted as follows:

Level 6, 121 Exhibition Street
MELBOURNE VIC 3000
Email: enquiries@privacy.giv.gov.au

Privacy Collection Statements
A general statement outlining Council’s position on the handling of personal information will be used at all points of collection and all outgoing correspondence that may request personal or health information. This will include Bayside’s website, advertising material, standard forms and correspondence requesting personal or health information.

Forms collecting information that is to be used for a specific purpose will include a privacy statement on the form including the purpose of collection and that the information may be used for other Council related purposes.

Council’s privacy statements will be published in the relevant publications (e.g., forms websites), confirming Council’s commitment to the personal information and health information privacy principles.

6. Monitoring, evaluation & review
Non-compliance with this policy will breach the Privacy and Data Protection Policy. The register of alleged breaches will be monitored and reported to the Audit Committee quarterly on Council performance pursuant to this policy, with a summary of the number of complaints received and outcomes reported in the Annual Report.

This policy will be reviewed bi-annually.
7. **Roles & Responsibilities**

The Chief Executive Officer is responsible for the appointment of Bayside City Council’s Information Privacy Officer. The Governance Manager and Governance Coordinator act as Council’s Information Privacy Officers.

**Information Privacy Officer**

The role of the Information Privacy Officer includes:

- Inform and educate Council officers of their obligations under the Privacy and Data Protection and Health Records Act and to handle difficult enquires, complaints or adjustments concerning personal or health information.
- Provide advice and guidance to staff on Privacy related matters.
- Respond to requests for access to and correction of personal information in consultation with Council Officers.
- Investigate privacy complaints in consultation with complainants and Council officers. Respond to complainants and conciliate where necessary.
- Keep a record of alleged breaches.
- Respond to requests for access to and correction of health information in accordance with the Freedom of Information Act 1982 (Vic) and the Health Records Act.
- Ensure Council’s privacy statements are accurate and up to date including privacy related information published on Council’s websites (internet/intranet).

For all queries or feedback regarding this policy. Please contact the Governance Manager or contact email privacy@bayside.vic.gov.au

8. **Public Registers**

The following public registers are among those currently maintained by Bayside City Council which may include personal information:

- Details of current allowances fixed for the Mayor and Councillors
- Details of senior officers’ total salary packages for the current financial year and the previous financial year.
- Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or Council staff in the previous 12 months.
- Names of sitting Councillors and Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted.
- Submissions received from the public in accordance with Section 223 of the Local Government Act 1989 during the previous 12 months.
- Details of all property, finance and operating leases involving land, buildings, plant, computer equipment or vehicles, entered into by the Council as lessor or lessee.
- A list of donations and grants made by the Council during the financial year.
- Names of the organisations of which the Council was a member during the financial year.
- A list of contract valued at $100,000 (or such higher amount as fixed by the State government from time to time) which the Council entered into during the financial year without first engaging in a competitive process.
- Campaign Donation Returns received from candidates in the 2016 Bayside City Council elections.

9. **Related documents**

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<thead>
<tr>
<th>Legislation</th>
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<tbody>
<tr>
<td>Victorian Privacy and Data Protection Act 2014</td>
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<td>Victorian Health Records Act 2001</td>
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<tr>
<td>Freedom of Information Act 1982 (Vic)</td>
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<tr>
<td>Victorian Charter of Human Rights and Responsibility Act 2006 (Vic)</td>
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<tr>
<td>Local Government Act 1989 (Vic)</td>
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</tbody>
</table>

**Please note:** This policy is current as at the date of approval. Refer to Council’s website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) to ensure this is the latest version.
Information Privacy Principles

IPP1 – Collection
Collect only personal information that is necessary for the performance of functions, for a pre-determined purpose. Collect lawfully, fairly and not unreasonably intrusively. Advise individuals that they can gain access to their personal information.

IPP2 – Use and Disclosure
Use and disclose personal information for the primary purpose for which it was collected, or a related purpose a person would reasonably expect; otherwise, use and disclosure can only occur with consent. There are exemptions to disclosure restrictions; eg: law enforcement, life threatening emergencies.

IPP3 – Data Quality
Make sure personal information is accurate, complete and up to date.

IPP4 – Data Security
Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure. Personal information should be destroyed or de-identified when it is no longer needed. Destruction should be in accordance with disposal schedules of the Public Records Act 1973.

IPP5 – Openness
Document clearly expressed policies of the management of personal information and provide the policies to anyone who asks. Know where to find the policy. Know who your privacy contact person is. Make sure the policy is reviewed to reflect current practice.

IPP6 – Access and Correction
Individuals have a right to seek access to their personal information and make corrections. Most requests for access and correction are handled under the Victorian Freedom of Information Act 1982.

IPP7 - Unique Identifiers
A unique identifier is usually a number assigned to an individual in order to identify the person for the purpose of an organisation’s operations, eg: tax file no, drivers licence number. Unique identifiers can facilitate data matching, and this can in turn diminish privacy. So this IPP limits the assignment adoption, and sharing of unique identifiers.

IPP8 - Anonymity
Agencies must give individuals the option of not identifying themselves when entering transactions, if that is lawful and feasible.

IPP9 – Transborder data flows
Personal information can only be transferred interstate or overseas if certain conditions are met. Consent in one condition. Another condition is that the destination must have privacy standards similar to Victoria’s IPPs.

IPP10 – Sensitive information
Collection of sensitive information is tightly restricted. This includes information or opinion about an individual’s: political views; religious beliefs; sexual preferences; membership of groups (eg: unions political groups); racial or ethnic origin; or criminal record.
Health Privacy Principles

IPP1 – Collection
Collect only personal information that is necessary for the performance of functions, for a pre-determined purpose. Collect lawfully, fairly and not unreasonably intrusively. Advise individuals that they can gain access to their personal information.

IPP2 – Use and Disclosure
Use and disclose personal information for the primary purpose for which it was collected, or a related purpose a person would reasonably expect; otherwise, use and disclosure can only occur with consent. There are exemptions to disclosure restrictions; eg: law enforcement, life threatening emergencies.

IPP3 – Data Quality
Make sure personal information is accurate, complete and up to date.

IPP4 – Data Security
Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure. Personal information should be destroyed or de-identified when it is no longer needed. Destruction should be in accordance with disposal schedules of the Public Records Act 1973.

IPP5 – Openness
Document clearly expressed policies of the management of personal information and provide the policies to anyone who asks. Know where to find the policy. Know who your privacy contact person is. Make sure the policy is reviewed to reflect current practice.

IPP6 – Access and Correction
Individuals have a right to seek access to their personal information and make corrections. Most requests for access and correction are handled under the Victorian Freedom of Information Act 1982.

IPP7 - Unique Identifiers
A unique identifier is usually a number assigned to an individual in order to identify the person for the purpose of an organisation’s operations, eg: tax file no, drivers licence number. Unique identifiers can facilitate data matching, and this can in turn diminish privacy. So this IPP limits the assignment adoption, and sharing of unique identifiers.

IPP8 - Anonymity
Agencies must give individuals the option of not identifying themselves when entering transactions, if that is lawful and feasible.

IPP9 – Transborder data flows
Personal information can only be transferred interstate or overseas if certain conditions are met. Consent in one condition. Another condition is that the destination must have privacy standards similar to Victoria’s IPPs.

IPP10 – Transfer/closure practice
If the practice or business of a health provider is sold or transferred or if the provided is deceased, steps must be taken to notify individuals who have received health services from the provider.

IPP11 – Making information available to another service provider
An individual can request that a service provider make information relating to them available to another service provider.
10.6 NAMING OF ELSTERNWICK PARK NO 2 OVAL TO HOLMES-TODD OVAL

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/269016

**Executive summary**

**Purpose and background**

To propose the naming of the Elsternwick Park No: 2 oval to Holmes-Todd Oval in recognition of two significant contributors to the Elsternwick Cricket Club and Elsternwick Amateur Football Club.

Council has received a joint submission from the Elsternwick Cricket Club and Elsternwick Amateur Football Club seeking Council’s approval for the naming of the Elsternwick Park No: 2 oval in honour of two highly respected past members of both the Cricket and Football clubs, namely Barry Todd from the Elsternwick Cricket Club and Graham Holmes from Elsternwick Amateur Football Club.

The Executive Committees of both clubs have unanimously agreed that the oval should be renamed the Holmes-Todd oval and seek Council’s approval to name the oval after these significant contributors who have provided over 60 years’ service to their respective clubs,

**Key issues**

The Elsternwick Cricket Club and Elsternwick Amateur Football Club are joint tenants at Elsternwick Park Oval No: 2 for more than 110 year and have a long tradition at this oval. During 2018/19 Council will be embarking on a pavilion redevelopment and oval reconstruction and both clubs agree that it is appropriate that this oval be named rather than continue as Elsternwick Park No: 2 oval.

A summary of the individuals contributions to the clubs are outlined below:

*The late Barry Todd (Elsternwick Cricket Club)*

The late Barry Todd commenced his association with the Cricket Club in 1954 and continued in his involvement in the Club for over 60 years. Barry Todd served the Club in many roles notably club President from 1980/81 to 1994/95. Barry Todd also served as the club’s delegate to eh VSDCA from 1987/88 to 2010/11 and acted as a club umpire for many years.

Barry Todd was honoured with Life Membership of the Club and an award named after Mr Todd to acknowledge outstanding performance during the year. Barry Todd was also awarded the Australian Sports Medal in 2000.

On the field Barry Todd was the captain of the 2nds, 3rds and 4ths for many years. He played 445 senior games for the Club with his last appearance in 2006/07 season at the age of 65. Over his sporting career he made 6107 runs at 21.6 and took 44 wickets at 21.3 and his one century was made at the age of 55.

The Elsternwick Cricket Club Committee have indicated that:

> “Barry Todd was a stalwart of the Club who worked tirelessly to make the Cricket Club a great sustainable club. Barry Todd is certainly a worthy individual to have his name attributed to the naming of the oval.”
The late Graham Holmes (Elsternwick Amateur Football Club)

The late Graham Holmes has had a lifetime association with the Elsternwick Amateur Football Club. Born in Elsternwick his father and 2 brothers played with the Club and Graham attended all matches and was the Club mascot in the 1951 premiership side, and ran the boundary for the seniors throughout the 1950's.

Graham Holmes commenced his playing career in 1959 and was an outstanding player. He played over 200 games during the 60's and 70's and won Best and Fairest in 1963 and 1967. Graham was also named in the team of the century in 2005.

Before finishing his playing career Graham took on an administration role with the Club as a member of the General Committee. He took on the role as President in 1972 a position he held for nearly 20 years, and was awarded a Life Membership.

Graham was instrumental in securing players to the club and making the Club financially viable. Following his 20 years as President, Graham became Vice-President and continued to be an active participant on a number of Committees.

The Elsternwick Amateur Football Club Committee indicated that:

"Graham Holmes was a great spirit to have around the Club and was well respected by everyone. Graham’s contribution to Amateur Football and EAFC has been recognised by both VAFA and AFL with Lifetime Achievement Awards. Graham Holmes’ legacy at the Club still remains and he is certainly a worthy individual to have his name attributed to the naming of the oval."

As indicated above both the late Graham Holmes and Barry Todd have played significant roles in the Club and well respected Club members, and are worthy of recognition for their contribution to sport played at Elsternwick Park Oval No: 2.

It should be noted that the proposal is to name an oval, not a specific reserve, park or feature therefore the naming of streets and reserve policy is not directly applicable.

The family members of both individuals are humbled by this proposal to recognise their contribution to the clubs that they loved.

A precedent has been established with the naming of the Jack Barker Oval at Cheltenham Park.

Recommendation

That Council:

1. approves of the naming of the Elsternwick Park Oval No: 2 to be named and known as the "Holmes-Todd" Oval, and suitable signage be erected following the redevelopment of the pavilion and reconstruction of oval; and

2. congratulates both the Elsternwick Cricket Club and Elsternwick Amateur Football Club for the collegiate manner in which the proposal has been put forward.
Considerations and implications of recommendation

Liveable community

Social
The proposal to name the oval has enabled both sporting codes to come together and celebrate the significant contribution by two well-known and respected club identities, and more importantly provides a name to an oval.

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

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

Customer Service and Community Engagement
Both Executive Committees of the clubs have unanimously agreed to support this proposal and the families of the late Graham Holmes and Barry Todd are delighted with this wonderful honour bestowed on them.

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
Given Oval 2 is located within the reserve which has been previously registered as Elsternwick Park it is not necessary to register the naming of the oval.

Finance
To assist the clubs in naming this oval and to acknowledge the good will of both clubs it is intended that Council installs suitable signage following the reconstruction of the oval and assist in a small naming ceremony in conjunction with both clubs.

Links to Council policy and strategy
Whilst Council has a policy on the naming of streets and reserve, it is silent on the naming of features such as an oval within a reserve.
Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of community members to the Bayside Healthy Ageing Reference Group (BHARG) for a two year term from January 2018 to December 2019.

BHARG is an important connection between older adults and Council and provides one method for Council to consult with and engage residents aged 55 years and over on matters related to strategy development, service reviews, initiatives, programs and facilities.

The current reference group of 11 members were appointed by Council in November 2015.

Key issues
Nominations for new BHARG members were advertised over a four week period in September and October 2017. Promotion of BHARG membership was undertaken through an extensive campaign that included an advertisement in the Bayside Leader Newspaper, information at libraries, the corporate centre, senior’s centres and community centres. Nominations were also promoted at Bayside Seniors Festival activities during October.

A total of 19 new nominations were received this year compared to four new nominations two years ago. A full list of all BHARG nominees is provided as Attachment 1. Nominations for membership were assessed against the following criteria contained in the Terms of Reference (Attachment 2).

- Resident of the City of Bayside or strong links to Bayside; and
- A member of a local community group or organisation.

In addition, the group aims to represent a spread of:

- Geographical location across the municipality;
- Gender, ages and cultures; and
- Areas of interest and expertise.

The Terms of Reference have been amended to increase the maximum number of members from 15 to 25, to accommodate the number of nominations received in 2017 that meet the criteria. The impact of ageing on the Bayside community is an increasingly important social trend that will be better informed through a larger and more diverse reference group. Due to the recommendation to appoint a high number of new members, it is further proposed to extend the maximum term for existing members from 4 years to 6 years. This will provide a better balance between new and experienced members.

It is pleasing to have received nominations from the Northern, Central and Southern wards inclusive of 14 females and 10 males. Age ranges are from 55 to 64 years through to 74 to 84 years.
Recommendation

That Council:

1. amends the Bayside Healthy Ageing Reference Group Terms of Reference to provide for an increase of members to a maximum number of 25 members;

2. re-appoints the following members to the Bayside Healthy Ageing Reference Group for a two year commencing 1 January 2018 – 31 December 2019:
   - Bridget Hsu-Hage
   - Stephen Le Page
   - Elizabeth Jensen
   - Rowena Arnhold
   - John Barlow
   - Sue Steele;

3. appoints the following members to the Bayside Healthy Ageing Reference Group for a two year term commencing 1 January 2018 – December 31 2019:
   - Beverley Cooney-Brown
   - Christopher D'Arcy
   - John Fisher
   - Rosie Johnston
   - Raymond Lewis
   - Lois Lindsay
   - Kevin McDonnell
   - Vivian Snitkjaer
   - Pamela Thomas
   - Maureen Togarlini
   - Maree Webb
   - Carolyn Brown
   - Anthony Carr
   - Ian Lacey
   - David Seedsman
   - Jooyce Evtomov
   - Mark Powell
   - Lorraine Pirhi; and

4. writes to all appointed members congratulating them on their appointment to the Bayside Healthy Ageing Reference Group.

Support Attachments

1. Bayside Healthy Ageing Reference Group Nominations
2. Bayside Healthy Ageing Reference Group Terms of Reference
Considerations and implications of recommendation

Liveable community

Social
Bayside has an ageing population with 25.2% of residents aged 60 years and over which is higher than Greater Melbourne at 19%. Increasing the size of BHARG through the appointment of new members and extension of experienced members will strengthen the voice of older people in Council's decision making and planning processes.

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
BHARG provides an opportunity for all Council departments to engage older people to gain feedback on strategies and issues that impact on the community. It also provides the opportunity for older people to contribute to discussion and advocacy on issues that are important to support healthy ageing in Bayside.

Human Rights
BHARG aims to increase the rights of older people to be heard through opportunities to contribute their unique perspective in Council engagement and decision making processes.

This report will not 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
BHARG is supported through the Aged and Disability Services operational budget. There are no financial implications associated with this report.

Links to Council policy and strategy

BHARG members will make an important contribution to the implementation of the Wellbeing for Ages and Abilities Healthy Ageing Action Plan 2017-2021.

Goal 7 of the Council Plan 2017 – 2021 relates to achieving community health and participation. BHARG provides an avenue to achieve the strategic objective linked to this goal where the community engages in advocacy, transparent decision making and is part of the solution.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Increase the maximum number of BHARG members to 25 through the appointment of new members and extending the term of existing members</th>
</tr>
</thead>
</table>
| Benefits | Strengthen the voice of older people in Council planning and decision making processes  
| | Increases the opportunity for Council to receive feedback from residents of diverse backgrounds and experiences  
| | Provides Council with a reference group of interested and engaged community members who are keen to participate in consultation opportunities  
| | Improves the likelihood of a sufficient number of members being in attendance at all meetings |
| Issues | No issues identified |

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Maintain the maximum number of BHARG members at 15 through appointing fewer new members and retiring existing members who have served a four year term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>No benefits identified</td>
</tr>
</tbody>
</table>
| Issues | Limits the diverse range of views and expertise that would be available through a larger group membership  
| | May disengage members of the community who have demonstrated an interest in engaging with Council |
Bayside Healthy Ageing Reference Group 2018 – 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Suburb</th>
<th>New/Existing member</th>
<th>Community connection/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lois Lindsay</td>
<td>Beaumaris</td>
<td>New</td>
<td>Sandringham Hospital</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Rotary</td>
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<td></td>
<td></td>
<td></td>
<td>SandyBeach Centre</td>
</tr>
<tr>
<td>Bridget Hsu-Hage</td>
<td>Beaumaris</td>
<td>Existing</td>
<td>U3A Life Activities</td>
</tr>
<tr>
<td>Pamela Thomas</td>
<td>Black Rock</td>
<td>New</td>
<td>U3A Meals and library volunteer</td>
</tr>
<tr>
<td>Carolyn Brown</td>
<td>Black Rock</td>
<td>New</td>
<td>Friends of Black Rock House Community groups</td>
</tr>
<tr>
<td>David Seedsman</td>
<td>Black Rock</td>
<td>New</td>
<td>Fairway Aged Care Facility</td>
</tr>
<tr>
<td>Stephen Le Page</td>
<td>Black Rock</td>
<td>Existing</td>
<td>Bayside Tourism Network</td>
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<td></td>
<td></td>
<td></td>
<td>Highton Seniors</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>U3A</td>
</tr>
<tr>
<td>Elizabeth Jensen</td>
<td>Brighton</td>
<td>Existing</td>
<td>U3A Ricketts Point Marine Care Action Group</td>
</tr>
<tr>
<td>Mark Powell</td>
<td>Brighton</td>
<td>New</td>
<td>Highton Youth Club</td>
</tr>
<tr>
<td>John Fisher</td>
<td>Brighton</td>
<td>New</td>
<td>Life Saving</td>
</tr>
<tr>
<td>Vivian Snitkjaer</td>
<td>Brighton</td>
<td>New</td>
<td>SandyBeach Centre</td>
</tr>
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<td>Raymond Lewis</td>
<td>Cheltenham</td>
<td>New</td>
<td>Environmental groups</td>
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<td>Disabled Drivers Association</td>
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<td>Rosie Johnson</td>
<td>Hampton</td>
<td>New</td>
<td>U3A Life Activities</td>
</tr>
<tr>
<td>Maureen Togarlini</td>
<td>Hampton</td>
<td>New</td>
<td>Connect Health</td>
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<td>St Vinnies</td>
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<tr>
<td>Maree Webb</td>
<td>Hampton</td>
<td>New</td>
<td>Life Activities</td>
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<td>Rowena Arnholt</td>
<td>Hampton</td>
<td>Existing</td>
<td>Meals Volunteer</td>
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<td>Ian Lacey</td>
<td>Hampton East</td>
<td>New</td>
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</tr>
<tr>
<td>Joyce Evtomov</td>
<td>Highett</td>
<td>New</td>
<td>Highton Youth Club</td>
</tr>
<tr>
<td>Lorraine Pirhi</td>
<td>Highett</td>
<td>New</td>
<td>Kingston/Bayside South East Volunteers</td>
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<tr>
<td>Beverley Cooney-Brown</td>
<td>Sandringham</td>
<td>New</td>
<td>Bowls Club</td>
</tr>
<tr>
<td>Christopher D'ArCY</td>
<td>Sandringham</td>
<td>New</td>
<td>Rotary</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>SandyBeach Centre</td>
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<td></td>
<td></td>
<td></td>
<td>Yacht Club</td>
</tr>
<tr>
<td>Kevin McDonnell</td>
<td>Sandringham</td>
<td>New</td>
<td>Probus</td>
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<td>Anthony Carr</td>
<td>Sandringham</td>
<td>New</td>
<td>Meals volunteer</td>
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<td>Council on the Ageing</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Community groups</td>
</tr>
<tr>
<td>John Barlow</td>
<td>Sandringham</td>
<td>Existing</td>
<td>Community Choir</td>
</tr>
<tr>
<td>Sue Steele</td>
<td>Sandringham</td>
<td>Existing</td>
<td>U3A Sandringham Historical Society</td>
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<td></td>
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<td></td>
<td>Community Groups</td>
</tr>
</tbody>
</table>
Bayside Healthy Ageing Reference Group

1. Introduction

Council recognises that decision making is enhanced, that services are better delivered and that strategies and policies are likely to result in better outcomes for the community, when community members are involved in decisions which affect them.

The Bayside Healthy Ageing Reference Group (BHARG) is designed to encourage and support community member’s involvement in Council’s decision making processes.

2. Purpose

BHARG is one of the methods through which Council engages with residents aged 55+ to identify the needs of older people and assist with the development of strategic directions and support the implementation, evaluation and review of the Council’s Wellbeing for all Ages and Abilities Healthy Ageing Action Plan.

3. Objectives

The objectives of BHARG are to:
- contribute to discussion and advocacy on issues impacting older people and other population groups;
- provide feedback on strategies and strategic issues relevant to the Bayside community; and
- support and review the implementation of the Wellbeing for Ages and Abilities Healthy Ageing Action Plan.

4. Membership

BHARG membership will comprise:
- a minimum of 12 community members and a maximum of 25 community members
- Bayside City Council’s Manager Community Services
- Bayside City Council’s Healthy Ageing Project Officer.

From time to time guests may be invited to attend BHARG depending on matters under discussion.
Administrative support will be provided by Council's Community Services Department under the direction of the Manager.

5. Term of Appointment

Nominations for membership will be called every two years at which half the Reference Group members will retire. This will ensure each new Reference Group maintains some experienced members. The maximum term for membership by an individual will be four years except for Council officer membership which will continue beyond the term of the Reference Group.

The maximum term may be extended for individual members at the discretion of Council in the circumstance where the ratio of new to experienced members is exceeded.

6. Appointments

Members will be appointed by Council following a public advertisement process. Selection will be based on the desire to have a Reference Group which is representative of the diversity of older residents, as well as the individual merit presented by those nominating.

Selection criteria will include community members who:

- are residents of the City of Bayside or have strong links to Bayside; and
- are a member of a local community group or organisation.

Membership will aim for a group as a whole representing a spread of ages, gender, cultures, geographical locations across the municipality and a range of areas of interest/expertise.

Council will advertise for nominations for community members in the local media, on Council's website, libraries, at Senior Citizens Clubs, Community Centres and other appropriate venues.

7. Accountability

Members of BHARG will:

- have an active role in communicating community views to Council;
- participate in discussions at meetings; and
- be responsible for reading all minutes and material provided.

8. Meeting Procedures

8.1 Meetings of BHARG

BHARG will meet at least quarterly with an annual schedule of four meetings published each February. Additional meetings will be determined on a needs basis in accordance with work being undertaken by Council. Feedback and input from members may be sourced through means other
than meetings. Meetings will be structured in a way as to ensure maximum participation and inclusion. A meeting quorum will be a minimum of half of the membership plus one.

8.2 Invited Guests or Co-opted Members

BHARG may invite guests or co-opt members to join the Reference Group from time to time in either an expert advisory capacity or for a specified purpose and/or for a specific period of time.

8.3 Chairperson

A chairperson and deputy chairperson will be elected from within the Reference Group at the first meeting of each new term and appointed for two years. The chairperson and deputy chairperson may seek reappointment at the end of the two year term.

The duties of the chair will be to have input into and to review the Agenda prior to meetings and to chair all meetings of the BHARG.

8.4 Meeting Agenda

The Manager Community Services will approve the agenda for each meeting. Reference Group members may propose agenda items for the meetings for consideration. Such proposals should be submitted to the Healthy Ageing Project Officer no later than two weeks before the next scheduled meeting.

Reference Group members will receive the agenda at least seven days before the meeting. Information associated with the agenda will be sent to members prior to the meeting wherever possible.

8.5 Conflicts of Interest

A member with a conflict of interest, or perceived conflict of interest, in a matter before the Reference Group must declare their interest prior to discussion of the item. This will be a standing item on the agenda.

9. Reporting

BHARG will review its activities on an annual basis in particular its monitoring of the implementation of Council’s Healthy Ageing Action Plan to inform the annual Wellbeing for Ages and Abilities Strategy report to Council.

10. Review of the Terms of Reference

The terms of reference will be reviewed every two years or sooner, as deemed necessary.
Executive summary

Purpose and background
This report provides a summary and analysis of Council’s financial performance for four (4) months to 31 October 2017.

The report is designed to analyse actual results against the 2017/18 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 Operating Services Budget for 2017/18 of $22.015M has increased by $185k from the Adopted Budget of $21.830M and includes the following timing adjustments for capital project funding for projects to be delivered in 2017/18:

- $500k Dendy Street Beach Masterplan Implementation
- $10k Dendy Park Soccer/Cricket Pavilion Redevelopment
- ($325k) Banksia Reserve Beaumaris Pavilion Redevelopment

2017/18 Year to date operating result
The October 2017 result is a surplus of $10.6M which is $3.0M favourable to budget.

2017/18 Forecast operating result
The current forecast for the year represents a surplus of $22.091M which is $76k favourable to Budget.

The underlying forecast is favourable to budget by $811k and excludes the following one off or timing items totalling $735k:

- ($269k) Operating Grant funding received in prior year for 2017/18 programs:
- ($302k) Capital grants and contributions received in advance or deferred to align with the expected completion of capital projects (Blackspot, Brighton Library Interior Upgrade, Elsternwick Park No 1 Oval Precinct and Dendy Street Beach).
- ($164k) expenditure for Aged & Disability Regional projects for which funding was received in 2016/17

It should be noted that Council budgets for a surplus in its operating budget each year so as to fund capital works and debt reduction. Any end of year surplus that is favourable to budget is also quarantined in Council’s infrastructure reserve which is used to fund capital works in future years.
Cash and Investments
The cash position as at October 2017 is $88.6M
The YTD favourable variance to budget of $14.2M as at October 2017 is mainly due to:

- $19.2M greater opening cash balance than budgeted:
  - $10.7M increase in the capital works underspend in 2016/17. The confirmed carry forward of capital projects increased by $8.6M to $17M of which $11.1M is expected to be spent in 2017/18 and $5.890M in 2018/19.
  - $8.5M favourable cash operating result for 2016/17 including $3.1M transferred to the Infrastructure Reserve.

There will be a significant drawdown on these cash reserves over the next 4 years to pay off Council’s debt in early 2018 and to fund an expansion of major capital projects.

Victorian Auditor General’s Office (VAGO) Indicators
Current forecasts indicate that Council will achieve VAGO indicator targets.

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

Capital Result
The capital expenditure budget of $48.409M includes carry forward project of $11M from 2016/17.

<table>
<thead>
<tr>
<th>$’000’s</th>
<th>Adjusted Budget</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2017/18 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Forecast Actual Variance</th>
<th>Forecast carry forward</th>
<th>Variance including carry forward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditure 17/18</td>
<td>14,109</td>
<td>10,906</td>
<td>3,203</td>
<td>48,409</td>
<td>48,166</td>
<td>244</td>
<td>-</td>
<td>244</td>
</tr>
<tr>
<td>Grand Total</td>
<td>14,109</td>
<td>10,906</td>
<td>3,203</td>
<td>48,409</td>
<td>48,166</td>
<td>244</td>
<td>-</td>
<td>244</td>
</tr>
</tbody>
</table>

The forecast for capital expenditure to 30 June 2018 is favourable by $244k. Whilst the forecast at the end of October indicates that 99% of the 2017/18 adjusted budget will be spent by June 2018 there are a number of projects where delays are likely and a thorough review of the likely year end position will be undertaken based on the December results and reported to Council in the new year.

Taking into account the impact of one off timing issues the underlying capital program result for 2017/18 is expected to be under budget by $1.091M.

Purchase of Land and Buildings
Council resolved to negotiate the purchase of the Sandringham Masonic Hall site at 23 Abbott Street Sandringham. The $2.5 million purchase price which is subject to a due diligence process occurred on the 1st December with the payment of a $250k deposit with settlement on the 29 March 2018. The $2.5 million purchase of the land and buildings is intended to be funded from Council's Infrastructure Reserve.
Recommendation

That:

1. Council notes the operating and capital financial report for four months to 31 October 2017; and

2. The $2.5 million purchase of the Sandringham Masonic Hall be funded from the Infrastructure Reserve.

Support Attachments

1. Finance Report October 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 $20.091M which is $76k favourable to budget. Taking into account one off and timing issues the underlying operating result is $811k favourable to budget.

The forecast for capital expenditure to 30 June 2018 is favourable by $244k and indicates that 99% of the 2017/18 adjusted budget will be spent by June 2018. Taking into account the impact of one off timing issues the capital program for 2017/18 is expected to be under budget by $1.091M.

Links to Council policy and strategy

The monthly financial report is identified within Goal 8 Governance in the Council Plan 2017-2021. We want an organisation that is financially stable and with decision making that is open, transparent, and informed by the community.

Operating Result

2017/18 Year to date operating result

The October 2017 result is a surplus of $10.6M which is $3.0M favourable to budget.

2017/18 Forecast operating result

The underlying forecast operating services result is favourable to budget by $811k and excludes the following one off or timing items totalling $735k:

- ($269k) Operating Grant funding received in prior year for 2017/18 programs:
- ($302k) Capital grants and contributions received in advance or deferred to align with the expected completion of capital projects (Blackspot, Brighton Library Interior Upgrade, Elsternwick Park No 1 Oval Precinct and Dendy Street Beach).
- ($164k) expenditure for Aged & Disability Regional projects for which funding was received in 2016/17.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates and Charges</td>
<td>29,557</td>
<td>30,020</td>
<td>463</td>
<td>88,707</td>
<td>89,001</td>
<td>294</td>
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<td>Statutory Fees and Fines</td>
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<td>User Fees</td>
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<td>242</td>
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</tr>
<tr>
<td>Rental Income</td>
<td>2,062</td>
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</tr>
<tr>
<td>Grants - Operating</td>
<td>3,999</td>
<td>3,996</td>
<td>(2)</td>
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<td>9,057</td>
<td>(73)</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,280</td>
<td>2,427</td>
<td>147</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
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<td>(31)</td>
<td>109</td>
<td>109</td>
<td>-</td>
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<td>666</td>
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<td>Interest Income</td>
<td>640</td>
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<td>2,130</td>
<td>156</td>
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<td>Other Income</td>
<td>371</td>
<td>484</td>
<td>113</td>
<td>1,616</td>
<td>1,914</td>
<td>198</td>
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<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>42,155</strong></td>
<td><strong>43,909</strong></td>
<td><strong>1,754</strong></td>
<td><strong>127,421</strong></td>
<td><strong>128,195</strong></td>
<td><strong>774</strong></td>
</tr>
</tbody>
</table>

Expenditure

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>13,653</td>
<td>13,052</td>
<td>601</td>
<td>43,047</td>
<td>42,869</td>
<td>178</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>15,052</td>
<td>14,212</td>
<td>840</td>
<td>44,466</td>
<td>45,104</td>
<td>(638)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>170</td>
<td>170</td>
<td>(0)</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>5,724</td>
<td>5,822</td>
<td>(98)</td>
<td>17,178</td>
<td>17,352</td>
<td>(184)</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>112</td>
<td>152</td>
<td>(41)</td>
<td>432</td>
<td>487</td>
<td>(54)</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>59</td>
<td>57</td>
<td>2</td>
<td>112</td>
<td>112</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>34,599</strong></td>
<td><strong>33,296</strong></td>
<td><strong>1,303</strong></td>
<td><strong>105,406</strong></td>
<td><strong>106,104</strong></td>
<td><strong>(698)</strong></td>
</tr>
</tbody>
</table>

Operating Result - Surplus

7,555                          10,613                       3,058                      22,015                  22,091                    76
Operating Result by Division

<table>
<thead>
<tr>
<th>Division (in '000s)</th>
<th>YTD Budget</th>
<th>YTD Actuals</th>
<th>Budget variance</th>
<th>2016/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Variance to Current Forecast</th>
<th>2016/17 Adjusted Budget Percentage Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>2,624</td>
<td>2,383</td>
<td>241</td>
<td>9,103</td>
<td>8,971</td>
<td>132</td>
<td>1.4%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>2,624</td>
<td>2,689</td>
<td>(65)</td>
<td>8,620</td>
<td>8,553</td>
<td>67</td>
<td>0.8%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>10,523</td>
<td>9,950</td>
<td>574</td>
<td>33,094</td>
<td>33,198</td>
<td>(104)</td>
<td>-0.3%</td>
</tr>
<tr>
<td>City Planning &amp; Community Services</td>
<td>1,571</td>
<td>789</td>
<td>782</td>
<td>8,767</td>
<td>8,926</td>
<td>(159)</td>
<td>-1.8%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(359)</td>
<td>(1,117)</td>
<td>759</td>
<td>(2,235)</td>
<td>(2,568)</td>
<td>333</td>
<td>-14.9%</td>
</tr>
<tr>
<td>Underlying Operating</td>
<td>16,984</td>
<td>14,694</td>
<td>2,290</td>
<td>57,349</td>
<td>57,080</td>
<td>269</td>
<td>0.5%</td>
</tr>
<tr>
<td>Rates</td>
<td>(20,567)</td>
<td>(30,085)</td>
<td>488</td>
<td>(88,882)</td>
<td>(89,176)</td>
<td>294</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Capital Income</td>
<td>(665)</td>
<td>(1,943)</td>
<td>377</td>
<td>(7,560)</td>
<td>(7,358)</td>
<td>(303)</td>
<td>4.0%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>5,724</td>
<td>5,822</td>
<td>(97)</td>
<td>17,178</td>
<td>17,362</td>
<td>(184)</td>
<td>-1.1%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>(7,665)</td>
<td>(10,613)</td>
<td>3,058</td>
<td>(22,016)</td>
<td>(22,091)</td>
<td>76</td>
<td>-0.3%</td>
</tr>
</tbody>
</table>

Executive forecast favourable $132k
- $153k favourable in salaries due to the timing of appointment for unfilled Innovation position, lower banding for secondment roles, as well as vacancies in Arts & Culture and Customer Experience.
- ($28k) additional resource for the Community Engagement projects, this is fully offset by savings in research and survey expenditure across divisions.
- $26k additional Library State grant funding received.
- ($60k) consultancy fee for strategy work funded from savings in Innovation salaries.

Corporate Services forecast favourable $67k.
- $58k reduction in FBT due to reduction in vehicles.
- $50k increase in fine income for Compulsory Voting.
- $59k specialist ICT support required to implement the VAGO ICT audit recommendations.

Environment, Recreation & Infrastructure forecast unfavourable ($104k).
- ($77k) increase in waste management due to a temporary change in landfill site to Melbourne Regional Landfill (MRL) from unexpected delays in the development of Wyndham Council’s new landfill:
  - ($100k) increase in tipping fees fully offset by $100k savings in transportation costs.
  - ($77k) additional disposal costs for street litter.
- ($41k) increase in CPI for Contract & Maintenance costs.
- ($27k) net increase in employee costs in Sustainability & Transport for additional 40 EFT for Admin.
  - Officer role, backfilling and acting appointments to cover vacant roles and extended leave.
- ($20k) consulting fee for the HMVS Cerberus Heritage works permit, council resolution July 2017.
- $34k reduction to waste education program pending the completion of a strategy based on outcomes of community engagement.
- $20k State Government now funding SES costs.

City Planning & Community Services forecast unfavourable ($159k).
- ($164k) expenditure for Regional Projects for which funding was received in advance in 2016/17.
- $209k School Crossing grant funding received in advance in 2016/17.
o ($46k) unfavourable in Family Services for additional staffing and purchasing of vaccines to rollout new immunisation program, grant funding received in 2016/17.
o ($32k) increase in Amenity Protection employee costs due to IVR implementation.
o ($25k) expenditure for Amenity Protection Service report relating to prior year.
o ($66k) for the development of Early Years Plan as requested from Councillors.
o $100k savings planning officer role. Department utilising current staff.
o $195k increase in parking fines issued around school crossing areas and beach car parks.
o $143k increase in Planning fee income due to the number of planning applications lodged.
o ($30k) additional Arborist required to assist with the increase in planning applications and backfill staff on leave. This was identified in the Amenity Protection Service Review adopted by Council in August 2017.

Corporate Finance forecast favourable $333k.
o $155k increase in interest from term deposits due mainly to a favourable opening cash position for the year.
o $89k savings in 2017/18 workcover premium due to improved claims history.
o $56k increase in Victorian Grants Commission funding.
Cash and Investments

The cash position of $88.6M has decreased by $8M from the 2016/17 ending balance of $88.4M and is comprised of $13.2M net operating cash inflows and ($14.0M) net capital outflows.

The YTD favourable variance to budget of $14.2M as at October 2017 is mainly due to:

- $19.2M greater opening cash balance than budgeted:
  - $11.8M Favourable capital works underspend including Rollover of 2016/17 capital projects of $11.1M (to be spent in 2017/18).
  - $7.5M Favourable underspend for operating activities including $3.1M transferred to the Infrastructure Reserve.
- $1.4M YTD favourable operating cash flow results and ($6.5M) YTD unfavourable capital cash flow results.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30 Jun. 17</th>
<th>31 Oct. 17</th>
<th>Variance</th>
<th>Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>30,437</td>
<td>34,759</td>
<td>4,322</td>
<td>28,998</td>
<td>30,668</td>
<td>1,670</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>58,074</td>
<td>53,805</td>
<td>4,169</td>
<td>33,036</td>
<td>41,041</td>
<td>8,005</td>
</tr>
<tr>
<td>Total</td>
<td>89,111</td>
<td>88,564</td>
<td>14,183</td>
<td>62,034</td>
<td>71,709</td>
<td>12,335</td>
</tr>
</tbody>
</table>

Cash & cash equivalents (including investments) consists of:

- Retail banks: 77,026
- Community banks: 3,000
- Cash on hand and at bank: 9,395

Total cash and cash equivalents: 89,411

Statutory Reserves:

- Recreational Land Reserve: 15,000
- Car Parking Reserve: 308

Total Statutory Reserves: 15,407

Funds Subject to Intended Allocation:

- Infrastructure Reserve: 8,229
- Denby Street Beach Improvement Reserve: 1,561
- Community Facilities Enhancement Reserve: 947
- Early Childhood Facilities Reserve: 5,522
- Defined Superannuation Shortfall: 2,000
- Unspent Conditional Grants Reserve: 5,992
- Capital Works Carried Forward Reserve: 14,704
- Street and Park Tree Management Carried Forward Fd: 87

Total Funds Subject to Intended Allocation: 39,093

Total Other Reserves:

- 54,500

Restricted funds include trust funds and reserves.
Victorian Auditor – General’s Office (VAGO) Indicators

<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>Liquidity (Current assets / Current liabilities)</td>
<td>&gt; 150%</td>
<td>507.31%</td>
<td>Yes</td>
</tr>
<tr>
<td>Self-financing (Net operating cash flow / Underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>28.31%</td>
<td>Yes</td>
</tr>
<tr>
<td>Capital Replacement (Total Capital spend : Depreciation)</td>
<td>&gt; 150%</td>
<td>277.42%</td>
<td>Yes</td>
</tr>
<tr>
<td>Indebtedness (Non-current liabilities/Own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.95%</td>
<td>Yes</td>
</tr>
<tr>
<td>Underlying result (Net surplus/Revenue)</td>
<td>&gt; 0%</td>
<td>16.27%</td>
<td>Yes</td>
</tr>
<tr>
<td>Renewal gap (Renewal capital spend:Depreciation)</td>
<td>&gt; 100%</td>
<td>224.70%</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>$1,977</td>
<td>✓</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,359</td>
<td>✓</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>247.9%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings compared to rates</td>
<td>0% to 70%</td>
<td>0.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Loans and borrowings repayments compared to rates</td>
<td>0% to 20%</td>
<td>2.5%</td>
<td>✓</td>
</tr>
<tr>
<td>Adjusted underlying surplus (or deficit)</td>
<td>-20% to 20%</td>
<td>12.9%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>73.0%</td>
<td>✓</td>
</tr>
<tr>
<td>Rates compared to property values</td>
<td>0.15% to 0.75%</td>
<td>0.16%</td>
<td>✓</td>
</tr>
</tbody>
</table>
Capital Results

<table>
<thead>
<tr>
<th></th>
<th>$'000's</th>
<th>Adjusted Budget</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2017/18</th>
<th>Current Forecast</th>
<th>Forecast Actual Variance</th>
<th>Forecast rollover to 2018/19</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Income</td>
<td>666</td>
<td>1,043</td>
<td>377</td>
<td></td>
<td>7,660</td>
<td>7,358</td>
<td>(303)</td>
<td>500</td>
<td>197</td>
</tr>
<tr>
<td>Capital Expenditure</td>
<td>14,109</td>
<td>10,906</td>
<td>3,203</td>
<td></td>
<td>48,409</td>
<td>48,166</td>
<td>244</td>
<td>-</td>
<td>244</td>
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<tr>
<td>Grand Total</td>
<td>13,443</td>
<td>9,863</td>
<td>3,580</td>
<td></td>
<td>51,109</td>
<td>50,898</td>
<td>(39)</td>
<td>500</td>
<td>441</td>
</tr>
</tbody>
</table>

Capital Programs Status

- **2017/18 Actual**
- **2017/18 Budget**

Capital Forecast Result – on budget ($59k)

Taking into account the impact of the following timing issues the underlying capital forecast result is **$1.091M under budget**.

- ($375k) Elsternwick Park No 1 Oval Precinct funding from the State Government and AFL received in prior year for 2017/18. Timing.
- ($315k) Brighton Library Interior Upgrade funding received prior year for 17/18.
- ($460k) Dendy Street Masterplan Implementation construction unlikely to commence in 17/18, grant funding to be received in 18/19 and 19/20.
- ($790k) Stormwater Harvesting Brighton Golf Course & Dendy Park funding from possible delays in the Sandringham Village Activity Centre Streetscaping.
- $790k Sandringham Village Activity Centre Streetscaping delayed due to possible redesign.
The underlying forecast favourable result $1.091M is due to

- $328k unbudgeted Blackspot grant funding for Roundabout New, Wellington & Carpenter St Brighton. This project was included in the 2017/18 capital budget.
- $696k Dendy Park Soccer/Cricket Pavilion Redevelopment to be completed under budget in 17/18.
- $154k North Road Drain Brighton to be completed under budget in 17/18.
- ($40k) Electronic Rostering for Care Workers not budgeted.
- ($33k) Human Resource- Payroll System Renewal completion.
## Detailed Schedules

### 1. Income Statement

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Services &amp; New Initiatives Budget</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Grants - Operating</td>
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<td>1,814</td>
<td>198</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>42,155</strong></td>
<td><strong>43,909</strong></td>
<td><strong>1,754</strong></td>
<td><strong>127,421</strong></td>
<td><strong>128,195</strong></td>
<td><strong>774</strong></td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>13,653</td>
<td>13,052</td>
<td>601</td>
<td>43,047</td>
<td>42,869</td>
<td>178</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>15,052</td>
<td>14,212</td>
<td>840</td>
<td>44,486</td>
<td>45,104</td>
<td>(638)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>0</td>
<td>(0)</td>
<td>170</td>
<td>170</td>
<td>(0)</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>5,724</td>
<td>5,822</td>
<td>(98)</td>
<td>17,178</td>
<td>17,362</td>
<td>(184)</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>112</td>
<td>152</td>
<td>(41)</td>
<td>432</td>
<td>487</td>
<td>(54)</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>59</td>
<td>57</td>
<td>2</td>
<td>112</td>
<td>112</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>34,599</strong></td>
<td><strong>33,296</strong></td>
<td><strong>1,303</strong></td>
<td><strong>105,406</strong></td>
<td><strong>106,104</strong></td>
<td><strong>(698)</strong></td>
</tr>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td><strong>7,555</strong></td>
<td><strong>10,613</strong></td>
<td><strong>3,058</strong></td>
<td><strong>22,015</strong></td>
<td><strong>22,091</strong></td>
<td><strong>76</strong></td>
</tr>
</tbody>
</table>
### 2. Statement of Capital Works

<table>
<thead>
<tr>
<th>CAPITAL in $’000’s</th>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance</th>
<th>2016/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>2017/18 Adjusted Budget less Forecast variance</th>
<th>2017/18 Carry Forward Balance to 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>5,807</td>
<td>4,129</td>
<td>1,678</td>
<td>11,975</td>
<td>11,292</td>
<td>683</td>
<td></td>
</tr>
<tr>
<td>Building Improvements</td>
<td>328</td>
<td>383</td>
<td>(55)</td>
<td>2,327</td>
<td>2,327</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Plant &amp; Equipment Expenditure</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Fixtures, Fittings and Furniture</td>
<td>34</td>
<td>107</td>
<td>(73)</td>
<td>891</td>
<td>891</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Arts and Culture</td>
<td>-</td>
<td>10</td>
<td>(10)</td>
<td>130</td>
<td>147</td>
<td>(17)</td>
<td></td>
</tr>
<tr>
<td>IT Systems, Network, Servers and Communication</td>
<td>191</td>
<td>115</td>
<td>76</td>
<td>1,445</td>
<td>1,518</td>
<td>(73)</td>
<td></td>
</tr>
<tr>
<td>Library Assets</td>
<td>143</td>
<td>149</td>
<td>(6)</td>
<td>430</td>
<td>430</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Infrastructure Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreshore and Conservation</td>
<td>133</td>
<td>36</td>
<td>97</td>
<td>764</td>
<td>768</td>
<td>(4)</td>
<td></td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>3,516</td>
<td>1,890</td>
<td>1,626</td>
<td>15,896</td>
<td>15,128</td>
<td>769</td>
<td></td>
</tr>
<tr>
<td>Off-Street Car Parks</td>
<td>68</td>
<td>17</td>
<td>51</td>
<td>1,125</td>
<td>1,125</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Drainage Infrastructure</td>
<td>2,599</td>
<td>1,850</td>
<td>749</td>
<td>5,273</td>
<td>5,877</td>
<td>(604)</td>
<td></td>
</tr>
<tr>
<td>Road Infrastructure</td>
<td>1,287</td>
<td>2,221</td>
<td>(934)</td>
<td>8,153</td>
<td>8,662</td>
<td>(509)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Expense</strong></td>
<td><strong>14,109</strong></td>
<td><strong>10,906</strong></td>
<td><strong>3,203</strong></td>
<td><strong>48,409</strong></td>
<td><strong>48,166</strong></td>
<td><strong>244</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(2,280)</td>
<td>(2,427)</td>
<td>147</td>
<td>(500)</td>
</tr>
<tr>
<td>Other Income</td>
<td>-</td>
<td>(9)</td>
<td>9</td>
<td>-</td>
<td>(10)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>(666)</td>
<td>(1,035)</td>
<td>368</td>
<td>(5,380)</td>
<td>(4,920)</td>
<td>(460)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>(666)</strong></td>
<td><strong>(1,043)</strong></td>
<td><strong>377</strong></td>
<td><strong>(7,660)</strong></td>
<td><strong>(7,358)</strong></td>
<td><strong>(363)</strong></td>
<td><strong>(500)</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13,443</strong></td>
<td><strong>9,863</strong></td>
<td><strong>3,580</strong></td>
<td><strong>40,749</strong></td>
<td><strong>40,808</strong></td>
<td><strong>(59)</strong></td>
<td><strong>(500)</strong></td>
</tr>
</tbody>
</table>
### 3. Statement of Cash Flows

#### Cashflow Statement - period ended 31 October 2017

<table>
<thead>
<tr>
<th></th>
<th>30 June 17</th>
<th>31 October 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></td>
<td>Inflows (Outflows)</td>
<td>Inflows (Outflows)</td>
<td>Inflows (Outflows)</td>
</tr>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and charges</td>
<td>85,358</td>
<td>28,908</td>
<td>29,208</td>
</tr>
<tr>
<td>Statutory fees and fines</td>
<td>6,399</td>
<td>2,148</td>
<td>2,572</td>
</tr>
<tr>
<td>User charges</td>
<td>7,074</td>
<td>5,206</td>
<td>5,132</td>
</tr>
<tr>
<td>Rental income</td>
<td>4,057</td>
<td>2,051</td>
<td>2,178</td>
</tr>
<tr>
<td>Contributions - monetary</td>
<td>3,818</td>
<td>1,948</td>
<td>714</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>12,192</td>
<td>4,910</td>
<td>3,981</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>4,903</td>
<td>-</td>
<td>44</td>
</tr>
<tr>
<td>Interest</td>
<td>2,254</td>
<td>833</td>
<td>716</td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>153</td>
<td>30</td>
<td>41</td>
</tr>
<tr>
<td>Other receipts</td>
<td>1,221</td>
<td>54</td>
<td>792</td>
</tr>
<tr>
<td>Net GST refund</td>
<td>5,766</td>
<td>2,806</td>
<td>1,934</td>
</tr>
<tr>
<td>Employee costs</td>
<td>(38,970)</td>
<td>(14,460)</td>
<td>(14,230)</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(46,845)</td>
<td>(19,585)</td>
<td>(21,255)</td>
</tr>
<tr>
<td><strong>Net cash provided by (used in) operating activities</strong></td>
<td>47,370</td>
<td>13,204</td>
<td>11,827</td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for property, infrastructure, plant &amp; equipment</td>
<td>(27,514)</td>
<td>(14,051)</td>
<td>(7,551)</td>
</tr>
<tr>
<td>Proceeds from sale property, infrastructure, plant &amp; equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from term deposit investments</td>
<td>(10,026)</td>
<td>(5,000)</td>
<td>(6,000)</td>
</tr>
<tr>
<td><strong>Net cash used in investing activities</strong></td>
<td>(37,540)</td>
<td>(19,051)</td>
<td>(13,551)</td>
</tr>
<tr>
<td><strong>Cash flows from financing activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance costs</td>
<td>(437)</td>
<td>-</td>
<td>(107)</td>
</tr>
<tr>
<td>Proceeds from borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Repayment of borrowings</td>
<td>(5,193)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net cash used in financing activities</strong></td>
<td>(5,630)</td>
<td>-</td>
<td>(107)</td>
</tr>
<tr>
<td><strong>Net increase (decrease) in cash and cash equivalents</strong></td>
<td>4,200</td>
<td>(5,847)</td>
<td>(1,831)</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the beginning of the period</strong></td>
<td>5,185</td>
<td>9,385</td>
<td>5,212</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the end of the period</strong></td>
<td>9,385</td>
<td>3,538</td>
<td>3,381</td>
</tr>
<tr>
<td><strong>Term Deposits</strong></td>
<td>80,026</td>
<td>85,026</td>
<td>71,000</td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents at the end of the period</strong></td>
<td>89,411</td>
<td>88,564</td>
<td>74,381</td>
</tr>
<tr>
<td><strong>Unallocated and unrestricted</strong></td>
<td>30,437</td>
<td>34,759</td>
<td>36,526</td>
</tr>
<tr>
<td><strong>Restricted, committed and allocated funds</strong></td>
<td>58,974</td>
<td>53,805</td>
<td>37,655</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>89,411</td>
<td>88,564</td>
<td>74,381</td>
</tr>
</tbody>
</table>
### Balance Sheet

**Balance Sheet as at 31 October 2017**

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-17</th>
<th>31-Oct-17</th>
<th>Variance</th>
<th>Full Financial Year</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual $'000</td>
<td>Actual $'000</td>
<td>Budget $'000</td>
<td>$'000</td>
<td>Budget $'000</td>
</tr>
<tr>
<td><strong>Current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>9,385</td>
<td>3,538</td>
<td>3,381</td>
<td>157</td>
<td>2,674</td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>8,869</td>
<td>7,017</td>
<td>3,737</td>
<td>3,280</td>
<td>6,718</td>
</tr>
<tr>
<td>Other financial assets</td>
<td>80,026</td>
<td>80,026</td>
<td>71,000</td>
<td>14,026</td>
<td>60,000</td>
</tr>
<tr>
<td>Inventories</td>
<td>108</td>
<td>108</td>
<td>77</td>
<td>31</td>
<td>78</td>
</tr>
<tr>
<td>Non current assets classified as held for sale</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other assets</td>
<td>1,354</td>
<td>702</td>
<td>540</td>
<td>162</td>
<td>1,505</td>
</tr>
<tr>
<td><strong>Total current assets</strong></td>
<td>99,842</td>
<td>96,391</td>
<td>78,735</td>
<td>17,656</td>
<td>70,875</td>
</tr>
<tr>
<td><strong>Non-current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>167</td>
<td>167</td>
<td>153</td>
<td>14</td>
<td>153</td>
</tr>
<tr>
<td>Property, infrastructure, plant and equipment</td>
<td>3,372,475</td>
<td>3,377,526</td>
<td>2,914,870</td>
<td>462,656</td>
<td>2,941,544</td>
</tr>
<tr>
<td>Financial assets</td>
<td>230</td>
<td>230</td>
<td>230</td>
<td>-</td>
<td>230</td>
</tr>
<tr>
<td>Other assets</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>-</td>
<td>55</td>
</tr>
<tr>
<td><strong>Total non-current assets</strong></td>
<td>3,372,927</td>
<td>3,377,978</td>
<td>2,915,306</td>
<td>462,670</td>
<td>2,941,982</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>3,472,769</td>
<td>3,474,369</td>
<td>3,294,043</td>
<td>480,326</td>
<td>3,012,857</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>12,688</td>
<td>4,659</td>
<td>2,439</td>
<td>(2,220)</td>
<td>9,148</td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>4,474</td>
<td>4,066</td>
<td>4,482</td>
<td>416</td>
<td>4,583</td>
</tr>
<tr>
<td>Provisions</td>
<td>8,272</td>
<td>8,251</td>
<td>9,036</td>
<td>785</td>
<td>8,776</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>2,126</td>
<td>2,126</td>
<td>2,131</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>Income in Advance</td>
<td>430</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total current liabilities</strong></td>
<td>27,990</td>
<td>19,102</td>
<td>18,068</td>
<td>(1,014)</td>
<td>22,487</td>
</tr>
<tr>
<td><strong>Non-current liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provisions</td>
<td>980</td>
<td>855</td>
<td>1,253</td>
<td>398</td>
<td>1,406</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>980</td>
<td>855</td>
<td>1,253</td>
<td>398</td>
<td>1,406</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>28,970</td>
<td>19,957</td>
<td>19,341</td>
<td>(616)</td>
<td>23,893</td>
</tr>
<tr>
<td><strong>Net assets</strong></td>
<td>3,443,799</td>
<td>3,454,412</td>
<td>2,974,702</td>
<td>479,710</td>
<td>2,988,964</td>
</tr>
<tr>
<td><strong>Equity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td>844,778</td>
<td>860,152</td>
<td>863,251</td>
<td>(3,099)</td>
<td>881,813</td>
</tr>
<tr>
<td>Asset revaluation reserve</td>
<td>2,544,521</td>
<td>2,544,521</td>
<td>2,078,078</td>
<td>466,443</td>
<td>2,078,078</td>
</tr>
<tr>
<td>Other reserves</td>
<td>54,500</td>
<td>49,739</td>
<td>33,373</td>
<td>16,366</td>
<td>29,073</td>
</tr>
<tr>
<td><strong>Total equity</strong></td>
<td>3,443,799</td>
<td>3,454,412</td>
<td>2,974,702</td>
<td>479,710</td>
<td>2,988,964</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
The purpose of this report is to present the Community and Stakeholder Engagement Policy for adoption and the Community Engagement Guidelines for noting following a period of public exhibition. This report explains the:

- Intent of the Policy and Guidelines;
- Key changes to the 2014 Community and Stakeholder Engagement Policy and
- Feedback received by members of the community during the public exhibition period.

Policy Intent
Council undertakes extensive research and engagement to understand community expectations and the external influences and environmental challenges it is facing. The intent of the Community and Stakeholder Engagement Policy is to improve the quality and effectiveness of Council’s decision making and enhance community satisfaction with Council by undertaking the following:

- Creating genuine opportunities for members of the Bayside community to participate in matters that interest and affect it;
- Ensuring transparency and accountability in Council decision making;
- Ensuring the diverse needs of the local community are taken into account in decision making; and
- Encouraging and supporting members of the community to participate in civic life.

Adoption of this Policy will replace the Community and Stakeholder Engagement Policy 2014. The 2017 Community and Stakeholder Engagement Policy will be supported by the Community Engagement Guidelines these will replace the Community Engagement Framework 2009.

Key issues

Key changes to the Policy
The revised Policy integrates recommendations from the Local Government Best Practice Guide 2015 and the Public Participation and Community Engagement (VAGO) 2016. Both of these documents recommend elements for inclusion in public participation policies and guidelines.

The key changes to the draft Community and Stakeholder Engagement Policy include:

- Alignment with VAGO recommendations - more detail has been included about ‘when’ and with ‘whom’ Council will engage;
- Emphasis on community engagement planning as part of the general project planning process;
- Improved delegation of roles and responsibilities; and
Integration and reference to the IAP2 Public Participation Model.

The Local Government Act review currently underway is expected to require Councils to specifically adopt standards for community engagement. The work being undertaken here at Bayside anticipate these changes.

Community feedback received during public exhibition period

The approach taken to engage the community on the draft Policy is outlined below in the Customer Service and Community Engagement section.

Community engagement on the draft Community and Stakeholder Engagement Policy was favourable. Overall, the results show that Council’s current engagement techniques promote a sense of confidence with 75% of respondents feeling Council listens and values their views. Current engagement techniques used by Council, such as online tools, surveys and questionnaires were identified as the preferred method of community engagement.

Respondents also identified the importance of engaging with the community through a broad spectrum of techniques depending on the complexity and time-frame of the engagement activity.

A summary of community feedback is provided in Attachment 3.

**Recommendation**

That Council:

1. Adopts the Community and Stakeholder Engagement Policy 2017 and rescinds the Community Stakeholder Engagement Policy (2014); and

2. Thanks all stakeholders and community members for their valuable input and feedback which has informed the finalisation of the Policy and Guidelines.

**Support Attachments**

1. Draft Community and Stakeholder Engagement Policy August 2017
2. Community and Stakeholder Engagement Guideline
Considerations and implications of recommendation

Liveable community
Engaging the Bayside community in matters that interest and affect it improves the level of understanding Council has when advocating for, or delivering services and programs. Delivering tailored services supports our goal of making Bayside a better place and improves the community’s satisfaction with Council and the quality of services it provides.

Social
Effective engagement supports Council’s role in providing governance and leadership for the local community through advocacy, decision making and action.

The revised Community and Stakeholder Policy and Engagement Guideline provides better clarity on processes, roles and responsibilities. The draft policy has been released for public exhibition and feedback has been considered to finalise the policy.

Natural Environment
Effective engagement supports environmental objectives of Council by encouraging the community to participate in decisions related to the environment. Feedback from the community is also used to advocate for the needs of Bayside.

Built Environment
Effective engagement supports the planning and infrastructure objectives of Council by: facilitating transparent, open and accountable conversations; explaining Council decisions and the impact of decisions; and by advocating the needs of the Bayside community.

Customer Service and Community Engagement
Council conducted a period of public exhibition of the draft Community and Stakeholder Engagement Policy and Guidelines from 5 October to 6 November 2017. Community feedback was invited through:

- A ‘Have Your Say’ page;
- Listening post at the Bayside Nursery; and
- Direct email correspondence with Have Your Say subscribers.

The themes raised within the feedback received from the community included:

- Online engagement through Have Your Say was the preferred method for engaging with Council on simple projects;
- Face-to-face engagement was preferred for complex projects; and
- Additional communication and notification of upcoming projects, Council meeting and engagement outcomes is required to improve perception of transparency.

Community engagement on the draft Policy and Guideline has shown general support for the implementation of the Policy and Guideline.

A summary of community feedback is provided in Attachment 3.
Human Rights
The policy aligns with the Victorian Charter of Human Rights and Responsibilities Act 2006 which enshrines the human right that “every person has the right to take part in public life, such as the right to vote or run for public office.”

Legal
The policy aligns with the Local Government Act 1989 (Vic) which states that a role of Council is to provide governance and leadership for the local community through advocacy, decision making and action.

Finance
Implementing the revised Community and Stakeholder Engagement policy will be accommodated within existing resources.

Links to Council policy and strategy
Council Plan 2017–21
The Community and Stakeholder Engagement Policy supports Goal 8: Governance, with particular reference to the strategic objective: Decision making is open, transparent and informed by representative community views.

Bayside Community Plan 2025
The Community and Stakeholder Engagement Policy supports the community aspiration to: Feel supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstances or physical ability.
1. **Policy intent**

This policy affirms Bayside City Council’s commitment to engaging its community and relevant stakeholders about matters that affects them. The intent of this policy is to provide clarity about how Council will fulfil its commitment and take into account the diverse needs of the community when making decisions.

2. **Purpose/Objective**

Council undertakes extensive research and consultation to understand community expectations and the external influences and environmental challenges it is facing. Where contradictions or conflicting views arise with this planning or delivery, Council is required by legislation to ensure decisions are transparent and accountable to its community (*Local Government Act 1989*(Vic)). The intent of the Community and Stakeholder Engagement Policy is to improve the quality and effectiveness of Council’s decision making and enhance community satisfaction with Council by undertaking the following:

- Creating genuine opportunities for members of the Bayside community to participate in matters that interest and affect it;
- Ensuring transparency and accountability in Council decision making;
- Ensuring the diverse needs of the local community are taken into account in decision making; and
- Encouraging and supporting the community to participate in civic life.

2.1 **Legislative Context**

The policy supports Council’s responsibilities within the *Local Government Act 1989* (Vic) which states that the role of Council is to provide governance and leadership for the local community through advocacy, decision making and action.
The policy aligns with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic) which enshrines the right “every person has to take part in public life, such as the right to vote or run for public office.”

Bayside City Council will adhere to all legislative requirements that mandate engagement for local governments, including but not limited to the:
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Road Management Act 2004
- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006,

2.2 Strategic Context

*Council Plan 2017–21*

The Community and Stakeholder Engagement Policy supports the achievement of Goal 8 of the *Council Plan 2017–21*:
- *(Council’s)* decision making is open, transparent and informed by representative community views;

Additionally the associated strategic objective to:
- Improve community engagement to inform Council decision making is supported by the adoption of a policy to guide Council’s engagement activities.

*Bayside Community Plan 2025*

The Community and Stakeholder Engagement Policy supports the community’s aspiration to:
- Feel supported and engaged, to live an active and healthy lifestyle regardless of age, geographical location, personal circumstances or physical ability;

With particular reference to:
- Having a say or being involved in decisions or projects that are important to them or their family.

3. Scope

The Community and Stakeholder Policy ensures members of the Bayside community have genuine opportunities to participate in matters that affect or interest them, and the feedback provided is taken into account by Council when making decisions.

This policy applies to Council, Councillors, Council Committees and all Council staff acting as representatives and/or delegates of Council. These parties have accountability for acting in accordance with this policy in exercising any decisions on Council’s behalf.

This policy establishes Council’s commitment to consider input collected through community engagement along with financial, legal and environmental advice when making decisions.
4. Roles & Responsibilities
The Executive Manager Communications, Customer and Cultural Services coordinates the development, implementation, compliance, monitoring, evaluation and review of this policy.

Communications and engagement staff are responsible for providing advice in relation to this policy and will support staff in the development and delivery of community engagement and research programs. These staff are active contributors in the delivery of the community engagement culture and practice at Bayside City Council.

Managers and Coordinators are responsible for:
- Identifying members of the community (individuals and organisations) who have an interest in and are affected by Council decisions and actions;
- Implementing and leading appropriate approaches and methodologies for effective engagement and consultation to meet Council’s Policy commitments; and
- Ensuring compliance with all statutory obligations on Council with regard to privacy, human rights, equal opportunity and discrimination.

5. Monitoring, evaluation & review
Monitoring, evaluation and review of the policy will be undertaken by the Executive Manager Communications, Customer and Cultural Services. The effectiveness of this policy will be measured through evaluation of engagement and research programs and annual customer satisfaction and performance metrics. The policy will be reviewed according to Council’s Policy Framework.

6. Policy statement

Our commitment
Bayside City Council will engage the Bayside community in matters that interest and/or affect it. Information collected through engagement will be considered along with financial, legal, operational and environmental and other appropriate advice when making decisions.

The effectiveness of each engagement program will be measured by the:
- Success of the engagement program in reaching the stakeholders who have an interest in the matter. These stakeholders will have been identified during the project planning phase and will be documented in the engagement plan. This plan will include considerations of demographic cohorts, geographic areas, communities of interest, and the impact of the matter on various stakeholders;
- Reliability of data as determined by Council when making a decision; and
- The extent to which the findings of the engagement can be and are analysed and presented with clarity to Council.

The evaluation of an engagement program will be reported to Council or its delegate at the time when a decision is due on the matter, or before if it is appropriate. For example, if
Council is preparing a proposed strategy or a ‘position’ that has been the subject of an initial engagement program, these findings will be reported as an input into Council’s proposal. This proposal may then be the subject of further consultation.

Council will engage with its community and stakeholders in a manner which demonstrates they are being heard and considered. This is reflected in our engagement principles which follow the IAP2 Public Participation Model (Diagram 1) for delivering engagement programs.

**Bayside City Council’s Principles for Engagement**
These principles guide Council’s practice. They support consistency and our continuous improvement.

1. **Clear purpose and process**
   We will ensure the purpose of our engagement is clear and understood. We will outline the process and its key steps as well as opportunities for participation.

2. **Clear scope and level of influence**
   We will clearly communicate what can change and what cannot change in each engagement process. We will ensure community and stakeholders know what they can influence during the process and when.

3. **Informed decision making and deliberation**
   We will plan, deliver and report on processes that allow the community and stakeholders to understand and deliberate on the issue at hand.

4. **Inclusive and representative participation**
   We will plan processes and use tools and techniques that are accessible to all ages and abilities and we will seek out and encourage participation from those affected and interested. We will ensure representativeness in participation and diversity of views.

5. **Appropriate and varied techniques**
   We will plan and deliver engagement using a variety of appropriate tools and techniques. These tools and techniques will be fit for purpose and fit for key community and stakeholder groups.

6. **Accurate, accessible and timely information**
   We will ensure any information about the project or issue is presented in a clear and accessible manner and distributed so that time can be allowed for meaningful participation.

7. **Feedback on how input is being used**
   We will inform participants of how their contributions influenced the project or issue.

**When we will engage**
Council will engage the Bayside community and stakeholders on matters that both interest and affect them, including but not limited to:

- Substantially changing or reviewing a Council service or program;
- Reviewing or proposing a new Council policy or strategy; and
- Capital works projects including public buildings, centres or other infrastructure.
Opportunities for community engagement may also arise when a member of the community raises an issue or item requiring a decision by Council.

Council will not necessarily engage when it has an adopted policy, strategy or decision that determines a clear direction for implementation which has already been the subject of appropriate engagement.

**Who we will engage**

Engagement programs will be designed to reach and maximise participation from the target stakeholder/community audience. When projects or matters affect the broader municipality, engagement programs will be designed to reach a cross section of the community, including programs to reach those whose views are less often heard, or who are difficult to reach through traditional engagement approaches.

**How we will engage**

Bayside City Council will engage in accordance to the Community and Stakeholder Engagement Guidelines available on Council’s website.

### 7. Related documents

| **Strategic Plans** | Council Plan 2017 – 2021  
Wellbeing for All Ages and Abilities (under review)  
Bayside Community Plan 2025 |
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Guidelines</strong></td>
<td>Community and Stakeholder Engagement Guidelines (Draft)</td>
</tr>
</tbody>
</table>
| **External References** | International Association for Public Participation  

### 8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th><strong>Term</strong></th>
<th><strong>Meaning</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Engagement</td>
<td>Any process that involves community and/or stakeholders in problem solving or decision making and uses this input to make decisions</td>
</tr>
</tbody>
</table>
| Community | Under the Local Government Act, the ‘local community’ includes:  
• people who live in the municipality  
• people and bodies who are ratepayers  
• people and bodies who conduct activities in the municipality. |
| Stakeholder | An organisation or defined group of people, who are interested, affected by or contribute to an outcome. For example government departments and bodies, representatives of business and industry or service providers. |
### Guideline title:
Community and Stakeholder Engagement Guideline

### Guideline ref no:
DOC/17/102756

### Governing policy:
Community and Stakeholder Engagement Policy 2017

### Guideline owner:
Executive Manager Communications, Customer and Cultural Services

### Approved by:
Executive Manager Communications, Customer and Cultural Services

### Date approved:
19 December 2017

### Scheduled review:
December 2021

## 1 Guideline intent
Bayside City Council carries out research and engagement to understand its community and the external influences and environmental challenges it is facing. Where contradictions or conflicting views arise with this planning or delivery, Council has a legislative requirement to ensure decisions are managed fairly and through an equitable consultation process.

This Guideline supports the implementation of Council's Community and Stakeholder Engagement Policy. It will be adjusted from time to time in the spirit of continuous improvement as feedback is received and opportunities to improve practice are identified. It provides community and stakeholders with a framework to predict and understand the likely levels of engagement on projects. It identifies the key areas Council staff consider when planning, implementing and evaluation engagement activities:

- Levels of engagement;
- Supporting participation; and
- Providing feedback to participants and the community.

The objectives of the Guideline are to:

- Create genuine opportunities for members of the Bayside community to participate in community engagement programs about matters that affect them;
- Set out how and when community engagement activities are undertaken by Council based on the IAP2 Spectrum for effective public participation; and
- Encourage a complete process in consultation activities that includes planning, implementation, evaluation and report back to community on outcomes.
2 Guideline statement

2.1 Levels of engagement
The International Association of Public Participation (IAP2) spectrum identifies five levels of engagement, with the lowest level of engagement being ‘Inform’, while ‘Empower’ involves the greatest level of public participation in decision making processes. The IAP2 Spectrum is not a flow chart and there are no steps in the process to progress to the next level. Higher levels are not always better. If an issue is straightforward and less complex, a lower level of engagement may be more appropriate. Whereas complex and controversial issues may benefit from higher level of engagement.

The level of engagement is determined by the goals, time frames, resources and the level of influence community and/or stakeholders have over a project or decision. The spectrum notes that the level of ‘Empower’ places the “final decision-making in the hands of the public”. As elected representatives for the community, final decisions will ultimately rest with the elected Councillors.

Bayside City Council uses the IAP2 Spectrum (Table 1) to plan and implement all of its research and engagement activities. Shown alongside are sample Bayside City Council project examples.

Table 1 – International Association of Public Participation Spectrum 2014

<table>
<thead>
<tr>
<th>Level</th>
<th>Objective</th>
<th>Promise</th>
<th>Bayside City Council Project Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inform</td>
<td>Provide the public with balanced and objective information to assist them in understanding the outcome.</td>
<td>We will keep you informed.</td>
<td>Repair to a public road or footpath.</td>
</tr>
<tr>
<td>Consult</td>
<td>To obtain public feedback for analysis, alternatives, or decisions.</td>
<td>We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.</td>
<td>Major policies and plans such as: • Council Plan • Municipal Health and Wellbeing Plan • Annual Budget</td>
</tr>
<tr>
<td>Involve</td>
<td>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</td>
<td>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</td>
<td>Structure plans and streetscape masterplans: • Beaumaris Concourse Streetscape Masterplan • Sandringham Village Streetscape Masterplan • Hampton East Structure Plan</td>
</tr>
<tr>
<td>Collaborate*</td>
<td>To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.</td>
<td>We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.</td>
<td>Larger complex projects, with multiple options: • Elsternwick Park (north) Masterplan • Footpath Treatment Policy</td>
</tr>
<tr>
<td>Empower*</td>
<td>To place final decision making in the hands of the public.</td>
<td>We will implement what you decide.</td>
<td>• Election of Councillor representatives every four years • Section 86 Committee</td>
</tr>
</tbody>
</table>

* The levels Collaborate and Empower set the expectation that Council will incorporate advice and recommendations “to the maximum extent possible.” Given these levels will be used for complex issues the Council will approve this approach before use.
2.2 Application of the IAP2 Spectrum

It is not always possible to definitively state which level of engagement is appropriate to each and every circumstance. Officer experience, skill and judgement are major factors in identifying the level required. The strategic planning process for engagement is supported by management approval.

Selecting a level of participation does not mean the level cannot change. Through consultation it might be discovered that an issue was more complex or controversial than thought, and so a higher level of engagement might be required.

Choosing the appropriate level of engagement is determined by:
- Level of influence
- Scale and type of project
- Level of complexity.

This is best described by the use of examples in Table 2.

**Level of influence**
Level of influence describes the effect the community and stakeholders can have on the project or decision.

**Scale and type of project**
The type of project and scale of change will determine the overall level of interest in the project.

Projects that are place based significantly attract more interest:
- Facilities management and capital investment, the management of Council assets such as parks, sportsgrounds and other community buildings; and
- Planning and environment encompasses works in local streets, traffic planning, parking and environmental strategies.

Projects related to Council service delivery often attract less interest:
- Service delivery comprises of customer service and delivery of Council services (i.e. operations and logistics); and
- Strategic development covers Council strategic plans and policies required under the Local Government Act 1989 (Vic).

Level of change in each of these project types also determines the level of interest:
- Less interest - minor disruption (maintenance or repairs)
- More interest - minor or major service change (removal or addition of a service).

**Level of complexity**
Complexity is assessed according to perceived community familiarity with the subject matter, the breadth or extent of the proposal or the range of variables to be considered. This element is not as influential to determining the level, rather it is a factor in determining the amount of information the community may require in order to understanding the issue or project.
<table>
<thead>
<tr>
<th>Level &amp; Engagement Techniques</th>
<th>Level of influence</th>
<th>Scale and type of project</th>
<th>Level of complexity</th>
<th>Sample Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inform:</strong> Newsletter, Flyer, Website item, Onsite signage, Media Articles, Advertising</td>
<td>No ability to influence the decision.</td>
<td>Related to health and safety of community, or immediate risk. Project is part of a prescribed legislation. No alternatives are provided. Routine works or a short term disruption for repair or maintenance.</td>
<td>Low – simple information easily understood.</td>
<td>Repair to a public road, footpath or bike path. Removal of a tree that has been damaged in a storm. Information about a service changes (bin times, payment of rates). Promotion of an event. Community education campaigns.</td>
</tr>
<tr>
<td><strong>Consult:</strong> Survey (online or phone), Submission (person or online)</td>
<td>Low level of influence, usually a requirement for feedback or more information by Council.</td>
<td>Development of a minor strategy or policy. Minor service change. Project is part of a prescribed legislation. Legislative requirement to engage as part of the project formation.</td>
<td>Low – simple information and few outcome variations.</td>
<td>Council Plan and Annual Budget, Upgrading or installing footpaths in-line with Council Policy, Planning scheme amendment.</td>
</tr>
<tr>
<td><strong>Involve:</strong> Interviews, Workshops, Focus Groups</td>
<td>Moderate level of influence, Council and community benefit from an exchange in information.</td>
<td>Development of a major strategy or policy. Change to a service delivery area or use of an asset. Minor service change.</td>
<td>Moderate – complex information, few outcome variations.</td>
<td>Open Space Strategy Improvements to a Bayside wide service e.g. Library Services, Upgrade of district or regional facility (playgrounds, pavilions).</td>
</tr>
<tr>
<td><strong>Collaborate:</strong> Steering, reference or project control groups, Citizens Juries</td>
<td>Moderate level of influence, decision making still lies with Council. There are greater opportunities to influence the project through a planned and longer consultation process.</td>
<td>High level policy and strategy with implications for other Council work. Removal of a major service or major change. Change to a service delivery area or use of an asset.</td>
<td>Moderate – complex information and multiple outcome variations.</td>
<td>Bayside Community Plan 2025, Masterplan and Structure Plans, Bayside Healthy Ageing Reference Group.</td>
</tr>
<tr>
<td><strong>Empower:</strong> Section 86 Committees, Citizens Juries, Democratic voting</td>
<td>High level of influence decision making is placed in the hands of the public.</td>
<td>Widespread impact, requiring a municipal wide (representative) involvement.</td>
<td>Low or moderate complexity. Few or multiple outcome variations.</td>
<td>Matters formally delegated by Council through Section 86 Committee, Election of Councillors every four years.</td>
</tr>
</tbody>
</table>
2.3 Supporting participation

Effective community engagement requires careful planning and consideration of the stakeholders involved and the type of project being consulted on. It also requires adequate notification and opportunities to participate.

Council will use a variety of channels to inform the community about Council engagement activities and to encourage active participation in these processes. It will promote engagement projects for a minimum of two weeks before a project commences. The community will be kept informed about Council engagement activities through a variety of including Bayside Leader newspaper and Council’s communications channels:

- Let’s Talk Bayside
- Website and Have Your Say
- Facebook.

Regardless of the level of consultation, Council will use a variety of community engagement techniques to maximise opportunities for participation. Refer to Appendix 1 to view a list of typical engagement techniques use by Bayside City Council.

2.4 Providing feedback to participants and the community

Council recognises that providing feedback to participants is important in respecting the partnership and maintaining ongoing engagement with the community. Those who participate in a Council consultation process and provide contact details will be advised when the item will be discussed at Council (where relevant) and/or the outcome.

Community feedback received from large Council engagement processes will be presented to Council as part of the monthly Council Ordinary meetings. These meetings are open to the public and are live streamed from the website. Decisions are recorded in Council minutes. Council information and minutes are published on Council’s website.

The feedback will generally include the decision, the process followed and the reasons for the decision.

2.5
The following table outlines the typical engagement tools and techniques Council uses to inform its decision making. This information has been taken from the International Association for Public Participation. As outlined previously often more than one technique is used to attract interest and response.

The table also outlines strengths and weaknesses of each technique. Results obtained through engagement activities must be balanced against the relative strengths and weaknesses of both the methodology and the technique used.

<table>
<thead>
<tr>
<th>Technique</th>
<th>Description</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys and questionnaires</td>
<td>A random sample of the population contacted by telephone or post to obtain specific information.</td>
<td>• Provides statistically valid quantitative data.</td>
<td>• Many people dislike the invasiveness of phone calls to their home.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• May capture those people who do not attend meetings.</td>
<td>• Limited capacity to explore complex issues.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Participants may find it a more comfortable way to share their thoughts.</td>
<td>• Expensive to ensure statistically valid results.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Can get lost in the junk mail / people screen calls.</td>
</tr>
<tr>
<td>Community meetings or forums</td>
<td>Formal meetings often with presentations.</td>
<td>• Provides participants with the opportunity to listen and discuss ideas.</td>
<td>• Requires good facilitation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Opportunity to hear a range of views.</td>
<td>• Can be difficult to get people to attend unless the issue is of major interest.</td>
</tr>
<tr>
<td>Focus groups and workshops</td>
<td>Groups of between five and 20 people to obtain input.</td>
<td>• Works well for selected target audience.</td>
<td>• Needs a skilled facilitator to avoid domination.</td>
</tr>
<tr>
<td></td>
<td>Participants learn about the issue and participate in discussion.</td>
<td>• Guarantees a range of opinions.</td>
<td>• Many people are not comfortable speaking out in front of others.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Can explore issues in depth.</td>
<td>• Timing may discourage participation.</td>
</tr>
<tr>
<td>Consulting with existing community groups</td>
<td>Small meetings or can be in conjunction with another event.</td>
<td>• Opportunity to engage in-depth discussions in a comfortable space.</td>
<td>• Can be narrowly focused.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Access to existing networks.</td>
<td>• Special interest groups can be confrontational.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Can be used to clarify expectations.</td>
<td>• Depends on the extent of networks and relationships.</td>
</tr>
<tr>
<td>Technique</td>
<td>Description</td>
<td>Advantages</td>
<td>Disadvantages</td>
</tr>
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<td>-----------------</td>
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<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Information</strong></td>
<td>Council stand located in a popular community meeting space (shopping strip, library or school). Often pop up and capture people going about their business.</td>
<td>▪ Speak to people in their daily life.</td>
<td>▪ Often located in busy and noisy locations.</td>
</tr>
<tr>
<td><strong>Posts</strong></td>
<td></td>
<td>▪ If located near the project, can be a good opportunity to talk to the project specifically.</td>
<td>▪ Difficult to speak to people for more than 10 minutes as they go about their business.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>▪ May reach hard to reach groups.</td>
<td>▪ Unplanned nature often means participants haven't considered the subject matter.</td>
</tr>
<tr>
<td><strong>Online</strong></td>
<td>Internet-based websites seeking input such as Have Your Say.</td>
<td>▪ May attract people who do not attend meetings.</td>
<td>▪ Unable to control geographical response.</td>
</tr>
<tr>
<td><strong>engagement</strong></td>
<td></td>
<td>▪ Allows input from a wider range of the community.</td>
<td>▪ Only accessible to those with the internet.</td>
</tr>
</tbody>
</table>

3 Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Community Engagement and Stakeholder Policy 2017: DOC/17/101166</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process</td>
<td>Promapp link</td>
</tr>
<tr>
<td>Strategies</td>
<td>Council Plan 2021</td>
</tr>
<tr>
<td></td>
<td>Wellbeing for All Ages and Abilities Plan</td>
</tr>
<tr>
<td></td>
<td>Bayside Community Plan 2025</td>
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</tbody>
</table>

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

Purpose and background
At its 25 July 2017 Ordinary Meeting, Council adopted the Council Strategy and Policy Review Program 2017-2021. The report identified that the Alcohol Harm Minimisation Policy (2013) (Attachment 2) would be rescinded as the Wellbeing for All Ages and Abilities Strategy (2017-2021) (WAAA) would provide sufficient guidance in this area. A review of the Alcohol Harm Minimisation Policy (the Policy) against the WAAA has shown that the Policy is needed. A policy provides guidance on what is acceptable to Council when assessing applications for liquor licenses. Without a policy there is no criteria against which to make an assessment. The harm minimisation framework has been developed as a basis for Council’s decision making.

Key issues

Alcohol Harm Minimisation Policy intent
The Policy is intended to guide Council’s decision making with regard to alcohol and alcohol related issues within the municipality, consistent with other legislative requirements. Decisions may include: trading hours for licenced venues; locations of licenced venues; and landlord consent for organisations utilising Council facilities and applying for a liquor licence.

The purpose of the Policy is to minimise harm associated with the misuse of alcohol in Bayside and thereby enhance community health and wellbeing, local amenity and community safety. The Policy is based on the principles of harm minimisation which encompass:

- Supply reduction – including controlling and managing availability of liquor licences and conditions such as trading hours;
- Demand reduction – including preventing or delaying drinking by young people, and community education programs about risks associated with inappropriate use; and
- Harm reduction – including reducing the impact on individuals, families and communities through treatment, social programs, and addressing community safety and amenity issues.

The Policy is supported by the WAAA specifically through Objective 3.2 Reduce consumption of alcohol and other drugs. The WAAA action plans will outline activities to meet the Policy objectives, particularly in demand reduction and harm reduction.

Future approach to alcohol harm minimisation
The Alcohol Harm Minimisation Policy (2017) (Attachment 1) has been reviewed in collaboration with relevant departments across Council and has been deemed to be required and valid. The criteria supporting the Policy, outlined in tables 4.1, 4.2 and 4.3 in the Policy (Attachment 1) has also been reviewed and is considered current.

In addition to layout improvements, the Policy has been updated with minor changes:
• Introduction of junior sporting training as an area where Council does not support the consumption of alcohol;
• Introduction of landlord consent criteria ensuring licence trading hours are in line with lease arrangements or allocated pavilion use (although may be significantly less);
• Removal of landlord consent criteria referring to alcohol consumption on public space between sunrise and sunset. This has been replaced with trading hours being aligned with the primary use of the venue; and
• Removal of reference to procedures, these have not been developed and are not required. The process will be outlined on Council’s Promapp software.

Recommendation
That Council adopts the Alcohol Harm Minimisation Policy (2017) which replaces the Alcohol Harm Minimisation Policy (2013).

Support Attachments
1. Attachment 1 - Alcohol Harm Minimisation Policy (2017)
2. Attachment 2 - Alcohol Harm Minimisation Policy (2013)

Considerations and implications of recommendation

Liveable community

Social
This policy recognises that alcohol has a role within society. Moderate consumption of alcohol involves minimal health risks. Consumption of alcohol occurs in a wide range of social and cultural settings including celebrations and community events. Excessive alcohol consumption is a major health risk factor and a cause of preventable death and illness. Alcohol misuse has impacts not only on the consumer but other members of the community.

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

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

Customer Service and Community Engagement
Community consultation was not undertaken as part of the Policy review due to recent consultation on health and wellbeing (including harms from alcohol) being conducted through the development of the WAAA.

The Action Plans of the WAAA will outline programs and activities to address Objective 3.2 Reduce consumption of alcohol and other drugs. Activities will be developed in partnership with health and wellbeing services and the community will be consulted in accordance with the Community and Stakeholder Engagement Policy (2014).
**Human Rights**

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

**Legal**

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

**Finance**

There are no financial implications associated with the recommendation included in this report.

**Links to Council policy and strategy**

The Policy relates to the:

- Wellbeing for All Ages and Abilities Strategy (2017-2021) specifically, Objective 3.2 ‘Reduce consumption of alcohol and other drugs’;
- Council Plan (2017-2021) specifically, Goal 7 ‘Community health and participation’; and
- Bayside Planning Scheme (2017) specifically, clause 52.27 ‘Licenced Premises’.

The recommendation is to adopt the Alcohol Harm Minimisation Policy as it directly contributes to the achievement of the above strategies.
Council Policy

Council policy title: Alcohol Harm Minimisation Policy
Council policy ref no: C/POULCMS/035
Council policy owner: Director Environment, Recreation and Infrastructure
Adopted by: Bayside City Council
Date adopted: 19 December 2017
Scheduled review: December 2021

(Council Policy is a public statement formally resolved by Council, which clearly states Council’s requirements in relation to a particular matter or issue. For Council policy approval process see Section 10 and Appendix 1 of the Policy Handbook.)

1. Policy intent
The policy is intended to guide Council’s decision making with regard to alcohol and alcohol-related issues in the municipality, consistent with other legislative requirements.

2. Policy purpose
The purpose of the policy is to contribute to minimising harms associated with the misuse of alcohol in Bayside and thereby to enhance community health and wellbeing, local amenity and community safety.

3. Scope
The policy will operate in conjunction with statutory requirements of the Liquor Control Reform Act 1998 (Vic), Planning and Environment Act 1987 (Vic), Bayside Planning Scheme, Local Government Act 1989 (Vic), Food Act 1984 (Vic), Bayside Consolidated Local Law No 2, and the Public Health and Wellbeing Act 2008 (Vic). It will support certain processes that exist under current legislation and provide guidance on decision making in relation to the use of alcohol in Bayside including consideration of:

- Requests to Council for permission to apply for liquor licenses on Council land.
- Applications for liquor licences provided to Council by the Victorian Commission of Gambling and Liquor Regulation (VCGLR) for comment.
- Instances where permit applications should be referred for social assessment or further analysis.
- Council programs promoting responsible alcohol use.
- Amenity issues related to alcohol dealt with under the Bayside Consolidated Local Law No 2.
- Provision and promotion of alcohol at Council managed or sponsored events.
- Any future development of planning scheme policy regarding alcohol use, if required.

This policy will not apply to Council human resource management issues which are covered by separate processes.

Version 2
December 2017
4. Policy statement
This policy recognises that alcohol has a role within society; however, excessive alcohol consumption can lead to preventable harms.

Moderate consumption of alcohol involves minimal health risks. Consumption of alcohol occurs in a wide range of social and cultural occasions including celebrations and community events. Alcohol production and consumption has an economic impact as it generates revenue for manufacturers, advertisers and sellers, including local business and sporting clubs and leads to employment in the hospitality and tourism sector.

Excessive alcohol consumption is a major health risk factor and a cause of preventable death and illness. Alcohol misuse has impacts not only on the drinker but other members of the community. This impact ranges from nuisance experienced through noise and vandalism, through to injury and deaths as a result of drink driving and assaults.

This policy is based on the principle of harm minimisation, consistent with the objectives of the Liquor Control Reform Act 1998 (Vic) and with Objective 3.2 ‘Reduce consumption of alcohol and other drugs’ with Council’s Wellbeing for All Ages and Abilities Strategy (2017-2021).

Harm minimisation encompasses interventions, programs and policies that seek to reduce the health, social and economic harms of alcohol misuse to individuals, communities and societies through taking action in the following three areas.

- **Supply reduction** – including controlling and managing availability of liquor licences and conditions such as trading hours.
- **Demand reduction** – including preventing or delaying drinking by young people, and community education programs about risks associated with inappropriate use.
- **Harm reduction** – including reducing the impact on individuals, families and communities through treatment, social programs, and addressing community safety and amenity issues.

Council will apply the principles of harm minimisation to guide decisions in regards to alcohol consistent with evidence by relevant health and government agencies.

Tables 4.1, 4.2 and 4.3 below identify the harm minimisation framework through which Council will base decision making and referrals for social assessment or further analysis under associated procedures.
### 4.1. Supply Reduction

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<th>Issue</th>
<th>Approach (in addition to the provisions of clause 52.27 of the Bayside Planning Scheme)</th>
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</table>
| Trading hours                | Council will seek to achieve trading hours of alcohol outlets to ensure minimal impact on neighbourhood amenity and alcohol related harms. Evidence indicates that the risk of increased harms can be associated with venues that trade after:  
  - 11pm in residential areas;  
  - 1am in all areas; and  
  - 11pm for packaged liquor outlets. |
| Outlet density – cumulative impact | Council will seek to minimise the negative cumulative impact that can arise from clustering of outlets and the associated impact on the surrounding area and alcohol related harms. Locations at risk of harms associated with cumulative impact have been identified as:  
  - Three or more licensed venues within a radius of 100 metres;  
  - 15 or more licensed venues within a radius of 500 metres; or  
  - 8 or more pre-packaged liquor stores within a one kilometre network distance. |
| Venues and locations         | Council will seek to ensure that venue characteristics and locations are appropriate in relation to identified risks of harms. Higher risk characteristics and locations include:  
  - Fewer seats than patrons, resulting in “vertical drinking”  
  - Venues that change in nature over the course of a day; without clarity in licence type, such as restaurants which, as the evening progresses, may exhibit the features of a bar; and  
  - Inadequate access to public transport, particularly around closing times. |
| Landlord (Council) consent   | Council has particular responsibility regarding the use of Council buildings and land and will seek to minimise any negative impacts arising from alcohol use in Council owned or managed facilities. Any person or organisation utilising Council facilities or land must obtain Council consent prior to applying for a liquor licence through the VCGLR. This requirement and any associated constraints will be specified in the lease or other occupancy agreement. When responding to a request for landlord consent to permit a Council tenant/occupant to apply for a liquor licence, Council will |
consider:

- The manner and level of alcohol supply and consumption is consistent with the type of liquor licence.
- The trading hours and other licence conditions are appropriate in relation to the primary activities of the tenant, venue characteristics and location of the licensed premises.
- Trading hours are no more than the hours stipulated within the lease arrangement or allocated pavilion use. Trading hours may be significantly less to reflect the primary use of the venue.
- Alcohol should not be consumed in or around sporting facilities associated with junior sporting training and competition.
- The appropriate accreditation level of the applicant for the responsible serving of alcohol and participation in responsible drinking initiatives such as Good Sports Program.
- Tenancy history of the applicant including absence of liquor licence or tenancy breaches.
- Potential impact on surrounding land use and residential amenity.

In assessing requests for landlord consent, Council will also recognise that the appropriate and responsible sale and consumption of alcohol may enhance social connection and the financial sustainability of local sporting clubs and organisations.

### 4.2. Demand Reduction

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<td>Education</td>
<td>Council will work in partnership with regulatory bodies, schools, health agencies, community clubs and organisations to inform and educate the community, particularly young people and their parents, about the harms associated with alcohol misuse.</td>
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<tr>
<td>Marketing and sponsorship</td>
<td>Council will seek a balanced and responsible approach to the marketing of alcohol and will:</td>
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<td>- Discourage alcohol advertising and sponsorship during sporting and community events which target children and young people; and</td>
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<td></td>
<td>- Ensure that adequate responsible drinking messages are promoted during Council events at which alcohol is present.</td>
</tr>
<tr>
<td>Alcohol free events</td>
<td>Council will continue to provide, encourage or support community events</td>
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</tbody>
</table>
events that are drug, alcohol and smoke free.

**Role modelling**

Council will support Bayside schools, clubs and other Bayside applicants for temporary liquor licences for the responsible serving of alcohol (for instance during school fetes).

Council will lead by example in the responsible serving of alcohol by ensuring that the policy principles are used to guide decisions regarding alcohol use associated with civic functions and events.

### 4.3. Harm Reduction

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| Responsible serving of alcohol | Council strongly supports the VCGLR’s requirement that all relevant persons and organisations that serve or supply alcohol have completed the Responsible Serving of Alcohol course. Where appropriate, Council will require a liquor licence applicant to be registered with a responsible drinking initiative, such as:  
  - Victoria Police Party Safe Program for parties requiring Council approval; and/or  
  - The Good Sports Program for sporting clubs operating on Council land. |
| Neighbourhood amenity      | Council will monitor the effectiveness of Local Law No 2 'Neighbourhood Amenities' regarding the misuse of alcohol in municipal places.          |
| Alcohol free zones         | Council may consider the establishment and maintenance of 'Alcohol Free Zones' as part of managing public safety in areas of risk.            |

Council will encourage applicants for liquor licences, events or other activities involving alcohol in Bayside, to show regard for these alcohol harm minimisation principles when developing proposals for Council’s consideration.

### 4.4. Advocacy

Council will advocate to other levels of government and relevant organisations, as appropriate, for policy settings and initiatives that support the achievement of harm minimisation consistent with this policy, including research, data collection and publication of information that enables ongoing monitoring and review of the impact of alcohol access, sales and consumption on the community.

### 5. Monitoring, evaluation & review

The effectiveness of the Alcohol Harm Minimisation Policy will be reviewed by the Manager Open Space, Recreation and Wellbeing, with input from all departments involved in its
implementation and from community stakeholders. Information on licence applications, decisions and relevant health and social impact assessments will be maintained in Council’s record management system. Liquor outlet density will be monitored using data from the VCGLR. The impact of alcohol on the Bayside community will be monitored in conjunction with the implementation and evaluation of the Wellbeing for All Ages and Abilities Strategy (2017-2021).

6. Roles & Responsibilities
The Manager Open Space, Recreation and Wellbeing will be responsible for ensuring the review and evaluation of the policy and the Community Wellbeing Coordinator will provide advice on the policy. Implementation of the policy will be the responsibility of various Council departments including Statutory Planning, Amenity Protection, Commercial Services and Open Space, Recreation and Wellbeing.

7. Related documents

<table>
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<tr>
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<td>Leasing Policy 2008</td>
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<td>Wellbeing for All Ages and Abilities Strategy 2017-2021</td>
</tr>
<tr>
<td>Other</td>
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8. Definitions & Abbreviations

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<td>Cumulative Impact</td>
<td>Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use.</td>
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<tr>
<td>Landlord consent</td>
<td>The approval required from the landlord to the tenant that will permit the applicant to apply for a liquor licence and/or planning permit.</td>
</tr>
<tr>
<td>Outlet density</td>
<td>The number of liquor licenses existing within an established geographic area.</td>
</tr>
<tr>
<td>VCGLR</td>
<td>Victorian Commission of Gambling and Liquor Regulation</td>
</tr>
<tr>
<td>Vertical Drinking</td>
<td>Licensed premises which have few chairs, shelves or other furniture for the use of patrons. As a result patrons are forced to stand (drinking vertically) and hold their drink in their hands.</td>
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Please note: This policy is current as at the date of approval. Refer to Council’s website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) or staff intranet to ensure this is the latest version.
1. Policy intent
The policy is intended to guide Council’s decision making with regard to alcohol and alcohol-related issues in the municipality, consistent with other legislative requirements.

2. Purpose/Objective
The purpose of the policy is to contribute to minimising harms associated with the misuse of alcohol in Bayside and thereby to enhance community health and wellbeing, local amenity and community safety.

3. Scope
The policy will operate in conjunction with statutory requirements of the Liquor Control Reform Act 1998 (Vic), Planning and Environment Act 1987 (Vic), Bayside Planning Scheme, Local Government Act 1989 (Vic), Food Act 1984 (Vic), Bayside Consolidated Local Law No 2, and the Public Health and Wellbeing Act 2008 (Vic). It will support certain processes that exist under current legislation and provide guidance on decision making in relation to the use of alcohol in Bayside including consideration of:

- Requests to Council for permission to apply for liquor licenses on Council land.
- Applications for liquor licences provided to Council by the Victorian Commission of Gambling and Liquor Regulation (VCGLR) for comment.
- Instances where permit applications should be referred for social assessment or further analysis.
- Council programs and services, for example, the promotion of responsible alcohol use through youth services initiatives.
- Amenity issues related to alcohol dealt with under the Bayside Consolidated Local Law No 2.
- Provision and promotion of alcohol at Council managed or sponsored events.
- Any future development of planning scheme policy regarding alcohol use, if required.
This policy will not apply to Council human resource management issues which are covered by separate processes.

4. Roles & Responsibilities
The Director Community Services will be responsible for ensuring the review and evaluation of the policy and Coordinator of the Policy and Planning unit will provide advice on the policy. Implementation of the policy will be the responsibility of various Council departments including Statutory Planning, Amenity Protection, Commercial Services and Youth, Recreation and Events, and Policy and Planning Unit as specified in supporting procedures.

5. Monitoring, evaluation & review
The effectiveness of the Alcohol Harm Minimisation Policy will be reviewed by the Policy and Planning unit, with input from all departments involved in its implementation and from community stakeholders. Information on licence applications, decisions and relevant health and social impact assessments will be maintained in Council’s record management system. Liquor outlet density will be monitored using data from the VCGLR. The impact of alcohol on the Bayside community will be monitored in conjunction with the preparation, implementation and evaluation of the Municipal Public Health and Wellbeing Plan.

6. Policy statement
This policy recognises that alcohol has a role within society; however, excessive alcohol consumption can lead to preventable harms.

Moderate consumption of alcohol involves minimal health risks. Consumption of alcohol occurs in a wide range of social and cultural occasions including celebrations and community events. Alcohol is important to our economy as it generates revenue for manufacturers, advertisers and sellers, including local business and sporting clubs and leads to employment in the hospitality and tourism sector.

Excessive alcohol consumption is a major health risk factor and a cause of preventable death and illness. Alcohol misuse has impacts not only on the drinker but other members of the community. This impact ranges from nuisance experienced through noise and vandalism, through to injury and deaths caused by drink driving, assaults and domestic violence.

This policy is based on the principle of harm minimisation, consistent with the objectives of the Liquor Control Reform Act 1998 (Vic) and with Priority 5 ‘Safe environments for all’ of Council’s Health and Wellbeing Plan 2009-2013.

Harm minimisation encompasses interventions, programs and policies that seek to reduce the health, social and economic harms of alcohol misuse to individuals, communities and societies through taking action in the following three areas.

- **Supply reduction** – including controlling and managing availability of liquor licences and conditions such as trading hours.
- **Demand reduction** – including preventing or delaying drinking by young people, and community education programs about risks associated with inappropriate use.
• **Harm reduction** – including reducing the impact on individuals, families and communities through treatment, social programs, and addressing community safety and amenity issues.

Council will apply the principles of harm minimisation to guide decisions and procedures in regards to alcohol consistent with evidence summarised in the *Bayside Alcohol Policy Background Issues Paper August 2012* and subsequent research published by relevant health and government agencies.

Tables 6.1, 6.2 and 6.3 below identify the harm minimisation framework through which Council will base decision making and referrals for social assessment or further analysis under associated procedures.

### 6.1 Supply Reduction

<table>
<thead>
<tr>
<th>Issue</th>
<th>Approach (in addition to the provisions of clause 52.27 of the Bayside Planning Scheme)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.1.1 Trading hours</strong></td>
<td>Council will seek to achieve appropriate trading hours of alcohol outlets to ensure minimal impact on neighbourhood amenity and alcohol related harms.</td>
</tr>
<tr>
<td></td>
<td>Evidence indicates that the risk of increased harms can be associated with venues that trade after:</td>
</tr>
<tr>
<td></td>
<td>• 11pm in residential areas</td>
</tr>
<tr>
<td></td>
<td>• 1am in all areas</td>
</tr>
<tr>
<td><strong>6.1.2 Outlet density – cumulative impact</strong></td>
<td>Council will seek to minimise the negative cumulative impact that can arise from clustering of outlets and the associated impact on the surrounding area and alcohol related harms.</td>
</tr>
<tr>
<td></td>
<td>Locations at risk of harms associated with cumulative impact have been identified as:</td>
</tr>
<tr>
<td></td>
<td>• Three or more licensed venues within a radius of 100 metres</td>
</tr>
<tr>
<td></td>
<td>• 15 or more licensed venues within a radius of 500 metres</td>
</tr>
<tr>
<td></td>
<td>• 8 or more pre-packaged liquor stores within a one kilometre network distance.</td>
</tr>
<tr>
<td><strong>6.1.3 Venues and locations</strong></td>
<td>Council will seek to ensure that venue characteristics and locations are appropriate in relation to identified risks of harms.</td>
</tr>
<tr>
<td></td>
<td>Evidence suggests that higher risk characteristics include:</td>
</tr>
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<td></td>
<td>• Fewer seats than patrons, resulting in “vertical drinking”</td>
</tr>
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<td></td>
<td>• Venues that change in nature over the course of a day without clarity in licence type, such as restaurants which, as the evening progresses, may exhibit the features of a bar</td>
</tr>
<tr>
<td></td>
<td>• Inadequate access to public transport, particularly around closing times.</td>
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</table>
6.1.4 Landlord (Council) consent

Council has particular responsibility regarding the use of Council buildings and land and will to seek to minimise any negative impacts arising from alcohol use in Council owned or managed facilities.

Any person or organisation utilising Council facilities or land must obtain Council consent prior to applying for a liquor licence through the VCGLR. This requirement and any associated constraints will be specified in the lease or other occupancy agreement.

When responding to a request for landlord consent to permit a Council tenant/ occupant to apply for a liquor licence, Council will consider:

- The manner and level of alcohol supply and consumption is consistent with the type of liquor licence.
- The trading hours and other licence conditions are appropriate in relation to the primary activities of the tenant, venue characteristics and location of the licensed premises.
- Alcohol consumption should not be associated with junior sporting competition.
- The supply of alcohol from the licensed area for consumption on public open space (e.g. spectators at a sportsground) be between sunrise and sunset (consistent with Local Law No 2).
- The appropriate accreditation level of the applicant for the responsible serving of alcohol and participation in responsible drinking initiatives such as Good Sports Program.
- Tenancy history of the applicant including absence of liquor licence or tenancy breaches.
- Potential impact on surrounding land use and residential amenity.

In assessing requests for landlord consent, Council will also recognise that the appropriate and responsible sale and consumption of alcohol may enhance social connection and the financial sustainability of local sporting clubs and organisations.

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6.2 Demand Reduction

<table>
<thead>
<tr>
<th>Issue</th>
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</tr>
</thead>
<tbody>
<tr>
<td>6.2.1 Education</td>
<td>Council will work in partnership with regulatory bodies, schools, health agencies, community clubs and organisations to inform and educate the community, particularly young people and their parents, about the harms associated with alcohol misuse.</td>
</tr>
</tbody>
</table>
6.2.2 Marketing and sponsorship
Council will seek a balanced and responsible approach to the marketing of alcohol and will:
- Discourage alcohol advertising and sponsorship during sporting and community events which target children and young people and
- Ensure that adequate responsible drinking messages are promoted during Council events at which alcohol is present.

6.2.3 Alcohol free events
Council will continue to provide, encourage or support community events that are drug, alcohol and smoke free.

6.2.4 Role modelling
Council will encourage and support Bayside schools, clubs and other Bayside applicants for temporary liquor licences to serve alcohol responsibly (for instance during school fetes).

Council will lead by example in the responsible serving of alcohol by ensuring that the policy principles are used to guide decisions regarding alcohol use with civic functions and events.

6.3 Harm Reduction

<table>
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</table>
| 6.3.1 Responsible serving of alcohol | Council strongly supports the VCGLR’s requirement that all relevant persons and organisations that serve or supply alcohol have completed the Responsible Serving of Alcohol course. Where appropriate, Council will require a liquor licence applicant to be registered with a responsible drinking initiative, such as:  
  - Victoria Police Party Safe Program for parties requiring Council approval  
  - The Good Sports Program for sporting clubs operating on Council land |
| 6.3.2 Neighbourhood amenity | Council will monitor the effectiveness of Local Law No 2 ‘Neighbourhood Amenity’ regarding the misuse of alcohol in municipal places. |
| 6.3.3 Alcohol free zones  | Council may consider the establishment and maintenance of ‘Alcohol Free Zones’ as part of managing public safety in areas of risk.             |

Council will encourage applicants for liquor licences, events or other activities involving alcohol in Bayside, to show regard for these alcohol harm minimisation principles when developing proposals for Council’s consideration.
6.4 Advocacy
Council will advocate to other levels of government and relevant organisations, as appropriate, for policy settings and initiatives that support the achievement of harm minimisation consistent with this policy, including research, data collection and publication of information that enables ongoing monitoring and review of the impact of alcohol access, sales and consumption on the community.

6.5 Procedures
Procedures will be developed, consistent with this policy, to guide Council’s decision making in regards to the use of alcohol. It is intended that these procedures will cover the key areas of:

- liquor licence applications requiring social and health impact assessment
- applications for Council consent as landlord
- referrals from the VCGLR
- sponsorship and messaging at events within Bayside
- responding to concerns with liquor licences.

7. Related documents

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<td>Youth Strategy 2010-2013</td>
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<tr>
<td>Procedures</td>
<td>Procedures to be developed (see section 6.4)</td>
</tr>
<tr>
<td>Other</td>
<td>Alcohol Beverages Advertising (and Packaging) Code</td>
</tr>
<tr>
<td></td>
<td>Bayside City Council Alcohol Harm Minimisation Background Paper 2012</td>
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Executive summary

Purpose and background
To present the Domestic Animal Management Plan (DAMP) 2017-2021 for adoption.

The DAMP provides the framework for the planning, development, and evaluation of animal management services and programs delivered by Council and needs to comply with the requirements of the Domestic Animals Act 1994 (the “Act”).

With a focus on the strategic needs of the community, the DAMP includes a strategic vision that focuses on:
1. Health Wellbeing & Safety of the Community
2. Welfare of Pets
3. Responsible Pet Ownership
The DAMP is provided as Attachment 1.

Key issues

Consultation
Extensive Community and stakeholder research to understand the needs and opinions regarding domestic animal management across Bayside was undertaken in the development of the DAMP. Council held a month long consultative process on the DAMP using a variety of techniques.

Council received 153 submissions. A summary of the responses (including Officer’s comments) is provided as Attachment 2.

Respondents were generally supportive of the direction being taken in the DAMP and the strategic vision and initiatives. The comments were typically in relation to the detail of operational activities, for example:

- The frequency of after hour Local Law patrols;
- Increased information on aspects such as barking dog management;
- Enhancing the pet expo to increase visitor numbers; and
- Changing of registration tags.

The actions identified in the DAMP are considered by officers to address the majority of the feedback, with the draft DAMP being amended to include:

- Section 3.2.2: Develop a ‘Welcome Pack’ for residents registering a pet;
- Section 3.3.2: Introduce “pop up” stands at local shopping precincts for the purposes of community engagement, education and to promote and increase pet registration and the importance of microchipping;
- A range of editorial amendments; and
- Clarification that issues such as sports ground gate management and wildlife/environment protection strategies are outside the scope of the DAMP.
While the issue of gates on sports grounds is outside the scope of the DAMP, there were several submissions that highlighted the value some dog owners place on having access to a gated environment for their pets. As a result, the DAMP proposes to “undertake a feasibility study to assess the practicality of an additional secured dog off-leash area to enable a learning and testing environment for effective control”.

It is important to note that where feedback addressed operational detail, this will be addressed by officers in the implementation of the DAMP. It is not appropriate to provide this operational detail in the DAMP itself.

The attached DAMP is undergoing final editorial and design review.

**Recommendation**

That Council:

1. Adopts the Domestic Animal Management Plan 2017-2021, provided as Attachment 1; and

**Support Attachments**

2. Feedback: Domestic Animal Management Plan 2017-21 ⇩

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The strategic vision of the DAMP recognises that pets are an important part of the Bayside community and bring significant health and wellbeing and social benefits to owners.

**Natural Environment**

There are no direct Natural Environment implications as a result of this report.

**Built Environment**

There are no direct Built Environment implications as a result of this report.
Customer Service and Community Engagement

The DAMP was released for public consultation from 16 October to 16 November 2017, with the following campaigns being implemented to encourage input:

- Articles on Council’s website, social media platforms and in the local newspaper;
- Contacting Domestic Animal Businesses within Bayside, the Lost Dogs Home and RSPCA;
- Meeting with specific advocacy groups such as the Bayside Dog Alliance; and
- Animal Management Officers speaking with local animal owners as part of their regular patrols.

Council sought feedback on the following seven key areas of the DAMP:
1. Animal Management officer training and development;
2. Encouraging responsible pet ownership through community education;
3. Registration and identification;
4. Compliance and enforcement;
5. Domestic Animal Businesses;
6. Managing dangerous, menacing and restricted dog breeds; and
7. Over population and euthanasia.

Human Rights

Consideration of legal and social responsibilities have been considered in the development of this DAMP. The DAMP acknowledges that there are individual benefits of pet ownership as well as responsibilities to protect animals from neglect and cruelty, and to protect the community from animals becoming a nuisance or danger.

Legal

Pursuant to Section 68A of the Domestic Animals Act 1994, Council must prepare at 4 year intervals a domestic animal management plan. The proposed DAMP meets the requirements set by the Act, as well as outlines the programs, services and strategies that Council intends to pursue in relation to domestic animal management issues.

Finance

There are no direct financial implications as a result of this report. Future initiatives requiring new or additional funding will be considered as part of the annual budget process.

Links to Council policy and strategy

Key considerations when aligning the DAMP with other Council strategies included the:
1. Community Plan: Encourage and support people to lead healthier lives.
3. Recreation Strategy: Contribution of pets to an active lifestyle.
4. Ageing Well in Bayside: Keeping older adults in their home and active.
5. Open Space Strategy: Accommodating dog walking and exercise within open space.
Feedback
Draft Domestic Animal Management Plan 2017-21

1. Animal Management Officer training and development

Feedback received primarily focused on Council officers being responsive and proactive in resolving animal behaviour issues. Comments included:

a) Training in dispute management, ability to calmly and efficiently resolve problems, certification in companion animal services;

b) Positive engagement, able to educate the benefits of compliance and animal training advice;

c) Additional staff required; and

d) Council being able to successfully evaluate training provided.

Officer Comments

The current and future actions as identified in the DAMP address the above points. It is important to note that modules contained within the Certificate IV program address managing conflict and conducting awareness programs. Certification for dealing with companion animals is more targeted toward Domestic Animal Businesses and is not considered beneficial for animal management officers. Establishing a detailed customer satisfaction survey will contribute to evaluating the success of customer service and officer training.

2. Encouraging responsible pet ownership through community education

Feedback received acknowledged that education is a positive and much required initiative and that pet owners are generally doing the right thing. Focus areas for education include dog off-leash, picking up dog litter and cat curfew. It was also generally accepted that fines are an important factor in seeking compliance and should be applied in extreme and repeated circumstances. Comments included:

a) Increasing after-hour patrols, visibility and presence;

b) Engagement Programs and information to be delivered through pet registration process;

c) Increase in digital content including the provision of a dedicated facebook page, educational links and videos, online access to information including the use of Chat bot and reporting nuisance online;

d) More detailed information on fines;

e) More information on barking dogs;

f) Education to contribute to the benefit of non-pet owners;

g) Increase in public bins and pooch pouch availability;

h) Stakeholder education, collaboration with schools and dog obedience trainers/behaviour specialist, promote animal trainer information;
i) Focus on repeat offenders education; and

j) Introduction of a ‘Welcome Pack’ for residents registering a pet.

**Officer Comments**

The current and future actions as identified in the DAMP address the above points. Section 3.2.2 focuses on opportunities to provide cat curfew and barking dog education whilst section 3.2.4 focuses on digital opportunities for pet education for all persons.

The DAMP demonstrates the current activities in terms of active patrolling, however community feedback received has focused on a greater need for after hour patrols. Council acknowledges the feedback received and will address opportunities to expand any current after hour patrols in line with appropriate employment principles.

It is acknowledged that although the DAMP seeks to work with dog trainers under section 3.4.2, the Department of Economic Development, Jobs, Transport and Resources currently collaborates with schools across Victoria providing a program which educates children from ages 4-12 on living safely with dogs and responsible pet ownership.

It is important to consider the inclusion of a ‘Welcome Pack’ for first time pet registrations. Provision has also been included under Section 3.2.2.

### 3. Registration and identification

Overall feedback indicates support and recognition for the requirement to register pets, particularly when reuniting lost pets with their owners. Council received various suggestions in managing the registration process including the following:

a) Cheaper, alternate fee structure, consideration of pet age;

b) Lost and found Facebook page;

c) Colour coded registration tags identifying social personalities;

d) SMS reminders, communication;

e) New registration tags at no cost, change material registration tag, lifetime tags;

f) Pop up stands at shopping centers, off leash parks;

g) Microchipping days, rely on microchips only, no need for tags;

h) Spot checks;

i) Emailing renewals;

j) Work with local vets to identify unregistered dogs.

**Officer Comments**

Council administers its fees and registration processes in line with the provisions of the Domestic Animal Acts 1994 which provides:

a) the age at which a dog or cat requires to be registered; and

b) the mandatory allocation of registration numbers, certification and identification markers (tags) for registration. Tags are provided as part of the registration fee and does not apply further charges for replacement of tags.
Activities 3.3.1 supports the registration and identification process, which contributes to Council’s above average return rates. Council staff will continue to review current activities to maximise pet registration.

Council notes the importance of being accessible and visible to the community. Therefore provision has been included under Section 3.2.4 to hold a type of ‘pop-up’ stand twice a year to support Council’s ongoing Responsible Ownership program and registration cycles.

4. Compliance and enforcement

Council is finding a balance between achieving compliance and enforcement through considering the role and function of Animal Management Officers now and into the future to ensure that the service delivers a modern regulatory service that provides public value, aligns with community needs and operates efficiently. Suggestions included:

a) Improved signage (off leash, dog litter, include penalties, can be ambiguous, provide phone number to contact);

b) Information on fines (warnings vs fines issued);

c) Hotline – reporting stray cats;

d) On-leash Vs Off-leash (public spaces Vs enclosed dog parks);

e) Enforcement arrangements (issue warnings, testing pet owners ability to comply)

f) Before / After hour arrangements;

g) Neighbourhood disputes, encourage result between individuals prior to complaints raised with Council

Officer Comment

Continued and targeted educative programs will assist in reducing enforcement and increasing compliance. A number of submissions offered suggestions with regard to enforcement. It is important to note that Council must follow the principles of natural justice and its current approach to enforcement supports these standards.

The current and future actions as identified in the DAMP address the above points.

5. Domestic Animal Businesses (DABs)

Council did not receive an overwhelming response to this component of the DAMP, however, comments that were received were positive in terms of DABs and their potential to advocate responsible pet ownership. Areas which Council was encouraged to review were:

a) Provide dog walkers, kennels and local businesses more support and funding where appropriate;

b) Businesses should be encouraged to only care for registered animals; actively push responsible dog ownership;

c) Dog or cat breeders should be heavily vetted;
d) Restriction on dog walkers; permit system/ annual fees to use Council facilities;

e) DAB audits should be conducted by an independent third party, to ensure that all DABs are complying with regulations; and

f) Monitoring and Regulation of non-DABs, such as wildlife shelters.

Officer Comments

The Domestic Animals Act 1994 provides for the management of domestic animals and animal businesses. Council and animal businesses must deal with dogs and cats in accordance with the Act, regulations and any relevant codes of practice. It is considered that current and proposed actions address the feedback received, encourages stakeholder relationships as well as Council’s responsibility in terms of compliance.

Given DABs are regulated by the State Government, Council has limited ability to impose certification or any other method of business practice above and beyond the already stringent codes of practice.

6. Managing dangerous, menacing and restricted dog breeds

Feedback received primarily focused on owners and the training of declared dog breeds. Comments included:

a) Fines & patrolling;

b) Higher/special registration fee;

c) Mandatory secure residential fencing, on leash at all times in public areas, separate dog areas.

d) Penalties for non-compliance should be much higher; seizure of the animal;

e) Ban all federal and state government legislated dog breeds, Restrict the breeding process (Desexing);

f) Stop Breed Specific Legislation, skill test prior to ownership, behavioral training;

Officer Comments

Various State legislation impose stringent regulations on both Council and the owners of dangerous, menacing and restricted breed dogs including the provision of penalties. Council’s current and future actions as identified in the DAMP, together with the provisions of the Act address the above points. It is important to note that mandated requirement for secure enclosures for such breeds.

7. Over population and euthanasia.

Overall feedback acknowledges the benefit of desexing and microchipping and how this contributes to managing overpopulation. It is recognised that instances where pets are injured, sick and or considered dangerous, with no opportunity for improvement, euthanasia is a kinder option, however overall euthanasia of pets is a last resort.

Managing stray cats was a theme which strongly resounded through feedback received, and it is anticipated that other areas of the DAMP will manage this aspect through increased desexing opportunities and registration.
8. Other comments

a) Highlight the positive benefits of owning a dog to community well-being

The newly introduced Strategic Vision provides a broad statement of the importance of pets and the significant health and wellbeing and social benefits they bring to owners. The DAMP does not intend to duplicate or include research or further statements in this regard, but will utilise industry information in preparing specific educational information.

b) Removal/Reinstatement of gates at sports grounds

The management of sports ground gates is not appropriate to be addressed in the DAMP. The management of sports grounds and related initiatives is the subject of various Council strategies including the Open Space Strategy, Recreation Strategy and Council's ongoing sports ground management plans. All feedback received in this regard is being referred to relevant areas of Council.

The DAMP does, however, propose undertaking a feasibility study to assess the practicality a second secured dog off-leash area, particularly to support and enable a learning and testing environment for owners and their dogs.

c) Wildlife / environmental impacts

Similarly, the management of wildlife and environmental factors needs to be given appropriate consideration through relevant strategies that specifically deal with such far-reaching and technical topics. The DAMP's focus remains with the management of domestic animals, Council's services, programs and activities that will be implemented to support and encourage responsible (domestic) animal ownership.

d) Evaluation / Achievement of objectives

An outcome of the proposed DAMP sees the introduction of an annual report to Council which will outline the progress made against each key activity identified in the DAMP. Whilst it is envisaged that this report will be used as a 'report card' to the community to reinforce accountability and transparency and to evaluate the DAMPs effectiveness, feedback received indicates a desire to include specific targets and/or KPI's. Section 4 of the DAMP has been amended to reflect additional assessment strategies.
Executive summary

Purpose and background

The purpose of this report is to present community feedback on the proposed design concept for the Bay Trail shared path within the high risk areas of the Middle Brighton Baths and the Royal Brighton Yacht Club and for Council to consider the concept for construction scheduled to be completed between May and July 2018.

The Middle Brighton Baths Precinct was identified as a high risk location and prioritised as the next site to be addressed as part of the phased approach to resolving hazards on the Bay Trail.

At the Ordinary Meeting of Council on 28 February 2017 Council noted that the remaining high risk safety hazards along the Bay Trail presented a public, safety, legal, financial and reputational risk to Council and resolved (in part) to:

‘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 and receive a further report following the completion of the community consultation and the phased approach for the implementation of the program.’

The phased approach to addressing the ‘high risk’ safety hazards along the Bay Trail prioritises those sites that will have the least impact on vegetation whilst addressing those sites with the most Bay Trail users. The ‘high risk’ safety hazards along the Bay Trail are documented in the Corporate Risk Register. These risks needs to be managed and mitigated to a level that is tolerable.

The design concept for the Bay Trail shared path at Middle Brighton Baths involving a separated path for cyclists adjacent to the existing garden area and a pedestrian boardwalk at the rear of the Royal Brighton Yacht Club is shown in Attachment 1.

Key issues

Conflicts between cyclists and pedestrians visiting the Middle Brighton Baths precinct occur on a regular basis due to the following factors:

- Large range of activities available within the precinct;
- High number of visitors to the precinct;
- High number of Bay Trail shared path users within a confined area; and
- Perpendicular lines of travel between visitors to the precinct and users of the Bay Trail.

The section of the Bay Trail within the vicinity of the Royal Brighton Yacht Club between Sandown Street and the Middle Brighton Baths is also considered a high risk location given this section carries over 290,000 cyclists per year (with up to 9,000 cyclists per week during the summer). The high volume of path users, including cyclists, pedestrians, joggers and dog walkers, combined with the 2.5m width of the existing path, presents a safety hazard. Essentially, the shared path is too narrow to cater for the amount of users it carries.
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 89.9% of respondents supporting the establishment of a separate path for cyclists within the high risk area of the Middle Brighton Baths and the Royal Brighton Yacht Club.

**Recommendation**

That Council approves the duplication of the Bay Trail within the high risk area of the Middle Brighton Baths and the Royal Brighton Yacht Club to address a 'high risk' safety hazard to path users as shown in Attachment 1.

**Support Attachments**

1. Attachment 1 - Bay Trail Design Concept at Middle Brighton Baths and the Royal Brighton Yacht Club (separately enclosed)
2. Attachment 2 - Summary of Feedback Received and Officer's Responses

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The Middle Brighton Baths and Royal Brighton Yacht Club locations on the Bay Trail are assessed as a high risk to both cyclists and visitors to the precinct (pedestrians) due to the following factors:

- Location of the Bay Trail shared path within the Middle Brighton Baths precinct;
- Width of the Bay Trail near the Royal Brighton Yacht Club;
- High volume and speed of cyclists using the Bay Trail at this location;
- High number of visitors to the precinct within a confined area; and
- Perpendicular lines of travel.

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, thus exacerbating the pedestrian/cyclist conflict within the Middle Brighton Baths and Royal Brighton Yacht Club Precinct if this issue is not addressed.

**Natural Environment**

The draft design concept for the Bay Trail shared path within the vicinity of the Middle Brighton Baths and the Royal Brighton Yacht Club resolves potential conflict between users of the Bay Trail shared path and visitors to the Middle Brighton Baths precinct and the Royal Brighton Yacht Club. The proposal has some implications for the natural environment, including the establishment of a pedestrian boardwalk structure on the foreshore adjacent to the existing Bay Trail shared path within the vicinity of the Royal Brighton Yacht Club.
Built Environment
The draft design concept for the Bay Trail shared path at Middle Brighton Baths proposes to establish a separated path for cyclists adjacent to the existing garden area. 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. For the section of the Bay Trail shared path that runs parallel to the rear of the Royal Brighton Yacht Club, the draft design concept proposes to establish a separated path for pedestrians in the form of a boardwalk by utilising a section of the existing beach area parallel to the existing shared path.

Customer Service and Community Engagement
Community feedback was sought on proposals to improve Bay Trail safety at the Middle Brighton Baths and to the north past the Royal Brighton Yacht Club.
The following site specific community engagement in relation to the proposed design concept has been undertaken:

- **On-site listening posts** – Two on-site listening posts were held on Thursday 2 November 2017 and Saturday 4 November 2017 in order for shared path users to gain an understanding of the project and provide feedback. Information boards advertising the meeting were also advertised on site in order to notify shared path users. Officers spoke with a total of 119 people at the on-site listening posts;
- **‘Have your Say’ Bayside** – Information regarding the design concept was available online between 27 October 2017 and 26 November 2017. Visitors to the website were encouraged to provide feedback on the design concept. ‘Have Your Say’ Bayside attracted 20 comments from visitors to the webpage;
- **Adjacent stakeholders** – Officers introduced the design concept to the adjacent stakeholders comprising the Middle Brighton Baths Restaurant, the Middle Brighton Baths Health Club and the Royal Brighton Yacht Club.

It should be noted that ‘Have Your Say’ Bayside attracted 20 comments from visitors to the webpage. Of these 20 comments, seven people expressed support for the proposal, seven people were unsupportive and six people were either unclear about their support or left comments unrelated to the proposal.

Forty two members of the Brighton Bayside Life Activities Club also provided feedback in relation to the design concept and their feedback is represented as part of the listening posts activity. Members of the Brighton Bayside Life Activities Club are regular users of the Bay Trail shared path within the high risk area of the Middle Brighton Baths and the Royal Brighton Yacht Club.

Table 1 below summarises the feedback received from respondents during the engagement activities into themes of either supportive or not supportive.

**Table 1: Summary of feedback received in relation to the proposed design concept**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Supportive</th>
<th>Not Supportive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listening Posts</td>
<td>142</td>
<td>10</td>
</tr>
<tr>
<td>Have Your Say</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Adjacent Stakeholders</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>89.9%</strong></td>
<td><strong>10.1%</strong></td>
</tr>
</tbody>
</table>

Reasons for not supporting the proposal are outlined below:
- No changes to the Bay Trail shared path are required;
- The width of the proposed bike path is not wide enough;
- The proposal will require cyclists to cross the horse shoe circulation road twice rather than once as per the current arrangement;
- Provide a dedicated bicycle facility within the existing horse shoe circulation road running parallel to the existing shared path;
- Install information signs to highlight to cyclists that they must give way to pedestrians; and
- Close the horse shoe circulation road to vehicles and allow cyclist use only.

Officer’s responses to these reactions are detailed in Attachment 2.

**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 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**

Due to the popularity if this area over summer, the desirable time for construction work is in the cooler months. The 2017/18 Capital Works Program contains an allocation of $113,720 to commence the realignment of the Bay Trail within the Middle Brighton Baths precinct. The scope of the project needs to be delivered over two financial years and a further funding allocation of $200,000 to be proposed as part of the 2018/19 Capital Works Program.

**Links to Council policy and strategy**

The investigation of options to mitigate public safety risks on the Bay Trail shared path contributes to Goal 2 ‘Transport’ within the 2017-2021 Council Plan by addressing the specific action to ‘improve cyclist and pedestrian safety by upgrading high-risk zones on the Bay Trail.’

The Bayside Bicycle Strategy contains an action to ‘investigate options to reduce conflict between pedestrians and cyclists on the Bay Trail at the front of Middle Brighton Baths’.

**Options considered**

As the investigation and treatment of safety upgrades to the Bay Trail shared path at each of the high risk areas on the Bay Trail shared path was endorsed by Council at its meeting on 28 February 2017 and the community has indicted strong support for the design concept proposed within the vicinity of the Middle Brighton Baths and the Royal Brighton Yacht Club, no other options have been considered as part of this report.
Summary of feedback received in relation to the proposed design concept

The following table summarises the feedback received from respondents during the engagement activities into themes of either supportive or not supportive.

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<td><strong>10.1%</strong></td>
</tr>
</tbody>
</table>

Reasons for not supporting the proposal are outlined below:

**No changes to the Bay Trail shared path are required**
A number of respondents felt that no changes were required to the existing Bay Trail shared path arrangement within the vicinity of the Middle Brighton Baths and the Royal Brighton Yacht Club. Undertaking no changes to the Bay Trail at this location will not address safety risks for Bay Trail users and visitors.

**The width of the proposed bike path is not wide enough**
VicRoads design guidelines identify a minimum desirable width of 2.5m for exclusive bike paths. Desirable widths are used where the volume of cyclists is 1,000 or less an hour during peak times. The number of cyclists using the shared path at Middle Brighton Baths varies dependant on the time of year and the weather conditions. The highest volume of cyclists recorded using the shared path at Middle Brighton Baths is approximately 260 per hour (two-way) and there have only been a few occasions within the past year when more than 200 cyclists per hour (two-way) have been recorded used the Bay Trail at this location. Based on this evidence, a path wider than the proposed 2.5m is not warranted.

**The proposal will require cyclists to cross the horse shoe circulation road twice rather than once as per the existing arrangement**
It is acknowledged that cyclists will be required to cross the horse shoe circulation road twice and this has been considered as part of the design concept. It is proposed that the two crossing locations will be raised crossings with cyclists having priority over vehicles when crossing the road, with drivers required to give way to cyclists. On-site observations have demonstrated that the current speed of vehicle speeds using the road is relatively slow. However, the raised crossings will act as a traffic calming device to further reduce the speed of vehicles using road. The design concept also proposes the removal of 4 car park spaces within the vicinity of the two raised crossings to improve visibility for both vehicles and cyclists on approach to the crossing points. As part of the development of the design documentation associated with the project, further measures will be included in the design to ensure that vehicles using the horse shoe circulation are aware of the requirement to give way to cyclists crossing the road with visual cues provided to reinforce this.

**Provide a dedicated bicycle facility within the existing horse shoe circulation road running parallel to the existing shared path.**
This option has previously been assessed and does not address the identified risks. This option would retain cyclists at the front of Middle Brighton Baths where high numbers of pedestrians would cross both the dedicated bicycle facility and the circulation road. A further issue to consider would be the introduction of a two-way cyclist movement on the circulation road which may confuse drivers/pedestrians who may be expecting a one-way movement as
per the requirement for vehicles on the existing circulation road. This may result in further conflicts and potential accidents.

Install information signs to highlight to cyclists that they must give way to pedestrians at the front of Middle Brighton Baths

Under the current road rules cyclists are required to give way to pedestrians on a shared path. However, in a situation where a pedestrian is crossing a shared path, the onus is on the pedestrian to ensure that it is safe to cross, similar to a pedestrian crossing a road. Given the high number of pedestrian movements across the Bay Trail at the front of Middle Brighton Baths, this option does not address the identified risks.

Close the horse shoe circulation road to vehicles and allow cyclist use only

To achieve this scenario would require removing vehicles from a section of the horse shoe circulation road, potentially establishing two separate car parks at the Middle Brighton Baths. It would also require alterations to the entry and exit points of the existing car parks. This would also require more car parking spaces to be removed from the precinct. This option is beyond the scope of the current project and has been discounted.
Executive summary

Purpose
To present the recommendations of the Planning Panel Report in relation to Planning Scheme Amendment C152, which implements the Martin Street Structure Plan 2016. The Planning Panel Report is provided as Attachment 1.

Background
The Martin Street Structure Plan adopted by Council in March 2016 seeks to guide future development in the Martin Street Activity Centre and outlines a range of land use, built form, access and movement and landscaping objectives. Amendment C152 will implement these directions through changes to relevant controls under the Bayside Planning Scheme.

Amendment C152 proposed mandatory height limits of two to three storeys in residential areas and preferred (discretionary) height limits of three to five stories in the Martin Street shopping strip. Discretionary setback requirements were also required in the shopping strip and some of the residential areas. These requirements are outlined in the Design and Development Overlay 18, provided as Attachment 2.

Following the exhibition of Amendment C152, Council received 13 submission supporting the amendment in full or part and 15 submissions opposing the amendment in full or in part. Site specific and precinct wide changes were suggested in submissions.

At its Ordinary Meeting of 28 March 2017, Council resolved to request the Minister for Planning appoint an independent Planning Panel to consider submissions. The Panel Hearing occurred on 19 and 20 June 2017 with eight submitters presenting to the Panel.

Key issues
Changes to the Amendment Prior to the Panel
The report presented to Council at its Ordinary Meeting of 28 March 2017 indicated that changes may need to be made to the Amendment as a result of upcoming changes to the Residential Zones, including the introduction of mandatory height controls of 11 metres/3 storeys. These changes came into effect through state-wide Amendment VC110 on 27 March 2017.

Subsequently, some changes have been made to the amendment. The changes were consistent with the vision of the Structure Plan and did not alter the intent of the Amendment. A full list of these changes is included as Attachment 3.

Planning Panel Report
After considering the submissions received, the Panel concluded that the Amendment is generally well founded and strategically justified.

The Panel was satisfied with the building height limits proposed for:

- residential areas outside the Martin Street shopping strip; and
• heritage properties in the shopping strip.

However, the Panel was of the view that:

• preferred heights of non-heritage buildings in the shopping strip were too conservative;
• front setbacks of upper levels of non-heritage buildings in the shopping strip were too restrictive as were front and rear setback requirements for balconies; and
• widening of the rear laneway behind Spink Street (south side of Martin St) was considered impractical.

The Panel also sought to simplify and clarify side and rear setback requirements in the residential areas and to change the front setback of properties facing Nepean Hwy.

In view of the above, the Panel recommended that Amendment C152 be adopted subject to a series of recommendations. The key Panel recommendations and Officers responses are presented in the following section of the report.

The full list of the Panel’s recommendations is on pages 6 and 7 of the Panel Report (refer Attachment 1).

Response to Panel Recommendations

1. Increased preferred building heights of non-heritage buildings in Martin St, Asling Street and the southern part of Spink Street that form part of the shopping strip.

Officers do not support the Panel recommendation. The height limits proposed by Council under the Structure Plan are preferred, higher buildings could be developed if sensitively designed with appropriate vehicular access. The preferred heights set by Council are more in keeping with the period character and community aspirations for the centre. If development was to exceed to preferred height it will need to demonstrate how the amenity of the area and character of the Martin St activity centre is maintained through a design response.

2. Removal of laneway widening behind the Spink Street shopping strip (south side of Martin St).

Officers do not support the Panel recommendation. The Panel’s recommendation to increase the development potential of sites in Spink Street through higher built forms without supporting the need to widen the rear laneway to accommodate associated additional vehicular movements is inconsistent with orderly and proper planning principles. The finding was based on existing traffic volumes and not on likely increases associated with potentially significant redevelopment. Removal of the laneway widening should only be contemplated if building heights are limited in accordance with the Structure Plan.

3. Reduced front setback requirements for upper levels of non-heritage buildings in the shopping strip and deletion of front and rear setback requirements for balconies within the shopping strip.

This change is not recommended for properties in or fronting Martin St. Reductions in upper level and balcony front setbacks will impede the visibility of Martin Street’s heritage precincts from the west. The period features of most of the historic buildings in Martin Street are at ground and second floor level. Reductions in upper storey street setbacks of buildings opposite or adjoining the heritage precinct will obscure the heritage features of the shopping centre which provide an important distinctive quality valued by the community.
4. Removal of the front setbacks for residential properties facing Nepean Hwy and rear and side boundary residential setback requirements so they will be consistent with existing requirements in other residential areas of Bayside

The Panel member indicated that no front setback need be provided to Nepean Hwy as properties along Nepean Hwy face a tree reserve.

The 3m front setback for properties facing Nepean Hwy as set out by Council Officers at the Panel hearing is considered to be reasonable under the circumstances and is recommended to be retained.

Deletion of the side and rear residential boundary setbacks set out under the Structure Plan in favour of existing residential setback requirements provided under the Planning Scheme will ensure consistency in these requirements for all residential areas in Bayside. This change is appropriate.

Further analysis of the Panel’s findings is contained in Attachment 4.

Next steps

Section 27 of the Planning and Environment Act 1987 requires that a ‘planning authority must consider the Panel’s report before deciding whether or not to adopt the amendment.’

Council has the following options to progress Amendment C152:

1. Adopt Amendment C152 as exhibited, without making any of the Panel’s recommended changes and submit to the Minister for Planning for approval;

2. Adopt Amendment C152 as exhibited, adopting some of the Panel’s recommended changes as outlined in this report and submit to the Minister for Planning for approval;

3. Adopt Amendment C152 with all of the Panel’s recommended changes and submit to the Minister for Planning for approval;

4. Abandon Amendment C152 in its entirety.

Recommendation

That Council:

1. Adopts Amendment C152 in accordance with Option 2 outlined in this report; and

2. Writes to the Minister for Planning requesting approval of Amendment C152 including the exhibited:

   a) preferred building heights of non-heritage buildings in Martin St, Asling Street and the southern part of Spink Street in the commercial area;

   b) requirements for laneway widening behind the Spink Street shopping strip (south side of Martin St) where any of the preferred building heights in Spink Street are exceeded;

   c) front setback requirements for upper levels of non-heritage buildings in Martin Street and front setback requirements for balconies fronting Martin Street; and

   d) 3m front setback for properties facing Nepean Hwy.
Support Attachments
1. C152 Planning Panel Report (separately enclosed) ⇧
2. C152 Exhibited Design and Development Overlay Schedule 18 ⇩
3. C152 List of changes made to the Amendment prior to the Panel Hearing ⇩
4. C152 Analysis of Panel Recommendations ⇩
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
Submitters to the amendment were invited to attend the Panel hearing to put forward their concerns to the Panel. The Panel considered all written submissions received by Council in its deliberations on the matter.

Human Rights
The implications of the Structure Plan 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, Planning Authorities (i.e. Council) must consider the Planning Panel's recommendations regarding a proposed planning scheme amendment before it is adopted and submitted to the Minister for Planning. Amendment C152 will form part of the Bayside Planning Scheme upon its approval by the Minister for Planning. In making its decision, the Minister for Planning can make changes to the Amendment.

Finance
Resources to progress Amendment C152 have been allocated in Council's 2017/2018 Budget. Further resources would be required if Council resolves to re-exhibit or split Amendment C152.
Links to Council policy and strategy

Community Plan 2025

Amendment C152 is consistent with the Community Plan 2025. In particular, it delivers on the following ‘domains of liveability’ and associated ‘community aspirations’:

- Transport: Amendment C152 seeks to enhance and promote sustainable transport in the area.
- Local economy: Amendment C152 seeks to encourage active uses at ground levels of commercial development and increase the economic viability of the centre.
- Housing and neighbourhoods: Amendment C152 provides a framework to manage development with the Martin Street Activity Centre.

Bayside City Council Plan 2017-2021

Amendment C152 is consistent with the Council Plan 2017-2021. In particular, it is consistent with Goal 3: Housing and neighbourhoods, which includes the strategy to “Develop and review structure plans to ensure localities are developed in line with Council’s Housing Strategy.” Implementing the Structure Plan into the Bayside Planning Scheme through Amendment C1512 will enable the management of new development in the Martin Street Activity Centre.

Bayside Housing Strategy 2012

Amendment C152 is consistent with the Bayside Housing Strategy 2012. In particular, 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 principles outlined in the Integrated Transport Strategy 2013 relating to Improved local accessibility, Create better public transport connections, User friendly streets and 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.

Martin Street Structure Plan 2016

Amendment C152 implements the vision of the Martin Street Structure Plan 2016 by translating the objectives relating to Land Use, Built Form, Access and Movement, and Landscaping into a series of planning provisions that guide future land use and development in the Martin Street Activity Centre.
## Options considered

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt Amendment C152 as exhibited, without making any of the Panel’s recommended changes and submit to the Minister for Planning for approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>A number of the Panel’s findings are supportive of the Structure Plan’s intent. The Panel concluded that Amendment C152 is generally well funded and strategically justified. Support was provided for the building height limits proposed for the residential areas outside Martin Shopping Strip and the heritage properties within the shopping strip.</td>
</tr>
<tr>
<td>Issues</td>
<td>Some changes recommended by the Panel will improve the overall clarity of the Plan and achieve greater consistency between development controls within the residential precincts of the Structure Plan and the residential areas in Bayside as a whole. Council should support these elements of the Panel’s findings.</td>
</tr>
</tbody>
</table>

### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt Amendment C152 as exhibited but with some of the Panel’s recommended changes and submit to the Minister for Planning for approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Support for some of the Panel’s findings will enable Council to concentrate its efforts on seeking some of the built form and access outcomes initially sought by Council under the Structure Plan. Some changes recommended by the Panel will improve the overall clarity of the Plan and achieve greater consistency between development controls within the residential precincts of the Structure Plan and the residential areas in Bayside as a whole.</td>
</tr>
<tr>
<td>Issues</td>
<td>Advocacy and a strong strategic justification will need to support this option to guarantee Ministerial approval.</td>
</tr>
</tbody>
</table>

### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt Amendment C152 as exhibited but with all of the Panel’s recommended changes and submit to the Minister for Planning for approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Some changes recommended by the Panel will improve the overall clarity of the Plan and achieve greater consistency between development controls within the residential precincts of the Structure Plan and the residential areas in Bayside as a whole.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council would lose the opportunity to justify to the Minister the lower preferred building heights and access outcomes for the Martin Street shopping strip initially sought by Council under the Structure Plan. The Panel recommends greater heights (5 storeys) in some specific locations.</td>
</tr>
</tbody>
</table>

### Option 4

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C152.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
<tr>
<td>Issues</td>
<td>No planning mechanisms will be in place to implement the <em>Martin Street Structure Plan 2016</em>. Council would not be able to manage growth and improvement in the centre as a clear set of planning controls would not be in place.</td>
</tr>
</tbody>
</table>
BAYSIDE PLANNING SCHEME

SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO18.

BUILT FORM STANDARDS FOR MARTIN STREET STRUCTURE PLAN AREA

1.0 Design objectives

To ensure the height, setbacks and design of new development is consistent with the vision of the Martin Street Structure Plan.

To retain the amenity of existing low density residential areas that adjoin the activity centre.

To ensure that new development respects the heritage significance and character of the activity centre.

To provide greater housing growth and diversity within the Activity Centre.

To ensure new development contributes to safe and active streets with an enhanced pedestrian environment.

2.0 Buildings and works

Meaning of terms

For the purposes of this schedule, a ‘storey’ excludes a basement, but includes an attic, mezzanine or built-over car parking area.

For the purposes of this schedule, an ‘attic’ means a space within a building contained wholly within the roof pitch, which is not immediately enclosed by vertical external walls and may contain dormer windows, recessed windows, or skylights and does not contribute materially to the scale and mass of the building form. The following factors are indicative of an attic:

- A space which is wholly contained / enclosed within a roof space.
- A space which is not bordered by any external walls except gable walls.
- A space which is relatively small in scale in relation to the scale of the remaining built form.
- The presence of dormer style windows or skylights.
- A space that does not contribute significantly to the building form.
- A space or series of spaces which in total occupy an area no greater than half the floor of the storey below.

For the purposes of this schedule, a ‘dormer style window’ is defined as a projecting construction designed to provide natural lighting to attic spaces, comprising a vertical window with its own pitched roof, gable and side walls, framed into a larger sloping roof. Usually several dormers are used for balanced design.

For the purposes of this schedule, a ‘roof deck’ means an area designed and used as private open space that is located above the upper storey of a building.

Permit not required

A permit is not required to construct a building or construct or carry out works for any of the following:

- Navigational aids.
- A radio mast.
- A television mast associated with a building.
- Construct or carry out works for rail infrastructure (including rails, overhead electric power lines, structures to accommodate railway signals and associated ancillary works) on the land zoned Public Use Zone 4.
Bayside Planning Scheme

- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

On land within a Residential Zone, except for a roof deck, a permit is not required to construct or extend one dwelling on a lot or construct or carry out works associated with one dwelling on a lot with a building height of not more than:
- 9 metres overall height; or
- 10 metres overall height where the slope of the natural ground level at any cross section of the site of the building is not more than 2.5 degrees.

**Permit requirements**

**Operation of overlay provisions**

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the mandatory requirements (those preceded by the verb ‘must/must not’ set out in this schedule).

**Design response**

All applications must be accompanied by a neighbourhood and site description and a design response which demonstrates how the proposed building achieves the relevant design objectives.

**Design and built form requirements**

**Building heights**

A building should not exceed the preferred building heights (in metres and storeys) specified in the built form precinct provisions of this schedule.

A building must not exceed the maximum mandatory building heights (in metres and storeys) specified in the built form precinct provisions of this schedule.

Development should be designed to achieve a transition in height and building form at sensitive interfaces.

**Building set backs**

**Commercial precinct**

On land in a Commercial Zone:
- A building should not be set back from the front or side boundaries except as follows:
  - At the third storey and above, buildings should be set back 3m from the front street boundary.
  - Where the site is within a Heritage Overlay, a set back of 5m from the front street boundary should be provided:
    - At second storey and above for existing single storey buildings.
    - At third storey and above for existing double storey buildings.
- Where the site abuts a Residential Zone, rear set backs should be provided in accordance with Clause 55.04-1.
Residential precinct

Land in a Residential Zone must be set back in accordance with the Built Form Plan shown at subclause 5 of this schedule.

Building frontages

On land in a Commercial Zone any new building should be designed to:

- Present a fine grained, human scale to streets.
- Provide active street frontages with shopfronts at street level.
- Protect and enhance the heritage significance of commercial areas by recessing upper levels and ensuring that the design detail and materials.
- Ensure corner sites are designed to address both street frontages with shopfront windows at street level.

Access and carparking

- Ensure an appropriate level of car parking is provided for visitors, residents and traders without compromising the streetscape.
- Locate and design vehicle access to avoid or minimise disruption of pedestrian movement along a street.
- Where available, locate vehicle access to a property from an existing laneway or a secondary street frontage.
- Widen key laneways to 5.5m as part of redevelopment.

Landscape and environment

- Ensure that the design of landmark buildings and other new developments contribute to an improved streetscape and pedestrian amenity along Martin Street and Nepean Highway.
- Ensure that signage respects the building style and scale and the character of the street.
- Ensure that signage fits within architectural forms along the street and is appropriately integrated with the design of the building.

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.

Roof decks

Roof decks and their associated structures should not exceed the Preferred Building Heights specified in the built form precinct provisions of this schedule.

Roof decks and their associated structures must not exceed the Maximum Mandatory Building Heights specified in the built form precinct provisions of this schedule.

In a Residential Zone a roof deck should:

- Be designed and constructed of materials that integrate with the architectural style and form of the building.
- Not include any permanent or moveable structure or element that will increase the visual bulk of the building, including pergolas, verandahs, shelters and storage areas.
- Be set back on all sides at least 2 metres from the roof edge of the storey immediately below to minimise the visual impact on the street and adjoining properties.
- Be designed to limit views into secluded private open space and habitable room windows of adjacent dwellings.
Bayside Planning Scheme

- Not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure (measured from floor level at the point of access onto the roof deck).
- Be accessed by a structure that is designed and located to have minimal impact on the street and adjoining properties, does not enclose any useable floor space and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).
- Be constructed so that the deck floor level is no greater than 1 metre above the lower ceiling face of the storey immediately below.

In a Commercial Zone a roof deck or balcony should be set back at least 2 metres from the wall of the storey below which faces the front or the rear of the site, or a minimum of 5 metres from any residential property boundary.

**Built form precinct provisions**

**Table to built form precinct provisions**

Refer to Built Form Precinct Map at Map 1.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Preferred building height</th>
<th>Maximum mandatory building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial / Mixed use Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>17.0m (5 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>B</td>
<td>14.0m (4 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>C</td>
<td>11.0m (3 storeys)</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential Areas</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>-</td>
<td>11.0m (3 storeys), or 12.0m (3 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more</td>
</tr>
<tr>
<td>E</td>
<td>-</td>
<td>9.0m (2 storeys), 10.0m (2 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more</td>
</tr>
</tbody>
</table>
Variations to the requirements of this schedule

An application to vary the requirements in this schedule (including preferred building heights) must:

- Identify the design objectives, design requirements and outcomes to be achieved for the proposal as specified in this schedule.
- Include an assessment of how any departure from a preferred building height or building set back specified in this schedule assists in achieving the design objectives and built form outcomes to be achieved.
- Demonstrate that the proposal will achieve the following outcomes (as appropriate):
  - A high standard of architectural design and an exemplary design response to the site context and design objectives of this Clause.
  - Innovative Environmental design.
  - Minimal overshadowing of adjoining streets, public spaces and residential properties.
  - Minimal impacts on the amenity of adjoining residential properties, including limiting impacts from visual bulk, overlooking and loss of daylight and solar access to windows on adjoining properties.
  - Respect for places subject to the Heritage Overlay.
  - Transitions in scale to lower building forms.
3.0 Decision guidelines

Before deciding on an application, the Responsible Authority must consider:

- The neighbourhood and site description.
- The design response.
- The vision of the Martin Street Activity Centre as identified in Clause 21.11
- Whether the objectives and design and development requirements of this schedule are met.
- Whether the design and layout of a building supports provision of shop top housing above ground floor level.
- The impact on the amenity of any existing dwelling on an abutting property in a Residential Zone and/or Heritage Overlay, particularly with regard to daylight access, solar access, overshadowing, overlooking and visual bulk.
- The impact of upper levels of the building on surrounding residential land.
- The impact of development on the heritage significance of the area.
- Whether the development provides the required level of car parking and bicycle facilities without compromising the streetscape.
- Whether the development impacts on the potential to widen or enhance existing key laneways.

4.0 Reference documents

- Martin Street Structure Plan (March 2016)
Amendment C152: Changes to the Amendment Prior to the Panel

The Council report presented to Council at its Ordinary Meeting of 28 March 2017 indicated that changes may need to be made to the Amendment as a result of upcoming changes to the Residential Zones. These changes came into effect through state-wide Amendment VC110 on 27 March 2017.

Subsequently, Council Officers made some changes to the amendment. These were presented to, and considered by, the Panel. The changes were consistent with the vision of the Structure Plan and did not alter the intent of the Amendment.

These changes were:

- Retention of land within Precinct E in the Neighbourhood Residential Zone, instead of rezoning to General Residential Zone 4 as exhibited (refer to the Martin Street Structure Plan Built Form Plan: Map 1 of Design and Development Overlay Schedule 18 – refer Attachment 2);
- Introduction of a new Schedule 4 to the Neighbourhood Residential Zone, to be applied to land within Precinct E; and
- Amendment of the proposed Schedule 9 to the General Residential Zone, to be applied to land within Precinct D.

As part of Amendment VC110, the purpose of the Neighbourhood Residential Zone was amended, by removing two of its purposes. This has had the effect of lessening the emphasis on neighbourhood character and in limiting increases to the number of dwellings. The balance was shifted in favour of allowing more dwellings in recognition of the necessity to provide additional housing in order to meet projected population growth (refer to the VCAT decision of Ronge v Moreland CC [2017] VCAT 550 (9 May 2017).

As such, the retention of land within Precinct E in the Neighbourhood Residential Zone, rather than rezoning it to the General Residential Zone, is consistent with the intent of the Structure Plan. That is, the Neighbourhood Residential Zone will encourage a low level of growth within this Precinct whilst achieving infill development objectives.

The new Schedule 4 to the Neighbourhood Residential Zone and Schedule 9 to the General Residential Zone were drafted as part of this change. The schedules reflect front, side and rear setbacks and height requirements of the DDO18.
Amendment C152: Response to Panel Recommendations

1. Apply a schedule to the General Residential Zone to the areas in Precinct D specifying a mandatory three-storey/11 metre height control, and:
   - specifying “None Specified” in the table next to Standards A10 and B17

The recommended change would be consistent with what was exhibited and with the Design and Development Overlay 18. Importantly, the discretionary Standards A10 and B17 (rear and side boundary setbacks) will still apply to these properties, consistent with the setbacks applied to other General Residential zoned properties within the activity centres within the municipality.

   - specifying “None Specified” under Application requirements

Currently under Application requirements it states: “A permit cannot be granted to vary the setback requirements specified in Clause 2.0 of this Schedule”. This includes:

   - the side and rear setbacks at 108 and 110 Martin Street;
   - mandatory minimum street setbacks of 3 metres from the front boundary to Nepean Hwy.

This change would be consistent with the side and rear setbacks applied to other General Residential zoned properties within the municipality. It would also be consistent with the exhibited version of the schedule, as this wording was only proposed by Council Officers prior to the panel.

The proposed mandatory minimum street front setback requirements would not be consistent with the Built Form Plan contained in the Design and Development Overlay 18 which specifies preferred setbacks only. It is therefore recommended that the words ‘must’ in the table adjacent to Standard A3 and A6 be changed to ‘should’.

   - ensuring compliance with the Ministerial Direction on the Form and Content of Planning Schemes.

This recommendation appears to relate to the above matters. Therefore if the above changes are adopted, this would also be addressed.

2. Apply a schedule to the Neighbourhood Residential Zone to the areas in Precinct E specifying a mandatory two-storey/9 metre height control but:
   - specifying “None Specified” in the table next to Standards A10 and B17

The table in Neighbourhood Residential Zone Schedule 4 presented to the Panel specified the following side and rear setbacks requirement: “A building must be set back at the side and rear boundaries in accordance with Standards A10 and B17 of Clauses 54 and 55 of this Scheme.” Removing this requirement and replacing it with the words ‘none specified’ would be consistent with the planning scheme provisions applied to development within the other Neighbourhood Residential zoned properties within the municipality.

The discretionary Standards A10 and B17 will still apply to these properties, consistent with other Neighbourhood Residential zoned properties in the municipality.
For the minimum street front setbacks, instead of mandatory requirements, they would be discretionary and could be varied, in accordance with Standards A3 and B6 of the Planning Scheme.

Importantly the Panel pointed out that there does not appear to be a head of power within the zone itself that allows the introduction of mandatory controls under the Application requirements. Therefore this is essentially a drafting error. The Ministerial Direction on the Form and Content of Planning Schemes specifies two options for wording under Application requirements, neither of which have been used.

- ensuring compliance with the Ministerial Direction on the Form and Content of Planning Schemes

This recommendation appears to relate to the previous recommendations. Therefore if the above changes are adopted, this would also be addressed.

- 3 In the Design and Development Overlay (DDO):

  - 3.1 Amend first objective to read “To ensure the height, setbacks and design of new development is consistent with the vision of the Martin Street Structure Plan of a friendly local hub for shopping, transport and a range of housing choices that respond to Martin Street’s neighbourhood scale and enhance its village atmosphere and heritage charm”

  This would simply mean that the objective for the DDO18 would include the vision for the activity centre. It is agreed with the Panel “that incorporating the vision into the relevant objective will make using the control easier.” (p 22).

- 3.2 Remove all mandatory requirements from the Design and Development Overlay.

  This would mean that there were no mandatory height requirements in the Design and Development Overlay (DDO). As exhibited, the Design and Development Overlay 18 contained mandatory two and three storey maximum heights in the residential areas (Precincts D and E).

  Following the changes to the residential zones inserted by the State Government in March 2017 Precincts D and E will have mandatory height controls of two and three storeys under the General Residential and Neighbourhood Residential zones, respectively. Hence, there is no need to provide mandatory height controls under the DDO.

- 3.3 Express all requirements using ‘should’.

  This change would address various inconsistencies in the wording of the Design and Development Overlay 18, where the word ‘must’ is used in reference to requirements where preferred requirements are set out. For instance, under Building setbacks, it states that “Land in a Residential Zone must be setback in accordance with the Built Form Plan shown at subclause 5 of this schedule”. However, this contradicts the Built Form Plan which shows ‘preferred’ setbacks.

  It is therefore recommended that the use of ‘should’ be adopted to ensure consistency and remove potential interpretation issues.
• **3.4 Change the requirement for the upper level setback to apply to the fourth and higher storeys.**

This would mean that the preferred 3 metre setback in the commercial zone would apply to the fourth storey and above, rather than to the third storey and above. However all upper level development of a heritage property would still be required to be setback a minimum of 5 metres from the street at second storey and above for single storey buildings and at third storey and above for double storey buildings.

The rationale for this setback requirement comes from the Structure Plan’s Built form strategy B4 “…to maintain the 9-10 metres 'street wall' throughout the centre and create the opportunity for a change in architectural design of built mass above this level” (p 17). This wording is also reflected in the Urban Design Framework at 7.4 Upper level setbacks (p 11).

In making this recommendation “**The Panel does not agree with the need to set back the third storey of buildings.**

**3.5 Delete the requirement to setback upper level balconies by 2 metres in commercial zones.**

This would mean that upper level balconies in commercial zones could abut the street.

In making this recommendation, the Panel considered that “**There are many examples of buildings – some in the Activity Centre itself – where upper level balconies are flush with the facade. Setting upper level balconies back from the street wall would seem to impose a poor urban design outcome, potentially reducing casual surveillance of the street below, while adding nothing of value in design terms.**” (p 16-17).

• **3.6 Apply Precinct A to the exiting five-storey buildings.**

This would mean that the existing five storey buildings at 116 and 122-124 Martin Street would be located within the preferred five storey area (Precinct A), not the preferred four storey area (Precinct B). This is unlikely to have any practical impacts, since both sites are already developed.

In making this recommendation, the Panel stated that they “**can see no logic in applying a four-storey height limit to building that are already constructed at five storeys, especially when these buildings seem to make a positive contribution to the centre. This approach has the potential to imply the ‘four’ really means ‘five’ undermining orderly planning.**” (p 21).

• **3.7 Apply Precinct B to 2 to 10 Spink Street.**

This would mean that the properties at 2-4, 6 and 10 Spink Street and 1A Rose Street would be located within the preferred four storey area (Precinct B), not the preferred three storey area (Precinct C).

2-4 Spink Street and 1A Rose Street are occupied by recently developed three storey townhouses and are therefore unlikely to be developed in the foreseeable future. However 6 and 10 Spink Street are redevelopment sites and a submission was made by the owner of 10 Spink Street. This was in part on the basis that a four storey building should be allowed.

In making this recommendation the Panel considered that “**There does not seem to be any reason why a sensitively designed four-storey building would not be appropriate for this site. Buildings at this height would still provide a transition to nearby lower forms.**” (p 24).
• **3.8 Apply Precinct A to 14 Spink Street.**

This would mean that 14 Spink Street would be located within the preferred five storey area (Precinct A), not the preferred three storey area (Precinct C).

The owner of this property presented a submission to the panel, in part on the basis that a five storey building should be allowed.

In making this recommendation “*The Panel agrees that a five-storey development at 14 Spink Street could be acceptable in its context, and there is no policy justification for imposing a lower height. Impacts on adjoining properties would need to be assessed, but the development in Martin Street shows that this centre can comfortably contain a five-storey building.*” (p 25-26).

• **3.9 Apply Precinct C to 75 Asling Street**

This would mean that 75 Asling Street would be located within the preferred three storey area, not the preferred two storey area (Precinct E).

The owner of this property presented a submission to the panel, in part on the basis that a three storey building should be allowed.

At the Panel, Council’s position was that the property should be located in a new preferred two storey Commercial precinct. This was due to its Commercial 1 zoning and the need to respond to heritage and interface issues.

The Panel stated:

“In terms of interface issues, in other locations a three or four-storey height is identified for land abutting existing heritage residential areas. The Panel can see no reason why this site should be restricted to two storeys. Such a restriction would be inconsistent with how controls have been applied elsewhere…

*The Panel accepts that there may be heritage or amenity impacts from a three-storey building as opposed to a two-storey building, but these can be examined in the light of a specific proposal. There does not seem to be a general urban structure reason why this site (or part of it) could not support an appropriately designed three-storey building. It does not seem to be the case that the heritage constraints rule out a three-storey building in all circumstances.*” (p 28)

• **3.10 Delete the ‘Key rear lane upgrade’ notation from the rear of 2 to 10 Spink Street.**

This change would mean that the laneway is no longer demarcated for widening to 5.5 metres (from 3 metres) as part of any future redevelopment. This is a short laneway shown as Laneway 4 in the Traffic and Transport Analysis prepared by Traffix Group which informed the Amendment. The laneway runs north-south from Rose Street to meet the longer east-west laneway that runs between Spink Street and the Nepean Highway. It runs behind or beside four properties that face either Spink or Rose streets.

The intention to demarcate for upgrade comes from Access Strategy A3 of the Structure Plan which is “to improve access and reduce congestion by facilitating two way traffic” (p 20).

The Panel supported the requirement to upgrade the laneways within the centre as proposed, except in relation to this laneway on the basis that it “…has no realistic prospect of being widened” (p 24). This is due to the limited number of properties which abut it (i.e. four, one of which has already been developed).
The Traffic and Transport Analysis prepared by Traffix Group which informed the amendment concluded that “due to the low existing traffic volumes estimated to use the laneways, the existing laneway width is considered sufficient to meet current demand” (p 45). This specific laneway has the lowest estimated and projected daily traffic volume of all of the laneways within the centre.

- **3.11 Delete the requirement for a 6 metre setback to the Nepean Highway for land between North Road and Rose Street**

This would mean that the discretionary Front setback requirements of Standards A3 and B6 would apply to these properties, as they do to all other residentially zoned land in the municipality (except where site specific controls apply).

The proposed setback derives from strategies B3 Front setbacks and E1 Improve the appearance of the Nepean Highway Interface. These seek to provide large landscaped setbacks to improve landscape quality, visibility and safety at eye level. This was reflected in the Urban Design Framework at Section 7.3.

During the Panel, Council’s position changed regarding this setback: “Council has had opportunity to review the impacts of the setbacks for this site to the Nepean Highway in detail. The intention is not to limit development as the site is within a moderate growth area, but aims to ensure that a sufficient setback to the Nepean Highway is provided. Council considers that reducing this setback to a mandatory 3 metre setback is reasonable.” (p 30).

However the Panel did not agree with a mandatory 3 metre setback, stating:

“it is not clear that a 6 metre setback to the Nepean Highway is relevant in achieving the transitions sought. In fact it is not clear why any setback from the Nepean Highway is needed at this particular location.

Building without setbacks occur from time to time in residential areas. The issue is what impact do they have on the character of an area. The Panel accepts that a setback along a residential street is reasonable to maintain a consistent garden setback, but this does not seem to apply to the Nepean Highway frontage of this land. The Panel notes that the residential blocks to the north do not have the setback from the Nepean Highway specified.” (p 31)

- **3.12 Review the Design and Development Overlay to ensure compliance with the Ministerial Direction on the Form and Content of Planning Schemes and to remove redundant requirements.**

This relates to a range of minor changes to Schedule 18 of the Design and Development Overlay, as shown in the recommended schedule prepared by the Panel which forms Appendix C to the Planning Panel Report (refer Attachment 1).

These changes are minor in nature and would result in clearer provisions.
Executive summary

Purpose and background

The purpose of this report is to present the Elster Creek Catchment Action Plan as shown in Attachment 1 to Council. The Action Plan was endorsed by the Elster Creek Catchment Chief Executive Officers’ Forum in September 2017.

Elster Creek is a highly modified waterway draining a number of south-eastern suburbs of metropolitan Melbourne. The catchment covers an area of approximately 40 square kilometres with the waterway flowing through the municipalities of Kingston, Glen Eira, Bayside and Port Phillip. The majority of the catchment lies within the City of Glen Eira. Elwood Canal, as the stream is known in its lower reaches, connects to Port Phillip Bay in Elwood.

Elster Creek is managed by Melbourne Water in its role as the regional drainage authority and caretaker of river health for the Port Phillip and Westernport catchment.

Council endorsed participation in the Elster Creek Catchment Chief Executive Officers’ Forum convened by Melbourne Water and authorised signing of a Memorandum of Understanding (MoU) (Attachment 2) at its meeting on 23 May 2017. The Action Plan is a product of the Chief Executive Officers’ Forum and takes a whole of catchment approach to flood mitigation.

The Chief Executive Officers’ Forum participants are Melbourne Water and the Bayside, Port Phillip, Glen Eira and Kingston councils. It was convened following the flooding of the Elster Creek Catchment on 29 December 2016.

It is recommended that Council approves the Elster Creek Catchment Action Plan as shown in Attachment 1.

Key issues

A draft Action Plan to managing and mitigating the impacts of flooding in the Elster Creek catchment was developed by a working group of senior staff from Melbourne Water, Bayside, Port Phillip, Glen Eira and Kingston councils and presented to an Elster Creek Community Forum that was held on 7 September to gain community feedback. The Action plan was refined in recognition of this feedback.

The Elster Creek Catchment Action Plan incorporates the core principles of the MoU (Attachment 2), provides the governance structure and actions grouped under three themes.

- **One catchment, one plan**
  Understanding and responding to flood risk at a catchment scale, further developing community resilience to flooding.

- **Strategic planning**
  Develop a consistent approach to land use planning across the Elster Creek Catchment which minimises the impacts of urban runoff. Opportunities are sought to further minimise flood risks across the catchment through innovation, research and collaborative partnerships.
• **Informed communities**
  Build community and agency awareness and a shared understanding of flooding in the Elster Creek catchment.

The Elster Creek Catchment Action Plan has been developed to describe the activities to be undertaken by Melbourne Water and the four councils aimed at mitigating the impacts of flooding in the Elster Creek Catchment.

**Recommendation**
That Council endorses the Elster Creek Catchment Action Plan as shown in Attachment 1.

**Support Attachments**
1. Attachment 1 - Action Plan Elster Creek Catchment
2. Attachment 2 - Elster Creek Catchment MOU

**Considerations and implications of recommendation**

**Liveable community**

**Social**
Flooding is a function of rainfall runoff across the Elster Creek catchment, as well as storm surge and king tides. Climate change and infill development will exacerbate the frequency and impact of flooding events.

Participation in the Elster Creek Catchment Chief Executive Officers’ Forum involves all agencies with an interest in Elster Creek working together to manage the catchment with the aim of reducing the impacts of flooding.

The Elster Creek Catchment Action Plan has been developed to describe the activities to be undertaken by Melbourne Water and the four councils within the whole catchment, aimed at mitigating the impacts of flooding in the Elster Creek Catchment.

**Natural Environment**
Elster Creek is a highly modified stream and catchment. The Elster Creek Catchment Action Plan recognises that evidence-based and innovative solutions should consider co-existence of multiple land-uses and multi-functions to achieve optimal community benefit, including the natural environment.

**Built Environment**
Elster Creek is a highly modified stream and catchment. The Elster Creek Catchment Action Plan recognises that evidence-based and innovative solutions should consider co-existence of multiple land-uses and multi-functions to achieve optimal community benefit, including the built environment.

**Customer Service and Community Engagement**
A draft Action Plan was developed by a Working Group of senior staff from Melbourne Water, Bayside, Port Phillip, Glen Eira and Kingston councils and presented to an Elster Creek Community Forum that was held on 7 September to gain community feedback.
The Community Forum was independently facilitated and was attended by Cr Castelli and Councillors from other councils. Senior staff from Melbourne Water and participating councils were present.

Community members known to have been impacted by flooding from each council area were invited to attend, along with members of interested community groups across the four council areas. Three members of the Victorian State Emergency Service attended. The Action Plan was refined in recognition of this feedback, considered and endorsed at the September 2017 meeting of the Elster Creek Catchment Chief Executive Officers’ Forum.

Discussions at the Working Group of senior staff from Melbourne Water, Bayside, Port Phillip, Glen Eira and Kingston councils have considered a shared communications approach including publishing shared material on each agencies website and providing email updates to registered stakeholders.

**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**

Melbourne Water is the responsible authority for Elster Creek and the planning controls relating to flooding of the creek. Councils within the catchment are responsible for the local drainage systems that connect to the Melbourne Water drainage system.

Participation in the Elster Creek Catchment Action Plan is a voluntary activity aimed at increasing collaboration between the agencies with an interest in Elster Creek.

**Finance**

There are no financial implications for Bayside City Council associated with the Elster Creek Action Plan at this time.

**Links to Council policy and strategy**

A strategic objective in the Council Plan 2013-2017 is:

- 3.1 Protecting and enhancing amenity, liveability and neighbourhood character.

The Elster Creek Catchment Action Plan is aimed at managing the Elster Creek catchment to reduce the impacts of flooding.

**Options considered**

Not applicable to this report.
Elster Creek Catchment Action Plan

October 2017
Core Principles – Memorandum of Understanding

Outlined in the Memorandum of Understanding is a commitment by Councils within the Elster Creek Catchment and Melbourne Water on the governing principles of the group. This extract has been included within this document to provide alignment between the MOU and how the Working Group will work to deliver the Action Plan.

Core Principles

Councils and Melbourne Water are committed to cooperating across municipalities and with water utilities and State departments for the purpose of exploring a whole-of-catchment approach. Engagement with community members is paramount in developing a common understanding of effective ways to address the problem.

Specifically, the parties will:

1. Be transparent in all interactions and share information with the intent of establishing a shared understanding of the factors influencing the problem.

2. Embed a common community engagement language and process that is constructive and meaningful for community members.

3. Be considerate of each organisation’s respective circumstances, including but not limited to, community interests, commercial imperatives and strategic contexts.

4. Collaborate to identify evidence-based and innovative solutions with a best-for-regional catchment community benefit.

5. Ensure opportunities to build community resilience are explored and actively pursued.

This Action Plan is a high level document, with overall deliverables for each action. Each action will be scoped in detail by the Working Group.
Governance Structure

Councils

Steering Committee

- Comprising CEOs and MW, with a focus on delivery in accordance with MOU principles.
  - Appoint working group members
  - Sign-off key milestones
  - Resolve key issues at catchment and state level to ensure program on track

Melbourne Water Board

Program Manager

- Melbourne Water-based with responsibility for:
  - Developing program plan
  - Reporting to the Steering Committee
  - Convening CEO and Working Group to monitor progress

Working Group

- Comprising senior Council officers, responsible for advising on the development of the Program Plan
  - Establish program of work for first 12 months
  - Establish resourcing requirements
  - Resolve key issues at catchment and local level to ensure program on track
  - Escalate issues to CEO forum as required

Community Reference Group

- Comprising key community representatives with role to
  - Provide input into key milestones for the delivery of the action plan
  - Provide recommendations to the Working Group
  - Communicate and advocate outcomes on behalf of the ECC to the wider community
## Action Plan – 2018

**Theme: One catchment, one plan**

*Understanding and responding to flood risk at a catchment scale, further developing community resilience to flooding*

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Resourcing</th>
<th>Timeline</th>
<th>Lead Agency</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Catchment view of flood risk</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. A Elster Creek catchment wide flood map and flood risk map that includes:</td>
<td>January 2018</td>
<td>Melbourne Water</td>
<td>Understanding of catchment wide flood risks</td>
<td></td>
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<tr>
<td>- 1% ARI flood extent and a range of other more frequent flood extents</td>
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<tr>
<td>- Floor level data for all flood affected properties</td>
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<td></td>
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<tr>
<td>- Heat map of flood risk</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Catchment view of infrastructure projects</strong></td>
<td>May 2018</td>
<td>Bayside City Council</td>
<td>Opportunities to share resources or prioritise projects based on need within the catchment</td>
<td></td>
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<tr>
<td>2. A single asset investment view across the catchment:</td>
<td></td>
<td></td>
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<tr>
<td>- Sharing existing and future planning of IWM and drainage investment projects</td>
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<tr>
<td>- Identification of opportunities to influence projects based on the inclusion of flood risk reduction</td>
<td></td>
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<tr>
<td>- Collate previous investment across the catchment</td>
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</tr>
<tr>
<td><strong>Review all options to reduce flood risk</strong></td>
<td>March 2018</td>
<td>Melbourne Water</td>
<td>Options reviewed which may result in localised mitigation works for more frequent flood events</td>
<td></td>
</tr>
<tr>
<td>3. A review of the 2011 GHD Flood Mitigation Study to:</td>
<td></td>
<td></td>
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<tr>
<td>a) identify whether any of the mitigation options previously identified might be beneficial for mitigating higher AEP floods (ie: 10%, 20%)</td>
<td></td>
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<tr>
<td>b) Consider whether there are other opportunities, not previously identified that might be appropriate for mitigating higher AEP floods</td>
<td></td>
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</tr>
<tr>
<td>4. Investigate modelling and mitigation options recommended by the CRC.</td>
<td>April 2018</td>
<td>Melbourne Water</td>
<td>Work in collaboration with relevant research groups</td>
<td></td>
</tr>
</tbody>
</table>
**Action Plan – 2018**

**Theme: One catchment, one plan**

*Understanding and responding to flood risk at a catchment scale, further developing community resilience to flooding*

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Resourcing</th>
<th>Timeline</th>
<th>Lead Agency</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparedness for flood events</td>
<td>5. Elster Creek Catchment flood management plan developed which builds community understanding of flood risk, preparedness and response across the catchment by working with our partners (SES and Council)</td>
<td>April 2018</td>
<td>Melbourne Water</td>
<td>Upift of community resilience in the catchment to be better prepared for flood events</td>
</tr>
<tr>
<td></td>
<td>6. Pilot program developed which provides for a tailored approach to flood awareness, education and response (with potential higher levels of service) based on sub catchment flood risk profiles</td>
<td>July 2018</td>
<td>Melbourne Water</td>
<td>Responding to our communities need for higher levels of service – building resilience and enabling preparedness and recovery uplift</td>
</tr>
<tr>
<td>Post-flood actions</td>
<td>7. Work with EMV and Vic-SES for improved coordination and response, including scenario planning and communications after flood events</td>
<td>June 2018</td>
<td>Melbourne Water</td>
<td>Meeting community expectations for flood response</td>
</tr>
</tbody>
</table>
### Action Plan – 2018

**Theme: Strategic planning**

*Develop a consistent approach to land use planning across the Elster Creek Catchment which minimises the impacts of urban runoff. Opportunities are sought to further minimise flood risk across the catchment through innovation, research and collaborative partnerships.*

<table>
<thead>
<tr>
<th>Action</th>
<th>Deliverable</th>
<th>Resourcing</th>
<th>Timeline</th>
<th>Lead Agency</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planning for the catchment</strong></td>
<td>8. Complete a collective review (scan) of the Catchment’s planning schemes to inform future ‘catchment level’ planning policy, focussing on the reduction in flood risk and adaptability provisions.</td>
<td>City of Glen Eira</td>
<td>February 2018</td>
<td>Consistent Planning provisions across municipalities that minimise urban runoff and flood risk are implemented for the Elster Creek Catchment</td>
<td></td>
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<tr>
<td></td>
<td>9. Define future planning policy opportunities from a catchment wide perspective (NRM, Rainwater Tanks, Impervious %, incentives and Offset Program) leveraging available research programs and partnership opportunities</td>
<td>City of Glen Eira</td>
<td>May 2018</td>
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<tr>
<td></td>
<td>10. Review outcomes of the Distributed Storages and Melbourne Urbanisation Mapping Projects to ascertain opportunities for further scenario development in the Elster Creek Catchment</td>
<td>Melbourne Water</td>
<td>March 2018</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Collaborating with our partners</strong></td>
<td>11. Develop a plan to engage with stakeholders, the community and councils when commencing modelling and mapping projects (which lead to planning scheme amendments)</td>
<td>Melbourne Water</td>
<td>April 2017</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Innovation</strong></td>
<td>12. Develop a plan to share existing or planned technology advancements across the catchment and progress these tools for early community benefits: - Flood warning app - Smart gauges</td>
<td>Melbourne Water</td>
<td>May 2018</td>
<td></td>
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</tr>
</tbody>
</table>
### Action Plan – 2018

**Theme:** Informed communities

*Build community and agency awareness and a shared understanding of flooding in the Elster Creek Catchment*

<table>
<thead>
<tr>
<th>Action</th>
<th>Deliverable</th>
<th>Resourcing</th>
<th>Timeline</th>
<th>Lead Agency</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>We communicate with our communities about flooding across the Elster Creek Catchment</td>
<td>13a. Communications approach and plan developed</td>
<td>Lead Agency Port Phillip City Council</td>
<td>January 2018</td>
<td>Consistent and clearly understood communications about Elster Creek Catchment flooding</td>
<td></td>
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<tr>
<td></td>
<td>13b. Development of 'a community' lexicon in relation to flooding. Conversations and communications about flood risk are clearly articulated and shared across the Elster Creek Catchment. Simplifying flood terminology and concepts.</td>
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<tr>
<td>Building our understanding, validating what we know</td>
<td>14. Develop a mechanism for impacted communities to update flood impacts during and post flood events using the latest NextGen technologies (ie: livestreaming, photos, drone information)</td>
<td>Melbourne Water</td>
<td>April 2018</td>
<td>Enabling understanding of catchment wide flood impacts affecting the community</td>
<td></td>
</tr>
<tr>
<td>Our engagement is focused</td>
<td>15. Map key stakeholders groups across the Elster Creek Catchment to understand influencers and advocacy opportunities</td>
<td>Port Phillip City Council</td>
<td>January 2018</td>
<td>Information will form a baseline for future activities</td>
<td></td>
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<tr>
<td></td>
<td>16. Create a Community Reference Group to provide community feedback to the Working Group</td>
<td>Port Phillip City Council</td>
<td>February 2018</td>
<td>Community is actively engaged</td>
<td></td>
</tr>
<tr>
<td>Building our understanding</td>
<td>17. Develop a specific education program for Councillors, MP's Senior Council Executives and Stakeholder Advocacy Groups to: * Build understanding of the characteristics of the Elster Creek Catchment in relation to flooding * Understand mitigation options (i.e. 2011 DEDH Flood Mitigation Study)</td>
<td>Port Phillip City Council</td>
<td>March 2018</td>
<td>Agencies and advocacy groups understand flood risk across the Elster Creek Catchment</td>
<td></td>
</tr>
</tbody>
</table>
MOU

ELSTER CREEK CATCHMENT

Purpose

This Memorandum of Understanding:

- Defines, at a high-level, the drainage problem of concern to communities living, working and visiting within the Elster Creek catchment
- Sets out the core principles to promote collaboration between the four relevant councils and Melbourne Water to find effective evidence-based and innovative solutions to address the catchment’s flooding issues, where possible.

Parties

The five relevant parties are:

- Melbourne Water
- The City of Bayside
- The City of Glen Eira
- The City of Kingston
- The City of Port Phillip

Problem Statement

Flooding is a function of rainfall runoff exceeding the capacity of underground and surface drainage systems and waterways across the Elster Creek catchment, as well as storm surge and king tides. Climate change and infill development are very likely to exacerbate the frequency and impact of flooding events.

Flooding within Elwood is disproportionately to its area of the catchment. In Glen Eira and Bayside, a large number of properties and dwellings flood during heavy rainfall events. Reducing the impact of increased runoff on flood vulnerable areas requires the Elster Creek catchment to be managed as a whole. All flood retention, detention and conveyance opportunities to reduce flood impact are to be considered irrespective of municipal boundaries.

It is recognised that evidence-based and innovative solutions should consider co-existence of multiple land-uses and multi-functions to achieve optimal community benefit, noting that flood mitigation investment is mutually inclusive with both passive and active recreation.

Previous attempts to adapt the built form of Elwood to flooding have resulted in some positive impacts but the community is eager for greater levels of change.

Flooding has a high social as well as economic cost and there is an opportunity to increase preparedness of residents.

Core Principles

Councils and Melbourne Water are committed to cooperating across municipalities and with water utilities and State departments for the purpose of exploring a whole-of-catchment approach. Engagement with community members is paramount in developing a common understanding of effective ways to address the problem.
Specifically, the parties will:

1. Be transparent in all interactions and share information with the intent of establishing a shared understanding of the factors influencing the problem.
2. Embed a common community engagement language and process that is constructive and meaningful for community members.
3. Be considerate of each organisation’s respective circumstances, including but not limited to, community interests, commercial imperatives and strategic contexts.
4. Collaborate to identify evidence-based and innovative solutions with a best-for-regional catchment community benefit.
5. Ensure opportunities to build community resilience are explored and actively pursued.

**Review Period**

It is agreed that this MOU will be reviewed within two years following the date of commencement.

**Commencement date:** July, 2017

**Signed on behalf of:**

[Signature]

Melbourne Water

[Signature]

Kingston City Council

**Signed on behalf of:**

[Signature]

Bayside City Council

[Signature]

City of Port Phillip

**Signed on behalf of:**

[Signature]

Glen Eira City Council
Executive summary

Purpose and background
This report responds to a petition presented to Council on 21 November 2017 from 50 residents of Bayside. The petition stated:

“We the undersigned hereby petition Bayside City Council to re-establish the Bayside Film Festival and to recommend a shared financial responsibility through the privatisation of the festival with assistance from Bayside City Council.

We propose the following notions:

1. Obtaining financial support through a crowdfunding campaign
2. Moving the festival to an outdoor setting such as Dendy Park (allowing for lowered costs, and accommodation for more attendees)
3. Volunteer options for secondary school students to be involved in the festival
4. Film entries for all ages with different award categories
5. Community involvement for the selecting of the films.”

The Bayside Film Festival was conducted between 2004 and 2014. It was primarily funded by Council, and the initial Festival was run out of Beaumaris Theatre. In its second year the Festival moved to Palace Cinemas, Bay Street Brighton. The Festival grew in a relatively organic manner as a result of Council securing various grants over time from the Department of Education & Early Childhood Development and Film Victoria. Most of the growth in the festival occurred quickly between 2004 and 2009. State government funding reduced in later years however the program remained at prior levels of scale and operation.

The Bayside Film Festival (BFF) was subject to an extensive review process in 2014. The review put forward 3 options for the BFF going forward; to discontinue the program, improve the program with a stronger public value proposition, or to suspend subject to the review. The 2015 BFF was subsequently suspended due to insufficient commitment and interest from local Bayside schools.

The long-term future of the BFF was included as part of the 2015 Arts and Culture Service Review process for consideration and recommendation. The Service Review recommended Council discontinue the BFF. This recommendation was adopted at the 16 December 2015 Ordinary Meeting of Council. The relevant excerpt is included as Support Attachment 1.

Key issues
The decision to discontinue the BFF in 2015 was based on findings that concluded it did not deliver value for money and the $86,800 Council allocation in 2015/2016 could not be supported.

The petition proposes the Festival be ‘privatised’, but this is understood to include the establishment of a legal body, which may include a not-for-profit entity. Discussion with the head petitioner has established that it is currently unclear whether Council would be seen as contributing financially to the proposal, or if Council would be involved in raising or contributing
its own funds. Crowd funding may be a viable option for an arts event or single purpose project, however as an ongoing funding source it is unlikely to be reliable or sustainable. Should a local government be the body conducting a crowd funding campaign, there is very little evidence of likely success.

Whilst operating costs need to be considered in running an ongoing cultural event/festival, the existence of a demand, or market is the key determinant of success. Given Council’s past experience, the big challenge in the petition’s proposal as currently envisioned, is the identification of demand, and the development of a suitable product.

It is therefore suggested that support be made available to the petitioner upon the establishment of a suitable not-for-profit body. This body would then be able to seek funding from suitable sources.

Incorporation, rather than privatisation, of the BFF would allow the petitioners to create an event called the Bayside Film Festival as the Council does not own the naming rights to the event. As an Incorporated Association the BFF could submit an application for funding to Council under its grants program. Council’s Annual Community Grants Program is intended to support initiatives proposed by community groups which strengthen and enrich community life through providing an improved range of leisure, cultural, community development, environmental, health, education, sporting and welfare programs and activities.

Council offers targeted and annual grants to community organisations operating within the City of Bayside. Funding is available to not-for-profit groups for new programs or community initiatives requiring seed funding to establish viability and attract alternate funding sources. Applications must identify a need within the community and outline the community benefits. Grants of up to $5,000 each may be made for initiatives by community groups that meet the objectives of the Bayside City Council Grants Policy.

As an Incorporated Association the proposed BFF would be able to pursue all the notions as set out in the petition. Council could provide in-kind support in line with Council policies and possible funding in line with the grant application process. This option allows for a community event to be delivered and a range of funding options can be pursued by the organisers to ensure the long term sustainability of the event.

**Recommendation**

That Council:

1. Acknowledges it does not own the naming rights of the Bayside Film Festival;
2. Advises the petitioners to consider making application to the Community Grants Program for funding to support the proposal to establish a new Bayside Film Festival;
3. Offers the petitioner in-kind support through expertise and knowledge of Council staff; and
4. Notifies the lead petitioner of this decision.

**Support Attachments**

1. Bayside Film Festival Excerpt from 2015 Arts and Culture Service Review ☩
Considerations and implications of recommendation

Liveable community

Social
Council supports community initiatives that bring residents together and build the capacity of the community to act on its own behalf. An incorporated BFF would provide this opportunity.

Natural Environment
No direct impact on the natural environment is expected to arise from the report.

Built Environment
Not applicable to this report.

Customer Service and Community Engagement
In preparing this report the lead petitioner was contacted about the funding options available to community organisations that were incorporated as not for profits. This model is economically more viable than a Council owned and operated model.

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 lawyer has provided legal advice related to the naming rights of the Bayside Film Festival.

Finance
The initial Bayside Film Festival had a budget of $10,000 (not including staff time, 2 consultants and advertising). The net cost of the Bayside Film Festival in 2013 was $145,650 and $107,979 in 2014, including the cost of staff time. The cost differential between the two years was due to efficiencies achieved during the delivery of, and the smaller scale of, the Curated Program in 2014. There is currently no budget allocation for any additional cultural programming.

Links to Council policy and strategy
Grants will be considered for initiatives by eligible community groups that meet the objectives of the Bayside Council Grants Policy and the Annual Community Grants Guidelines 2017/18.
Arts and Culture Service Review

Bayside Film Festival Excerpt from the Arts Culture Service Review
Report to Council Meeting 15 December 2015

Service Review Team
December 2015
2.1.1 Bayside Film Festival

Service description
The Bayside Film Festival (BFF) aims to provide a voice to young people through the medium of film and offers opportunities for their personal and skill development. The BFF includes four key components to the program, including a curated program, Jump Cut, the Youth Documentary project and Digital Stories, discussed further in this section. Following a review of the program completed in December 2014, the program was suspended for 2015, with the future of the program subject to this strategic service review and a further Council decision.

Service summary

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Total attendance for the 2014 Festival</td>
<td>980</td>
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<tr>
<td>Staff numbers (full time equivalent)</td>
<td>0.6</td>
</tr>
<tr>
<td>Net cost to council 2013/14 (or income and expenditure)</td>
<td>$107,979</td>
</tr>
<tr>
<td>Cost per attendee (2014/15)</td>
<td>$110.18</td>
</tr>
<tr>
<td>Performance measurement 2015/16</td>
<td>Participation rates in Arts &amp; Culture programs</td>
</tr>
<tr>
<td>Buildings / assets used (not including corporate centre)</td>
<td>N/A</td>
</tr>
<tr>
<td>Alternative service suppliers</td>
<td>None</td>
</tr>
</tbody>
</table>

The Festival’s Curated Program places local storytelling into a global context, encouraging dialogue between contemporary ideas in international filmmaking and the fresh talent of local filmmakers. The screening program featured documentaries, shorts, and film-related forums with industry practitioners.

In summary, the 2014 Curated Program included:

- 8 film screenings over 4 days
- Overall attendance of 215
- 90% of attendee feedback rated the program ‘good’ or ‘excellent’
- Cost of $44,685, with a cost per attendee of $207.84.

Jump Cut is open to young people aged 8 – 26 years of age from around the world. Young people are invited to submit short films for screening as part of the Bayside Film Festival. Young filmmakers are encouraged to submit short films in any genre up to 15 minutes in length, which were made in the last two years. In summary, the 2014 Jump Cut program included:

- 85 entries with 6% from Bayside, 46% from Victoria, 21% from other states in Australia and 27% from international participants
- Overall attendance at screenings 171
- Cost of $8,910, with a cost per entrant of $104.82.

The Youth Documentary Project (YDP) works with secondary schools to assist young people in Year 9 and 10 to develop documentaries with the assistance of a professional filmmaker. The YDP supports school’s media studies curriculum. In summary, the 2014 YDP program included:

- 7 participating schools; 1 in Bayside and 6 from outside Bayside
- 203 students participated
- 554 attended film screenings.

The *Digital Stories Project* empowers students with special needs. Digital Stories are narratives, which provide an insight into a person's life. The films produced are generally personal, reflective and affirm the importance of understanding individual perspectives in our culture. This project follows the timelines and criteria set for the Youth Documentary Project. In summary, the Digital Stories Project included:

- 2 participating Bayside Schools/Organisations; Bayley House and Berendale School
- 8 participants.

Due to the operational relationship between YDP and Digital Stories, budget data is not able to be reported separately. Across the two program components there was a total cost of $54,382, which can be considered as either a cost of $257.73 per participant/student, or as a cost of $8,042.44 per participating school/organisation.

**Service assessment**

The Bayside Film Festival (BFF) has previously been subject to a review process in 2014. The review had put forward 3 options for the BFF going forward: to discontinue the program, improve the program with a stronger public value proposition, or to suspend subject to this review. The program was subsequently suspended for 2015 due to interest from local Bayside schools being below the set benchmark. The long-term future of the BFF was subsequently referred to this strategic service review process for consideration and recommendation.

Council is now in a position that the BFF can be considered in light of customer and stakeholder research that has been conducted for this strategic service review. 88.5% of respondents rated their satisfaction of the arts and culture programs. While all arts and culture programs received an average satisfaction score in the positive range (satisfied rather than dissatisfied), the BFF received the lowest average satisfaction rating of any of the arts and culture programs, with an average score of 0.75 (Fully satisfied = value of 2, Satisfied = value of 1, Neither satisfied/dissatisfied = value of 0). Attendee satisfaction was consistent with the average score, while participants/artists and partners rated satisfaction higher (1.15 and 1 respectively) and other stakeholders were much less satisfied (0.33).

17% of respondents went further in providing commentary regarding the benefits (or not) of Council providing the BFF program. Compared to the overall results, this program had almost double the percentage of comments in the “constructive feedback” (17%) and “no benefit or Council shouldn’t offer this program” (7%) themes. The percentage of positive feedback was less than a third (5%) of that of the overall programs. However, there was still a high percentage of comments about “benefits the community” (20%) and “Develops/supports art/artists in Bayside” (22%). A number of the key themes are summarised below:

- **Benefits the community/participants**: Youth expression, creativity, connectedness; Community engagement opportunity, valuable cross generational/cultural exchange of perspectives, insight into issues important to youth; access to films would not otherwise see, sharing quality time and love of film with family members, wonderful experience.

- **No benefit or Council shouldn’t offer this program**: not Council’s role, cancel this poorly attended program, superfluous given the plethora of film festivals in Melbourne, no benefits.

- **Develops/supports art/artists in Bayside**: great exposure, skill development, confidence boost for young filmmakers, practical experience for local directors and producers.
• **Positive feedback about program**: community see collaborative projects, diversity of voices / content, focus on marginalised voices

• **Constructive feedback**: selection too conservative, not reaching the public, poorly attended and publicized, costs more than worth, Lost purpose. Poor film curation (More local films less American), Disappointed in funding cut to Youth short film festival.

In terms of whether the BFF program is achieving its aims/purpose, there was an average score of 2.24 demonstrating moderate to strong agreement that it is achieving its aims (Strongly = value of 3, moderately = value of 2, Slightly = value of 1, not at all = value of 0). 8% of respondents provided specific feedback to the program’s aims, with a higher percentage (14%) of comments with positive feedback. However, programmatic changes (31%) and constructive feedback (14%) make up half of all comments. A number of key themes are summarised below:

- **Programmatic changes**: lost its way and community focus, become elitist, needs partnership with other groups/councils, seems unnecessary, only do the student aspect, films too experimental, program not effective, not enough take up by schools/youth, no connection with community, opportunity to be open air, stronger expert curation/interaction.

- **Positive feedback**: good idea, excellent for young people.

- **Constructive feedback**: money would be better spent on other programs, no interest in program.

The BFF was originally conceived with the credible purpose of engaging with, developing the skills of and enabling the expression of opinions on important issues for Bayside’s young people. More broadly, the program extended the reach of the arts and culture service to Bayside’s youth and provided a vehicle to showcase short documentary films to the community. The BFF commenced with a nominal annual program budget of $10,000 in 2004.

Over the past 10 years, particularly between 2005 to 2009, the BFF has grown and evolved, expanding its reach and the variety of entry points and experiences for participants. The cost of the program has also grown over time, to $107,979 for the most recent 2014 program. The growth of the BFF was aided in part by state government grant funding, however its scope did not contract following the withdrawal of these grant funds. As indicated in the previous BFF review, the lack of a coherent purpose, and the absence of evaluation criteria have made it difficult to comprehensively assess its performance and determine which opportunities for improvement should be pursued. While this was in part addressed by the 2014 review, as the 2015 program was suspended it has not been further tested.

In terms of the program components, the curated program is a part of the BFF that has been the subject of closest scrutiny during the service review process. Although the purpose of the curated program was refined in the 2014 review, it is the part of the program that appears most misaligned with the overall program purpose. While customer satisfaction is generally satisfactory, the cost per attendee of $207.84 for the service outcome of screening a range of curated films and film workshops is not considered value for money. The overall cost of this component at $44,685 represents 41% of the overall costs of the BFF in 2014, yet services only 22% of the program participants in a less developmental way.

When considering the remaining program components, a significant component of the program costs are directed to supporting participants and schools outside of Bayside. For example, 66% of schools/organisations as part of YDP/Digital stories are not within Bayside, representing $35,892 of
the program costs being directed externally. Although there is merit in the program broadening participation to expose local youth to a variety of opinions and issues youth outside of Bayside, this external participation represents over 33% of the overall BFF program costs.

Throughout the service review process, there has been tension between the benefits the BFF delivers for our young people, the question of whether the program is alignment with community needs and whether the program delivers value for money. Overall, it is considered that there is value in what the BFF offers for young people, however in its current form, the Film Festival should be discontinued. It could be possible to subtract components of the BFF to address these concerns, however it would not address the fundamental issues of the current BFF. It is therefore recommended that the Bayside Film Festival is discontinued. As an alternative model to engage the youth age group in the service, it is recommended that some funds be retained from the film festival to be directed towards arts and creative programs to engage young people.

**Recommendation No. 5 – Bayside Film Festival**

1. Discontinue the Bayside Film Festival
10.16 VICTORIA'S PROPOSED E-WASTE POLICY

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/265663

Executive summary

Purpose and background

The purpose of this report is to present the Victorian government's proposed policy position to ban the disposal of e-waste to landfill from July 2018 and the likely impacts on Council and Council's waste reduction targets. Advocacy to the State government is recommended to ensure Council's growing costs of managing e-waste over time are supported by a relevant funding source, such as the Municipal and Commercial Landfill Levy.

E-waste has been defined as all discarded products that originally required batteries or an electrical connection for use. It includes, but is not limited to, televisions, computers, mobile phones, electronic kitchen appliances and white goods. These items can contain both hazardous material (such as heavy metals that can contaminate land and ground/surface water) and valuable materials that can be recovered when the original products reach the end of their working life.

E-waste is growing up to three times faster than general municipal waste in Australia. Approximately 109,000 tonnes of e-waste was generated in Victoria in 2015 while only 50% of this was reprocessed by an e-waste recycler. The total amount of e-waste is expected to grow to approximately 256,000 tonnes per year in 2035.

Some types of e-waste, such as white goods, televisions and computers are already recycled at a relatively high rate, sometimes driven by commercial imperatives in the marketplace, sometimes by non-profit organisations and sometimes by policy settings that encourage or mandate recycling (for example, product stewardship schemes).

However, other items such as small household appliances, power tools and game consoles are recycled little, if at all. The reasons for this include:

- A varying demand by reprocessors for feedstock;
- Market value for recycled components;
- Commodity price trends (including precious and rare-earth metals);
- Costs of reprocessing;
- The regulatory framework affecting e-waste streams; and
- They fit in a garbage bin.

Key issues

This proposed Policy is welcomed as it is aimed at increasing the proportion of waste material diverted from landfill. The following sections discuss how e-waste is currently managed by Council and how the proposed Policy will impact Council's services.

Council's Current E-waste Recycling Services

Council provides for the collection and recycling of e-waste through the booked hard waste service, collection at the Bayside Recycling and Waste Transfer Station and at Community Recycling Hubs located at the Corporate Centre and Beaumaris library. Commercial outlets such as Officeworks, Harvey Norman and ALDI also provide collection points for certain types of e-waste.
E-waste collected through the hard waste service is recycled. The following products are separated for recycling:

- TV's (CRT, Plasma and LED)
- VCR's and DVD players
- Stereo Systems
- Computer hard drives
- Monitors
- Household appliances
- Printers and faxes
- Telephones an Tablets
- Games consoles
- Keyboards and accessories

E-waste collected at the Bayside Recycling and Waste Transfer Station is processed for recycling by MRI Recycling in Campbellfield. Collection at the Transfer Station falls under the National Television and Computer Recycle Scheme (NTCRS) which was established in 2001 to provide Australian householders and small businesses with access to industry-funded collection and recycling services for televisions and computers. To date more than 130,000 tonnes of e-waste has been collected nationally and recycled under the scheme.

Batteries, globes/tubes, mobile phones, chargers and power leads are collected at the Community Recycling Hubs and are recycled.

The e-waste that is collected as part of Council’s hard waste collection services is currently charged to Council as a transport cost and does not directly reflect the processing costs paid to or rebates returned from e-waste recyclers for valuable components. Some low value e-waste items collected as hard waste are currently disposed to landfill.

The cost of Council’s current e-waste component of the hard waste service is approximately $175,000 per annum, which is borne directly by Bayside residents through the municipal waste charge. The financial implications for Council’s ongoing operations (collection, storage, handling, transport and processing) of the proposed e-waste Policy is discussed later in the Finance section of this paper.

Is there Sufficient E-waste Processing Capacity in Victoria?

In metropolitan Melbourne, there are currently 25 companies providing e-waste recycling services due to the scarcity and value of materials recovered from this waste stream. Based on the experience of the NTCRS, the State government has indicated that growth in e-waste recycling as a result of this Policy will be covered with existing processing capacity and it will encourage new service providers to enter the market.
Transfer Station Upgrades Required

The key to minimising ongoing costs of collection, transport and processing of the e-waste stream is to minimise the handling and sorting of e-waste between the product user and the recycling processor. To minimise this materials handling aspect of ongoing operational costs, upgrading of the existing receptacle facilities for each type of e-waste at the Transfer Station is required.

Such upgrades to the Transfer Station will be an upfront cost to Council that may attract funding from the State government’s e-waste infrastructure support program. An audit of the existing facilities at the Transfer Station has been conducted by Sustainability Victoria, which will inform the rollout of the State’s infrastructure funding program.

Potential Increases in the Dumping or Stockpiling of E-waste

The Policy Impact Assessment that accompanies the government’s draft e-waste Policy identifies increased illegal dumping or inappropriate stockpiling of e-waste as a risk in the implementation of the new Policy. This document also advises that this risk will be mitigated through improved availability of e-waste collection points across the community and the quality and coverage of community promotional and education campaigns advising the community on the appropriate e-waste recycling behaviour.

Next Steps for Council

The Department of Environment, Land, Water and Planning has invited feedback on the proposed e-Waste Policy Package from Council. A response to this invitation from Council is presented in Attachment 2.

Recommendation

That Council advocates to the State government for ongoing financial support to cover Council’s growing costs of managing e-waste as a result of the e-waste Policy as outlined in Attachment 2.

Support Attachments

1. Attachment 1 - Letter from DELWP - Victoria’s Proposed E-waste Policy Package
2. Attachment 2 - Response to Victoria’s Proposed E-waste Policy Package

Considerations and implications of recommendation

Liveable community

Social

Banning e-waste from landfills addresses community expectations that appropriate action is being taken to effectively manage environmental impacts. The increased diversion of e-waste from landfill will require behaviour change within the community to increase source separation of these materials within the household so that Council’s collection, transport and processing costs, which are ultimately met by residents through the municipal waste charge, are minimised.

Natural Environment

The current practice of disposing of e-waste is responsible for 75% of heavy metals such as mercury, chromium and cadmium found in landfills that require ongoing monitoring and management to prevent land and ground/surface water contamination.
Landfill e-waste disposal is also a missed opportunity to recover scarce and valuable non-renewable materials such as gold, silver, mercury and copper that is common in e-waste.

**Built Environment**

Although e-waste is currently accepted at the Bayside Recycling and Waste Transfer Station, further upgrades to provide separate receptacle for different types of e-waste to minimise material handling operations and costs are required.

**Customer Service and Community Engagement**

The ban of e-waste disposal to landfill will require promotion, education for behavioural change to ensure community compliance with the new policy. The State government has allocated $1.5 million to a three year state-wide education and awareness program on e-waste disposal.

By implementing a consistent and coordinated campaign, those involved in the generation, collection, transportation, treatment and disposal of e-waste will be informed of the shared responsibility to protect the environment and human health.

The campaign aims to divert e-waste from landfill through improved recovery of e-waste by increasing community participation and understanding of e-waste management and resource recovery infrastructure and services and promoting available options for managing e-waste (by recycling, reusing and disposing of e-waste responsibly).

The target audiences and key stakeholder groups will include:

- Households;
- Small to medium enterprises;
- Large organisations;
- Local government;
- Waste management and resource recovery service providers, and
- The e-waste recycling industry.

The reach of the campaign will benefit strongly from the willingness of Councils and other stakeholders to disseminate information and provide advice on e-waste recycling options.

**Human Rights**

The proposed policy to ban e-waste disposal to landfill is 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 Department of Environment, Land, Water and Planning have released a draft Policy Package that proposes a legal ban of disposing e-waste to landfill. The package involves regulatory tools that specify how e-waste must be managed in Victoria from July 2018. The EPA will be responsible for administering these policies and enforcing compliance.

**Finance**

Based on the e-waste volume growth predictions provided in the Policy Impact Assessment, the additional cost to Council for collection, storage, handling, transport and processing over 10 years is approximately $450,000. There is also ongoing administration costs associated with monitoring, recording and reporting of e-waste is expected to amount to approximately $30,000 per annum.
The cost of state wide education and promotion campaigns to support behaviour change associated with the diversion of e-waste from landfill will be covered by a 3-year $1.5 million funding commitment from the State government. Messaging about responsible e-waste management within the Bayside community will be incorporated into Council’s current community communications and educational programs within existing operational budgets.

An upgrade to the Bayside Recycling and Waste Transfer Station with improved e-waste collection and storage facilities will require additional capital works estimated at $50,000. A commitment has been made by the State government to support councils with the costs of Transfer Station upgrades from a $15 million e-waste infrastructure support program, which is likely to be on a 50:50 cost sharing basis.

With greater scrutiny, coupled with increased demand on e-waste transporters and recyclers, there is a potential for the costs associated with collections, transport, separation and storage to increase. Council’s current hard waste collection contract includes e-waste, and with greater transport to account for more designated e-waste collections, additional costs could be incurred. No estimate on this cost is able to be calculated at this time.

Council’s submission on the State government’s policy impact assessment will seek reimbursement for any operational cost increases.

**Links to Council Policy and Strategy**

The increased diversion of e-waste from landfill to reduce the risk of environmental harm and increase the recovery of valuable non-renewable resources aligns with Goal 5 of the Council Plan 2017-21: we want a Bayside where our environmental impact is decreased through reduced community waste and efficient water and energy usage in Council operations.

The Bayside Environmental Sustainability Framework highlights the responsible management of waste by Council.

Increased resource recovery and diversion from landfill will ensure Council achieve these goals and strategies.

**Options considered**

As the banning of e-waste from landfill is proposed policy position of the Victorian State government, no other options have been considered as part of this report.
Dear Mr Robb

VICTORIA'S PROPOSED E-WASTE POLICY PACKAGE

I am writing to let you know that the Victorian Government's proposed approach to managing e-waste is now available for public comment. The draft regulatory tools and policy impact assessment can be accessed at www.engagewaste.gov.au, and feedback may be submitted until 25 January 2018.

The proposed approach will legally ban e-waste from landfill and specify how e-waste must be managed in Victoria from July 2018. The government is supporting those who manage e-waste, including local councils, to adapt to these new regulatory requirements with a statewide education campaign and an infrastructure support program. For further detail, the proposed approach is summarised in the Managing e-waste in Victoria fact sheet enclosed.

Every endeavour should be made to adapt to the new regulatory requirements by July 2018. Acknowledging that time will be needed for this, the Victorian Government will not expect full compliance with the new regulatory requirements in the first 12 months of them taking effect. However, during this period, those with legal obligations will need to be able to demonstrate to EPA Victoria how they are working towards full compliance.

The government’s e-waste education campaign and infrastructure support program will support the transition to the new arrangements. However, those managing e-waste, including local councils, will be responsible for understanding and implementing them. This includes storage and collection infrastructure, signage, and system and process adaptations in line with the Australian and New Zealand standard Collection, storage, transport and treatment of end-of-life electrical and electronic equipment. Given the annual budget cycle is starting for many of us, please consider how the new requirements will impact Bayside City Council and its residents, and plan accordingly.

In collaboration with your regional waste and resource recovery group, we will be holding information sessions around Victoria over the next three months to help you and your staff better understand the proposed approach. For further information on the proposed policy package, please contact Megan McDonald, Senior Policy Officer Waste and Resource Recovery at megan.mcdonald@delwp.vic.gov.au or 9637 8804.

Yours sincerely

Ian Campbell-Fraser
Director Economics, Governance and Waste

- 4 OCT 2017

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to info.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.
In 2014 the Victorian Government committed to banning electronic e-waste from landfill.

'E-waste' describes waste electrical or electronic equipment, or anything with a power cord or battery at the end of its useful life. It includes a range of items used and discarded at work and at home. It contains both hazardous materials, which can harm the environment and human health, and valuable materials, which are scarce and worth recovering. For these reasons, it is important e-waste is well managed.

E-waste is also growing three times faster than general municipal waste in Australia putting pressure on waste management infrastructure and the environment. Analysis performed on the flow of e-waste in Victoria projects the amount of e-waste generated in Victoria will increase from 109,000 tonnes in 2015 to approximately 256,000 tonnes in 2035.

Using the findings of this analysis, other behavioural and impacts analyses, and feedback from industry, government and community, the Victorian Government has designed an approach to managing e-waste in Victoria. The approach aims to reduce waste to landfill, increase resource recovery, and support jobs and investment in the recycling industry.

Proposed Policy Package

The proposed approach to managing e-waste in Victoria comprises both regulatory and non-regulatory measures.

Regulatory measures

The regulatory component involves:

a. an amendment to the Waste Management Policy (Siting, Design and Management of Landfills) No. S264 to include e-waste as a material banned from landfill; and

b. a new waste management policy that specifies how e-waste should be managed. This will refer to the Australian and New Zealand standard Collection, storage, transport and treatment of end-of-life electrical and electronic equipment (AS/NZS 5377: 2013).

These waste management policies will take effect in July 2018. Drafts can be accessed now at www.engage.vic.gov.au.
Non-regulatory measures

The non-regulatory measures will support the new regulatory requirements and are funded through Victoria’s Sustainability Fund. Sustainability Victoria is designing and developing the measures in collaboration with other key stakeholders, such as Victoria’s waste and resource recovery groups and local councils, to ensure practical and effective design and implementation.

The measures are outlined below.

E-waste infrastructure support program

The Andrews Labor Government allocated $15 million to design and implement a program to upgrade Victoria’s e-waste collection network, increase community access to e-waste disposal points and expand capacity to receive and safely manage increasing volumes of e-waste.

The program will commence with an assessment of the current e-waste collection network across Victoria to identify priority collection points and gaps in e-waste collection capacity, and gauge compliance with the new regulatory requirements. The findings from the assessment will inform how and where the program funding will then be prioritised.

Network assessments: Oct – Dec 2017
Funding strategy developed: Jan - Feb 2018
Network upgrades: mid 2018 – mid 2019

E-waste education and awareness campaign

The Andrews Labor Government also allocated $1.5 million to a three-year state-wide education and awareness campaign that builds knowledge about what e-waste is, provides information on what Victorians can do with e-waste, and highlights the environmental benefits of reusing, donating, repairing or recycling e-waste.

The campaign will provide clear and consistent information on what e-waste is and where e-waste can be taken using content marketing and press communication channels, including the SV website. Materials will also be developed to foster new behaviours in managing e-waste in Victoria.

Figure 1: Printed circuit boards
Credit: Stock

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 www.relayservice.com.au. This document is also available on the internet at www.delwp.vic.gov.au.
Mr Ian Campbell-Fraser  
Department of Environment, Land, Water and Planning  
PO Box 500  
East Melbourne, Vic 8002

Dear Mr Campbell-Fraser

Victoria’s Proposed E-waste Policy Package

I am writing in response to your letter dated 4 October inviting feedback on the proposed policy package to manage e-waste recently developed by the Department of Land, Water, Environment and Planning.

Bayside City Council welcomes the proposed e-waste Policy as it is aimed at increasing the proportion of waste material diverted from landfill. This draft Policy aligns with the goals in Bayside’s Environmental Sustainability Framework to increase landfill diversion rates to 60% by 2020 and 75% by 2025.

However, there is concern regarding the ability for Council and the community to fund the ongoing additional costs of collection, storage, handling, transport and processing of e-waste as volumes increase over time as a result of the implementation of the policy package.

I acknowledge the State government have committed to a $15 million Infrastructure Fund to support Council’s to upgrade municipal transfer stations with the improved resource recovery facilities to cope with the increased e-waste volumes and an additional $1.5 million for a community education program and promotion campaign to influence community recycling behaviour for e-waste. Unfortunately, the only information provided on the financial implications to Council’s operational costs with increasing e-waste volumes is that Council’s will be required to meet these costs, which are ultimately born by residents through the rating system.

Council calls on the State government to allocate sufficient funds from the Municipal and Commercial Landfill Levy to subsidise Council’s additional operational (collection, storage, handling, transport and processing) costs of e-waste above current levels.

Should you wish to discuss this matter further please contact Mr Ken Bott Manager Sustainability and Transport on 03 9599 4609.

Yours sincerely

Cr Laurence Evans  
Mayor
**10.17 BEAUMARIS BAY - NATIONAL HERITAGE NOMINATION**

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure

File No: PSF/17/65 – Doc No: DOC/17/268791

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**Executive summary**

**Purpose and background**

The purpose of this report is to inform Council of a request from the Sandringham Foreshore Association to support its nomination for Beaumaris Bay to be listed on the National Heritage Register.

The area shown in the nomination for National Heritage listing extends from the Port Phillip Bay side of the Bay Trail from Table Rock to the Bayside municipal boundary (Mentone Corner) and into the bay as shown in Attachment 1. The Beaumaris Motor Yacht Squadron leased area is excluded from the area. The area includes sections of Port Phillip Bay, the inter-tidal zone, cliffs and foreshore open space between the Bay Trail and the cliff top.

Council does not have any management authority over the Port Phillip Bay area of the nominated area or the inter-tidal zone below the high tide mark. Council is the Committee of Management for the Crown Land that is above the high tide mark including the cliffs and cliff top foreshore areas. Council has a number of assets in this area including paths, seats and tables, carparks, public toilet, and the area has substantial vegetation.

A Sea Scout hall, jetty and boat house are also located within the nominated area.

The implications of the request to support the application by the Sandringham Foreshore Association on the Council managed land needs to be assessed. Community consultation regarding the request is also recommended prior to Council formally considering to support the application.

**Key issues**

The Sandringham Foreshore Association has compiled a substantial nomination submission supported by a range of scientific and paleontological evidence. It has been advised by the Australian Heritage Council that the nomination has merit.

National Heritage status is significant and would provide protection for this important area by requiring approval from the Commonwealth National Heritage department for various activities and works. The implications of this protection on Council’s role as Committee of Management for the land based areas of the nominated area need to be assessed. Council needs to be sure that if it supports the nomination, it will remain able to maintain and manage the area for the community’s benefit.

It is acknowledged that the Sandringham Foreshore Association is a community based group, however there has been no wider community comment or feedback sought on the proposal to nominate Beaumaris Bay for National Heritage listing. Prior to considering support for the application of the Sandringham Foreshore Association, it is recommended that community consultation be undertaken to seek views on the proposal.
Recommendation
That Council undertakes community consultation and then receives a further report at its February 2018 meeting on the implications of the nomination for National Heritage listing of Beaumaris Bay.

Support Attachments
1. Attachment 1 - Proposed Area of Beaumaris Bay for National Heritage (separately enclosed)

Considerations and implications of recommendation

Liveable community

Social
Beaumaris Bay and the cliffs and foreshore are natural features enjoyed by many people for relaxation and recreation. The National Heritage nomination seeks to protect the natural elements of this area.

Natural Environment
Beaumaris Bay and the cliffs and foreshore are natural features that form an impressive part of the landscape. The National Heritage nomination seeks to protect the natural elements of this area.

Built Environment
Beaumaris Bay and the cliffs and foreshore are natural features. The Bay area below the high tide mark is managed by others. Council manages the foreshore and has a range of infrastructure that is installed along the foreshore. National Heritage listing may introduce controls on how Council manages and maintains the open space and infrastructure within the listed area.

Customer Service and Community Engagement
As part of preparing the report for Council in February 2018, the community will be asked to provide feedback on the proposal to list Beaumaris Bay on the National Heritage register.

The foreshore areas are heavily used during the summer, particularly January and February when the weather is warm and people seek to access this type of open space. As a result of the higher numbers of people using this area, summer is an ideal time to consult with those people.

It is proposed to erect signs in the Beaumaris Bay nomination area asking people to go to Council’s 'have your say' website to provide feedback.

Human Rights
The recommendation is not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.
Legal
There are no legal implications of the recommendation.

Finance
There are no financial implications resulting from the recommendation.

Links to Council policy and strategy
The nomination of Beaumaris Bay for National Heritage listing is not part of any Council policy or strategy. Protection of Port Phillip Bay and the foreshore for a range of community and conservation purposes are key objectives of Council.

Options considered
Not applicable to this report.
10.18 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/267028

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 21 November 2017.

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

This report also recommends that 2 action awaiting items be deleted given the some actions have evolved with the passage of time, or no longer relevant.

Proposed deletion from spreadsheet:

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| 10.7 – 19/08/20 14 | 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. | Council was informed by the Minister for Planning indicating he would not support mandatory controls in activity centre.  
Recommended no further action on this matter and be deleted from the Action Awaiting Report. |
| 10.1 – 25/08/15 | 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: | The intent of this resolution has evolved with the passage of time and this matter is being dealt with in conjunction with the Hampton Hub feasibility.  
Recommended no further action on this matter and be deleted from the Action Awaiting Report. |
| 10.7 – 22/09/15 | Strategic Service Review – Family & Childrens Services  
That Council  
8. develops a ten year improvement plan for kindergartens;  
considers the statement of purpose principles identified in the Family and Children's Services review as part of the development of the next Early Years Action Plan due in 2017 | With the passage of time this resolution has now been replaced by Council resolution 10.5 – 24/10/17.  
Recommended that this action be deleted from the Action Awaiting report. |
| 10.1 – 27/10/15 | **Request to purchase land 3 Hansen Street**  
That Council indicates its intention to sell a portion of the land adjacent to number 3 Hansen Street to the owner of the abutting land and refers the matter to the Director of Corporate Services to negotiate a suitable sale price and conditions and Council to further consider the matter at a future meeting. | **Owner yet to accept costs after two years discussion. No further action be taken on this matter until owner accepts the costs, and this matter will be reported back to Council.**  
**Recommended no further action be taken on this resolution and be deleted from the Action Awaiting Report.** |

### Recommendation

That Council notes the deletions from the Council Action Awaiting Report.

### Support Attachments

1. Council Action Awaiting report ↓
## Council Action Awaiting Report Attachment

<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
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<tbody>
<tr>
<td>25.11.14</td>
<td>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;</td>
<td>DCPCS</td>
<td>Report to proceed to the June 2018 Council Meeting.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>10.2 Sandringham Village Streetscape Masterplan 3. in the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.</td>
<td>DCPCS</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented at a future Council meeting for adoption.</td>
</tr>
<tr>
<td>24/05/16</td>
<td>10.7 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.</td>
<td>DERI</td>
<td>A further report will be provided to a future Council meeting.</td>
</tr>
<tr>
<td>21/06/16</td>
<td>10.3 Bayside Public Transport Advocacy Statement That Council: 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</td>
<td>DERI</td>
<td>Further updates on the Bayside Public Transport Advocacy Statement will be provided to Council for adoption for any new advocacy issues when they arise.</td>
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<tr>
<td>13/09/16</td>
<td><strong>10.2 Acquisitive Art Prize</strong>&lt;br&gt;That Council resolves to review the Acquisitive Art Prize governance, process and criteria for 2018 and beyond in November 2017.</td>
<td>DPCPS</td>
<td>Included in the recommendations from the Gallery Board on the December Council Meeting agenda.</td>
</tr>
<tr>
<td>28/02/17</td>
<td><strong>10.4 Potential Land Purchase</strong>&lt;br&gt;1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and&lt;br&gt;2. receives a further report on the outcomes of these negotiations</td>
<td>DCorp</td>
<td>A further report will be submitted to Council following the negotiations.</td>
</tr>
<tr>
<td>28/02/17</td>
<td><strong>10.7 Bay Trail Shared Path Public Safety Risks and Outstanding Audit Actions</strong>&lt;br&gt;That Council receives a further report following the completion of the community consultation and the phased approach for the implementation of the program.</td>
<td>DERI</td>
<td>This report is included on the 19 December 2017 Council Meeting agenda.</td>
</tr>
<tr>
<td>25/7/17</td>
<td><strong>10.4 Sandringham Golf Course Increased Investment and Upgrade Proposal</strong>&lt;br&gt;That Council receives a report on the outcomes of the consultation to determine if the proposal should proceed.</td>
<td>DCS</td>
<td>Report to be submitted Council following the consultation.</td>
</tr>
<tr>
<td>25/7/17</td>
<td><strong>10.6 Response to petition - Reclaim the historic name 'Pennydale' for the neighbourhood bounded by Bay Road, Frankston railway line, Park Road and the residential zone on both sides of Jack Road.</strong></td>
<td>DCS</td>
<td>A further report will be submitted Council following completion of the community consultation process.</td>
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<tr>
<td>25/7/17</td>
<td>That Council considers a further report on the matter following the completion of the community consultation process, and to further address the strong link with the locality and sense of place.</td>
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<td>25/7/17</td>
<td><strong>Bayside Environmental Sustainability Framework 2016-2025 Annual Progress Report</strong>&lt;br&gt;That Council receives a further report in the first quarter of the 2018/19 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
<td>DERI</td>
<td>A report will be submitted to the August 2018 Council meeting.</td>
</tr>
<tr>
<td>22/8/17</td>
<td><strong>Future Provision of Netball Facilities - Site Assessment Outcomes</strong>&lt;br&gt;That Council receive a report before or at the April 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range;</td>
<td>DERI</td>
<td>A report will be submitted before or at the April 2018 Council meeting.</td>
</tr>
<tr>
<td>22/8/17</td>
<td><strong>Brighton Secondary College Synthetic Hockey facility - Management Committee Financials Update</strong>&lt;br&gt;That Council receives a further report no later than July 2018 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td>DERI</td>
<td>A report will be submitted to the July 2018 Council meeting.</td>
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| 19/9/17        | Amendment C126 – Small Activity Centres Strategy 2014 | DCPCS | • Work is progressing to finalise the material for the Council Briefing report to be presented on 5 December 2017.  
• Notification of decision was mailed out and emailed to submitters on 2 October 2017.  
• A meeting with the Pennydale Action Group is to be organised following the Council Briefing on 5 December 2017. |
|                | That Council:  
1. Considers the submissions to Amendment C126 at a future Council meeting.  
2. Receives a briefing on the outcome of the review at its 5 December 2017 Councillor briefing.  
3. Writes to submitters and advises of its decision.  
4. Engages with the Pennydale Action Group to further discuss the implications of Amendment C126 prior to the December meeting. |         |                 |
| 24/10/17       | Amendment C151 – Hampton East (Moorabbin) Structure Plan | DCPCS | A report will be submitted to Council following the Minister for Planning’s decision in 2018. |
|                | That Council following the Minister for Planning decision in relation to the above receives a report that outlines the scope for an additional study for precincts 3, 5 and 6 including costs, funding options and timing. |         |                 |
| 24/10/17       | Wellbeing for All Ages and Abilities Strategy 2017-2021 | DERI | A report will be presented to the February 2018 Council meeting. |
|                | That Council:  
2. Includes a specific reference in the Action Plans to be developed in the areas of Early Years, Youth, Healthy Community and Healthy Ageing to define Council’s role in improving mental health, and these plans be presented in draft form to Council at its February 2018 meeting; |         |                 |
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<tr>
<td>24/10/17</td>
<td><strong>Early Years Infrastructure Plan</strong></td>
<td>DCPCS</td>
<td>A report will be presented in March 2018.</td>
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<td>That Council receives a further report including a draft Early Year’s Infrastructure Plan at the March 2018 Council meeting.</td>
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<td>24/10/17</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong></td>
<td>DERI</td>
<td>A further report will be presented to a future Council meeting following Heritage Victoria’s assessment of the Planning Application.</td>
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<td>3. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
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<tr>
<td>21/11/17</td>
<td><strong>Petition: Re-establishment of the Bayside Film Festival</strong></td>
<td>CCCS</td>
<td>This report is included in the December Council Meeting agenda.</td>
</tr>
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<td></td>
<td>That the petition be received and a report be submitted to the December 2017 Ordinary Meeting of Council for consideration.</td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>21/11/17</td>
<td><strong>National Disability Insurance Scheme</strong></td>
<td>DCPCS</td>
<td>That Council consider a report at the May 2018 Council Meeting.</td>
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<td>4. Receives a further report prior to June 2018, with options for Council’s ongoing role in relation to disability inclusion, advocacy and planning beyond the cessation of the Inclusive Communities funding in June 2018.</td>
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<tr>
<td>21/11/17</td>
<td><strong>Statutory Planning Service and Delegations</strong></td>
<td>DCPCS</td>
<td>That Council consider a report at the June 2018 Council meeting.</td>
</tr>
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<td></td>
<td>That Council receives a further report in June 2018 reporting on the outcomes of the trial and any further recommendations.</td>
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Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of a contractor to undertake the construction of a roundabout at the intersection of New Street, Wellington and Carpenter Streets, Brighton, under Contract CON/17/99. Works will include kerb and channel in blue stone and charcoal concrete, splitter islands, pavement, asphalt overlay, kerb ramps, footpath, landscape, nature strip reinstatement, line marking and signs. Once the project is constructed it will improve safety at this intersection. This project has received external funding under the Black Spot program administered by VicRoads.

Key issues
A public tender was advertised in The Age and released through TenderSearch on Saturday 21 October 2017 and closed on Wednesday 15 November 2017 with the following submissions:
- Blue Peak Constructions Pty Ltd;
- CDN Constructors Pty Ltd;
- Metroplant and Civil Services; and
- VCrete Contractors Pty Ltd.

VCrete Contractors Pty Ltd demonstrated in the tender documentation a good understanding of the project. From the initial evaluation VCrete Contractors Pty Ltd was shortlisted and invited to interview.

After the interview the tender panel was satisfied that VCrete Contractors Pty Ltd understood the site and the project including critical aspects such as: traffic and pedestrian management, duty of care with other authorities assets in particular the high pressure oil pipeline present at this site and Council and private trees. VCrete Contractors Pty Ltd showed relevant experience with construction of projects in streets with similar or higher traffic volumes.

As shown in Confidential Attachment 1 – Evaluation Matrix, the tender evaluation panel concluded that VCrete Contractors Pty Ltd offers the best value for money and recommends that the contract be awarded to VCrete Contractors Pty Ltd.

Recommendation
That Council:

1. Awards contract CON/17/99 New Street, Wellington and Carpenter Streets Roundabout, Brighton to VCrete Contractors Pty Ltd (ABN: 40 055 492 683) for the lump sum price of $280,237.51 (excl. GST) and $308,261.26 (incl GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/99 New Street, Wellington and Carpenter Streets Roundabout, Brighton;

3. Advises the unsuccessful tenderers accordingly;
4. Notes that this project is externally funded by the Black Spot program and the budget allocation made by Council in the 2017/18 Budget is not required; and

5. Authorises the 2017/18 Budget allocation for the roundabout at New, Wellington and Carpenter Streets of $330,000 to be transferred to the Infrastructure Reserve.

Support Attachments
1. Evaluation Matrix (Confidential) (separately enclosed) ⇩

Considerations and implications of recommendation

Liveable community

Social
This project will improve safety for motorists at the intersection of New, Wellington and Carpenter Streets. The location has met the Black Spot condition criteria.

Natural Environment
The works under this contract have taken into consideration the minimisation of the effects of its construction on the street trees. The area will be landscaped as part of the project.

Built Environment
The work under this contract will install a roundabout, renew road pavement and footpaths including providing access for all with the implementation of directional indicators to provide orientation to the new kerb ramp location at every corner of the roundabout for visually impaired people.

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. Residential properties in the area have been informed as part of the design process.

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

Legal
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 2017/18 includes an allocation of $330,000 (ex GST) for this project. This funding was however only required if Council was not successful in its funding application to the VicRoads Black Spot Program. VicRoads have approved funding of $328,000 and therefore Council’s funds will not be required and can be transferred to the Infrastructure Reserve.

The following table summarises proposed distribution of the allocated VicRoads funding including this contract.
VicRoads funding | $328,000.00
---|---
Public Lighting | $19,700.00
Civil Construction (The Contract) | $280,237.51
Contingencies and Project Management Costs | $28,062.49
Project Cost | $328,000.00

The expected project cost is $328,000.00 (ex GST), which is within the VicRoads Black Spot funding allocation. VicRoads has approved funds for this project under the Black Spot program.

**Links to Council policy and strategy**

This project is consistent with the 2017/2021 Council Plan as identified under Goal 1: Infrastructure – Strategy: fit for purpose and is safe, accessible, adaptable and is highly utilised, providing high levels of value.

The recommendation is to construct a roundabout at New, Wellington and Carpenter Streets to improve safety at this intersection that has been assessed as a Black Spot.

**Options considered**

**Not applicable to this report.**
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 CON/16/125 CONTRACT VARIATION FOR BRIGHTON GOLF COURSE STORMWATER 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