Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 20 February, 2018 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
Order of Business

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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 19 December 2017.

   5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 23 January 2018.

6. **Public Question Time**
Petition from residents requesting Bayside City Council to change street parking in Well Street, Brighton between St Andrews and Carpenter Streets.

**Petition Prayer**

"We the undersigned hereby petition Bayside City Council to change street parking in Well Street, Brighton between St Andrews and Carpenter Streets to residents only on northern side and 1 hour limit between 8:00am – 5:00pm on the southern side."

**Petition Requirements**

The submitted petition containing 172 signatories meets the required format of a petition in accordance with Council's Governance Local Law No: 1, Clause 65.

**Officer Comment**

Council's approach to parking reviews and the implementation of parking restrictions is addressed in the Managing On-Street Parking Demand Policy.

**Recommendation**

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

**Support Attachments**

Nil
Petition from residents requesting Bayside City Council to improve pedestrian safety at the Were Street shopping strip by reducing the speed limit to 40 kilometres per hour.

Petition Prayer
“We the undersigned hereby petition Bayside City Council to improve pedestrian safety and convenience at the Were Street shopping strip by reducing the vehicle speed limit to 40 kph, installing a pedestrian crossing or safety island and installing more appropriate vehicle parking time restrictions.”

Petition Requirements
The submitted petition containing 272 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Officer Comment
Speed limits in Victoria are established by VicRoads. Council does not have the authority to authorise the change requested by the petitioners. Council staff will review the issues identified in the petition and engage with VicRoads regarding the speed limit. If the recorded traffic speed is assessed as warranting intervention, there may be other traffic management options available to reduce vehicle speeds and improve pedestrian safety in Were Street, Brighton.

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

Support Attachments
Nil
7.3 PETITION: REMOVAL OF THE TEA TREE SPECIES FROM CHELSEA STREET BRIGHTON

Petition from residents requesting Bayside City Council to remove the tea tree species from Chelsea Street, Brighton and replace it with a more suitable tree.

Petition Prayer
“We the undersigned owners and ratepayers of properties in Chelsea Street Brighton, hereby petition Bayside City Council for the removal of the Tea Tree species from the street and their replacement.”

Petition Requirements
The submitted petition containing 20 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Officer Comment
Officers will review the issues raised by the residents and will respond accordingly.

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

Support Attachments
Nil
8. Minutes of Advisory Committees

Nil
Executive summary

Purpose and background
To note the Minutes of the Special committee of Council established to hear submissions in relation to the proposed lease of Elsternwick Park – pavilion and associated facilities.

Council at its meeting on 21 December 2017 established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the proposed lease of Elsternwick Park – pavilion and associated facilities 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 7 February 2018. 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 7 February 2018 to hear submissions in relation to the proposed lease of Elsternwick Park – pavilion and associated facilities

Support Attachments
1. Minutes - 7 February 2018 - Special Committee of Council - Proposed Lease of Elsternwick Park
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 lease 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 lease 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 lease 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:

Notice of Intention to Lease Elsternwick Park pavilion and associated facilities

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Wednesday 7 February 2018

The Meeting commenced at 6:30pm

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

Officers in attendance:  
Adrian Robb  
Mick Cummins  
Terry Callant  
Chief Executive Officer  
Director Corporate Services  
Manager Governance
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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. George Reynolds – Bayside Ratepayers Group
   2. Representative – Elsternwick Cricket Club
1. Welcome and opening of the meeting

2. Apologies

   There were no apologies submitted to the meeting.

3. Declarations of any Conflict of Interest

   There were no conflicts of interest submitted to the meeting.

4. Submissions

   4.1 BAYSIDERATEPAYERS GROUP - SUBMISSION: NOTICE OF INTENTION TO LEASE ELSTERNWICK PARK - PAVILION AND ASSOCIATED FACILITIES

       It is recorded that Mr George Reynolds was not present at the meeting.

   4.2 ELSTERNWICK CRICKET CLUB - SUBMISSION: NOTICE OF INTENTION TO LEASE ELSTERNWICK PARK - PAVILION AND ASSOCIATED FACILITIES

       Corporate Services - Commercial Services
       File No: PSF/18/103 – Doc No: DOC/18/25557

       It is recorded that Mr Mark Dunstan representing the Elsternwick Cricket Club spoke for 3 minutes and 55 seconds in support of this submission.

       Moved: Cr Long
       Seconded: Cr del Porto
       That the submissions in relation to the proposed lease of Elsternwick Park pavilion and associated facilities, be received and noted.

       CARRIED

       Following consideration all Submissions the Chairperson declared the meeting closed at 6.37pm.

       CONFIRMED THIS INSERT 20TH DAY OF FEBRUARY 2018
Executive summary

Purpose and background
To note the Minutes of the Special committee of Council established to hear submissions in relation to the proposed lease of Council Land to the Beaumaris Lawn Tennis Club.

Council at its meeting on 21 December 2017 established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the proposed lease of Council Land to the Beaumaris Lawn Tennis Club 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 7 February 2018. 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 7 February 2018 to hear submissions in relation to the proposed lease of Council Land to the Beaumaris Lawn Tennis Club.

Support Attachments
1. Minutes - 7 February 2018 - Special Committee of Council - Beaumaris Lawn Tennis Club
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 lease 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 lease of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

Finance
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This is an administrative report that facilitates the process for the proposed lease 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:

Notice of Intention to Lease Council Land to Beaumaris Lawn Tennis Club

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Wednesday 7 February 2018

The Meeting commenced at 7:00pm

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

Officers in attendance:
Adrian Robb Chief Executive Officer
Mick Cummins Director Corporate Services
Terry Callant Manager Governance
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4.16 Ms Leanne Scott - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
4.17 Mr George Montgomery - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
4.18 Ms M Read Flavell - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
4.19 Mr Marcus Gennissen - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club

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. Robert and Elizabeth Smith
2. George Reynolds – Bayside Ratepayers Group
3. Jarrod Broadbent
4. Ashley and Katrina Cooper
5. Mark Barbour
6. Ian Thomas
7. John Collins
8. Margie Read Flavell
9. Marcus Gennissen
1. Welcome and opening of the meeting

2. Apologies

There were no apologies submitted to the meeting.

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.
4. Submissions

4.1 MR ROBERT AND MRS ELIZABETH SMITH - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr Robert Smith spoke for 15 minutes in support of his submission.

4.2 BAYSIDE RATEPAYERS GROUP - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr George Reynolds spoke for 6 minutes and 10 seconds in support of his submission.

4.3 MR JARROD BROADBENT - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr Jarrod Broadbent spoke for 7 minutes 25 seconds in support of his submission.

4.4 ASHLEY AND KATRINA COOPER - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr Ashley Cooper spoke for 5 minutes and 10 seconds in support of his submission.

4.5 MR MARK BARBOUR - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr Mark Barbour spoke for 11 minutes and 25 seconds in support of his submission.
4.6 MR IAN THOMAS - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr Ian Thomas spoke for 8 minutes and 10 seconds in support of his submission.

4.7 MR JOHN COLLINS - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr John Collins spoke for 2 minutes and 45 seconds in support of his submission.

4.8 MS M READ FLAVELL - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Ms Read Flavell spoke for 7 minutes and 55 seconds in support of her submission.

4.9 MR MARCUS GENNISSEN - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

It is recorded that Mr Marcus Gennisen spoke for 4 minutes and 30 seconds in support of his submission.

Moved: Cr Long 
Seconded: Cr Martin

That the submissions in relation to the proposed lease of Council Land to Beaumaris Lawn Tennis Club, be received and noted.

CARRIED

Following consideration all Submissions the Chairperson declared the meeting closed at 8.13pm.

CONFIRMED THIS INSERT 20 DAY OF FEBRUARY 2018
Executive summary

Purpose and background
The Beaumaris Bay Consortium (refer to Attachment 1 for membership) has submitted an application to obtain a National Heritage List nomination for Beaumaris Bay from the National Heritage Department. For the application to progress, the National Heritage Department requires a letter of support from Council as manager of the land (on behalf of the Department of Environment, Land, Water and Planning).

At the 19 December 2019 Ordinary Meeting of Council it was resolved:

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.

The purpose of this report is to inform Council of the outcome of this consultation and assessment regarding the implications for Council if Beaumaris Bay receives National Heritage Listing.

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 2). 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. The existing Beaumaris Motor Yacht Squadron leased area is excluded from the nominated area.

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 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 toilets, and areas of substantial vegetation.

A Sea Scout hall, jetty and boat house are also located within the nominated area.

The Beaumaris Bay Consortium 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.

Representatives of the Beaumaris Bay Consortium met with the Mayor and Council staff to discuss the nomination in September 2017.

Key issues

Community consultation outcomes

Nomination of Beaumaris Bay supported by participants
Of the 223 participants that submitted an online survey, 197 (88%) participants were in Support of Beaumaris Bay being nominated to the National Heritage List. Of the 5 (2%)
participants that were Unsure, 4 participants were concerned that the heritage status would impact on their ability to walk on the site.

Main reasons given by participants in support of nomination include:

- Preserving the unique natural features of the area (flora, fauna both sea and land);
- Preserving the unique cultural features of the area (fossils, Indigenous cultural significance);
- Location of the area within a Marine Sanctuary and its local, national and global cultural and historical significance;
- Importance of the site for education purposes; and
- Preventing inappropriate development of the site in the future.

Concern Heritage Listing will affect the use and enjoyment of Beaumaris Bay

Of the 223 participants that submitted an online survey, 21 (9%) participants Do Not Support Beaumaris Bay being nominated to the National Heritage List.

Main concerns given by participants not in support of nomination include:

- A safe harbour for the Beaumaris Yacht Squadron is urgently needed;
- Preventing community use and enjoyment of the bay;
- Protection of fossils not considered a worthwhile cause; and
- Inconclusive evidence of the environmental significance.

Direct Feedback from the Beaumaris Motor Yacht Squadron

The Beaumaris Motor Yacht Squadron (BMYS) contacted Council on Tuesday 30 January to inform Council that a number of their members were unable to navigate to Council’s ‘Have Your Say’ page. The BMYS instead ran its own survey, asking the same questions the Council asked on the ‘Have Your Say’ page.

Council has been advised that of the 111 people who took part in this exercise, 107 Do Not Support Beaumaris Bay being nominated to the National Heritage List. Four were in Support of Beaumaris Bay being nominated to the National Heritage List.

It is not possible to determine if people voted in both the ‘Have Your Say’ survey and the independent survey run by the BMYS.

Representatives from BMYS met with the Mayor and Council staff on 8 February 2018 to discuss its proposed Safe Harbour project and redevelopment of the current BMYS site. During this meeting BMYS provided information on:

- Work completed by the BMYS to date as part of the Environmental Effects Statement;
- Consultation completed by the BMYS to promote the Safe Harbour project;
- Potential benefits of the proposed Safe Harbour project, including:
  - Berthing for rescue vessels;
  - Refuge for vessels during adverse weather events;
  - Future proofing the site for anticipated recreational growth;
  - Improved traffic access and car parking; and
  - Community benefits such as an increased boardwalk area and extensions to local foreshore paths.

The BMYS is concerned that unless the total area of the current BMYS and proposed Safe Harbour redevelopment is shown on the national heritage nomination, it will be unable to operate as normal as activities such as dredging works could become prohibited, and any redevelopment would be significantly impacted.
The BMYS does not support the nomination in its current form but supports the principle of the nomination provided it includes recognition of the current and proposed BYMS site.

**Implications for Council as land manager**

Areas recorded on the National Heritage List will be protected by the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

Approval under the EPBC Act is required for any action occurring within, or outside, a National Heritage place that has, will have, or is likely to have a significant impact on the National Heritage values of the National Heritage place.

Significant Impact on a National Heritage Place will cause:

- one or more of the National Heritage values to be lost; or
- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

The existing maintenance work completed by Council to manage the bushland and foreshore within Beaumaris Bay would not be considered as ‘significant impact’ and therefore would not require referral under the EPBC Act.

If the Beaumaris Bay area is recorded on the National Heritage List it will protect the area from future development, retain the area currently leased by the BMYS for its current use and have minimal impact on Council’s use of the clifftop areas. It is recommended that the nomination be endorsed by Council.

**National Heritage Register Nomination Process**

The National Heritage Register nomination process involves the current application being accepted by the Department of the Environment and Energy. If accepted, the Department of the Environment and Energy will initiate community consultation based on the nomination received.

The final extent of the nominated site to be included in the National Heritage Register will be determined by the Department of the Environment and Energy following its own assessment of the nomination.

**Conclusion**

It is acknowledged that in its current form, the National Heritage List nomination includes recognition of the current BMYS footprint. It does not recognise the current redevelopment proposals of the BMYS. The BMYS is finalising its Environmental Effects Statement (EES) for its Safe Harbour proposal and expects to be in a position to progress its redevelopment plans by applying for a planning permit later in 2018. Council is not in a position to support the BMYS redevelopment project; this will be the subject of assessment through the planning permit process.

The BMYS has advised Council that it recognises the significance of the Beaumaris Bay area and its redevelopment plans are designed to support and protect this area. The results of the EES will provide guidance on this issue.

It is recommended that Council provides a letter of support for the Beaumaris Bay National Heritage list nomination for the purposes of progressing to the next phase of the nomination process.

The letter will recognise the implications of the proposed listing on the current BMYS site and future proposal.
Recommendation
That Council provides a letter to the Beaumaris Bay Consortium that:
1. supports the National Heritage List nomination for Beaumaris Bay proceeding to the next phase of the assessment process;
2. acknowledges that the Beaumaris Bay National Heritage List nomination could have implications for the Beaumaris Motor Yacht Squadron (BMYS);
3. acknowledges that the BMYS future development project requires the completion of an Environmental Effects Statement (EES) and other approvals, such as obtaining a planning permit, before any redevelopment of that site could proceed; and
4. conveys this resolution by letter to the Beaumaris Bay Consortium and Beaumaris Motor Yacht Squadron.

Support Attachments
1. Beaumaris Bay Consortium ↓
2. Beaumaris Bay Nomination Area (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
Council facilitated an online engagement process to determine the level of community support for nomination of Beaumaris Bay into the National Heritage List. Consultation was open from 20 December 2017 to 28 January 2018, members of the community and stakeholders were notified via direct email (Have Your Say database) and signage onsite. The project page online attracted 597 visitors, visitors to site engaged in the following activities:

- 223 people participated in the online survey
- 179 downloaded the document
- 364 people visited multiple spaces
Online engagement was used as the primary engagement tool for a number of reasons including:

- Timing of the project across festive season, online engagement is the most convenient; and
- Information required, Council was looking for indicative levels of support to inform its decision making.

The Beaumaris Motor Yacht Squadron (BMYS) surveyed its members. Of the 111 people who took part in this exercise, 107 Do Not Support Beaumaris Bay being nominated to the National Heritage List. Four were in Support of Beaumaris Bay being nominated to the National Heritage List.

**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 associated with the recommendations in this report.

**Finance**

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

**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 will assist Council achieving Goal 4 Open Space of the Council Plan by protecting and ensuring the quality of our open space, including beaches and foreshore.

The recommendations meet the goals and objectives of Council’s Coastal Management Plan (2014) and Open Space Strategy (2012).
Q9. Who else has an interest in the place?

List the people and groups who use, manage, or have legal responsibility for the place. This could include: Aboriginal and Torres Strait Islander Traditional Owners, State or Territory government and local council, developers and industry groups, licence holders allowed to take or use the natural resources of the place, conservation groups, community groups such as historical societies, recreational users and others.

National heritage listing brings with it unique responsibilities. Therefore, we require you to work with people and groups who use, manage, or have legal responsibility for the place and provide evidence that they support your nomination.

Members of the Beaumaris Bay (BB) Consortium who support the nomination and contributed to the application are listed below. Their letters of support are found in Appendix C.

(*groups who are members of the BB consortium)

1. The Society of Vertebrate Paleontology
2. The Palaeontological Society
4. The Royal Society of South Australia
5. Professor John Long, Palaeontologist, Strategic Professor in Palaeontology, School of Biological Sciences, Flinders University; former President of The Society of Vertebrate Paleontology; Vice President, The Royal Society of South Australia; Head of Science, Museum Victoria (2004-2009); Councillor, The Royal Society of Victoria (2005-2009).
6. Professor John Buckeridge, Palaeontologist, RMIT University, Earth & Oceanic Systems Group School of Civil, Environmental & Chemical Engineering; Executive Board, International Council for Science; Past President International Union of Biological Sciences; President Emeritus, International Society of Zoological Sciences.
7. Dr Pierre (Peter) Kruse, Palaeontologist, Chairman, Association of Australasian Palaeontologists & the Hon. Associate, South Australian Museum, Science Centre, Adelaide.
8. Professor Mike Archer AM, Palaeontologist in the Pangea Research Centre, University of New South Wales; former Curator of Modern & Fossil Mammals in the Queensland Museum; former Director of the Australian Museum in Sydney; former Dean of the Faculty of Science at UNSW; Adjunct Professor University of Sydney; Chair of Academy of Science’s Dorothy Hill Award Committee.
9. Dr Eric Charles Frederick Bird, Geologist, Melbourne University, Department of Geography.
10. Professor Tim Flannery, palaeontologist; Professor, MSSI, Melbourne University & Chief Councillor, Climate Council of Australia; Australian of the Year 2007.
11. Professor Michael Buxton, Planner and coastal expert; Professor at Global, Urban & Social Studies, RMIT University.
12. Mr David Rhodes, Archaeologist, Aboriginal Prehistory; Director Heritage Insight Pty Ltd.
15. Mr Peter Dedrick, Lawyer, Scuba diver, marine photographer, who contributed to the application for National Heritage listing of Beaumaris Bay.
16. Dr Jeff Shimeta (PhD), Marine biologist, Senior lecturer, School of Applied Sciences, RMIT University.
17. A/Professor Vicki Kotsirilos AM, Medical Practitioner; A/Professor of Nutrition, Lifestyle and Preventative Medicine; Associate Professor, Monash University, La Trobe University & University of...
Western Sydney, Head of Beaumaris Bay Consortium & contributor of the application for National Heritage listing of Beaumaris Bay.

**GROUP SUPPORT:**

18. Bayside Earth Sciences Society Inc*
19. Sandringham Foreshore Association*
20. Beaumaris Conservation Society Inc (BCS)*
21. Marine Education Science and Community (MESAC)*
22. Marine Care Ricketts point (MCRP)*
23. Friends of Ricketts Point*
24. Black Rock and Sandringham Conservation Association Inc (BRASCA)*
25. Mordialloc Beaumaris Conservation League Inc (MBCL)*
26. Port Phillip Conservation Council Inc*
27. Bayside Arts Group (BAG)*
28. Victorian Arts Society (VAS)*
29. Beaumaris Sea Scouts*
30. Friends of Mordialloc Catchment*
31. The Boon Wurrung Foundation
32. The Bunurong Land Council Aboriginal Corporation
33. The Bunurong Land and Sea Association
10.2 SANDRINGHAM GOLF COURSE UPGRADE PROPOSAL

Executive summary

Purpose and background

The purpose of this item is to determine whether to provide approval to Sandringham Golf Links Management and Golf Victoria to proceed to detailed design and seek planning approval for upgrade works at the Sandringham Golf Course.

Council has commissioned a number of reports since early 2000 in relation to golf infrastructures, specifically reports in 2008 and in 2012 made recommendations to improve the Sandringham Golf Course and make significant investment due to ageing infrastructure, profitability and changing trends in golf.

In May 2012 Council adopted a report 'Sandringham Golf Course – Research and Data Collection Project Final' report as the basis for future development and use of the Sandringham Golf Course. The report confirmed earlier recommendations from 2008 for a Sandringham Golf Course redevelopment. It recommended Council invests $1.6 million on the course to modernise the layout, increase capacity of water storage for irrigation and improve golf surfaces.

Council has not made additional investment in the course in accordance with those recommendations. The carpark, buildings and vegetation require rejuvenation as identified in historic reports.

Based on the initial concept proposal and the broader community benefits offered by the project, Council resolved at the June 2017 Ordinary Meeting to support consultation on more detailed designs and to receive a report on the outcomes of the consultation to determine if the proposal should proceed.

Two options, Option A and Option B (attached) where then finalised for broader consultation. A copy of the consultation report is attached.

Key issues

Proposal

The proposal before Council would see significant capital investment to the value of $12.7 Million. This includes public café, player change rooms and associated amenities, Administration space for the golf peak bodies and Sandringham Golf Links Management staff, 350 metre public golf driving range including multiple grass tees and target greens, Himalayas public putting and short game practice area, indoor golf training facilities including golf swing simulators available for public use and increased water storage volume to reduce reliance on potable water. The only space not publicly accessible will be the administration component.

The trend at Sandringham has seen play of 9 hole rounds increase from 49% up to 53% in 2016 however there has been a downward trend in rounds overall. There is a general trend towards recreation activities with a three hour maximum time frame. The proposal seeks to tap into youth development to invigorate golf with a segment of the market where there is limited golf activity and to encourage greater participation. The proposal seeks to engage with school aged children and beginners thus opening up the course to both skilled and novice players.
Findings from Consultation

The detailed consultation report is attached. Three options exist in relation to the proposal which the community was been asked for feedback on:

1. **Option A - 15 hole loop to retain course length – 25 responses in support**

This option would see multiple tee locations on holes to change the nature and playability of holes and has been drawn up by golf course architects to allow for demand for a longer course length. It seeks to minimise the impact on vegetation and takes into account the return of the land abutting Tulip Street Leisure Centre.

Supporting comments related to maintaining length, improving facilities, encouraging youth and minimising impact on vegetation.

This option was not supported by the clubs which use the course and attracted the least support though the Have Your Say webpage. Additional concerns related to the logistics of playing competitions with the need to repeat 3 holes.

This option attracted least support.

2. **Option B - Reduced course length to maintain traditional 18 holes – 91 responses**

This option allows for 18 traditional holes of golf however is the shortest of the proposed options. The option reduces the par of the course to 65 to accommodate the training facilities and return of land near Tulip Street Family Leisure Centre. It seeks to minimise impacts on vegetation and significant trees.

Supporting comments relate to preference for 18 separate holes, improved course infrastructure and improved course management. There was support for the approach to development and learning opportunities provided by the proposed layout.

The primary concern with this option has been from golfers with long standing attachment to the course that want to see the longest course possible on the site. There was a preference to retain at least one par 5 which is not easily achievable under the proposed layout. A number of suggestions related to placement of women’s tees to support a longer course were raised and can be considered in the final detail design.

This is the preferred option if the proposal to upgrade the course is accepted.

3. **Neither Option -69 responses**

This option would see no change to the course without direct Council investment. This was the second highest response rate. Key issues related to the history of the course and perception of taking what is a good public course and negatively impacting it for regular golfers. The respondents had concerns about the driving range component, need to potentially repeat holes, making it an elite facility and shortening the course. There was also feedback that the proposal had not been adequately publicised nor enough information on the impact on golfers during construction.

Concerns were also raised that it was a waste of money to do the upgrades and allocation of funding to various components. Conversely the feedback also suggests Council not proceed with the project but invest in the existing course and facilities itself.

4. **Other items raised**

a. The course upgrade will lead to increased fees for a round of golf.
The proposed capital investment is only partially funded by the tenant and does not create the need to recover significant cost of works through increased green fees. The lease constrains the approach to increasing fees and requires Council consent.

b. The course upgrade supports elite golfers/tenant at the expense of golfers/residents

The funding proposal requires the development of associated infrastructure to support game development. Significant investment by the State Government requires that the facilities have public access. The course will remain a public golf course and provide access to improved facilities, driving range, practice areas and other golf related services to the community.

c. Driving range at Wangara Road

A number of concerns were raised as to the need for two driving ranges in Sandringham. The tenant at Sandringham Driving Range has expressed significant concern about the proposed inclusion of public driving range facilities.

The driving range is a core requirement of the proposed upgrade and the project will not proceed without this feature. It should be noted Council is currently exploring the Wangara Road site for the future of Netball and this will be subject to a separate report to Council.

Additional water harvesting dam

The proposal included an area nominally for Council to fund a further dam for water harvesting. Limited feedback was received on this during consultation, however some concerns were expressed as to the extent and impact on the vegetation in this area. A detailed vegetation study would be required along with design work to incorporate this into course works proposed in the upgrade at a cost of around $10,000 to Council. The cost of the design and construction of the additional dam and related infrastructure would be in the order of $600,000.

Access to Land Abutting Tulip Street Family Leisure Centre

There was concern raised by golfers that the land being returned to Tulip Street Family Leisure Centre would further increase the impact on golfers with reduced length of course.

Access to this land significantly improves the opportunities for non golf related community activities. It would potentially provide for improved traffic management, create space for expansion of services including potential for Basketball and other activities.

Assessment of Proposals

Whatever option Council pursues including the status quo will not meet the expectations of the different interest groups. The consultation feedback included 116 responses or 62% open to some form of change. Most respondents would like to see improvements on course even if they do not support either option. Option B received greatest support with 49% however the status quo option received 37%.

The status quo option would require Council to invest in capital improvements. The existing lease has requirements for co-investment based on 40% of profit being returned to the course. This mechanism will provide minor upgrades over time. There is no funding allocated for redevelopment works at Sandringham Golf Course in Council’s current Capital Works Program.

Any outcome will require a variety of compromises on this site and adjoining Tulip Street site. Option B provides the greatest benefits to the broader community, and reaches the greatest compromise between all the competing interests in providing capital investment, minimising impact on vegetation, maintaining an 18 hole course and providing broader community benefits with release of land to Tulip Street.
Recommendation
That Council:

1. provides consent as land owner for a Planning Permit Application to be submitted based on Option B - an 18 hole golf course as set out in Attachment No. 2 of this report subject to;
   a. Detailed plans being provided to Council of all proposed works prior to the planning application being lodged;
   b. Project implementation plans being developed identifying the timing and impact of works on the course and patrons once detailed designs have been completed;

2. Commissions a detailed vegetation report on the area proposed for the additional water storage area and consults with local environmental groups on the proposed location to determine any impacts prior to undertaking detailed design; and

3. Considers funding of the additional water harvesting infrastructure as part of its Capital works Program.

Support Attachments
1. Concept Option A ↓
2. Concept Option B ↓
3. Consultation Report (separately enclosed) ⇒
Considerations and implications of recommendation

Liveable community

Social
The proposal seeks to respond to societal changes leading to a move away from 18 hole golf to shorter forms of the game. It seeks to engender greater participation by junior golfers and to encourage participation across a wide range of age groups and time constrained players. Access to a public driving range and advanced golf services will be available to the public as part of the proposal.

The proposal will provide upgraded infrastructure to support the functioning of the golf course including new social spaces and amenities which make the course infrastructure more appealing.

The course is well utilised with around 70,000 rounds a year and has a number of clubs which affiliate to the golf course.

Natural Environment
The proponents have worked with environment groups to minimise any impacts on the environment and where possible actively improve the vegetation. The proposal is to replace any trees lost on a three to one basis and significantly rejuvenate course vegetation.

The proponents have worked with environment groups to minimise any impacts on the environment and where possible actively improve the vegetation. The proposal is to replace any trees lost on a three to one basis and significantly rejuvenate course vegetation.

The proposal will provide water catchment and treatment to improve irrigation and reduce reliance on potable water. There is an opportunity for Council to co-invest in water harvesting to provide water to nearby sports grounds however no decision has been made in relation to this issue.

The current lease allows access to the Course for Bayside Native Nursery to enhance indigenous plants and collection propagation material and also for the Friends of Native Wildlife.

Built Environment
The proposal upgrades the buildings on the site and car park. The proposal would return a portion of land abutting the Tulip Street Family Leisure Centre which will provide alternative opportunities for non golf activities including basketball development, parking and access to the site. There would be impacts on the course infrastructure during any upgrade works.

Council has a Driving Range Facility nearby which is subject to a feasibility study for the future home of Netball.

Customer Service and Community Engagement
The two options underwent initial consultation and refinement of proposals with a group of key stakeholders included Sandringham Golf Links aligned golf clubs, Beaumaris Conservation Society, Bayside Community Nursery, Bayside Friends of Native Wildlife, Sandringham Family Leisure Centre Tenants, Royal Melbourne Golf Club and Victoria Golf Club to understand any specific concerns from these groups. These groups and neighbouring residents were also
consulted on the original proposal prior to it being presented to Council for consideration at the June 2017 Council meeting.

Further broad community consultation has been undertaken including drop in sessions with 108 attendees and Have Your Say website with 185 responses providing a forum for community member to feed into the proposal. In summary the Have Your Say website attracted 967 participants with 541 downloading a document. 185 people actively participated in the survey to provide input. Of these 162 respondents reported they played golf at the course and 115 reported being local residents. The majority of respondents, 135 reported being over 50.

Of the options presented 25 opted for option A, 91 for option B and 69 for neither option.

Council advertised the proposals in the local newspapers and on its website. This includes supporting material and opportunities to provide feedback through Have Your Say on its website. The proposal was also promoted by the project proponents online, through promotion in the Pro shop at the golf course and on the Sandringham Golf Links website. Golf Victoria have also maintained a feedback page on their website since the project received support for consultation by Council.

Council has received a number of letters which indicate both support and concern for the proposal, particularly during the current consultation period.

**Human Rights**
There are no Human Rights implications raised in relation to this report.

**Legal**
Should the proposal achieve support from Council, a sub-lease may be required. No other change is proposed to lease terms therefore no statutory consultation on the lease is required. The lease contains a provision which provides for 40% of net profit as additional annual rent. The lease, with options runs until 30 June 2034.

Appropriate planning and statutory consultation processes would be required if a future decision of Council supported the redevelopment.

**Finance**
No contribution from Council is required for the proposal to proceed. Aging buildings in the form of pro shop and club room building will be replaced along with car parking and significant improvements to the Course. These works would otherwise be required to be funded by Council. An estimate of capital cost to replace the current infrastructure is in the order of $2.5M however no detailed costing or consideration of improved service from the facilities has been investigated.

Should Council wish to invest in water harvesting for nearby recreation reserves a provision in the vicinity of $600,000 towards a further dam and infrastructure should be made whilst detailed work is undertaken to determine the scale of infrastructure that could be accommodated taking into account environmental impacts.

The proposal seeks to invest $12.7Million into the site including new facilities and course redevelopment and improvements.
The rental return is currently $645k per annum, with an additional income of approximately $90,000 in non-resident green fees. The rate income from the site is $26k per annum.

Additionally the tenant is required to contribute 40% of any profit to capital improvements on the course. This fund plus contribution by Council would be used to continue to upgrade the course over time. A project to upgrade the carpark funded by Council and the contribution from tenant from profit was been put on hold whilst the proposal is considered. These works would not be required to be funded by Council if the proposal is accepted.

There is an impact on the nearby Sandringham Golf Driving Range which currently returns $126K in rental income and is leased until January 2024. This site is also subject to the future of netball and a feasibility study.

**Links to Council policy and strategy**

The Property Strategy includes a priority to review opportunities for greater return from Council’s Golf Courses.

The Active by the Bay Strategy identifies a medium term action to formalise a hierarchy of golf facilities on Council managed land and establish a plan for future development and use of golf facilities.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not proceed with proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>No change to course conditions limits any negative feedback from users of the course</td>
</tr>
<tr>
<td></td>
<td>No need for any transitional arrangement during works which would impact playing at the course</td>
</tr>
<tr>
<td></td>
<td>Course can continue to be maintained as is under the existing lease</td>
</tr>
<tr>
<td>Issues</td>
<td>Does not address upgrade needs for course for both facilities and playing surfaces</td>
</tr>
<tr>
<td></td>
<td>Golfers likely to seek separate funding for course improvement if proposals do not go ahead as heightened sense of what could be possible</td>
</tr>
<tr>
<td></td>
<td>Does not address degrading vegetation which requires renewal</td>
</tr>
<tr>
<td></td>
<td>May disenfranchise some stakeholders that see benefit in the proposal</td>
</tr>
<tr>
<td></td>
<td>Council will likely be required to fund capital upgrade to course</td>
</tr>
<tr>
<td></td>
<td>Does not address water harvesting requirements to minimise use of potable water</td>
</tr>
<tr>
<td></td>
<td>Does not release land at Tulip Street Family Leisure Centre to support non golf activities</td>
</tr>
<tr>
<td></td>
<td>Pending outcome of Netball Feasibility study may mean there is no municipal driving range facilities in Bayside</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Proceed with Option A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Maintains maximum course length</td>
</tr>
<tr>
<td></td>
<td>Least cost option for proponents</td>
</tr>
<tr>
<td></td>
<td>Least impact on vegetation, revegetation occurs in nominated sites</td>
</tr>
<tr>
<td></td>
<td>Supports consolidation of golfing bodies</td>
</tr>
<tr>
<td></td>
<td>Delivers course upgrades and facility upgrades</td>
</tr>
<tr>
<td></td>
<td>No capital contribution from Council required to achieve course improvement</td>
</tr>
<tr>
<td></td>
<td>Delivers water harvesting to reduce potable water use</td>
</tr>
<tr>
<td></td>
<td>Provides pathway for junior golf and elite golfing facilities, facilities available for public</td>
</tr>
<tr>
<td>Item 10.2 – Reports by the Organisation</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------</td>
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</tr>
</tbody>
</table>

### Council

Council continues to receive significant rental in accordance with the lease over the next 16 years which supports overall management of Council property portfolio and community benefits

Council retains ownership of all improvements at end of lease

Provides land abutting Tulip Street Family Leisure Centre to support non golf related activities for broader community benefit at no cost to Council to achieve this outcome

### Issues

Has a 15/3 loop to play 18 holes which has limited support from traditional 18 hole golfers and received least support of the three options put to consultation

Creates some course management issues with scheduling rounds

### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Proceed with Option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Maintains 18 hole course</td>
</tr>
<tr>
<td></td>
<td>Supports consolidation of golfing bodies</td>
</tr>
<tr>
<td></td>
<td>Delivers course upgrades and facility upgrades</td>
</tr>
<tr>
<td></td>
<td>No capital contribution from Council required to achieve course improvement</td>
</tr>
<tr>
<td></td>
<td>Revegetation occurs in nominated sites</td>
</tr>
<tr>
<td></td>
<td>Water harvesting occurs reducing need for potable water</td>
</tr>
<tr>
<td></td>
<td>Provides pathway for junior golf and elite golfing facilities, facilities available for public</td>
</tr>
<tr>
<td></td>
<td>Council retains ownership of all improvements at end of lease</td>
</tr>
<tr>
<td></td>
<td>Council continues to receive significant rental in accordance with the lease over the next 16 years which supports overall management of Council property portfolio and community benefits</td>
</tr>
<tr>
<td></td>
<td>Provides land abutting Tulip Street Family Leisure Centre to support non golf related activities for broader community benefit at no cost to Council to achieve this outcome</td>
</tr>
<tr>
<td>Issues</td>
<td>Shorter course length not preferred by some golfers</td>
</tr>
<tr>
<td></td>
<td>More challenging upgrade for proponents</td>
</tr>
<tr>
<td></td>
<td>Impacts more areas of vegetation, however site walk arounds with stakeholder groups identified how to reduce or mitigate impacts on significant vegetation</td>
</tr>
</tbody>
</table>
Item 10.2 – Reports by the Organisation
**Executive summary**

**Purpose and background**
This report proposes adoption of the draft Southland-Pennydale Structure Plan for the purposes of community consultation and engagement.

The Southland-Cheltenham Activity Centre has been identified in both state and local planning policy as a location for increased housing density, capitalising on the opening of the Southland train station in late 2017 and the services and facilities provided as part of the Westfield Southland Shopping Centre. Given the identified role of the Southland-Cheltenham Activity Centre in accommodating future development, a structure plan for the part of the Activity Centre within Bayside City Council is required to ensure that this future growth and development is located and managed appropriately as well as ensuring that public infrastructure and services will meet the needs of current and future residents.

**Key issues**

**Community Consultation**
The initial consultation for this project was undertaken from March to September 2017 and included a direct mail out to 1,620 addresses, a survey (online and hardcopy), direct mail to business and key community groups, and four face-to-face information sessions and two community workshops. In addition, a Community Advisory Group was established with monthly meetings from August 2017 until March 2018 as part of an in-depth deliberative engagement process. This initial stage of consultation and engagement resulted in Council officers gaining an understanding of the key issues and opportunities facing local residents and a deeper understanding of the valued character of the neighbourhood. This information has informed the development of the draft Southland-Pennydale Structure Plan. Following endorsement of the draft Structure Plan by Council, a second round of community consultation will commence.

**Land Use and Building Heights**
The Structure Plan area known locally as ‘Pennydale’ is largely residential with a small commercial area of local shops located on the corner of Bay Road and Jack Road. The draft Structure Plan proposes to retain this mix of residential and commercial.

This Structure Plan area is currently zoned General Residential Zone, Schedule 1 which allows building heights of up to 3 storeys with a preference for 2 storeys outlined in the Design and Development Overlay, Schedule 2. The draft Structure Plan proposes to retain a maximum height of 3 storeys with more direction and guidance on the types of buildings to be built. For example, the area immediately adjacent to Southland train station and directly abutting Bay Road and Park Road can accommodate 3 storey apartment development, whereas for the majority of the area townhouse and detached multiunit development is considered more suitable in order to preserve the current valued neighbourhood character.
Traffic and Parking
The Structure Plan area is well serviced by the Route 828 and Route 822 Bus and the recently opened Southland train station. However, managing the traffic and car parking impacts of increasing development will be key in achieving the vision of the Southland-Cheltenham Activity Centre. The draft Structure Plan proposes to do this through inclusion of a number of strategies for improving pedestrian access to important locations, improving bicycle infrastructure, supporting integrated public transport, and through a number of road improvement strategies to develop the network’s capacity and safety. The draft Structure Plan also contains guidelines to mitigate car parking impacts from new developments.

Recommendation
That Council endorses the Draft Southland-Pennydale Structure Plan for the purposes of community consultation and engagement.

Support Attachments
1. Draft Southland - Pennydale Structure Plan (separately enclosed) ⇦
Considerations and implications of recommendation

Liveable community

Social
The draft Southland and Pennydale Structure Plan contains objectives and strategies in relation to land use, built form, access and movement, and the public realm that will guide development in the Activity Centre. The provision for a mix of housing types in Southland and Pennydale enables people at different life stages to live close to public transport, shops and employment opportunities. Improvements to walking and cycling infrastructure and better connected open spaces will facilitate increased walking and cycling.

Natural Environment
The draft Structure Plan considers how to protect and enhance biodiversity, how to respond to climate change and how to ensure new development is environmentally sustainable and incorporates vegetation and trees.

Built Environment
Activity Centres are identified as locations for future housing growth in both State and local planning policies. The residential areas within Bayside of the designated Southland-Cheltenham Activity Centre do not have a framework in place to manage growth in the area. The current structure planning process is the opportunity for the community to provide input into the changes occurring in Southland and Pennydale and ensure that future growth aligns with community expectations for development.

Customer Service and Community Engagement
The community engagement approach is designed to tap into the wealth of local knowledge that exists and to enable the community to help shape how Southland and Pennydale will develop in the future. Previous community feedback from planning applications, planning amendments and the development of the Bayside Community Plan 2025 have also provided important background information. The first stage of the community engagement is now complete and has provided valuable insights into the needs and expectations of the Southland and Pennydale community.

Further consultation and engagement will be undertaken on the draft Structure Plan following Council endorsement for this purpose.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The chosen community engagement approach allows for freedom of expression and for the community to take part in public life.

Legal
To implement the adopted Southland and Pennydale Structure Plan a planning scheme amendment will need to be prepared and exhibited pursuant to the Planning and Environment Act 1987. A planning scheme amendment will not be prepared until the Structure Plan is finalised and adopted by Council.

Finance
Resources to progress the Southland and Pennydale Structure Plan have been allocated in Council’s 2017/2018 and foreshadowed 2018/2019 Budgets.
Links to Council policy and strategy

**Bayside City Council Plan 2013-2017**
Developing the Southland and Pennydale Structure Plan is consistent with the following Council Plan strategies:

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

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

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

**Bayside Housing Strategy 2012**
The Southland Activity Centre is identified in the *Bayside Housing Strategy 2012* as a Key Focus Residential Growth Area and Moderate Residential Growth Area. A key recommendation of the Housing Strategy was that Council prepare a Structure Plan for the Southland area.

**Bayside Integrated Transport Strategy 2013**
The *Bayside Integrated Transport Strategy 2013* commits council to improving local accessibility, creating better public transport connections, creating user friendly streets, integrating transport and land use and improving perceptions of and enabling sustainable travel. The Southland and Pennydale Structure Plan provides an opportunity to improve walking and cycling in the area and to encourage more sustainable transport use.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Endorse the draft Southland-Pennydale Structure Plan for the purposes of community consultation and engagement without changes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The draft Structure Plan has been developed after extensive consultation with the community and stakeholders. The draft Structure Plan is ready to progress to the next stage of consultation without delays to the engagement and consultation schedule. Considering feedback from the broader community, interested parties and established community groups at the same time allows for a transparent and equal process.</td>
</tr>
<tr>
<td>Issues</td>
<td>Potential concerns from community groups with the recommendations presented in the Draft Structure Plan will not be addressed until the plan is presented to Council for adoption following review and response to submissions.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Not endorsing the draft Southland-Pennydale Structure Plan for the purposes of community consultation and engagement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits with this approach.</td>
</tr>
<tr>
<td>Issues</td>
<td>The development of a Structure Plan for the area will result in the provision of planning controls to guide future land use and development in the area. The absence of planning controls will result in uncertainty on expected built form and design outcomes and a reactive approach to mitigate and respond to amenity impacts and infrastructure needs associated with future development.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and Background
To present Council with the findings of the review of the Small Neighbourhood Activity Centres Strategy (SNAC) and Amendment C126.

Council at its meeting on 23 May 2017 resolved to:

1. Accept the late submissions received to Amendment C126 in accordance with Section 22 of the Planning and Environment Act 1987;
2. Defer consideration of the submissions to Amendment C126 until its 19 September 2017 Ordinary Meeting;
3. Undertake a review of the Small Activity Centres Strategy 2014 and Amendment C126 having regard to the issues raised in submissions;
4. Write to all submitters advising of its decision; and
5. Request an exemption from the requirements of Ministerial Direction 15.

The SNACs Strategy 2014 and Amendment C126 sought to guide future development in Bayside’s 33 smallest shopping centres through the following means:

- Restrictions and guidance on building heights and setbacks in each centre by applying new Design and Development Overlays;
- Rezoning of land within 13 centres;
- Inclusion of 3 centres within the list of centres where gaming is prohibited (ie: Cl. 52.28-4 of the Planning Scheme). The New Street and Martin Street centre is to be removed from the list and the schedule as it no longer complies with the policy for inclusion;
- A requirement for an environmental audit to be undertaken at the North Road and Nepean Hwy centre in Brighton East (ie: An Environmental Audit Overlay will be applied to the site by Amendment c155);
- A range of other policy changes to give effect to the Strategy.

Council received 88 submissions following exhibition of the amendment, with a further three late submissions received. Whilst many submitters supported the amendment a significant number opposed the height controls, with mixed views on proposed rezoning of specific sites.

Given the large number and range of conflicting views expressed by submitters in relation to the amendment, Council determined it appropriate to review the Small Activity Centres Strategy and Amendment C126 to assist in its consideration of submissions.
The need for a review

Through the exhibition process, a range of issues were identified by officers and submitters which undermine the strategic justification and the intent of the amendment, particularly:

- Several of the centres already have buildings which exceed the proposed height controls, which results in the proposed height controls being highly unlikely to be supported by an independent planning panel; and

- Limited justification for the proposed mandatory height and setback controls, particularly for the centres where no urban form concept plans had been prepared.

Key issues

As part of the review of the SNAC Strategy and Amendment C126, Council officers revisited each of the 33 centres in the municipality to assess the current conditions of each centre (refer Attachment 1). A number of centres have had buildings built which exceed the height controls proposed by Amendment C126, as well as a number of other changes to built form and the public realm.

Council commissioned Echelon Planning and Catalyst Development Services to review Amendment C126 and undertake an urban design review of the centres. Echelon and Catalyst then provided recommendations on how to strengthen the amendment and resolve gaps identified by officers. Urban form concept plans were prepared for the centres where these had not been previously prepared.

SGS Economics and Planning Pty Ltd (‘SGS’) were also commissioned to undertake an economic analysis of the centres within the broader activity centre hierarchy and advice on each centres opportunity for growth.

The consultant reports are included at Attachments 2 and 3.

Recommendations of Review

Key changes from the exhibited Amendment C126 documents include:

Changes to centre classifications:

A number of centres are recommended to change from their existing classification in the Small Activity Centres Strategy to better reflect their economic role. These are outlined in Attachment 4.

A number of centres were recommended by SGS to be declassified from the activity centre hierarchy as they provide a limited economic role, being:

- Bay Road and Avoca Street, Highett – The economic analysis indicates this centre should be rezoned to a light industrial zone. It is not proposed to rezone the Bay Road and Avoca Street centre at this time from Commercial 1 Zone to Commercial 2 Zone as recommended. A number of planning permits have been granted for mixed use development in this centre and it is considered unlikely that reversing the trend for residential development in this centre is possible. The land uses reflect the activity centre classification rather than an industrial focus as recommended. Further consideration will be given to the area surrounding this centre through the preparation of a Master Plan for the Bayside Business District;
- Keith Street and Widdop Crescent, Hampton East – Whilst the economic role of this centre is limited, it is not proposed to remove this centre from the activity centre hierarchy. There is potential to grow the economic role through Council intervention. As such, it is proposed to retain this centre as a Small Neighbourhood Activity Centre;

- Hampton Street and Durrant Street, Brighton – Given this centre comprises two businesses only, it is not considered to function as an activity centre and is recommended to be removed from the activity centre hierarchy. This site is proposed to be removed from Amendment C126 and retained in the Neighbourhood Residential Zone. Existing businesses will retain use rights and therefore operation will not be impacted by the proposed change.

- Weatherall Road and Morey Road, Cheltenham – given this centre comprises a small number of businesses, it is not considered to function as an activity centre and is proposed to be removed from the activity centre hierarchy. This centre is proposed to be rezoned from Commercial 1 Zone to a Neighbourhood Residential Zone Schedule 3, with the Design and Development Overlay Schedule 3 removed. The Vegetation Protection Overlay Schedule 3 will be retained on the site. Uses on the site will benefit from existing use provisions and there are limited implications for the current uses; and

- Nepean Highway and North Road, Brighton – This centre is recommended to be declassified given it contains a petrol station and convenience restaurant and provides limited economic function. As the centre is already zoned for residential purposes and it is identified as a strategic redevelopment site in the Bayside Housing Strategy 2012, it is proposed to retain the residential zoning of this centre and as such, it is proposed that it not be included in the activity centre hierarchy.

Design and Development Overlay Schedules
The following changes are proposed to the Design and Development Overlay schedules:

- Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway. Unique provisions have been provided for the East Brighton Shopping Centre and the Beach Road and Georgiana Street centre in response to submissions received;

- Delete reference to Clause 55, of the Bayside Planning Scheme, overshadowing objectives from the decision guidelines;

- Within the DDO14, amend the height provisions to provide for a discretionary height of two storeys and a mandatory height of three storeys, where additional height can be justified in regards to high quality design, site consolidation, protecting residential amenity, and other policy requirements relating to design response and ensuring amenity impacts are addressed;

- Within the DDO14, DDO15 and DDO17, add a design guideline to encourage site consolidation and the use of basement parking;

- Within the DDO15, amend the height to provide a discretionary height control of 4 storeys, and for additional height to only be considered in regards to high design quality, site consolidation, protecting the amenity of residential properties, and other policy requirements relating to design response and ensuring amenity impacts are addressed;
• Within the DDO16, amend the height provisions to provide for a discretionary height of two storeys and a mandatory height of three storeys, where the additional height can only be located on 758-768 Hawthorn Road to allow a third storey roof space conversion, similar to what has already occurred on this site; and

• Within the DDO17, amend the height provisions to provide a discretionary height control of two storeys and a mandatory height of three storeys where the additional height can be justified in regards to high design quality, site consolidation, protecting residential amenity, etc.

In relation to the individual centres, the following changes are proposed:

<table>
<thead>
<tr>
<th>Centre</th>
<th>Exhibited DDO</th>
<th>Recommended DDO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 New Street and Martin Street Centre, Brighton</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>2 East Brighton Shopping Centre, Brighton East</td>
<td>DDO16 (2 storeys)</td>
<td>Modified DDO16 to allow for three storey development at 758-768 Hawthorn Road.</td>
</tr>
<tr>
<td>5 Bluff and Highton Roads, Hampton East</td>
<td>DDO14 (3 storeys)</td>
<td>DDO14, except for the Coles site where DDO15 (4 storeys should apply)</td>
</tr>
<tr>
<td>10 Seaview Shopping Centre, Beaumaris</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>14 Thomas and Egan Street, Brighton East</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>19 Keys Street Shopping Centre, Beaumaris</td>
<td>DDO17 (2 storeys)</td>
<td>Modified DDO17 to allow 3 storeys rather than 2 storeys.</td>
</tr>
<tr>
<td>22 New and Bay Streets, Brighton</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO15 (4 storeys).</td>
</tr>
<tr>
<td>25 Bluff Road and Spring Street, Sandringham</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>27 Weatherall Road Shopping Centre, Cheltenham</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>32 Nepean Highway and Union Street, Brighton East</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO15 (4 storeys)</td>
</tr>
<tr>
<td>33 Nepean Highway and Centre Road, Brighton East</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO15 (4 storeys)</td>
</tr>
</tbody>
</table>

The majority of changes to building heights are a result of existing buildings in these centres already exceeding the height controls originally proposed, which would result in Council being unsuccessful in applying controls that result in a lower built form outcome. In some instances, this is due to centres including a large redevelopment site where additional height can be accommodated whilst responding to amenity impacts.
Other changes proposed to Amendment C126

In addition to the changes outlined above, it is also proposed to change Amendment C126 to:

- Recognise the Bluff Road and Highett Road centre as a future Neighbourhood Activity Centre, given the presence of a supermarket and opportunity for growth to provide for the future needs of our growing population;

- Expand Bay Street and New Street centre boundary to include 307 New St, 68 Bay Street and 331 New Street; and

- Other drafting changes to reflect the changes proposed. Preliminary planning scheme ordinance has been included at Attachment 5 to guide how the amendment will be modified, however this is considered draft and will be finalised once Councils position on the review is confirmed.

The changes proposed by the review and how these relate to the submissions received is included at Attachment 6.

Proposed next steps

It is expected that Council may need to seek re-authorisation of Amendment C126 from the Minister for Planning once the draft controls are finalised.

Council will then re-exhibit Amendment C126 and allow for submitters to change or withdraw their submissions, or for people who have not yet made a submission an opportunity to respond to the changes proposed.

People who have previously made a submission will not need to make a further submission unless they choose to do so.

Once the exhibition process has been completed, Council will be presented with the submissions received and will be able to request the Minister for Planning to appoint an independent Planning Panel to consider the submissions and make recommendations to Council and the Minister for Planning on the proposed Amendment.

Recommendation

That Council:

1. Adopts the outcome of the review of the Small Activity Centres Strategy 2014 and Amendment C126;

2. Amends the C126 documentation to reflect the outcomes of the review;

3. Writes to the Minister for Planning seeking re-authorisation of Amendment C126;

4. Re-exhibits Amendment C126 once re-authorisation is granted; and

5. Writes to all submitters to advise of its decision.

Support Attachments

1. Bayside Small Activity Centres Review - Existing Conditions Audit (separately enclosed)
2. Bayside Small Activity Centres Strategy Review - Urban Design Analysis (separately enclosed)
3. Bayside Small Activity Centres Strategy Review - Economic Analysis (separately enclosed) ⇦
4. List of Recommended centre classifications ⇩
5. Draft Planning Scheme Ordinance (separately enclosed) ⇦
6. Updated Response to C126 Submissions (separately enclosed) ⇦
Considerations and implications of recommendation

Liveable community

Social
Amendment C126 seeks to create more vibrant small activity centres through introducing design requirements which will protect local commercial uses and ensure access for local communities. This will assist in providing a mixture of housing, economic growth and social gathering places in the centres, and supporting housing diversity in appropriate areas.

Natural Environment
Amendment C126 seeks to reduce car dependency and support sustainable transport usage by increasing the diversity of land uses in the centres. This will ensure dwellings are constructed close to shops and services reducing reliance on private transport.

Built Environment
The amendment allows a moderate level of growth and development in centres. The Design and Development Overlays proposed will provide guidance for future development in the area and outline specific requirements for each centre type, including building height and setbacks. The amendment will provide certainty on how the centres are expected to change over time.

Customer Service and Community Engagement
Public consultation of Amendment C126 was undertaken between 18 March 2017 and 24 April 2017. The exhibition included:

- Notice of the amendment published in the Bayside Leader and Government Gazette;
- Advertisements in the Bayside Leader, Let’s Talk Bayside and on Council’s social media pages;
- Over 3,000 letters being sent out to affected property owners and occupiers, as well as properties surrounding to the centres offering individual meetings to discuss C126. This resulted in 15 requests for one on one meetings with Council’s Strategic Planners; and
- Letters to the prescribed Ministers required under the Planning and Environment Act 1987, referral authorities and adjoining municipalities.

It is anticipated that any future public exhibition of Amendment C126 will be subject to the same 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

Pursuant to the Planning and Environment Act 1987, Council must consider all submissions made during the exhibition period. In considering submissions which request a change to the amendment, Council must either change the amendment in the manner requested; refer the submissions to a Panel; or abandon the amendment. There are no legal implications from seeking re-authorisation and re-exhibiting Amendment C126.

If there are any changes proposed to the amendment documents, this may result in the need to re-exhibit Amendment C126 to those impacted in accordance with the Planning and Environment Act 1987.

Finance

Resources to progress Amendment C126 have been allocated in Council’s 2017/18 Budget.

Links to Council policy and strategy

Bayside City Council Plan 2013-2017

Amendment C126 – Implementation of the Bayside Small Activity Centres Strategy is consistent with the following Council Plan strategies:

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

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

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

Amendment C126 will ensure that Bayside’s smaller activity centres have a suitable planning framework in place to guide future development in these centres.

The relevant action within the Council Plan references implementing the planning controls into the planning scheme in Year 1 (2017/18). The proposal to seek re-authorisation and re-exhibit C126 would result in this outcome being delayed until Year 2.

Bayside Housing Strategy 2012

Amendment C126 is consistent with the Bayside Housing Strategy 2012 as it accords with the Strategy’s vision of directing medium density development into Bayside’s smaller order shopping centres. The Housing Strategy provides guidance on the level of growth to be accommodated and ensures development must have regard to building rhythm and the surrounding residential character.

Amendment C126 builds on this vision by outlining the role that these centres play in providing options for accommodating growth and dwelling diversity and retaining the commercial roles of activity centres.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the recommended changes to C126, seek re-authorisation and re-exhibit the amendment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The changes proposed are in response to the submissions received and an updated review of each of the centres.</td>
</tr>
<tr>
<td></td>
<td>There is strong justification for the recommended changes, increasing Council's chances of success at a Planning Panel.</td>
</tr>
<tr>
<td>Issues</td>
<td>Requires re-exhibition of the planning scheme amendment, which will further delay the process.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not agree to the changes proposed and request the Minister for Planning appoint an independent Planning Panel to consider submissions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The amendment can proceed directly to an independent Planning Panel.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council's case is considerably weakened given the changes in many of the centres over time, which have significantly undermined the controls as proposed.</td>
</tr>
<tr>
<td></td>
<td>The Planning Panel is likely to recommend an abandonment of Amendment C126.</td>
</tr>
</tbody>
</table>

Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C126.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
<tr>
<td>Issues</td>
<td>There will be no guidance within the Bayside Planning Scheme for new development in Bayside’s small activity centres.</td>
</tr>
</tbody>
</table>
## Attachment 4 | List of centre classification changes

<table>
<thead>
<tr>
<th>No.</th>
<th>Centre Name</th>
<th>Existing Classification</th>
<th>Proposed Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hawthorn Road Shopping Centre, Brighton East</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>2</td>
<td>East Brighton Shopping Centre, Brighton East</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>3</td>
<td>South Road Plaza, Hampton</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>4</td>
<td>Dendy Village, Brighton</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>5</td>
<td>Bluff Road and Highett Road centre, Hampton East</td>
<td>SNAC</td>
<td>SNAC (future NAC)</td>
</tr>
<tr>
<td>6</td>
<td>Bluff Road and Bay Road, Sandringham/Hightett</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>7</td>
<td>Bay Road and Avoca Street, Hightett</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>8</td>
<td>Bay Road and Jack Road, Cheltenham</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>9</td>
<td>Bluff Road and Love Street, Black Rock</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>10</td>
<td>Seaview Shopping Centre, Beaumaris</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>11</td>
<td>Balcombe Road and Charman Road, Beaumaris</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>12</td>
<td>Balcombe Park, Beaumaris</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>13</td>
<td>Bluff Road and Edward Street, Black Rock/Sandringham</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>14</td>
<td>Thomas Street and Egan Street, Brighton East</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>15</td>
<td>Brighton Beach (Were Street) centre, Brighton</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>16</td>
<td>Ludstone Street, Hampton</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>17</td>
<td>Keith Street and Widdop Crescent, Hampton East</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>18</td>
<td>Highett Road and Spring Street, Hightett</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>19</td>
<td>Keys Street Shopping Centre, Beaumaris</td>
<td>SNAC</td>
<td>SNAC</td>
</tr>
<tr>
<td>20</td>
<td>South Road and Esplanade Avenue, Brighton</td>
<td>SCAC – MU</td>
<td>SCAC – MU</td>
</tr>
<tr>
<td>21</td>
<td>Beach Road and Georgiana Street, Sandringham</td>
<td>SCAC – MU</td>
<td>SCAC – MU</td>
</tr>
<tr>
<td>22</td>
<td>New Street and Bay Street, Brighton</td>
<td>SCAC – MU</td>
<td>SNAC</td>
</tr>
<tr>
<td>23</td>
<td>Esplanade and Grosvenor Street, Brighton</td>
<td>SCAC – MU</td>
<td>SNAC</td>
</tr>
<tr>
<td>24</td>
<td>Hampton Street and Durrant Street, Brighton</td>
<td>SCAC – MU</td>
<td>Declassify</td>
</tr>
<tr>
<td>25</td>
<td>Bluff Road and Spring Street, Sandringham</td>
<td>SCAC – MU</td>
<td>SNAC</td>
</tr>
<tr>
<td>26</td>
<td>Bluff Road and Arranmore Avenue, Black Rock</td>
<td>SCAC – MU</td>
<td>SNAC</td>
</tr>
<tr>
<td>27</td>
<td>Weatherall Road Shopping Centre, Cheltenham</td>
<td>SCAC – MU</td>
<td>SNAC</td>
</tr>
<tr>
<td>28</td>
<td>Weatherall Road and Morey Road, Cheltenham</td>
<td>SCAC – MU</td>
<td>Declassify</td>
</tr>
<tr>
<td>29</td>
<td>New Street and Martin Street, Brighton</td>
<td>SCAC – MU</td>
<td>SCAC – MU</td>
</tr>
<tr>
<td>30</td>
<td>Nepean Highway and North Road, Brighton</td>
<td>SCAC – HO</td>
<td>Declassify</td>
</tr>
<tr>
<td>31</td>
<td>Nepean Highway and Milroy Street, Brighton East</td>
<td>SCAC – HO</td>
<td>SCAC – HO</td>
</tr>
<tr>
<td>32</td>
<td>Nepean Highway and Union Street, Brighton East</td>
<td>SCAC – HO</td>
<td>SCAC – HO</td>
</tr>
<tr>
<td>33</td>
<td>Nepean Highway and Centre Road, Brighton East</td>
<td>SCAC – HO</td>
<td>SCAC – HO</td>
</tr>
</tbody>
</table>
Executive summary

Purpose
To present Council with the recommendations of the Planning Panel report in relation to Amendment C155, which applies the Environmental Audit Overlay (EAO) to 116 sites in Bayside identified as having a high or medium potential risk of land contamination due to an existing or historic land use.

Background
There are strong State and Local policy imperatives to ensure land contamination from historic land uses does not affect environmental and human health. One of the main ways to address this issue is to identify actual or potentially contaminated sites through the use of the Environmental Audit Overlay (EAO) in Planning Schemes, which Council has proposed through this Amendment.


With the assistance of the Environment Protection Authority (EPA), Council identified 116 sites as having potential for environmental or human health risk if they are developed for sensitive purposes.

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

Following the exhibition of Amendment C155, Council received 6 submissions from affected land owners opposing the Amendment, and one submission from the EPA in support of the amendment. Site specific and precinct wide changes were suggested in submissions.

At its Ordinary Meeting of 19 September 2017, Council considered all submissions received in relation to Amendment C155 and resolved to pursue the amendment including the following changes to the exhibited amendment:

- A revised list of properties excluding:
  - 1-4 Railway Walk, Brighton;
  - 761 Hampton Street Brighton;
  - 112-114 Bay Road Sandringham;

- A revised list of properties including:
  - 37 Well Street Brighton;
  - 140 Talinga Road, Cheltenham;
• Incorporating the EPA recommendations by stipulating in the local policy that environmental site assessments meet Schedule 2 of the National Environment Protection Measure 1999 and including a requirement for an environmental site assessment prior to the development of a sensitive use in the Bayside Business District.

Key issues

Planning Panel Report

After considering the submissions received, the Planning Panel concluded that the Amendment is generally well founded and strategically justified. The Panel recommended no modifications to Council’s position and was in agreement with the EPA’s approach and recommendations. As such, there are no changes required to be made in response to the Planning Panel’s report.

One of the submissions was withdrawn, regarding 257 Bay Road, Cheltenham. Prior to the Panel Hearing, YG Construction and Development advised that they had sold the property and withdrew their submission.

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 C155:

1. Adopt Amendment C155, considering the Planning Panel’s recommendations; or
2. Abandon the Amendment.

Recommendation

That Council:

1. Adopts Amendment C155;
2. Writes to the Minister for Planning requesting approval of Amendment C155; and
3. Writes to all submitters to inform them of Council’s decision.

Support Attachments

1. Bayside Amendment C155 Panel Report
Considerations and implications of recommendation

Liveable community

Social

Amendment C155 and the associated actions seek to manage the use and development of potentially contaminated land to protect the health and safety of residents and the broader community.

Natural Environment

Amendment C155 will improve Bayside’s natural environment by requiring assessment of environmental contaminants prior to redevelopment of potentially contaminated land. This is expected to lead to any remediation actions necessary.

Built Environment

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

Customer Service and Community Engagement

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

During the amendment exhibition process affected land owners and occupants had the opportunity to review and discuss with a Council officer any issues of concern associated with the amendment and make a submission to the process. Six submissions were received from affected property owners. The planning panel process allowed submitters to present and have issues considered by an independent party.

Human Rights

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

Legal

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

**Finance**

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

**Links to Council policy and strategy**

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

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

The Council Policy, Contaminated and Potentially Contaminated Land, provides a framework for management of Council land in a manner that will protect the community from the potential risks associated with land contamination.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the recommendations of the Panel and proceed with the amendment, seeking Ministerial approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The amendment will proceed and Bayside’s liveability, public health, and wellbeing will be strengthened and further protected.</td>
</tr>
<tr>
<td></td>
<td>The Panel has considered submitter concerns and provided recommendations which Council agrees to.</td>
</tr>
<tr>
<td>Issues</td>
<td>There are no issues in proceeding with this option.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C155.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
<tr>
<td>Issues</td>
<td>There will be no additional identified sites with risk of contamination added to the Environmental Audit Overlay, thus jeopardising Bayside’s future liveability, health, and wellbeing outcomes.</td>
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<tr>
<td></td>
<td>Through Amendment C155, Council has identified potentially contaminated land within Bayside. Not applying the EAO can result in a liability for Council if an issue was to arise as a result of future development and Council does not proceed with the amendment or took action to address the risk.</td>
</tr>
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Planning and Environment Act 1987

Panel Report

Bayside Planning Scheme Amendment C155
Environmental Audit Overlay

3 January 2018
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Bayside Planning Scheme Amendment C155

Environmental Audit Overlay

3 January 2018

Nick Wimbush, Chair
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### List of Abbreviations

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<td>EAO</td>
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<td>EPA</td>
<td>Environment Protection Authority</td>
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<td>LPPF</td>
<td>Local Planning Policy Framework</td>
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<tr>
<td>NEPM</td>
<td>National Environment Protection Measure</td>
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<tr>
<td>SEPP</td>
<td>State Environment Protection Policy</td>
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<td>SPPF</td>
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Panel process

| The Panel | Con Tsotsoros (Chair) was appointed on 25 September 2017. On 2 November 2017, due to timing and availability issues, the appointment was cancelled and Nick Wimbush was appointed as Chair. |
| Directions Hearing | Planning Panels Victoria, 23 October 2017 |
| Panel Hearing | Planning Panels Victoria, 24 November 2017 |
| Date of this Report | 3 January 2018 |
• Executive summary

(i) Summary

Bayside Planning Scheme Amendment C155 (the Amendment) seeks to apply the Environmental Audit Overlay (EAO) to 116 sites within Bayside that have been identified as potentially contaminated due to past industrial use or other uses that may give rise to land contamination.

Six objecting submissions were received based on objections to the EAO on particular properties or the methodology behind the Amendment itself. Having heard submissions and evidence, the Panel is satisfied that the strategic merit of the Amendment is clear; there is a strong community interest, both for health and environmental reasons, in having potential land contamination identified and addressed through the development process and more generally.

Council has worked closely with the Environment Protection Authority and responded to submissions by amending the EAO coverage. The Panel fundamentally supports the Amendment subject to some changes to the local policy proposals.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends:

1. Adopt Bayside Planning Scheme Amendment C155 as exhibited subject to the following changes:
   a. Do not apply the Environmental Audit Overlay to 1-4 Railway Walk, Brighton, 761 Hampton Street, Brighton and 112-114 Bay Road, Sandringham.
   b. Apply the Environmental Audit Overlay to 37 Well Street, Brighton and 140 Talinga Road, Cheltenham.
   c. Delete the proposed clause 21.05-3.
   d. Insert a new second dot point under General, Policy of clause 22.04-3 to read:
      
      Require a Preliminary Site Investigation consistent with Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended) on land proposed to be used for a sensitive use.
1 Introduction

1.1 Amendment background

There are strong State and Local policy imperatives to ensure land contamination from historic land uses does not affect environmental and human health. One of the main ways to address this issue is to identify actual or potentially contaminated sites in the planning scheme through the use of the Environmental Audit Overlay (EAO), and this is what Council seeks to do through the Amendment.

Council commissioned specialist consultants to undertake a desktop study of potential sites based on:

- Current and past petrol station sites
- Historic industrial land
- Sites which have undergone an environmental audit
- Sites which may contain contaminated groundwater.

With the assistance of the Environment Protection Authority (EPA), Council identified 116 sites as having potential for environmental risk if they are developed for sensitive purposes. These sites form the basis for applying the EAO in the Amendment.

1.2 Procedural issues

(i) Post exhibition changes to the Amendment

Policy

Post exhibition, Council adopted minor changes to the local policy which were made to improve clarity and incorporate the EPA’s recommendations. These recommendations included stipulating in the local policy that environmental site assessments meet Schedule 2 of the National Environment Protection Measure 1999, and including a requirement for an environmental site assessment prior to the development of a sensitive use in the Bayside Business District (Employment Area). Council submitted that these changes to the exhibited amendment are minor and will have no material effect. These changes are discussed in Chapter 5.

Properties removed

After considering submissions, Council determined to remove the following properties from the Amendment on the basis that the environmental risk does not warrant the application of the EAO:

- 1-4 Railway Walk, Brighton
- 761 Hampton Street, Brighton
- 112-114 Bay Road, Sandringham.

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1 Council’s Part A submission, p4.
2 A ‘sensitive use’ in this context is defined as a residential use, a child care centre, a pre-school centre or a primary school.
3 Submitters P. Farrelly and M. Tricks withdrew their submissions as a result.
The Panel notes and accepts the logic behind these changes and does not address them further.

**Properties included**

During the exhibition period, two additional properties (37 Well Street, Brighton and 140 Talinga Road, Cheltenham) were included in the Amendment. The owners were notified and given the opportunity to comment but no submissions were received. The Panel accepts these additions and does not consider them further.

**(ii) Withdrawn submission**

**257 Bay Road, Cheltenham**

Prior to the Hearings, YG Construction and Development advised that they had sold the property and withdrew their submission.

**1.3 Issues dealt with in this Report**

The Panel considered all written submissions made in response to the exhibition of the Amendment other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Methodology
- Objections related to particular properties
- Suggested changes to local policy.
2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council’s response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

In their Part A submission, Council identified the following clauses as most relevant to the Amendment in State Policy.

Clause 13.03-1 (Use of contaminated and potentially contaminated land) – The objective of this clause is “To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely”. Council noted that the policy guidelines of clause 13.03-1 state that planning must consider, where relevant:

- State Environment Protection Policy (Prevention and Management of Contaminated Land)
- Ministerial Direction No. 1 – Potentially contaminated land

Clause 14.02-2 (Water quality) – One of the strategies of the clause is to “Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.”

Council also identified clause 11.04-4 (Liveable communities and neighbourhoods) and clause 11.04-5 (Environment and water) as relevant. The Panel notes these clauses are either incorrectly referenced or are not in the planning scheme and this should be corrected in the Explanatory Report when the Amendment is advanced.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following areas in the Local Planning Policy Framework (LPPF).

Clause 21.03-1 (Activity centres) – This clause directs new medium density housing to activity centres to deliver increased housing needs in activity centres. The application of the EAO will ensure that potentially contaminated sites are identified and appropriately addressed prior to or during development.
(iii) Other strategies or policies used in formulating the Amendment

State Environment Protection Policy (SEPP) Prevention and Management of Contamination of Land June 2002

The SEPP is referenced in the planning scheme. Sections 14(2) and 14(4) set out the Responsible Authority’s obligations in relation to planning permit applications on potentially contaminated sites.

Section 14(4) states that in meeting its general obligations the responsible authority should consider requiring:

- A certificate of environmental audit be issued before any building works associated with a sensitive use has commenced; or
- A statement of environmental audit indicating the environmental conditions of the site are suitable for the sensitive use be issued before any buildings and works associated with the sensitive use be commenced.

National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (Amended 2013)

The NEPM was established pursuant to section 14(1) of the Commonwealth National Environment Protection Council Act 1994.

The NEPM establishes a “nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, environmental auditors, land owners, developers and industry.”

Plan Melbourne 2017-2050

Direction 2.2 directs delivery of more housing closer to jobs and public transport and Policy 2.2.3 seeks support for new housing in activity centres. Direction 2.4 seeks to facilitate decision making for housing in the right locations and Policy 2.4.2 seeks to facilitate remediation of contaminated land in area appropriate for housing redevelopment.

2.2 Planning scheme provisions

(i) Overlays

The Amendment proposes to apply the EAO to 116 properties in Bayside identified as having a high or medium potential risk of land contamination due to an existing or historic land use.

The EAO is the appropriate tool for the task and requires prior to a sensitive use commencing that either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
2.3 Ministerial Directions and Practice Notes

Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of:

- *Ministerial Direction 11 (Strategic Assessment of Amendments)*
- *Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act*
- *Ministerial Direction 1 (Potentially Contaminated Land)* – The Direction provides the framework for considering contaminated or potentially contaminated land. It does this by requiring consideration of contamination through an Amendment or, as is the case here, requiring certification of a site’s suitability for development through a process established under the EAO.

Planning Practice Notes

The most relevant Practice Note is the *Potentially Contaminated Land – General Practice Note (2005)*. This Practice Note provides guidance in identifying whether land is potentially contaminated and how contaminated land is considered within the planning system. It includes a section on “*When should the Environmental Audit Overlay be applied?*”.

2.4 Discussion and conclusion

The policy framework for managing potentially contaminated land in the planning scheme is clear, even if the process of identifying such land can be more difficult.

The Panel is satisfied that the approach Council has taken to introduce the EAO is sound and consistent with State policy and the relevant Direction and Practice Note.

The Amendment is well founded and strategically justified, and the Amendment should proceed subject to the further discussion of some specific issues in the following Chapters.
3  Methodology

3.1  The issue

The owners of 422 New Street in Brighton called expert evidence to challenge the general methodology of applying the EAO.

3.2  Evidence and submissions

Mr Damon Scoffern of Compass Environmental provided expert evidence for Rendalle Pty Ltd, owners of 422 New Street, Brighton. His evidence, in summary, was that:

- Assessment of contamination under the EAO will only occur through development
- There are risks to other non-sensitive uses and contamination can travel offsite to affect nearby sensitive uses
- The application of the Environmental Audit Overlay under the Amendment will create the impression of certainty that sites that do not have an EAO are not potentially contaminated and it will result in sites that are not contaminated needing to complete expensive environmental assessment works, including a Statutory Environmental Audit, to show they are not contaminated.

His view is that the Amendment will not achieve the desired objective of health and safety for the community and that Council itself may be taking on additional risk in identifying the particular sites in the Amendment and not other contaminated sites that may exist.

Under questioning from Council, Mr Scoffern agreed that every application should have a preliminary site assessment whether under the EAO or not and essentially “all should be guilty until proven innocent”.

His evidence was that his client has a problem with the principles behind the whole approach to the Amendment and not necessarily the application of the EAO to 422 New Street Brighton alone.

The EPA questioned Mr Scoffern about the application of the EAO to medium or high risk sites and confirmed that in their view the properties identified for the EAO are in the high risk category.

The EPA submitted that they support the methodology and that the list of sites was generally consistent with those generically identified in the Potentially Contaminated Land – General Practice Note (2005). EPA recommended that Council remove sites from the list that were not consistent with the Practice Note such as plant nurseries. Following EPA’s advice and post-exhibition, Council removed the plant nursery site at 112-114 Bay Road, Sandringham as a site unlikely to be of any risk of contamination.4

3.3  Discussion and conclusions

The Panel notes Mr Scoffern’s concerns and evidence but considers he is advocating for a different method and approach to identifying and managing contaminated land in the planning system. Whether it may be a better approach or not is not the issue, the issue is

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4 As mentioned in Section 1.2.
whether what Council is pursuing is sound strategic planning within the existing planning framework. The Panel considers that it is and notes the support of the EPA.

The Panel accepts that Council’s approach may apply the EAO to properties that ultimately are not contaminated, and may miss properties that are. This does not give rise to the need to not proceed with the Amendment. Council has undertaken a considered and logical process to get to this point which is consistent with the Ministerial Direction and Practice Note. This is the preferred planning outcome within the current planning framework.

The Amendment should proceed as exhibited subject to post-exhibition changes discussed in this report.
4 Objections related to particular properties

4.1 The issue

The Panel has considered objecting submissions and the submissions of Council and EPA in response to those objecting submissions. These are discussed below under the relevant property.

4.2 303 Hampton Street, Hampton

The submitter stated that they purchased the property in June 1996 and developed the premises into a café and was seeking further clarity. The property has been identified as having previously been used as a drycleaners.

EPA supported Council’s application in relation to this property and recommended that the Panel apply the EAO as exhibited over the property.

Council stated that historical data indicates that the site was an old Spotless Drycleaners. Council was concerned that land contamination in the area investigated by the auditor may have originated from the site. Council advised the landowner that an environmental audit would only be undertaken on the site if it is redeveloped in the future for a sensitive use, as part of the planning process.

The Panel accepts the rationale for identifying the property and considers the EAO should be applied as exhibited.

4.3 422 New Street, Brighton

Rendalle Pty Ltd noted that the historical use of their client’s property as an automotive mechanic until 2011 may have caused potential contamination of the site.

Mr Simon Martin of Ratio Consultants in submissions for the owner noted that a planning application has been submitted for the site for a four-storey building containing office, shops and apartments. He also outlined the site’s history and noted that underground petroleum storage tanks have previously been removed from the site.

Mr Martin objected to the application of the EAO and submitted that issues could be addressed as necessary through planning permit conditions; and that the EAO was being inappropriately applied to a ‘medium’ risk site requiring an expensive audit process.

Council submitted that the EAO at this site is warranted based on its past use and the EPA supported Council’s approach.

The presence of the planning permit application lodged in August 2017 resulted in some confusion at the Hearing. However, the consideration of that application is not before the Panel. The Panel’s focus is whether there is the potential for contamination from past use and therefore whether the EAO should be applied. The Panel considered the question of methodology in Section 3. Based on its view of the methodology, the Panel considers the EAO should apply as exhibited. Consideration of the permit application will occur within its own timelines and statutory considerations.
4.4  36 Bay Road, Sandringham

The owner stated that the site is currently used as a small dry cleaning premises and does not fall within the scope of the EAO and there is no evidence to suggest there is contamination of the site. The site is not an industrial site or used as a service station.

EPA supported Council’s application in relation to this property and recommended that the Panel apply the EAO as exhibited over the property. EPA stated that “very small amounts of spilled or leaked chemicals used by dry cleaners can cause land contamination”.

Council noted that the approach undertaken by Council and EPA is consistent with the directions of the Potentially Contaminated Land General Practice Note June 2005.

The Panel accepts the rationale for identifying the property and considers the EAO should be applied as exhibited.
5 Suggested changes to local policy

5.1 The issue

The Amendment proposes a new policy at clause 21.05-3 Potentially contaminated land to guide decision making. The strategies under this clause have gone through several iterations, largely at the suggestion of the EPA.

In addition, a post-exhibition insertion into clause 22.04-3 is proposed.5

5.2 Submissions

The exhibited strategies in clause 21.05-3 were as follows:

Require completion of an audit on land covered by an Environmental Audit Overlay prior to completion of a planning assessment of a development proposal.

Require a site assessment of land within the Bayside Business District prior to it being developed for child care, an education centre or any other community or sensitive use.

Following exhibition and consideration of submissions, Council adopted the following wording:

Require an environmental audit prior to completion of the planning assessment of a development proposal on land covered by an Environmental Audit Overlay.

Require an environmental site assessment on land within the Bayside Business District proposed to be developed for a child care centre or education centre or any other community or sensitive use. The site assessment conducted should be consistent with the standards for conducting a Preliminary Site Assessment specified in Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (Amended 2013.)

In clause 22.04-3 under General, Council proposed adding a new second dot point post-exhibition:

- Require an environmental site assessment on land proposed to be developed for a child care or education centre or any other community or sensitive use.

At the Hearing, the EPA submitted further changes are desirable to clause 21.05-3 as follows:

Require an environmental audit prior to completion of the planning assessment of a development proposal on land covered by an Environmental Audit Overlay.

Require a Preliminary Site Investigation on land within the Bayside Business District (as identified by Clause 21.11-9 of this Planning Scheme) proposed to be used for a sensitive use (eg residential use, child care, pre-school centre or

5 Clause 22.04 is the Business Employment Area policy which applies around Bay Road in Cheltenham.
6 Deletion by EPA as it is said to contradict the requirements of the EAO.
primary school). The Preliminary Site Investigation must be consistent with the standards prescribed in Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended).

Where the Preliminary Site Investigation confirms that a site comprises potentially contaminated land, then before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environmental Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD or that Act that the environmental conditions of the land are suitable for the sensitive use.

These changes were said to more clearly articulate the requirements for investigation of potentially contaminated land.

EPA further submitted the following wording replace the second dot point under ‘General’ within Clause 22.04-3:

- Require a Preliminary Site Investigation on land proposed to be developed for a sensitive use.

5.3 Discussion and conclusions

The Panel understands there are two issues sought to be addressed in the suggested changes to the LPPF. These being:

- Further guidance on decision making within the EAO
- Management of transition to sensitive uses in limited areas of the Commercial 2 Zone and Mixed Use Zone in the Bayside Business Employment Area identified in clause 21.11-9 of the scheme.

In relation to the first point, the Panel agrees with the EPA that this proposed strategy should be deleted. There is enough guidance in state policy and the EAO itself to manage potentially contaminated land where the EAO is applied. Additional local policy in this area is superfluous.

In relation to the second point, the Panel notes the wording sought by the EPA effectively seeks to apply the same regime as that under the EAO. The Panel considers that if such risk is thought to occur then the EAO itself should be applied, rather than trying to introduce the same regime through local policy.

If the local policy approach is pursued and the intent of clause 21.05-3 is to only apply to land in clause 21.11-9 (and clause 22.04) rather than more generally in Bayside, then the Panel considers that is where it should appear. This will ensure a simpler approach and identify to applicants in the Bayside Business Employment Area that they will need to consider potential contamination issues if developing a sensitive use.

The Panel recommends wording be applied at the Preliminary Site Investigation level in the local policy; with any need for audits or certificates being addressed through permit conditions.
as necessary. The Panel has suggested wording below. Additional minor wording in the policy basis and objectives in clause 22.04 could also be considered to improve the policy logic but the Panel has not turned its mind to such wording.

The changes suggested by Council and the EPA (and the Panel) were not specifically exhibited but the Panel considers they do not transform the Amendment as they are differing approaches to the same issue which has been ventilated through the Amendment process.

5.4 Recommendations

The Panel recommends:

Delete the proposed clause 21.05-3.

Insert a new second dot point under General, Policy of clause 22.04-3, to read:

- Require a Preliminary Site Investigation consistent with Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended) on land proposed to be used for a sensitive use.

7 A situation countenanced in the Practice Note on page 7.
## Appendix A  Submitters to the Amendment

<table>
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<tr>
<th>Submitter</th>
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<tbody>
<tr>
<td>Paul Farrelly</td>
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<td>Meredith Tricks</td>
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<tr>
<td>Peter Mareskas</td>
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<tr>
<td>YG Construction and Development</td>
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<tr>
<td>Jennifer Bede</td>
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<tr>
<td>Rendalle Pty Ltd</td>
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<td>EPA Victoria</td>
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## Appendix B  Parties to the Panel Hearing

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<td>Bayside City Council</td>
<td>Michelle Fleischer</td>
</tr>
<tr>
<td>EPA Victoria</td>
<td>Marleen Mathias, Joel Edwards, Julia Noel</td>
</tr>
<tr>
<td>Rendalle Pty Ltd</td>
<td>Simon Martin of Ratio Consultants who called the following expert witness:</td>
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<td></td>
<td>- Damon Scoffern of Compass Environmental on environmental matters</td>
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### Appendix C  Document list

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<th>Date</th>
<th>Description</th>
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<td>Council Part A submission</td>
<td>Michelle Fleischer, Bayside City Council</td>
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<td>24/11/17</td>
<td>EPA submission</td>
<td>Marleen Mathias, EPA Victoria</td>
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<td>3</td>
<td>24/11/17</td>
<td>Council Part B submission</td>
<td>Michelle Fleisher, Bayside City Council</td>
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<td>24/11/17</td>
<td>Submission in relation to 422 New Street, Brighton</td>
<td>Simon Martin, Ratio Consultants, on behalf of Rendalle Pty Ltd</td>
</tr>
<tr>
<td>5</td>
<td>24/11/17</td>
<td>Planning application – 422 New Street, Brighton</td>
<td>Simon Martin, Ratio Consultants, on behalf of Rendalle Pty Ltd</td>
</tr>
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10.6 1138 NEPEAN HIGHWAY, HIGHETT (HIGHETT GASWORKS) - PROPOSED PLANNING PROVISION CHANGES

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/28168

Executive summary

Purpose and background
For Council to endorse the attached submission to the Government Land Standing Advisory Committee in relation to the proposed changes to planning controls for land at 1136 -1138 Nepean Highway.

The Department of Treasury and Finance has requested the Minister for Planning to change the planning controls for land at 1136 -1138 Nepean Highway (commonly known as the Gas and Fuel Site) in preparation for future sale.

The Minister for Planning has referred the proposal to the independent Government Land Standing Advisory Committee for consideration and to provide recommendations on the suitability of the proposed planning scheme changes.

Submissions to the Advisory Committee on the proposed planning scheme changes can be made until 5pm Tuesday 27 February 2018.

Whilst the site is within Kingston City Council, it is directly adjacent to the Bayside municipal boundary. The site is also located within the Highett Activity Centre (which Bayside shares with Kingston). As part of the redevelopment of the site there is the opportunity to improve accessibility to open space and walking and cycling access for Bayside residents. Given the site’s proximity to Bayside and its potential impact on Bayside residents, a submission to the Advisory Committee has been prepared.

Key issues
Proposed changes

The site is currently zoned Residential Growth Zone – Schedule 1 (RGZ1) which has a discretionary height control of 13.5 metres (4 storeys).

The proposed changes seek to:

- Place the site within the Residential Growth Zone – Schedule 2 (RGZ2), which increases the maximum building height to 26 metres (8 storeys) and allow for lift overruns and architectural features to be built up to 1.2 metres over the abovementioned height.

- Delete the existing Design and Development Overlay – Schedule 12 which currently applies to the site.

- Apply a new Development Plan Overlay – Schedule 7 (DPO7). This change will require that a development plan be prepared to the satisfaction of the responsible authority (Kingston City Council) prior to a permit being granted. The new DPO7 provides specific requirements for the Former Gas and Fuel Land – Strategic Redevelopment and Residential Opportunity Site and includes general, height and setbacks, pedestrian/bicycle/vehicle movement, heritage and subdivision requirements, as well as required documents, plans and reports. The heights proposed under the new DPO7 are higher than the existing Design and Development Overlay – Schedule 12, with 6 storeys proposed directly adjacent to the
train line and Station Street, up to 8 storeys in the middle of the site and 2-3 storeys adjacent to existing residential properties on View Street.

- Retain the Environmental Audit Overlay (EAO). This overlay ensures that potentially contaminated land is tested and remediated prior to the provision of a sensitive use.

- Retain the current Heritage Overlay Schedule 11 (HO11) which applies to the chimney.

Summary of submission

Council’s submission, provided in Attachment 1, primarily relates to the new Development Plan Overlay – Schedule 7. The submission proposes the following is included within the new DPO7:

- Inclusion of affordable housing (including social housing) and housing for various life stages.

- Development must respect the scale of, and provide a transition to, the lower scale residential buildings on Dunkley Avenue.

- Any development adjacent to Lyle Anderson Reserve must sensitively address the park interface and not overshadow the reserve.

- Passive surveillance of pedestrian and cycling networks and public open space should be included as part of the new development to improve safety and encourage use.

- An east-west access link for pedestrian and cyclists from Nepean Highway to Lyle Anderson Reserve across Frankston train line should be included.

- A shared pedestrian/cycling path to link up with Station Street to the North and Sir William Fry Reserve to the South should be included. This is part of a wider long term plan to provide a safe and continuous shared pedestrian/cycling path from Highett train station to Southland and Cheltenham train stations adjacent to the Frankston train line.

- The development plan should show the location of the 2,200sqm of public open space to be provided on the site. This open space should be located adjacent to the existing Lyle Anderson Reserve.

- Nature strips should be created with enough width to cater for larger canopy tree species and the planting of native, larger canopy trees should be included within the site to increase tree canopy and habitat for avian species.

Recommendation

That Council endorses the attached submission to the Government Land Standing Advisory Committee in relation to the proposed changes to planning controls for land at 1136 -1138 Nepean Highway.

Support Attachments

1. Submission to Advisory Committee - 1138 Nepean Highway, Highett ↓
Considerations and implications of recommendation

Liveable community

Social
The submission to the Advisory Committee recommends inclusion of affordable housing and housing for various life stages within the proposed Development Plan Overlay – Schedule 7. Improvements to walking and cycling infrastructure are also proposed.

Natural Environment
The submission to the Advisory Committee recommends inclusion of native large canopy tree planting to enhance biodiversity in the area as well as connecting existing open space through walking and cycling links.

Built Environment
The submission to the Advisory Committee recommends that new development respects the scale of and provides a transition to the lower scale residential buildings adjacent to the site.

Customer Service and Community Engagement
The Minister for Planning has referred the proposal to the independent Government Land Standing Advisory Committee for consideration and to provide recommendations on the suitability of the proposed planning scheme changes.

Submissions to the Advisory Committee on the proposed planning scheme changes can be made until 5pm Tuesday 27 February 2018

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The chosen community engagement approach allows for freedom of expression and for the community to take part in public life.

Legal
The Government Land Standing Advisory Committee will consider the proposal and any submissions made to it. The Minister for Planning will then consider the recommendations of the Advisory Committee and will make the final decision on the proposed changes to the planning provision for the site.

Finance

Links to Council policy and strategy

Bayside City Council Plan 2013-2017
The submission to the Advisory Committee has been informed by consultation undertaken as part of the Highett Structure Plan Review. It is therefore consistent with the following Council Plan strategies:

Strategy 1.1: Ensuring decisions are informed by community input and clearly communicated what we decided and why.
Strategy 3.1.1: Developing planning strategies and policies with our community that enhance Bayside’s Liveability along with its natural and built environment.

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

Bayside Housing Strategy 2012
Whilst 1136 -1138 Nepean Highway is in Kingston City Council, it is part of the shared Highett Activity Centre where increased residential development is encouraged.

Bayside Integrated Transport Strategy 2013
The Bayside Integrated Transport Strategy 2013 commits council to improving local accessibility, creating better public transport connections, creating user friendly streets, integrating transport and land use and improving perceptions of and enabling sustainable travel. The submission to the Advisory Committee provides an opportunity to improve walking and cycling in the area and to encourage more sustainable transport use.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Endorse the submission to the Government Land Standing Advisory Committee in relation to the proposed changes to planning controls for land at 1136 - 1138 Nepean Highway.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The above site, whilst in Kingston, is an important strategic redevelopment within Highett and provides the opportunity to improve walking and cycling access throughout the area and access to open space. The interface to existing lower scale residential areas within Bayside needs to be sensitively addressed.</td>
</tr>
<tr>
<td>Issues</td>
<td>There are no issues with this approach.</td>
</tr>
</tbody>
</table>

Option 2

<table>
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<tr>
<th>Summary</th>
<th>Not endorse the submission to the Government Land Standing Advisory Committee in relation to the proposed changes to planning controls for land at 1136 - 1138 Nepean Highway.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits with this approach.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council will not have the opportunity to influence the proposed changes to the planning controls for the above site. This would be a lost opportunity to try and achieve improvements to walking and cycling access and access to open space.</td>
</tr>
</tbody>
</table>
1. Introduction

Bayside City Council welcomes the opportunity to present its submission to the Government Land Standing Advisory Committee as part of the proposed planning provision changes to 1136-1138 Nepean Highway, Highett (locally known as the Gas and Fuel Site).

2. Background

This submission details Council’s aspirations for the site. It is our view that while the site is within the Kingston municipal boundary, its proximity to Bayside means Council should be consulted through the process to ensure any future planning provisions for the site do not negatively impact Bayside residents or infrastructure. Safety and noise management during the construction phase also needs to be considered and addressed.

3. Recommended changes

In relation to the proposed planning provision changes, we ask that the following is included in the proposed Development Plan Overlay, Schedule 7:

- Under ‘General’ include a specific requirement to include affordable housing (including social housing), and housing for various life stages.

- Under ‘Height and setbacks’ include a requirement that development must respect the scale of, and provide a transition to, the lower scale residential buildings on Dunkley Avenue. The Concept Plan currently shows the area directly adjacent to Dunkley Avenue as being 6 storey development.

- Under ‘Height and setbacks’ include a requirement that any development adjacent to Lyle Anderson Reserve must sensitively address the park interface and not overshadow Lyle Anderson Reserve.

- Under ‘Height and setbacks’, amend the last bullet point to include passive surveillance of pedestrian and bicycle paths and public spaces to improve safety and encourage use.

- Under ‘Pedestrian/bicycle/vehicle movement’ specifically include a requirement for the inclusion of an east-west access link for pedestrian and cyclists from Nepean Highway to Lyle Anderson Reserve across Frankston train line. This is currently only shown as ‘for investigation’ in Figure 1 – Concept Plan. In addition, in Figure 1- Concept Plan, include an additional pedestrian link directly to Nepean Highway along the internal loop road to facilitate this east – west connection.

- Under ‘Pedestrian/bicycle/vehicle movement’ specifically include a requirement to create a shared pedestrian/cycling path to link up with Station Street to the North and Sir William Fry Reserve to the South. This is part of a wider long term plan to provide a safe and continuous shared pedestrian/cycling path from Highett train station to Southland and Cheltenham train stations adjacent to the Frankston train line. Show this path on the Concept Plan.
• Include a requirement for the development plan to show the location of the 2,200sqm of public open space to be provided on the site. This open space should be located adjacent to the existing Lyle Anderson Reserve. This would create excellent open space connections between the open space being provided as part of the CSIRO development, open space to be provided as part of the redevelopment of 36 Graham Road and Lyle Anderson Reserve. Combined with the east-west pedestrian link across the Frankston train line, and the shared pedestrian/cycling link to Station Street and Sir William Fry Reserve, access to open space for the local community both in Bayside and Kingston would be dramatically improved.

• Include a requirement for the Traffic Management and Car Parking Report to ensure nature strips are created with enough width to cater for larger canopy tree species and that the placement of underground services and utilities do not limit the ability to plan larger canopy tree species.

• Include a requirement for the Landscape Masterplan to include the planting of native, larger canopy trees to increase tree canopy and habitat for avian species. This site provides an opportunity to provide a habitat link the nearby Sir William Fry Reserve, Lyle Anderson Reserve, CSIRO site, Pennydale Park and Cheltenham Park.

4. Conclusions

Bayside City Council welcomes the opportunity to present its submission to the Government Land Standing Advisory Committee as part of the proposed planning provision changes to 1136-1138 Nepean Highway, Highett.

Based on the reasons outlined in this submission, it is considered that revisions to the proposed DPO7 are required and that further consultation relating to the redevelopment of the site will assist in providing the community and Council certainty in relation to the expected outcomes to be delivered on site.
10.7 WELLBEING FOR ALL AGES AND ABILITIES ACTION PLANS

Executive summary

Purpose and background

The purpose of this report is to present the Wellbeing for All Ages and Abilities 2017-2021 (WAAA) Action Plans to Council for adoption. The WAAA Strategy (Attachment 1) is a key strategic planning tool that aims to maintain and improve public health and wellbeing at local community level. The Action Plans outline what activities Council, in conjunction with its partners will undertake to address the health and wellbeing goals and objectives for identified target groups.

At the 24 October 2017 Ordinary Meeting of Council it was resolved that Council:

1. **Adopts the Wellbeing for All Ages and Abilities Strategy 2017-2021**;

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; and**

3. **Seeks feedback on the four Action Plans from Beyond Blue, Headspace and other relevant mental health organisations to ensure each plan includes the appropriate recognition and activities to improve the mental health of the Bayside community.**

Key issues

Action Plans

Four Action Plans have been developed to support the implementation of the WAAA Strategy. The four Action Plans target three specific vulnerable populations, and an overall Action Plan which applies actions across the whole community:

- Early Years Action Plan (Attachment 2);
- Youth Action Plan (Attachment 3);
- Healthy Community Action Plan (Attachment 4); and

Each Action Plan documents the activities Council, and its partners, will undertake to achieve the three goals and twelve objectives of the WAAA Strategy. Underpinning values such as diversity, gender equity, inclusion and disability are reflected across each Action Plan. Not all Action Plans have activities aligned with each objective. Activities are based on community need and a targeted approach when necessary.

Mental Health

All four Action Plans have been developed with specific reference to mental health across the lifespan. Eleven actions have been identified through the Action Plans and are captured under objective 1.1 Improve mental health and resilience.
All mental health actions align with Victoria’s 10-year Mental Health Plan (2015) which sets the agenda for better mental health outcomes at State and local levels. Feedback was sought from Beyond Blue, Headspace and Southern Melbourne Primary Care Partnership to ensure each Action Plan included appropriate actions to improve mental health in Bayside.

**Partnerships and implementation**

Action Plans have been developed in partnership with both internal departments of Council and external stakeholders. This ensured a collaborative approach was undertaken to develop health and wellbeing initiatives and reduce duplication and fragmentation of effort.

Council’s role in implementing the Action Plans will include direct program and service delivery, facility planning and coordination, partnership development, community capacity building and advocacy and information provision.

Various actions will involve or be led by a wide range of stakeholders, including internal Council departments, health organisations, care and education providers and community centres and volunteer groups.

**Monitoring and evaluation**

A detailed Evaluation Plan (Attachment 6) has been developed which focuses on monitoring the three goals and twelve objectives of the WAAA Strategy. The Evaluation Plan provides Council with the ability to monitor health and wellbeing trends and evaluate the broader impact of the WAAA Strategy on the Bayside community. This document is flexible and may be changed based on future trends, individual department needs and availability of data. Not all measures have baseline data due to the timing of data release and will be updated as data is made available.

WAAA Strategy actions will be evaluated through the individual Action Plans. Each Action Plan includes measures to track and evaluate the progress of actions. It is the responsibility of the lead areas within Council to monitor and report action plan progress and liaise with other departments and stakeholders (as needed). Action Plans will be reviewed annually to ensure each plan is reflective of emerging health and wellbeing needs.

**Recommendation**

That Council:

1. Adopts the Early Years, Youth, Healthy Community and Healthy Ageing Action Plans as set out in Attachments 2 – 5, to support the implementation of the Wellbeing for All Ages and Abilities Strategy 2017-2021;

2. Authorises the Director Environment, Recreation and Infrastructure to approve annual updates to the Healthy Community Action Plan;

3. Authorises the Director City Planning and Community Services to approve annual updates to the Early Years, Youth and Healthy Ageing Action Plans; and


**Support Attachments**

1. Attachment 1 - Wellbeing for All Ages and Abilities Strategy 2017-2021
2. Attachment 2 - Early Years Action Plan 2017 - 2021
3. Attachment 3 - Youth Action Plan 2017 - 2021
4. Attachment 4 - Healthy Community Action Plan 2017- 2021
5. Attachment 5 - Healthy Ageing Action Plan 2017 - 2021
6. Attachment 6 - Wellbeing for All Ages and Abilities Strategy 2017-2021- Evaluation Plan

**Considerations and implications of recommendation**

**Liveable community**

**Social**

Council has a key role in accordance with the Victoria Public Health and Wellbeing Act (2008) to ensure that health and wellbeing of the community is a priority. The WAAA Strategy and Action Plans are driven by the social model of health with key principles including addressing the broader determinants of health, acting to reduce social inequities, empowering individuals and their community and enabling access to health care.

**Natural Environment**

The WAAA Strategy Action Plans acknowledge that open space and the natural environment play an important role in contributing to community health and wellbeing. This is evident in activities captured under objectives 3.4 and 3.5.

**Built Environment**

The WAAA Strategy Action Plans influence the built environment with a particular focus on affordable housing, safe and appropriate playgrounds, accessible walking paths and facilities.

**Customer Service and Community Engagement**

Extensive community consultation was undertaken resulting in over 1,000 people being engaged in the development of the WAAA Strategy. Additional engagement was undertaken during the action planning process involving discussions with key internal and external stakeholders, a workshop with staff, key discussions with Bayside Healthy Ageing Reference Group, the Family and Children’s Network and a presentation to local school representatives.

**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.

The WAAA Strategy addresses Article 25 of the Universal Declaration of Human Rights that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family”.

**Legal**

All Victorian local governments are required under Section 263 of the Public Health and Wellbeing Act (2008) to develop a Municipal Public Health and Wellbeing Plan (MPHWP) within 12 months of Council elections. As a part of this requirement all Victorian councils must complete an examination of data relating to health status and health determinants in the municipality as well as involve local residents in the development of the plan. The WAAA Strategy is Council’s response to this requirement.
Finance

There are no direct financial implications for Council associated with the recommendation included in this report. Any future changes to service needs or costs associated with the Action Plans will be subject to budget and funding considerations at the time.

Links to Council policy and strategy

The WAAA Strategy is a key strategic document, along with the Council Plan and Community Plan which strongly links to the ‘Liveability’ domain in the Better Place Approach Framework.

The WAAA Strategy and Action Plans support the current Community Plan aspirations and the 2017-2021 Council Plan goals and objectives to ensure the vision of working together to ‘make Bayside a better place’ is achieved. In particular, the WAAA directly aligns with Goal 7 in the Council Plan, “Bayside’s community will be supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstance or physical abilities”.

Wellbeing for All Ages and Abilities Strategy

2017-2021
An integrated approach to maintain and improve public health and wellbeing at a local community level
Contents

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2 Goal 2 – A healthy and active community 18
3 Goal 3 – Safe and sustainable environments 20

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Executive Summary

Bayside's Municipal Public Health and Wellbeing Plan known as the 'Wellbeing for All Ages and Abilities Strategy' 2017-2021 outlines the health and wellbeing priorities for Bayside City Council over the next four years. The Strategy builds upon strengths from the previous plan and is a key strategic planning tool to maintain and improve public health and wellbeing at a local community level.

The Wellbeing for All Ages and Abilities Strategy meets the requirements of the Public Health and Wellbeing Act 2008 whilst streamlining and integrating Council’s planning across services. The Strategy has been developed aligned with the Bayside City Council Plan 2017-2021 and the Bayside Community Plan 2025 and is one of three major strategic plans aimed at improving Liveability in Bayside.

The Wellbeing for All Ages and Abilities Strategy has been developed in close consultation with the local community and through wide-ranging collaboration with key agencies, partners and stakeholders.

Implementation of the Strategy will be driven by four Action Plans which will be designed and delivered in partnership with key stakeholders. Progress against the Action Plans will be monitored, with reports made to Council and the community on the achievements.
The following three goals and twelve objectives have been identified:

**Goal 1**

**An engaged and supportive community**

1.1 Improve mental health and resilience
1.2 Support opportunities that build social networks and community connections
1.3 Strengthen volunteerism
1.4 Improve access to affordable, appropriate and inclusive services

**Goal 2**

**A healthy and active community**

2.1 Increase physical activity opportunities
2.2 Increase healthy eating
2.3 Increase participation in health assessments and self-care

**Goal 3**

**Safe and sustainable environments**

3.1 Reduce family violence
3.2 Reduce consumption of alcohol and other drugs
3.3 Improve community safety
3.4 Improve environmental sustainability
3.5 Improve community resilience to extreme weather events
Background information

All Victorian councils are required under Section 26 of the Public Health and Wellbeing Act (2008) to develop a Municipal Public Health and Wellbeing Plan within twelve months of Council elections.

The Wellbeing for All Ages and Abilities Strategy is a key strategic planning tool that aims to maintain and improve public health and wellbeing at a local community level. The Strategy will be utilised by Council, local health service providers and community organisations to set policy and partnership priorities for the next four years, focusing on health issues that have the greatest impact on the community.

Integrated planning for wellbeing

Council takes an integrated planning approach to community health and wellbeing through the Wellbeing for All Ages and Abilities Strategy. The Strategy sets out goals and objectives with specific Action Plans for different population groups including: early years, youth and older people. Underpinning values such as diversity, gender equity, inclusion and disability are reflected across each action plan and address the Disability Act 2006 (refer to figure 1).

The development and delivery of each Action Plan will be the responsibility of the following areas of Council: Early Years, Youth, Aged and Disability, and Community Wellbeing. This will ensure a collaborative approach is undertaken to identify and deliver opportunities to improve health and wellbeing across population groups and service delivery areas.

**FIGURE 1: INTEGRATED PLANNING FOR WELLBEING FRAMEWORK**

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- Wellbeing for All Ages and Abilities Strategy 2017-2021
- Early Years Action Plan
- Youth Action Plan
- Healthy Ageing Action Plan
- Healthy Community Action Plan

Diversity, gender equity and disability inclusion
Bayside City Council Planning Framework

The Wellbeing for All Ages and Abilities Strategy 2017-2021 sits within the Bayside Planning Framework and is one of three major strategic plans that directly aligns with the Council Plan 2017-2021 and Community Plan 2025 to improve Liveability in Bayside.

Figure 2 illustrates the relationship between Council’s Community Plan 2025, Bayside Council Plan 2017-2021, Municipal Strategic Statement, Environmental Sustainability Framework and the Wellbeing for all Ages and Abilities Strategy 2017-2021.

FIGURE 2: BAYSIDE STRATEGIC PLANNING FRAMEWORK

Bayside Community Plan 2025
Domains of Liveability

- Open Space
- Local Economy and Activity Centres
- Environment
- Infrastructure
- Transport
- Housing and Neighbourhoods
- Community Health and Participation

Big Picture Influences

- State and Federal policy
  - Funding, infrastructure, planning
- Demographic drivers
  - Aging population, new communities
- Technological advances
  - Virtual world, online business

Sustainable world
- Finding resource solutions
- Diminishing habitat
- Protecting land and biodiversity
- Consumer expectation
- Experiences and social relationships

Elected Council Priorities
Council Plan 2017-2021

Major Strategic Plans

- Natural
  - Environmental Sustainability Framework 2016-2025
- Built
  - Municipal Strategic Statement
- Social
  - Wellbeing for All Ages and Abilities Strategy 2017-2021
Close proximity to the beach, access to open space and a strong sense of community are key factors for living in Bayside.
Bayside community profile

The City of Bayside is located 16km south-east of Melbourne along the coastline of Port Phillip Bay. The municipality is characterised by its stunning foreshores, beautiful parks, open spaces and vibrant retail centres.

Bayside’s 97,087 residents enjoy the leafy surrounds of the municipality and have previously identified the close proximity to the beach, access to open space and a strong sense of community as key factors for living in Bayside.

Many Bayside households are family households (36.5 per cent) comprising couples with children. This is followed by couples without children (24.2 per cent) and lone person households (23.3 per cent) with this number expected to increase over the next four years with an ageing population.

Bayside is an ‘older’ community compared to metropolitan Melbourne with the average age of 44 years compared to 38 years in metropolitan Melbourne. There is also a substantially higher percentage of frail aged persons in Bayside (85 years and over) when compared to metropolitan Melbourne. However Bayside has fewer younger adults (25 to 34 years) residing in the area, as reports show those aged 25-34 tend to leave Bayside seeking more affordable housing or areas closer to work and entertainment opportunities.

Overall, the Bayside community is relatively advantaged in socio-economic terms with 35.8% of households earning $3000 or more per week. However it is recognised that Bayside has small scattered areas experiencing substantial disadvantage, which are masked by the affluence across the municipality. Almost all disadvantaged areas in Bayside are consistent with public housing estate locations, with most residents receiving a pension or benefit as their income sources.

It is anticipated that there will be an increase in the number of people with a disability over the next four years in Bayside. About 4 per cent of residents reported that they needed assistance in their day-to-day lives due to disability, long-term health condition or old age. Currently, 9,800 Bayside residents are also providing unpaid care to family members or others because of a disability or illness.

Bayside community characteristics are further explored in the City of Bayside: Health and Wellbeing Profile 2017-2021.
We are mostly very healthy...

**LIFE EXPECTANCY**

- Male: 84 years
- Female: 87 years
  - Higher than the Victorian average

**YOUTH RESILIENCE**

- Young people in Bayside:
  - Feel safe and secure: 97%
  - Adult role model: 88%
  - Socially responsible: 92%
  - Keep fit: 79%
  - 80% national average

**HEALTH**

- Low smoking rates
  - Male: 15.4%
  - Female: 10.3%

**ACTIVE LIFESTYLES**

- 1.7 serves per day
  - Victorian average: 1.6
- 2.5 serves per day
  - Victorian average: 2.2

High screening rates for breast cancer, cervical cancer and bowel cancer.

- Over 1 in 2 of people in Bayside exercise more than 4 times a week.
  - Higher than the Victorian average

But did you know...

**WEALTH**

- Bayside is one of the wealthiest municipalities.
- A large proportion of households earn over the weekly Victorian average.

**GOVERNMENT SUBSIDIES**

- 7,800+
  - Bayside residents use an age pension concession card.
- 1,232
  - Public housing properties.
  - Just under 3,000 residents have healthcare cards

**OUR POPULATION**

- 3.6% Bayside
- 1.6% Melbourne

- High percentage of frail aged persons.
- High proportion of families with secondary school aged children.
- High proportion of retirees and pre retirees.
We know that we need to work on...

**Social Responsibility**

Areas of concern for Bayside youth:

- **Worry**: 31%
- **Stress**: 33%
- **Lack of purpose**: 33%
- **Sleep deprived**: 31%
- **Late night texting**: 44%
- **Eating disorders**: 6.6%

**Active Concerns**

- **57.1%**: Bayside males ranked number 1 for being overweight (pre-obese) among local government areas in Victoria.

**Social Responsibility**

With an ageing population there is an increase in mobility and disability issues.

**Health Concerns**

- **40.2%**: Residents are at risk of short-term harm from alcohol. (Victorian estimate 29.4%)

**At Risk**

- **Increase in the number of reported cases of family violence.**

**Future issues**

Diabetes  Dementia  Ageing population
How this strategy was developed

The Wellbeing for All Ages and Abilities Strategy 2017-2021 was developed following extensive research, analysis and consultation with the Bayside community. The process included:

**JULY 2016**
**Internal working group**
An internal working group was established comprising of Council staff from various areas of service delivery including: early years, youth, aged and disability, metro access, arts and culture, libraries and environmental sustainability. This ensured a collaborative approach was undertaken to identify opportunities to improve health and wellbeing through Council’s services. Members of the working group are now responsible for implementing action plans and strategies relevant to their area.

**AUGUST 2016**
**Review of previous plan**
A review of the previous Wellbeing for All Ages and Abilities Strategy was undertaken in late 2016 where recommendations were identified to inform the future direction of the Wellbeing for All Ages and Abilities Strategy. The review highlighted the success of the Wellbeing for All Ages and Abilities framework as an integrated wellbeing approach to community health and wellbeing.

**OCTOBER-NOVEMBER 2016**
**Literature review**
The evaluation of the 2013-2017 Strategy was followed by a comprehensive review of Council’s key policies and strategies. An in-depth review of relevant literature was conducted and an analysis of key Commonwealth, State and Local Government policies was undertaken. A review of other Council’s Public Health and Wellbeing Plans was also completed.

**NOVEMBER 2016**
**Data Analysis**
Comprehensive data analysis was undertaken using census data, Victorian Population Health data, Victorian Health Indicators as well as other relevant sources to develop an updated Bayside Health and Wellbeing Profile. For a full report on the Bayside Health and Wellbeing Profile please contact Council.

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532 residents participated in a targeted consultation in early 2017.
The process ensured a collaborative approach.

NOVEMBER-DECEMBER 2016
Survey

A door-to-door survey was conducted in November 2016 with a representative sample of 400 residents across the Bayside municipality. The survey focused on understanding local health and wellbeing priorities and behaviours. All survey data was analysed and used to inform the development of the Wellbeing for All Ages and Abilities Strategy. For a full report on the responses please contact Council.

JANUARY-MARCH 2017
Community Consultation

532 residents from Bayside participated in a targeted consultation process between January and March 2017. A key objective was to engage targeted community members (early years, young people, those with a disability or long term illness, older adults and vulnerable people) to provide a clear direction on planning for key life stages.

A new approach to consultation was adopted which involved attending already organised Council and non-Council events, workshops and information sessions. A range of engagement tools were used during this consultation process.

The wider Bayside community were also invited to provide input into the strategic direction for health and wellbeing through online tools. A total of 163 residents completed an online survey.

JUNE 2017
Stakeholder workshop

A Discussion Paper was developed which provided an opportunity for local health services, organisations and groups to provide input into Council’s strategic direction regarding health and wellbeing in Bayside. External stakeholders were invited to attend a workshop “Planning for a Healthier Bayside” in June 2017 to help identify partnership opportunities to address health priorities over the next four years.

A total of 50 attended the workshop including representatives from local schools, senior groups, community health, early years, community centres and disability organisations. Council also worked closely with the Southern Melbourne Primary Care Partnership which consists of community health, local government, women’s health services and other state and commonwealth funded organisations responsible for promoting public health and coordinating health services outside hospitals in the region.
Government policy and legislation context

The issues included in the Wellbeing for all Ages and Abilities Strategy are all complex areas of public policy, with different levels of responsibility, funding and regulation by all tiers of government as well as private sector and not-for-profit community sector involvement.

Victorian government legislation places particular emphasis on the role of local government in community wellbeing. Council is required by the Local Government Act 1989, the Public Health and Wellbeing Act 2008, the Disability Act 2006 as well as by its own Council and Community Plans to advocate and plan for community wellbeing.

The Public Health and Wellbeing Act 2008 (Vic) outlines the role of Council to ‘protect, improve and promote public health and wellbeing within the municipal district’. Councils are required to develop a Municipal Public Health and Wellbeing Plan every four years. The plan must be based on evidence, involve the community in its development, and set out goals and strategies for people to achieve maximum health and wellbeing, in partnership with the Department of Health and other community agencies.

Councils are also required to consider the Climate Change Act 2017 and Recommendation 94 from the Victoria Government’s Royal Commission into Family Violence. Both of which play a key role in defining actions for the Wellbeing for All Ages and Abilities Strategy.

The Victorian Public Health and Wellbeing Plan 2015-2019 establishes a population health vision for Victoria aiming to reduce inequalities in health and wellbeing. To achieve this vision, the Victorian Public Health and Wellbeing Plan 2015-2019 identifies place-based approaches as a key platform for change to support action on a range of key priorities. This Plan supports a systems approach to prevention to tackle the underlying determinants of poor health and health inequity, and advocates a collective effort by multiple stakeholders to address the complex issues facing communities.
Underlying principles and concepts

Six principles underpin the goals and objectives in the Wellbeing for All Ages and Abilities Strategy and will guide implementation of the Action Plans.

1. Addressing the broader determinants of health, recognising that health is influenced by more than genetics, lifestyles and provision of health care, and that political, social, economic and environmental factors are critical.

2. Basing activities on the best available data and evidence, both with respect to why there is a need for action in a particular area and what is most likely to impact sustainable change.

3. Acting to reduce social inequities and injustice, helping to ensure every individual, family and community group may benefit from living, learning and working in Bayside.

4. Emphasising active community participation, to enable and encourage people to have a say about what influences their health and wellbeing and what would make a difference.

5. Empowering individuals and communities, through information, skill development, support and advocacy to be able to mobilise resources necessary to take control of their own lives.

6. Working in collaboration, through partnerships, to build on the capacity of a wide range of sectors to deliver quality actions; and to reduce duplication and fragmentation of effort.

Goal 1

An engaged and supportive community
Objectives

1.1 Improve mental health and resilience
1.2 Support opportunities that build social networks and community connections
1.3 Strengthen volunteerism
1.4 Improve access to affordable, appropriate and inclusive services

An engaged and supportive community allows people from all ages and abilities access to services and resources that enhance their wellbeing and enable them to live full lives.

At one level it represents the degree to which individuals feel connected with their community, however more broadly it is the strength and resilience within communities that sustains positive mental health. Social connectedness and social inclusion have also been identified as key contributing factors to ensuring an engaged and healthy community.

Why is this important for Bayside?

- A key community aspiration identified in Bayside’s Community Plan 2025 is that members of the community feel connected and involved regardless of age, gender, cultural background, abilities or relative income.
- Bayside has an ageing population and it is anticipated that there will be an increase to the number of lone person households in Bayside over the next four years.
- Older residents and those with a disability or long term illness reported low scores for community connectedness and were more likely to report isolation compared to the general population.
- Mental health is a key issue for young people within Bayside. Youth Resilience Survey results show that many young people in Bayside are losing sleep through worry, do not feel good about themselves and have poor management of stress compared to the national average.
- Bayside has 1,232 public housing dwellings and 3,000 residents with healthcare cards.
- Community feedback from consultation activities in early 2017 show a need for better access to information, education and support about programs and services.
- Bayside residents expressed the importance of opportunities for social connections including intergenerational activities, programs for vulnerable population groups and young people.
- The community expressed a strong interest in taking a coordinated approach to volunteering in Bayside. Currently, there is a wide range of volunteer opportunities that connect people together and also promote activity outdoors in the natural environment.
Goal 2

A healthy and active community
Objectives

2.1 Increase physical activity opportunities
2.2 Increase healthy eating
2.3 Increase participation in health assessments and self-care

Eating well and being physically active is important to maintain and protect the longevity of good health and wellbeing.

Regular physical activity provides people of all ages and abilities substantial physical, social and mental health gains. It also reduces the risk of premature mortality and chronic diseases such as: Type 2 diabetes, heart disease, depression, osteoporosis, stroke and some cancers. Good nutrition benefits people of all ages and helps the body function at optimal efficiency and maintain a healthy weight.

Why is this important for Bayside?

- A key community aspiration identified in Bayside’s Community Plan 2025 is that members of the community feel supported and engaged to live an active and healthy lifestyle regardless of geographic location, personal circumstance or physical ability.
- Bayside residents have high levels of weekly physical activity, however sedentary activity is a concern with many residents sitting for over seven hours per day.
- The daily consumption of fruit and vegetables could be improved to ensure all residents are meeting national guidelines.
- There is room to improve breastfeeding rates with a focus on support during the antenatal and postnatal period.
- With an ageing population, there is a need to create opportunities to maintain and support independence of older people.
- There are bodyweight issues in Bayside which predominantly concern adult males.
- There is an increase in diabetes and cardiovascular cases within Bayside.
- There is strong evidence that supports contact with nature and the importance of outdoor activities.
Goal 3
Safe and sustainable environments
Objectives

3.1 Reduce family violence
3.2 Reduce consumption of alcohol and other drugs
3.3 Improve community safety
3.4 Improve environmental sustainability
3.5 Improve community resilience to extreme weather events

A safe environment where people can live, work and play has a direct impact on the community’s physical, social and emotional wellbeing.

Whilst Bayside is one of the safest municipalities in Victoria, issues relating to crime, family violence, and safety in the home and in public places do occur and can have an impact on individuals, families and the broader community.

Extreme weather events relating to climate change may also impact on the safety of the community, specifically vulnerable groups such as older adults and disadvantaged residents. Health impacts of increasing temperatures may include increases in heat stress and dehydration and changes in fresh food and production and consumption.

Why is this important for Bayside?

- A key community aspiration identified in Bayside’s Community Plan 2025 is that both community and Council be environmental stewards, taking action to protect and enhance the natural environment and balance appreciation and use with the need to protect natural assets for future generations.
- Perception of safety is relatively high, however women and older people are less likely to feel safe. The general community is more likely to feel unsafe at foreshores, parks and reserves at night.
- Family violence incident reports continue to increase in Bayside, a trend reflected across Victoria. Young people, non-English speaking households and those aged over 75 years were less likely to be aware of how to best help someone experiencing violence.
- Bayside has a higher than average proportion of persons who consume alcohol at risky levels, of particular concern is consumption of alcohol by females.
- Climate change may affect Council infrastructure and property (i.e. community centres, libraries and sporting pavilions), which may restrict access and impact on the community’s ability to use Council assets for social and physical activities.
- With increasing temperatures predicted, trees play an important role in the provision of shade and respite in Council’s parks and streetscapes.
Health and wellbeing is everybody’s business. The Wellbeing for All Ages and Abilities Strategy provides direction for the whole of community.

Actions will involve or be led by a wide range of stakeholders, including: health organisations; care and education providers; and community centres and volunteer groups.

Council’s role in implementing the Strategy and Action Plans will include direct programs and services, facility planning and coordination, partnerships and strengthening community capacity, and advocacy and information.

**FIGURE 1: INTEGRATED PLANNING FOR WELLBEING FRAMEWORK**

Four Action Plans will support the implementation of the Strategy; Early Years, Youth, Healthy Ageing and Healthy Communities. Activities targeting people with disabilities will be integrated in each Action Plan. The Action Plans will outline how Council and partners will address the relevant goals and objectives of the Strategy for particular groups. Each Action Plan will include comprehensive evaluation measures. Reporting on the action plans will occur annually.

The Wellbeing for All Ages and Abilities Strategy and Action Plans will be implemented in partnership with networks, organisations and groups who contributed to its development and with the broader community, in line with Council’s Community Engagement Policy.

The Wellbeing for All Ages and Abilities Strategy will be reviewed annually, in conjunction with Action Plans and will respond to any emerging health and wellbeing needs. A detailed evaluation will be conducted in 2021 at the end of the four-year strategy and will be used to inform the next four-year plan.
Working together, Council and the community will use this strategy to achieve the highest standard of health and wellbeing in Bayside
Background
The Early Years Action Plan is part of a suite of action plans that respond to the Wellbeing for All Ages and Abilities Strategy 2017-2021 (WAAA).

The WAAA outlines the health and wellbeing priorities for Bayside City Council over the next four years. The WAAA has been developed in consultation with the community and through collaboration with key agencies, partners and stakeholders.

The WAAA includes three goals and twelve objectives that have been identified through comprehensive research, analysis and consultation processes. Key themes identified through these processes relate to:

- An engaged and supportive community which allows people from all ages and abilities access to services and resources that enhance their wellbeing. Social connectedness and social inclusion were identified as important in sustaining positive mental health and resilience.

- Increased participation in health assessments and being physically active were identified as significant in maintaining and protecting the longevity of good health and wellbeing. Participation in the Maternal and Child Health service was identified as important by the Bayside community.

- An environment where people can live, work and play safely was also identified as important with consideration of issues related to crime, family violence, and safety in the home and in public places highlighted.

Plan focus
This action plan focuses on new or revised actions which have health and wellbeing benefits for early years. In addition to the actions outlined in this action plan, Council delivers a diverse range of operational services that support the health and wellbeing of the Bayside community. Early years services provided by Council include:

- Maternal and child health;
- Immunisation;
- Centralised preschool enrolment;
- supported playgroups; and
- Parent education sessions.

Bayside’s commitment to disability
Bayside City Council is working in partnership with the community to enhance the health and wellbeing of people with a disability. Council values the unique contribution that all people make to their community and recognises the complex physical, social and emotional challenges that can exist for people with a disability. Activities targeting people with disabilities are integrated and reflected across the suite of action plans to address the Disability Act 2006.
Development and delivery of the actions plan

Partnerships are a key principle of the WAAA, with a focus on capacity building, delivering high quality strategies, and reducing duplication and fragmentation of effort. Actions have been developed and will be delivered in partnership with the community and a range of internal and external partners as relevant.

The Family and Children’s Network and the Bayside Healthy Ageing Reference Group (BHARG) are community based groups that regularly provide feedback to inform Council plans and strategies.

The Early Years Action Plan has been developed in conjunction with these groups.

Measuring success

This action plan will be reviewed annually, to ensure its relevance and to respond to the changing needs of the Bayside community. The goals and objectives of the WAAA will be monitored through the separate WAAA Evaluation Plan and will be reported to Council on an annual basis.

How to read the Action Plan

Goals and objectives: The goals and objectives of the Early Years Action Plan align directly to the goals and objectives of the WAAA.

Actions: Actions outline the activities that Council and/or partners will undertake to achieve the objectives.

Measure: Measures outline how we will assess the achievement of our actions.

Timeline: The estimated start and completion date for each action.

Lead and partners: This area identifies who will be involved in the delivery of actions either in a lead role or supporting role. Council program areas are identified with an asterisk.
Goal 1  An engaged and supportive community

Objective 1.1 Improve mental health and resilience

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
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</thead>
</table>
| Establish an “infant cues” workshop to support parent wellbeing by increasing their confidence in being able to understand their infant’s needs | - 10 workshops each year  
- Annual participation of 100 families  
- Pre and post participant feedback | - Family Services* (lead)                                               | 2018-2021  |
| Evaluate the Parent Infant Support Group to ensure that the program is evidenced based and that improved parent and infant mental health and wellbeing outcomes are achieved. | - Report completed  
- Recommendations identified and implemented. | - Family Services* (lead)  
- Alfred Child and Youth Mental Health Service | 2018-2019  |
| Implement _smalltalk_ supported playgroup and in home support to improve parent-child interactions | - 2 supported playgroups provided each school term for up to 20 families  
- Pre and post participant feedback  
- 3 families receive in home support each school term | - Family Services* (lead)  
- Department of Education and Training | 2018-2021  |
### Objective 1.2 Support opportunities that build social networks and community connections

| Identify and deliver intergenerational programs that respond to community need and interests | • 1 continuing program established in Year 2 | • Family Services* (lead)  
• Aged and Disability Services*  
• Youth Services*  
• Libraries*  
• Arts and Culture*  
• Community Wellbeing* | 2019-2020 |
| Develop a communication plan to increase awareness of available local services and programs | • Communication plan developed and delivered  
• Community knowledge of available services and programs when contacting Council | • Family Services* (lead)  
• Libraries*  
• Arts and Culture*  
• Community Wellbeing* | 2018 - 2019 |

### Objective 1.4 Improve access to affordable, appropriate and inclusive services

| Develop a 10 year Early Years Infrastructure Plan that responds to future service needs | • Plan adopted by Council | • Family Services* (lead) | 2017-2018 |
| Establish and trial a Maternal & Child Health (MCH) drop in session once a week at a public housing estate to increase engagement and access to the MCH Service | • Number of new families with young children living at the public housing estate enrolled in the MCH service | • Family Services* (lead)  
• Community Wellbeing* | 2018-2021 |
<table>
<thead>
<tr>
<th>Goal 2</th>
<th>A healthy and active community</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective 2.1 Increase physical activity opportunities</strong></td>
<td></td>
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<tr>
<td><strong>Actions</strong></td>
<td><strong>MEASURE</strong></td>
</tr>
<tr>
<td>Develop a brochure to inform the community of all Bayside playgrounds</td>
<td>• Brochure developed and distributed</td>
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<tr>
<td><strong>Objective 2.2 Increase healthy eating</strong></td>
<td></td>
</tr>
<tr>
<td>Promote the benefits of breastfeeding, including available community supports and information</td>
<td>• Increased in breastfeeding rates in Bayside from 70% to 75%</td>
</tr>
<tr>
<td><strong>Objective 2.3 Increase participation in health assessments and self-care</strong></td>
<td></td>
</tr>
<tr>
<td>Engage families with young children aged 0-6 years in the universal Maternal and Child Health Service to optimise their health, development and wellbeing</td>
<td>• Increased rate of participation across the 10 key age and stage consultations from 88% to 93%</td>
</tr>
<tr>
<td>Actions</td>
<td>MEASURE</td>
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</tbody>
</table>
| Partner with South Eastern Melbourne Primary Health Network to improve childhood immunisation rates | • Increased childhood immunisation rates for children aged 5 years from 94.3% to 95% | • Family Services* (lead)  
• South Eastern Melbourne Primary Health Network | 2017-2021 |

**Goal 3 Safe and sustainable environments**

**Objective 3.1 Reduce family violence**

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
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</thead>
</table>
| Conduct family violence assessments on all families attending the Maternal and Child Health Service to identify mothers, children and families at risk of family violence, and as appropriate complete safety plans and refer to family violence services | • 100% of families are screened for family violence  
• Number of referrals made in relation to family violence  
• Number of safety plans completed | • Family Services* (lead) | 2017-2021 |
### Objective 3.4 Improve environmental sustainability

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible Party</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participate in the Nappy Collective to collect unused, clean disposable nappies that are redistributed to organisations supporting families in crisis or need</td>
<td>100% of MCH centres participating in the Nappy Collective</td>
<td>2018-2019</td>
</tr>
<tr>
<td></td>
<td>Family Services* (lead)</td>
<td></td>
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</table>

### Objective 3.5 Improve community resilience to extreme weather events

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible Party</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support vulnerable families to manage during extreme heatwave events</td>
<td>Provision of community information available on the Council website and at MCH centres</td>
<td>2017-2021</td>
</tr>
<tr>
<td></td>
<td>Vulnerable families monitored through the MCH service</td>
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<tr>
<td></td>
<td>Municipal Recovery Manager* (Lead)</td>
<td></td>
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<tr>
<td></td>
<td>Family Services*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Communications*</td>
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</tbody>
</table>
Background

The Youth Action Plan is part of a suite of action plans that respond to the Wellbeing for All Ages and Abilities Strategy 2017-2021 (WAAA).

The WAAA outlines the health and wellbeing priorities for Bayside City Council over the next four years. The WAAA has been developed in consultation with the community and through collaboration with key agencies, partners and stakeholders.

The WAAA includes three goals and twelve objectives that have been identified through comprehensive research, analysis and consultation processes. Key themes identified through these processes related to:

- An engaged and supportive community which allows people from all ages and abilities access to services and resources that enhance their wellbeing. Social connectedness and social inclusion were identified as important in sustaining positive mental health and resilience.

- Increased participation in health assessments and being physically active were identified as significant in maintaining and protecting the longevity of good health and wellbeing. Increasing the resilience of young people was identified as important by the Bayside community.

- An environment where people can live, work and play safely was also identified as important with consideration of issues related to crime, family violence, and safety in the home and in public places highlighted.

Plan focus

This action plan focuses on new or revised actions which have health and wellbeing benefits for young people. In addition to the actions outlined in this action plan, Council delivers a diverse range of services that support the health and wellbeing of the Bayside community. Services for young people provided by Council include:

- Counselling;
- Events and group activities;
- School holiday program; and
- Programs delivered in schools.

Bayside’s commitment to disability

Bayside City Council is working in partnership with the community to enhance the health and wellbeing of people with a disability. Council values the unique contribution that all people make to their community and recognises the complex physical, social and emotional challenges that can exist for people with a disability. Activities targeting people with disabilities are integrated and reflected across the suite of action plans to address the Disability Act 2006.
Development and delivery of the actions plan

Partnerships are a key principle of the WAAA, with a focus on capacity building, delivering high quality strategies, and reducing duplication and fragmentation of effort. Actions have been developed and will be delivered in partnership with the community and a range of internal and external partners as relevant.

The Bayside Youth Ambassadors and the Bayside Healthy Ageing Reference Group (BHARG) are community based reference groups that regularly provide feedback to inform Council plans and strategies.

The Youth Action Plan has been developed in conjunction with these groups. These groups will continue to support the implementation and annual review processes.

Measuring success

This action plan will be reviewed annually, to ensure its relevance and to respond to the changing needs of the Bayside community. The goals and objectives of the WAAA will be monitored through the separate WAAA Evaluation Plan and will be reported to Council on an annual basis.

How to read the Action Plan

Goals and objectives: The goals and objectives of the Youth Action Plan align directly to the goals and objectives of the WAAA.

Actions: Actions outline the activities that Council and/or partners will undertake to achieve the objectives.

Measure: Measures outline how we will assess the achievement of our actions.

Timeline: The estimated start and completion date for each action.

Lead and partners: This area identifies who will be involved in the delivery of actions either in a lead role or supporting role. Council program areas are identified with an asterisk.
## Goal 1
An engaged and Supportive Community

### Objective 1.1 Improve mental health and resilience

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
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</thead>
</table>
| Deliver mental health education to schools, parents, and community groups | • Minimum of 2 Mental Health First Aid training programs delivered each year for 15 participants per program  
• 2 parent education sessions delivered each year for 100 participants per session  
• Increased % of young people with positive mental health measured through the Youth Resilience Survey | • Youth Services* (lead)  
• Bayside Schools  
• Sporting Clubs                                                                 | 2018-2021                            |
| Increase awareness of positive mental health through R U OK Day and mental health week events | • 2 events delivered each year during Mental Health Week and R U OK day                                                                                                                                     | • Youth Services (lead)  
• Arts & Culture*  
• Libraries*  
• Community Wellbeing*                                                                 | 2018-2021                            |
| Identify and deliver a bullying prevention program in partnership with schools | • 2 programs delivered each year for 20 participants each program  
• Decreased % of young people experiencing bullying in schools                                                                                                                                         | • Youth Services* (lead)  
• Bayside Schools  
• Headspace                                                                                                                              | 2018-2021                            |
| Identify and deliver education sessions and workshops that assist young people to manage stress, anxiety and depression, in partnership with other stakeholders | • 3 education programs delivered each year for 20 participants per program  
• Pre and post participant feedback  
• Decreased % of young people experiencing stress, anxiety and depression measured through the Youth Resilience Survey | • Youth Services* (lead)  
• Headspace  
• Bayside Schools | 2018-2021 |
| Identify and deliver an education program that improves body image perceptions and self-esteem of young people | • 1 education program delivered each year for 15 participants  
• Pre and post participant feedback  
• Decreased % of young people experiencing low self-esteem measured through the Youth Resilience Survey | • Youth Services* (lead) | 2018-2021 |
### Objective 1.2 Support opportunities that build social networks and community connections

| Identify and deliver intergenerational programs that respond to community needs and interests | 1 continuing program delivered | • Youth Services* (lead)  
• Family Services*  
• Aged and Disability Services*  
• Libraries*  
• Arts and Culture*  
• Community Wellbeing* | 2020-2021 |
| --- | --- | --- | --- |
| Develop a communication plan to increase awareness of available local services and programs | • Communication plan developed and delivered  
• Increased community knowledge of available services and programs | • Youth Services* (lead)  
• Libraries*  
• Arts and Culture*  
• Community Wellbeing* | 2018-2019 |
| Identify inclusive recreation options for young people aged 18 to 25 years who have a disability | • Existing recreational options mapped and promoted  
• Increased participation | • Youth Services* (lead)  
• Recreation and Events* | 2018-2019 |

### Objective 1.3 Strengthen volunteerism

| Recognise youth participation in volunteering through provision of biennial youth awards program | 30 young people nominated for youth awards | • Youth Services* (lead)  
• Youth Ambassadors | 2018-2021 |
Goal 3  Safe and Sustainable Environments

**Objective 3.1 Reduce family violence**

<table>
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<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work with Victoria Police and Headspace to identify and deliver family</td>
<td>Increased % of young people with healthy attitudes toward violence</td>
<td>Youth Services* (lead)</td>
<td>2019-2021</td>
</tr>
<tr>
<td>violence prevention programs in schools</td>
<td>measured through the Youth Resilience Survey</td>
<td>Victoria Police</td>
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<td></td>
<td></td>
<td>Headspace</td>
<td></td>
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<td></td>
<td></td>
<td>Bayside Schools</td>
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</table>

**Objective 3.2 Reduce consumption of alcohol and other drugs**

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<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
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<tbody>
<tr>
<td>Deliver alcohol and drug education to reduce the impact of misuse by</td>
<td>4 education activities provided each year for 100 year 8 students in</td>
<td>Youth Services* (lead)</td>
<td>2018-2021</td>
</tr>
<tr>
<td>young people</td>
<td>four secondary schools</td>
<td>Community Wellbeing*</td>
<td></td>
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<td></td>
<td>Decreased % of young people drinking alcohol measured through the</td>
<td>Taskforce</td>
<td></td>
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<tr>
<td></td>
<td>Youth Resilience Survey</td>
<td></td>
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<tr>
<td><strong>Objective 3.3 Improve community safety</strong></td>
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<tr>
<td>Deliver graffiti education programs for young people in partnership with Victoria Police</td>
<td>3 graffiti education programs delivered to year 5 and year 8 students annually</td>
<td>Youth Services* (lead)</td>
<td>2017-2021</td>
</tr>
<tr>
<td>30 participants annually</td>
<td>Victoria Police</td>
<td></td>
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<tr>
<td>Reduction in number of graffiti removal requests</td>
<td></td>
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<td>Deliver cyber safety education to parents to support the digital safety of children and young people</td>
<td>Decreased % of number of young people being bullied online measured through the Youth Resilience Survey</td>
<td>Youth Services* (lead)</td>
<td>2019-2021</td>
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<td></td>
<td>Family Services*</td>
<td>Libraries*</td>
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<tr>
<td></td>
<td>Bayside Schools</td>
<td>Victoria Police</td>
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<table>
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<tr>
<th><strong>Objective 3.4 Improve environmental sustainability</strong></th>
</tr>
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<tbody>
<tr>
<td>Identify and deliver an activity that raises the awareness of young people on environmental sustainability</td>
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Healthy Community

Action Plan

2017-2021

Bayside City Council
Background to this Action Plan

The Healthy Community Action Plan 2017-2021 is one of a suite of four action plans aligned to the Wellbeing for All Ages and Abilities Strategy 2017-2021 (WAAA). This action plan documents the actions Council, and its partners, will undertake over a four year period to achieve the goals and objectives of the WAAA which support the strategic direction of the Council Plan 2017-2021.

The Healthy Community Action Plan 2017-2021 focuses on new or revised actions which have health and wellbeing benefits that reach the whole population. In addition to the actions outlined in this Action Plan, Council undertakes a number of other ongoing functions and services to protect, promote and enhance health and wellbeing including:

- Monitoring and enforcing food safety
- Library services
- Community development
- Community grants.

The Healthy Community Action Plan 2017-2021 aims to promote and enable healthy lifestyles and social support and is based on the ‘Social Model of Health’ that recognises the wide range of factors which influence health and wellbeing.

Bayside’s commitment to disability

Bayside City Council is working in partnership with the community to enhance the health and wellbeing of people with a disability. Bayside City Council values the unique contribution that people make to their community and recognises the complex social and emotional challenges that can exist for people with a disability. Activities targeting people with disabilities will be integrated and reflected across each of the four action plans to address the Disability Act 2006.

Delivery of this action plan

Partnerships are a key principle of the WAAA, with a focus on building the capacity of a wide range of sectors, delivering high quality actions, and reducing duplication and fragmentation of effort. The Southern Melbourne Primary Care Partnership (SMPCP) is a key external partner within this plan. The SMPCP is required to produce a Strategic Plan for the local area. Within this plan the SMPCP has identified priority areas which align with the goals of the WAAA allowing for a catchment wide approach to meeting the health and wellbeing needs of the community. Members of the SMPCP include:

- Alfred Health
- Baker Heart and Diabetes Institute
- Bolton Clarke
- Cabrini Health
- Calvary Health care Bethlehem
- Central Bayside Community Health Services
- Connect Health and Community
- Department of Health and Human Services
- City of Glen Eira
- Inner Easter Local Learning and Employment Network
- Jewish Care
- The Jewish Taskforce Against Family Violence
- MiCare
• Monash Health
• South East Centre Against Sexual Assault
• Star Health
• Stonnington City Council
• Taskforce
• Vision Australia
• Women’s Health in the South East

Measuring Success
The Healthy Community Action Plan 2017-2021 will be reviewed annually, to ensure its relevance and to respond to the changing needs of the Bayside community. The goals and objectives of the WAAA will be monitored through the separate WAAA Evaluation Plan and will be reported to Council on an annual basis.

How to read the Action Plan

Goals and Objectives: The goals and objectives of the Healthy Community Action Plan align directly to the goals and objectives of the WAAA.

Actions: Actions outline the activities that Council and/or partners will undertake to achieve the actions.

Measure: Measures outline how we will assess the achievement of our actions.

Timeline: The estimated start and completion date for each action.

Lead and Partners: This area identifies who will be involved in the delivery of actions either in a lead role or supporting role. Council program areas are identified with an asterisk.
### Goal 1: An engaged and supportive community

#### Objective 1.1 Improve mental health and resilience

<table>
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<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Build capacity of established community groups and volunteers to better engage with people who are experiencing poor mental health | 2 capacity building initiative delivered  
2 training sessions delivered  
Attendance at sessions  
Satisfaction level of participants                                           | Community Wellbeing*  
Council Volunteer Areas  
Recreation and Events*  
Community Centres and Neighbourhood Houses                                | 2017-2021               |
| Promote Mental Health Week and other initiatives that impact on mental health (e.g., Garage Sale Trail) in partnership with outreach services and local agencies | 4 mental health awareness messages promoted  
Relevant outreach services and local agencies engaged                       | Community Wellbeing*  
Libraries*  
Arts and Culture*  
Communications*  
Headspace  
Disability Organisations                                                   | 2017-2021               |

#### Objective 1.2 Support opportunities that build social networks and community connections

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Build capacity of sporting clubs, recreation groups and volunteer organisations to better engage people with disabilities | 4 educational activities delivered  
Relevant sporting clubs, recreation groups and volunteer organisations engaged  
Information flyer/pack developed on creating                              | Community Wellbeing*  
Recreation and Events*  
Sporting Organisations  
Disability Organisations*                                                   | 2017-2021               |
<table>
<thead>
<tr>
<th>Objective 1.3 Strengthen volunteerism</th>
<th>accessible and inclusive events</th>
<th></th>
<th>2017-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage and support inclusive events in Bayside. E.g. International day of people with a disability</td>
<td>4 inclusive events promoted (e.g. Carer’s Week)</td>
<td>Community Wellbeing* (lead)</td>
<td>2017-2021</td>
</tr>
<tr>
<td>Develop an action plan to recognise and promote the indigenous culture of Bayside</td>
<td>Action Plan developed by Council</td>
<td>Community Wellbeing* (lead)</td>
<td>2019-2021</td>
</tr>
<tr>
<td>Celebrate and promote significant cultural diversity events in Bayside e.g. National Reconciliation Week</td>
<td>4 cultural diversity events promoted</td>
<td>Community Wellbeing*</td>
<td>2017-2021</td>
</tr>
<tr>
<td>Increase promotion of Bayside’s Community Centres and Neighbourhood Houses</td>
<td>4 promotional activities undertaken for the Community Centres and Neighbourhood Houses</td>
<td>Community Wellbeing* (lead)</td>
<td>2017-2021</td>
</tr>
<tr>
<td>Increase successful volunteer placements through the promotion of Bayside Volunteering and positive volunteering stories</td>
<td>8 promotional activities undertaken</td>
<td>Community Wellbeing* (lead)</td>
<td>2017-2021</td>
</tr>
<tr>
<td></td>
<td>Increased volunteer opportunities listed</td>
<td>Communications*</td>
<td>2017-2021</td>
</tr>
<tr>
<td></td>
<td>Increased volunteers registered</td>
<td>Disability Organisations</td>
<td>2017-2021</td>
</tr>
<tr>
<td></td>
<td>Feedback from users</td>
<td>Community Organisations</td>
<td>2017-2021</td>
</tr>
<tr>
<td>Item 10.7 – Reports by the Organisation</td>
<td></td>
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<tr>
<td>----------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 1.4 Improve access to affordable, appropriate and inclusive services</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Improve efficiency and consistency of Council volunteer recruitment processes and share learnings with community organisations**
- 2 process improvements implemented
- Feedback from Council staff
- Community Wellbeing* (lead)
- Council Volunteer Areas*
- Community Organisations

**Develop a consistent reward and recognition program for Council volunteers**
- Program developed
- 4 reward/recognition activities implemented
- Community Wellbeing* (lead)
- Communications*
- Council Volunteer Areas*

**Support community organisation to develop inclusive volunteer programs and practices**
- 3 information sessions delivered
- Attendance at sessions
- Increased in knowledge of inclusive practices
- Community Wellbeing* (lead)
- Community Organisations
- Disability Organisations

**Build and maintain networks with disability schools and services to strengthen work placement opportunities**
- Increased in number of work placement opportunities
- Community Wellbeing* (lead)
- Disability Organisations
- Bayley House
- Berendale School
- Human Resources*

**Advocate for increased services and programming for public housing residents (e.g. expand library outreach services)**
- 3 advocacy initiatives undertaken
- 8 new services/programs delivered
- Community Wellbeing* (lead)
- Community Development Working Group

**Increase support for people experiencing financial hardship through promotion of Hardship Contingency Grants**
- 30 hardship grant applications
- 4 promotional activities
- New partnerships established
- Community Development Working Group * (lead)
- Community Wellbeing*
<table>
<thead>
<tr>
<th>Item 10.7 – Reports by the Organisation</th>
<th></th>
</tr>
</thead>
</table>
| **Partner with the Southern Melbourne Primary Care Partnership to deliver health literacy initiatives in Bayside** | • Healthy literacy working group developed  
• 1 healthy literacy initiative developed  
• Southern Melbourne Primary Care Partnership (lead)  
• Community Wellbeing*  |
| **Review Council’s commitment to disability and provide recommendations following the National Disability Insurance Scheme rollout and defunding of the MetroAccess position** | • Review completed  
• Recommendations developed  
• Report presented to Council  
• Community Wellbeing* (lead)  |
| **Conduct an audit on disability parking within Bayside and advocate for compliance with Australian Standards** | • Mapping of disability parking completed  
• Community Wellbeing* (lead)  
• Urban Design*  
• Information Services*  
• Transport Planning & Traffic Management*  |
| **Provide accessible community education regarding the roll out of the National Disability Insurance Scheme** | • 6 education sessions conducted  
• Attendance at sessions  
• 3 promotional activities undertaken  
• Community Wellbeing* (lead)  
• Disability Organisations  
• Brotherhood of St. Laurence  
• Community Services*  |
| **Review the Housing Strategy with a particular focus on housing affordability and social housing** | • Review completed  
• Recommendations developed  
• Urban Strategy* (lead)  
• Community Wellbeing*  
• Aged and Disability Services*  |
| **Review the Neighbourhood Character Study** | • Review completed  
• Recommendations developed  
• Urban Strategy* (lead)  
• Community Wellbeing*  
• Community Services*  |
Goal 2  A healthy and active community

Objective 2.1 Increase physical activity opportunities

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Develop a social media campaign to raise awareness on physical activity opportunities in Bayside | • 2 promotional items or program developed  
• Reach of social media posts | • Community Wellbeing* (lead)  
• Communications*  
• Neighbourhood and Community Houses | 2019-2021 |
| Advocate for improved access to leisure and recreation opportunities for people with disabilities and those experiencing financial hardship | • 2 advocacy initiatives  
• 100% of facilities accept companion cards and/or offer concession card discounts | • Community Wellbeing* (lead)  
• Recreation and Events*  
• Disability Organisation  
• Community Development Working Group  
• Team Sports for All | 2018-2021 |

Objective 2.2 Increase healthy eating

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Identify opportunities to promote healthy eating messages at Bayside’s major events | • 2 promotional activities at Council’s major events | • Community Wellbeing* (lead)  
• Recreation and Events*  
• Communications* | 2017-2021 |
| Partner with the Southern Melbourne Primary Care to deliver healthy eating initiatives in Bayside | • Healthy eating working group developed  
• 1 initiative implemented | • Southern Melbourne Primary Care Partnership (lead)  
• Community Wellbeing* | 2018-2020 |
<table>
<thead>
<tr>
<th>Objective 2.3 Increase participation in health assessments and self-care campaigns to Council staff and community members</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Promote relevant state and national health awareness campaigns</td>
</tr>
<tr>
<td>• 6 promotional activities undertaken</td>
</tr>
<tr>
<td>• Community Wellbeing (lead)</td>
</tr>
<tr>
<td>• Library</td>
</tr>
</tbody>
</table>

2017-2021
### Goal 3  Safe and sustainable environments

#### Objective 3.1 Reduce family violence

**Actions**
- Increase awareness of family violence, gender equity and relevant support services
- Achieve accreditation through the White Ribbon Workplace Accreditation Program

**LEAD + PARTNERS**
- Southern Melbourne Primary Health Partnership*
- Community Wellbeing* (lead)
- Communications*
- Disability Organisations*

**MEASURE**
- 4 of promotional activities undertaken
- Development of webpage
- Reach of promotional activities
- Accreditation achieved

**TIMELINE**
- 2017-2021

---

#### Objective 3.2 Reduce consumption of alcohol and other drugs

**Actions**
- Increase promotion of alcohol and drug related harm
- Increase promortional activities

**LEAD + PARTNERS**
- Community Wellbeing*
- Recreation and Events*

**MEASURE**
- 4 of promotional activities undertaken
- Reach of promotional activities

**TIMELINE**
- 2017-2019

---

#### Objective 3.3 Improve community safety

**Actions**
- Partner with Bayside Police Station to deliver crime prevention community initiatives
- 1 crime prevention partner initiative completed

**LEAD + PARTNERS**
- Bayside Police Station
- Community Wellbeing*
- Disability Organisations*

**MEASURE**
- 1 crime prevention partner

**TIMELINE**
- 2018-2021

---

#### Objective 3.4 Protect and enhance natural environments

**Actions**
- Advocate to the Department of Health and Human Services to provide safe syringe facilties at public housing estates

**LEAD + PARTNERS**
- Bayside City Council
- Disability Organisations*

**MEASURE**
- 1 advocacy initiative undertaken

**TIMELINE**
- 2017-2018
### Objective 3.4 Improve environmental sustainability

<table>
<thead>
<tr>
<th>Deliver training to Neighbourhood Houses, Community Centres and Sporting Clubs on sustainable practices e.g. how to minimise energy use</th>
<th>1 training session delivered</th>
<th>Environmental Sustainability* (lead)</th>
<th>2018-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1 training session delivered</td>
<td>• Increased number of facilities that have sustainable practices</td>
<td>• Community Wellbeing*</td>
<td></td>
</tr>
<tr>
<td>• Percentage of attendees who feel the library is a safe and welcoming space</td>
<td></td>
<td>• Neighbourhood and Community Houses</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Recreation and Events*</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Sporting Clubs</td>
<td></td>
</tr>
</tbody>
</table>

### Objective 3.5 Improve community resilience to extreme weather events

<table>
<thead>
<tr>
<th>Deliver Climate Ready Program to Bayside Community</th>
<th>Website developed</th>
<th>Environmental Sustainability* (lead)</th>
<th>2017-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigate need for increased drinking fountains along strip shopping areas in Bayside</td>
<td>Reach of the website</td>
<td>Community Services*</td>
<td></td>
</tr>
<tr>
<td>Provide accessible information about promoting safe places (e.g. libraries,) to access during extreme weather events</td>
<td>Need identification report developed</td>
<td>Urban Design*</td>
<td>2018-2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community Wellbeing* (lead)</td>
<td></td>
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<tr>
<td></td>
<td>Promotions occur during extreme weather events</td>
<td>Environmental Sustainability*</td>
<td>2017-2021</td>
</tr>
<tr>
<td></td>
<td>Usage of ‘safe places’</td>
<td>Libraries*</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Communications*</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Community Services*</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Reports by the Organisation</td>
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<tr>
<td>10.7</td>
<td>Bayside City Council - Ordinary Council Meeting - 20 February 2018</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Promote thunderstorm asthma health alerts</th>
<th>Promotions occur during thunderstorm asthma episode</th>
<th>Environmental Health* (lead)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review the Bayside Municipal Emergency Management Plan</td>
<td>Municipal Emergency Management Plan updated</td>
<td>Communications*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Municipal Emergency Resource Officer* (lead)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Municipal Recovery Manager</td>
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<td></td>
<td></td>
<td>Heatwave Coordinators</td>
</tr>
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<td></td>
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<td>2017-2021</td>
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<td></td>
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<td>2018-2019</td>
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</table>

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Healthy Ageing

Action Plan

2017-2021
Background

The Healthy Ageing Action Plan is part of a suite of action plans that respond to the Wellbeing for All Ages and Abilities Strategy 2017-2021 (WA4A).

The WA4A outlines the health and wellbeing priorities for Bayside City Council over the next four years. The WA4A has been developed in consultation with the community and through collaboration with key agencies, partners and stakeholders.

The WA4A includes three goals and twelve objectives that have been identified through comprehensive research, analysis and consultation processes. Key themes identified through these processes relate to:

- An engaged and supportive community which allows people from all ages and abilities access to services and resources that enhance their wellbeing. Social connectedness and social inclusion were identified as important in sustaining positive mental health and resilience.

- Increased participation in health assessments and being physically active were identified as significant in maintaining and protecting the longevity of good health and wellbeing. Maintaining the independence of the ageing population was identified as important by the Bayside community.

- An environment where people can live, work and play safely was also identified as important with consideration of issues related to crime, family violence, and safety in the home and in public places highlighted.

Plan focus

This action plan focuses on new or revised actions which have health and wellbeing benefits for older people. In addition to the actions outlined in this action plan, Council delivers a diverse range of operational services that support the health and wellbeing of the Bayside community. Services provided or supported by Council to assist older people include:

- Assessment to determine service needs to remain independent and safe at home;

- Practical help at home such as cleaning, shopping, showering, respite, minor property maintenance and delivered meals; and

- Community activities such as socialisation groups, lifelong learning activities, transport and events.

Bayside’s commitment to disability

Bayside City Council is working in partnership with the community to enhance the health and wellbeing of people with a disability. Council values the unique contribution that all people make to their community and recognises the complex physical, social and emotional challenges that can exist for people with a disability.

Activities targeting people with disabilities are integrated and reflected across the suite of action plans to address the Disability Act 2006.
Development and delivery of the action plan

Partnerships are a key principle of the WAAA, with a focus on capacity building, delivering high quality strategies, and reducing duplication and fragmentation of effort. Actions have been developed and will be delivered in partnership with the community and a range of internal and external partners as relevant.

The Bayside Healthy Ageing Reference Group (BHARG) is a community reference group that regularly provides feedback to inform Council plans and strategies.

The healthy ageing action plan has been developed in conjunction with this group. BHARG will continue to support the implementation and annual review processes.

Measuring success

This action plan will be reviewed annually, to ensure its relevance and to respond to the changing needs of the Bayside community. The goals and objectives of the WAAA will be monitored through the separate WAAA Evaluation Plan and will be reported to Council on an annual basis.

How to read the Action Plan

Goals and objectives: The goals and objectives of the Healthy Ageing Action Plan align directly to the goals and objectives of the WAAA.

Actions: Actions outline the activities that Council and/or partners will undertake to achieve the objectives.

Measure: Measures outline how we will assess the achievement of our actions.

Timeline: The estimated start and completion date for each action.

Lead and partners: This area identifies who will be involved in the delivery of actions either in a lead role or supporting role. Council program areas are identified with an asterisk.
## Goal 1  An engaged and supportive community

### Objective 1.1 Improve mental health and resilience

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Reduce social isolation by providing seniors groups and clubs with options to support the continued participation of frail older members in community activities | - Information and regular support for group and club committees delivered each year  
- Participant feedback  
- Referrals for assistance to Council | - Aged and Disability Services* (lead) | 2018-2021 |
| Identify an accredited research partner to develop and implement a resilience survey to measure resilience levels of older people | - Resilience levels of older people measured across three years | - Aged and Disability Services* (lead)  
- Research Partner | 2018-2021 |
| Develop interventions to improve the resilience of older people | - Improvement in the resilience level of older people each year | - Aged and Disability Services* (lead) | 2019-2021 |
## Objective 1.2 Support opportunities that build social networks and community connections

| Identify and deliver intergenerational programs that respond to community needs and interests | • 1 continuing program established in Year 1 | • Aged and Disability Services* (lead)  
• Family Services*  
• Youth Services*  
• Libraries*  
• Arts and Culture*  
• Community Wellbeing* |
|---|---|---|
| Develop a communication plan to increase awareness of available local services and programs | • Communication plan developed and delivered  
• Increased community knowledge of available services and programs | • Aged and Disability Services* (lead)  
• Libraries*  
• Arts and Culture*  
• Community Wellbeing* |
| Identify and provide a series of education sessions that respond to the priorities identified by older people | • 6 education sessions delivered each year  
• Participant feedback | • Aged and Disability Services* (lead) |

## Objective 1.4 Improve access to affordable, appropriate and inclusive services

| Support Disability clients in receipt of Council Services to transition to the National Disability Insurance Scheme (NDIS) | • 100% of eligible clients successfully transitioned | • Aged and Disability Services* (lead)  
• Brotherhood of St Laurence |
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<tr>
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</thead>
<tbody>
<tr>
<td>Advocate to the State Government for suitable levels of funding to support clients aged under 65 years with a disability who are ineligible for the NDIS</td>
<td>• Council is resourced to deliver an appropriate level of services</td>
<td>• Aged and Disability Services* (lead)</td>
</tr>
</tbody>
</table>

* Year: 2018-2019
Goal 2  A healthy and active community

**Objective 2.1** Increase physical activity opportunities

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a community based resource guide for older adults that identifies active and passive recreation opportunities</td>
<td>• Resource guide developed and distributed</td>
<td>• Aged and Disability Services* (lead)</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Investigate access to Hydrotherapy for Bayside residents</td>
<td>• Report presented to Council</td>
<td>• Aged and Disability Services* (lead)</td>
<td>2017-2019</td>
</tr>
</tbody>
</table>
| Advocate for the increased provision of Living Longer Living Stronger strength based training program | • Reduced waiting list  
• Programs available in the northern, southern and central areas of Bayside | • Aged and Disability Services* (lead)          | 2017-2019|
### Goal 3  Safe and sustainable environments

#### Objective 3.1 Reduce family violence

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Raise awareness of elder abuse by promoting World Elder Abuse Awareness Day and participate in and implement actions from the regional elder abuse network | • 1 information session provided each year  
• 100+ attendees  
• Network actions implemented | • Aged and Disability Services* (lead)  
• Southern Melbourne Primary Care Partnership | 2018-2021 |

#### Objective 3.2 Improve community safety

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Work with Victoria Police to identify and deliver activities to improve perceptions of safety for older people | • Improved annual results as measured through the resilience survey for older people | • Aged and Disability Services* (lead)  
• Victoria Police | 2019–2021 |

#### Objective 3.4 Improve environmental sustainability

<table>
<thead>
<tr>
<th>Actions</th>
<th>MEASURE</th>
<th>LEAD + PARTNERS</th>
<th>TIMELINE</th>
</tr>
</thead>
</table>
| Deliver information sessions to senior's groups on sustainable practices | • 1 session delivered each year  
• Participation by 90% senior's groups  
• Pre and post participant evaluation | • Environmental Sustainability*(lead)  
• Aged and Disability Services* | 2018-2021 |
### Objective 3.5 Improve community resilience to extreme weather events

<table>
<thead>
<tr>
<th>Support vulnerable clients to manage during extreme heatwave events</th>
<th>Community information promoting cool locations and encouraging community members to monitor vulnerable residents available on the website</th>
<th>Municipal Recovery Manager* (Lead)</th>
<th>Aged and Disability Services*</th>
<th>Communications*</th>
<th>2017-2021</th>
</tr>
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</table>
Introduction

Bayside’s Municipal Public Health and Wellbeing Plan known as the ‘Wellbeing for All Ages and Abilities Strategy’ (WAAA) 2017-2021 outlines the health and wellbeing priorities for Bayside City Council over the next four years. The Strategy builds upon strengths from the previous plan and is a key strategic planning tool to maintain and improve public health and wellbeing at a local community level.

The WAAA meets the requirements of the Public Health and Wellbeing Act 2008 whilst streamlining and integrating Council’s planning across services. The Strategy has been developed aligned with the Bayside City Council Plan 2017-2021 and the Bayside Community Plan 2025 and is one of three major strategic plans aimed at improving Liveability in Bayside.

The following three goals and twelve objectives have been identified:

Goal 1 An engaged and supportive community

1.1 Improve mental health and resilience
1.2 Support opportunities that build social networks and community connections
1.3 Strengthen volunteerism
1.4 Improve access to affordable, appropriate and inclusive services

Goal 2 A healthy and active community

2.1 Increase physical activity opportunities
2.2 Increase healthy eating
2.3 Increase participation in health assessments and self-care

Goal 3 Safe and sustainable environments

3.1 Reduce family violence
3.2 Reduce consumption of alcohol and other drugs
3.3 Improve community safety
3.4 Improve environmental sustainability
3.5 Improve community resilience to extreme weather events

Evaluation Plan

The Evaluation Plan provides a framework to measure and monitor the WAAA goals and objectives. Activities are monitored through Individual Action Plans. A detailed description of the elements of this Evaluation Plan include:

- **Headline Indicator** - this is the top level measure that can be used to give a “snap shot” of the performance against the goal/objective.
- **Indicator** - in addition to the headline indicator this can provide further data on the performance against the goal/objective.
- **Baseline** – this provides baseline data for the Bayside municipality. Please note for some indicators baseline data still needs to be collected in early 2018.
- **Benchmark** - benchmark data used for this Plan are Bayside’s neighbouring municipalities of Port Phillip, Glen Eira and Kingston (abbreviated as CoPP, CoGE and CoK). A desirable outcome for the WAAA would be that Bayside indicators would be more favourable than those of CoPP, CoGE and CoK. It is also important to note that in some instances benchmark data was not available.
- **Source** - this identifies the data source and data of publication where by data has been collected from.
### Evaluation Framework

#### Overall Strategy Aim

**OVERALL STRATEGY AIM:** Improve the health and wellbeing of the community

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>BAYSIDE Baseline</th>
<th>BENCHMARK*</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subjective Wellbeing Index Score (range 0–100)</td>
<td>76.4</td>
<td>CoK - 77.5</td>
<td>VicHealth Indicators Survey (2015) - Adults 18+ years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CoGE - 76.9</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>CoPP - 77.5</td>
<td></td>
</tr>
</tbody>
</table>
### Goal 1: Engaged and Supportive Community

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>BAYSIDE Baseline</th>
<th>BAYSIDE Progress</th>
<th>BENCHMARK*</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headline Indicator: % of residents who agree that this is a close-knit neighbourhood</td>
<td>69.3%</td>
<td>CoK - 69.6% CoGE - 59.8% CoPP - 61.0%</td>
<td>VicHealth Indicators Survey (2015) - Adults 18+ years</td>
<td></td>
</tr>
<tr>
<td>% of residents who feel a strong sense of belonging in the community</td>
<td>64.5%</td>
<td>CoK - 70.3%</td>
<td>Bayside Health and Wellbeing Survey (2016) - Residents 15+ years</td>
<td></td>
</tr>
<tr>
<td>% of residents who play an active role in the community</td>
<td>48.5%</td>
<td>CoK - 43.3%</td>
<td>Bayside Health and Wellbeing Survey (2016) - Residents 15+ years</td>
<td></td>
</tr>
</tbody>
</table>

### OBJECTIVE 1.1: Improve mental health and resilience

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>BAYSIDE Baseline</th>
<th>BAYSIDE Progress</th>
<th>BENCHMARK*</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headline Indicator: Subjective resilience score (Index score 0 to 10)</td>
<td>6.7</td>
<td>CoK - 6.5 CoGE - 6.2 CoPP - 6.6</td>
<td>VicHealth Indicators Survey (2015)- Adults 18+ years</td>
<td></td>
</tr>
<tr>
<td>% of residents rating their mental health as excellent, very good or good.</td>
<td>95.2%</td>
<td>CoK - 97.3%</td>
<td>Bayside Health and Wellbeing Survey (2016) - Residents 15+ years</td>
<td></td>
</tr>
</tbody>
</table>

| SOURCE | |
|--------||
| % of residents experiencing high or very high levels of psychological distress | 3.6% | CoK - 12.9%  
CoGE - 8.8%  
CoPP - 12.6% | Victorian Population Health Survey (2014) – Adults 18+ years  
| % of families experiencing high or very high stress (during the month prior to the survey, as perceived by parents) | 45.6% | CoK - 49.3%  
CoGE - 49.3%  
CoPP - 48.3% | School Entrant Health Questionnaire (2016)  
| % of parents concerned about the behaviour of their child (as perceived by parents) | 8.8% | CoK - 10%  
CoGE - 9.6%  
CoPP - 8.6% | School Entrant Health Questionnaire (2016)  

**OBJECTIVE 1.2:** Support opportunities that build social networks and community connections

| Headline Indicator: % of residents that are members of a club or community group | 48.2% | CoK - 37.3% | Bayside Health and Wellbeing Survey (2016) - Residents 15+ years  
| % of residents satisfied with community connections | 81% | - | Kingston Health and Wellbeing Survey (2016) - Residents 15+ years  
| % of residents that are on a decision making board or committee | 8.2% | - | Bayside Health and Wellbeing Survey (2016) - Residents 15+ years  

**OBJECTIVE 1.3:** Strengthen volunteerism

| Headline Indicator: % of residents who volunteer 'sometimes' or 'regularly' | 37.1%  
(sometimes)  
23.9%  
(regularly) | CoK - 27.8%  
(regularly) | Bayside Health and Wellbeing Survey (2016) - Residents 15+ years  
<p>| Bayside Council Plan Strategic Indicators Survey (2018) |</p>
<table>
<thead>
<tr>
<th>% of residents who volunteered in the last 12 months</th>
<th>-</th>
<th>-</th>
<th>Bayside Health and Wellbeing Survey (2018) - Residents 15+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OBJECTIVE 1.4: Improve access to affordable, appropriate and inclusive services</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Headline Indicator:</strong> % of residents who agree that there are adequate community services available in the local area</td>
<td>77.1%</td>
<td>CoK - 83.7%</td>
<td>Bayside Health and Wellbeing Survey (2016) - Residents 15+ years</td>
</tr>
<tr>
<td>% of residents who agree they have access to:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- General Practitioners</td>
<td>93.8%</td>
<td>CoK - 94.4%</td>
<td>Bayside Health and Wellbeing Survey (2016) - Residents 15+ years</td>
</tr>
<tr>
<td>- Dental services</td>
<td>89.4%</td>
<td>CoK - 89.0%</td>
<td></td>
</tr>
<tr>
<td>- Mental Health services (locally)</td>
<td>70.1%</td>
<td>CoK - 85.5%</td>
<td></td>
</tr>
<tr>
<td>- Other medical/health services</td>
<td>91.7%</td>
<td>CoK - 94.6%</td>
<td>Kingston Health and Wellbeing Survey (2018) - Residents 15+ years</td>
</tr>
</tbody>
</table>
## Goal 2: Healthy and Active Community

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>BAYSIDE Baseline</th>
<th>BAYSIDE Progress</th>
<th>BENCHMARK*</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headline Indicator: % of residents who rated their health as excellent or very good</td>
<td>52.8%</td>
<td>CoK - 38.1% CoGE - 43.9% CoPP - 43.2%</td>
<td>Victorian Population Health Survey (2014) – Adults 18+ years</td>
<td></td>
</tr>
<tr>
<td>% of residents obese</td>
<td>11.9%</td>
<td>CoK - 18.8% CoGE - 14.9% CoPP - 8.2%</td>
<td>Victorian Population Health Survey (2014) – Adults 18+ years</td>
<td></td>
</tr>
<tr>
<td>% of residents pre-obese</td>
<td>30.4%</td>
<td>CoK - 38.3% CoGE - 30.0% CoPP - 30.1%</td>
<td>Victorian Population Health Survey (2014) – Adults 18+ years</td>
<td></td>
</tr>
<tr>
<td>% of children reported to be in excellent or very good health (as perceived by parents)</td>
<td>79.9%</td>
<td>CoK - 83.3% CoGE - 82.4% CoPP - 86.1%</td>
<td>School Entrant Health Questionnaire (2016)</td>
<td></td>
</tr>
</tbody>
</table>

**OBJECTIVE 2.1: Increase physical activity opportunities**

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>BAYSIDE Baseline</th>
<th>BAYSIDE Progress</th>
<th>BENCHMARK*</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headline Indicator: % of residents who participate in sufficient time and sessions for physical activity</td>
<td>49.4%</td>
<td>CoK - 39.1% CoGE - 43.2% CoPP - 58.8%</td>
<td>Victorian Population Health Survey (2014) – Adults 18+ years</td>
<td></td>
</tr>
<tr>
<td>% of residents who reported being mostly physically inactive at work (mostly sitting)</td>
<td>60.5%</td>
<td>CoK - 43.5% CoGE - 60.7% CoPP - 64.3%</td>
<td>Victorian Population Health Survey (2014) – Adults 18+ years</td>
<td></td>
</tr>
</tbody>
</table>
**OBJECTIVE 2.2: Increase healthy eating**

| Headline Indicator: % of residents who meet the minimum fruit intake guidelines | 63.3% | CoK - 52.4%  
| CoGE - 42.3%  
| CoPP - 48.7%  | Victorian Population Health Survey (2014) – Adults 18+ years |

| Headline Indicator: % of residents who meet the minimum vegetable intake guidelines | 6.4% | CoK - 6.9%  
| CoGE - 7.3%  
| CoPP - 9.2%  | Victorian Population Health Survey (2014) – Adults 18+ years |

| % of babies fully breastfed at six months of age, enrolled in Bayside City Council Maternal and Child Health Service | 72.57% |  

**OBJECTIVE 2.3: Increase participation in health assessments and self-care**

| Headline Indicator: % of residents who reported that they completed health checks and cancers screenings: | - | -  
|  | Victorian Population Health Survey (2014) – Adults 18+ years |

- **Blood glucose (diabetes)**
  - 47.6%
  - CoK - 48.1%  
  | CoGE - 51.1%  
  | CoPP - 46.1%  
  - Within the last 2 years (18-49 years, 50+ years)

- **Cholesterol**
  - 57.9%
  - CoK - 58.8%  
  | CoGE - 61.2%  
  | CoPP - 56.3%  
  - Within the last 2 years (18-49 years, 50+ years)

- **Blood pressure**
  - 84.4%
  - CoK - 78.4%  
  | CoGE - 82.9%  
  | CoPP - 76.7%  
  - Within the last 2 years (18-49 years, 50+ years)
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Participation Rate</th>
<th>Vaccination Rate</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.7</td>
<td>Breast Cancer (mammogram)</td>
<td>84.5%</td>
<td>CoK - 62.4%</td>
<td>Within the last 2 years (18-49 years, 50+ years)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoGE - 74.1%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 70.2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cervical Cancer (pap smear)</td>
<td>78.7%</td>
<td>CoK - 79.7%</td>
<td>Within the last 2 years (females 20-69 years)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoGE - 75.6%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 67.8%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bowel Cancer (bowel screening) - FOBT kit returned</td>
<td>64.6%</td>
<td>CoK - 56.3%</td>
<td>Within the last 2 years (aged 50+ years)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoGE - 54.1%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 52.9%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Participation rate for target age women in breast screening (50-74 years)</td>
<td>53.3%</td>
<td>CoK - 52.9%</td>
<td>BreastScreen Victoria (2014-2016)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoGE - 54.1%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 47.2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Participation rate for eligible women in cervical screening (est. 2-2.5 year</td>
<td>72.7%</td>
<td>CoK - 61.8%</td>
<td>Victorian Cervical Cytology Registry (2013-2014) - Statistical Report</td>
</tr>
<tr>
<td></td>
<td>screening rate)</td>
<td></td>
<td>CoGE - 62.9%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 61.9%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>% of children completing the 3.5 year Maternal and Child Health Service</td>
<td>78.0%</td>
<td>--</td>
<td>Bayside City Council Maternal and Child Health Service Annual Report</td>
</tr>
<tr>
<td></td>
<td>check</td>
<td></td>
<td></td>
<td>spreadsheet (2016-2017)</td>
</tr>
<tr>
<td></td>
<td>% of children “fully immunised” at 5 years (60-&lt;63 months of age)</td>
<td>93.81%</td>
<td>CoK - 85.0%</td>
<td>Department of Health quarterly immunisation statistics (March 2017)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoGE - 93.02%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 87.61%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>% of Year 7 secondary school students receiving diphtheria-tetanus-acellular</td>
<td>93.0%</td>
<td>CoK - 87.0%</td>
<td>Department of Health immunisation statistics (2016)</td>
</tr>
<tr>
<td></td>
<td>pertussis (dTpa) vaccine</td>
<td></td>
<td>CoGE - 81.0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 87.0%</td>
<td></td>
</tr>
</tbody>
</table>
### Goal 3: Safe and Sustainable Environment

<table>
<thead>
<tr>
<th>INDICATOR</th>
<th>BAYSIDE Baseline</th>
<th>BAYSIDE Progress</th>
<th>BENCHMARK*</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total offence rate of crimes against the person - rate per 100,000 population</td>
<td>451</td>
<td></td>
<td>CoK - 674</td>
<td>Victoria Police – LGA Summary of Offences against the person (October 2017)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 1,059.8</td>
<td></td>
</tr>
<tr>
<td>% of children who report being bullied in years 5-6</td>
<td></td>
<td>11.3%</td>
<td>CoK - 10.9%</td>
<td>Student Attitudes to School Survey (2015) reported via VCAMS website</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 12.7%</td>
<td></td>
</tr>
<tr>
<td>% of children who report being bullied in years 7-9</td>
<td></td>
<td>14.7%</td>
<td>CoK - 11.6%</td>
<td>Student Attitudes to School Survey (2015) reported via VCAMS website</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CoPP - 11.1%</td>
<td></td>
</tr>
</tbody>
</table>

**OBJECTIVE 3.1: Reduce Family Violence**

| Headline Indicator: Family violence incidence reports - rate per 100,000 population | 581.2 | CoK - 962.9 | Victoria Police (2015-2016) - Family Violence Incident Reports. Crime Statistics Agency- Family Violence Incident Reports. |
| % of family violence incidents where children and young people are involved as other parties | 28.10% | CoK - 29.8% | Victoria Police, reported via VCAMS 2014-2015 |
| % of children who report being bullied in years 7-9 | 14.7% | CoK - 11.6% | Student Attitudes to School Survey (2015) reported via VCAMS website |
| % of children who report being bullied in years 5-6 | 11.3% | CoK - 10.9% | Student Attitudes to School Survey (2015) reported via VCAMS website |

**OBJECTIVE 3.2: Reduce Consumption of Alcohol and Other Drugs**
<table>
<thead>
<tr>
<th><strong>Headline Indicator:</strong> % of residents with an increased lifetime risk of alcohol-related harm</th>
<th>72.70%</th>
<th><strong>CoK - 61.7%</strong>  &lt;br&gt; <strong>CoGE - 65.6%</strong>  &lt;br&gt; <strong>CoPP - 68.8%</strong></th>
<th>Victorian Population Health Survey (2014) – Adults 18+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of residents who were at an increased risk (either yearly, monthly or weekly) or alcohol related injury on a single occasion</td>
<td>50.50%</td>
<td><strong>CoK - 45.1%</strong>  &lt;br&gt; <strong>CoGE - 45.7%</strong>  &lt;br&gt; <strong>CoPP - 55.3%</strong></td>
<td>Victorian Population Health Survey (2014) – Adults 18+ years</td>
</tr>
</tbody>
</table>
| % of residents who feel that alcohol has a negative impact on their household | 9.30% | **CoK - 4.4%** | Bayside Health and Wellbeing Survey (2016) - Residents 15+ years  
Kingston Health and Wellbeing Survey (2016) - Residents 15+ years |
| **Number of drug offences, including drug possession** | 110 | **CoK - 285**  
**CoGE - 170**  
**CoPP - 379** | Victoria Police – LGA Summary of drug offences (October 2017)  

**OBJECTIVE 3.3: Improve Community Safety**

| **Headline Indicator:** % of residents who feel safe or very safe walking alone in their local area at night | 68.4 | **CoK - 63.3%**  
**CoGE - 62.1%**  
**CoPP - 64.9%** | VicHealth Indicators Survey (2015)- Adults 18+ years |
| --- | --- | --- | --- |
| % of residents who feel safe or very safe walking alone in their local area during the day | 97.40% | **CoK - 97.3%**  
**CoGE - 96.2%**  
**CoPP - 95.5%** | VicHealth Indicators Survey (2015)- Adults 18+ years |
| % of residents who feel safe on-line (using the internet) | 84.10% | **CoK - 85.9%** | Bayside Health and Wellbeing Survey (2016) - Residents 15+ years  
Kingston Health and Wellbeing Survey (2016) - Residents 15+ years |
### OBJECTIVE 3.4: Improve Environmental Sustainability

| Headline Indicator: % of survey respondents reporting an increase in environmental sustainable behaviours |  --  |  --  | Biennial Environmental Citizenship Survey 2018 (Environmental Sustainability Framework) |

### OBJECTIVE 3.5: Improve Community Resilience to Extreme Weather Events

| Headline Indicator: % of residents who feel prepared for extreme weather events |  --  |  --  | Biennial Environmental Citizenship Survey 2018 (Environmental Sustainability Framework) |
Executive summary

This report presents to Council the outcomes of the Library Arts and Culture Strategy 2012 – 2017 and future plans for Libraries and Arts and Culture.

Purpose and background

The Strategy was developed over five months in a process that included demographic analysis, research on national and international trends and consultation with residents and community organisations. Following consultation the final Strategy and Action Plan was presented to Council, setting out the vision and the pathways to its achievement.

The Bayside Library Arts and Culture Strategy 2012-2017 and action plan was presented to Council on 14 August 2012.

Council resolved to:

1. endorse the Library Arts and Culture Strategy 2012-2017; and
2. endorse the Five Year Action Plan subject to the inclusion of Action 4 in Strategy 2.3 “Investigate options to provide sustainable, long-term library services to the Hampton community”.

In the strategy five main themes emerged that encapsulated the issues and opportunities facing Bayside’s libraries and cultural programs at the time.

The five key themes were:

1. Technology in Future - The challenge of staying in front.
2. Places and Spaces - Ensuring they are right for the future.
3. Community Responsiveness - Keeping services responsive to changing local needs.
4. Partnerships and Collaboration - Creating more opportunities to work together.
5. Smarter Resource Utilisation - Using existing resources better.

Key issues

Library Arts and Culture Strategy 2012-2017: Outcomes

The action plan contained 53 actions and all have been completed. (See Appendix 1 for all outcomes against actions)

The main outputs are:

Theme 1: Technology in Future

- Three hundred art works from the Bayside Cultural Collection are available to view on the website via the Library catalogue in the Bayside Cultural Collection;
• Provision of digital content including eBooks, eAudiobooks, eMagazines and movies are a growing component of the library collection and now constitutes five percent of loans;

• The Community Technology Support Team was formed with the aim of enhancing IT skills in the community through the delivery of training and programs. The Create Play Learn space was set-up at Beaumaris Library to demonstrate new and emerging technologies; and

• Digital Literacy training presents a broad range of options to enhance the digital literacy skills of our community, including volunteer run programs. One such program is the partnership with St Leonards where students come once a month to Brighton Library to assist customers with their devices.

Theme 2: Place and Spaces

• Arts and Culture policies adopted by Council include the Public Art Policy, the Collection Management Policy and the Exhibition Policy;

• The Brighton Cultural Precinct report was presented to Council at a briefing session. The report recommended a number of actions to activate the area around the Gallery and new signage will be installed around the precinct by June 2018;

• By developing partnerships with local community groups and by utilising volunteer resources the library has reached out to the community to run programs and provide services to those in our community who are most vulnerable; and

• Sandringham and Hampton branches were recarpeted and had new customer service desks installed. Beaumaris Library had a new customer service desk installed and a revamp of the space to provide more areas for study. Brighton Library is currently undergoing an interior refurbishment which is expected to be completed by June 2018.

Theme 3: Community Responsiveness

• A review of all library programs was completed in preparation for the service review undertaken in 2016;

• A demographic analysis in relation to libraries was undertaken in 2015 and the Library Service Study (2015) was presented to Councillors at a briefing session in late 2015. This study informed the Library Service Review; and

• Arts and Culture programs were reviewed in 2015 through Council’s Service Review program. The Service Review recommendations were presented to Council in December 2015 with improvements in Governance procedures and operational improvements. In December 2017 to January 2018, to gain insights that would inform ongoing improvements to Arts and Culture services, an extensive community research project was undertaken. This research will inform the Cultural Plan 2018 -2021 and make recommendations on future programs.

Theme 4: Partnerships and Collaboration

• The Library service has developed a number of partnerships with community organisations such as Family Life, St Kilda Housing and local schools to deliver programs in the community and in the libraries; and

• The Arts and Culture Unit worked with nine aged care facilities during this time to deliver the Connection - Art & Dementia program. The following organisations participated in the program at the Gallery:
Theme 5: Smarter resource Utilisation

- A review of the library structure undertaken in 2012 resulted in changes to the management structure and the capacity to deliver programs that were relevant to the community; and

- A Section 86 committee was established in 2017 to develop a four year Strategic Plan for the Gallery at Bayside Arts and Culture Centre. The Plan was endorsed by Council in May 2017.

Future Strategic Planning

The Libraries and Arts and Culture Strategy will cease to exist in this form in the future.

A separate strategy for Libraries, based on the recent service review, will be developed in 2018. Through the Section 86 committee, a four year Strategic Plan for the gallery has been developed. This will also be supported with a revised service plan which will articulate the programs Council will provide in the future.

Links to Council Plans and Strategies

A number of Council strategic documents provide actions and guidance in the future delivery of services and programs. The Bayside Community Plan 2025 and the Council Plan 2017-2021 are based on the 'domains of liveability', that is, what would make Bayside a great place to live, work and visit. Libraries and Arts and Culture have a role to play in delivering on the goals and aspirations of our community.

Bayside Community Plan 2025: Building a better Bayside

Creating a liveable city through Bayside's natural, built and social environments involves:

Providing services, events, facilities and opportunities for community involvement and participation.

Goal: Community Health & Participation

There are many opportunities to participate in activities in the local area that are accessible across all life stages, genders, needs and interests.

The Community Aspirations

Bayside will be a better place when:

- I am well informed about activities happening in my local area.

Indicators
• Percentage of people with a library membership.
• Percentage of people who report they have enough opportunities to participate in arts and culture.

**Outputs**

Ensure art, culture and library services are responsive to changing local needs.

**Council Plan 2017-2021**

**Goal:** Infrastructure

Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

**Strategy:** Provide modern library services that meet the needs of the community

**Action:** Complete and commence implementation of an improvement plan for library infrastructure and services that addresses municipal and local area needs

**Wellbeing for All Ages and Abilities 2017-2021**

Council takes an integrated planning approach to community health and wellbeing through the Wellbeing for All Ages and Abilities Strategy.

• An engaged and supportive community;
• A healthy active community; and
• Safe and sustainable environment.

Libraries and Arts and Culture have developed a number of actions that will be included in future planning that sit across the goals:

**Service Reviews**

**Libraries**

The Library Services Study (2015) and the Library Service Review (2016 and 2017) will be used to inform the development of a strategic plan for the service. This plan will drive program and service delivery

With the adoption by Council of actions arising from the Library Service Review parts One and Two, Sandringham Library will be expanded and a library will be built in Highett and the future of Hampton library will be considered in a proposed Hampton Hub development.

**Arts and Culture**

The future development and delivery of arts and culture programs is based on the Strategic direction outlined in the Gallery @BACC Board Strategic Plan 2017 -2021 as well as a new Cultural Plan which will be presented in draft form to the Arts Advisory Committee in April 2018. The Cultural Plan will respond to the 7 domains of liveability and will use evidence based data to create programming which aligns to community needs.
Recommendation

That Council:


Support Attachments

1. Library, Arts and Culture Strategy 2012 - 2017 - Outcomes ↓
Considerations and implications of recommendation

Liveable community

Social
Libraries, arts and cultural programs are an important component of the social fabric of the Bayside community. However, these programs are particularly challenged by technological progress, demographic shifts and other societal changes. Bayside City Council, in developing a Library, Arts and Culture Strategy, aims to provide a solid foundation to ensure that the provision of these important services continue to be relevant and meet community expectations and needs into the future.

Natural Environment
Not applicable to this report.

Built Environment
Not applicable to this report.

Customer Service and Community Engagement
A range of complementary methods was adopted to enable a diverse range of people to contribute to the project. These included:
- A forum for members of literary organisations and businesses as well as people with a significant interest in matters literary;
- A forum for members of arts organisations, artists and creative businesses, held on 4 and 12 April 2012;
- A meeting with members of the Bayside History Network which includes two historical societies, Friends of Black Rock House and cemetery support groups, held on 12 April 2012;
- A meeting with the Bayside Older Adults Advisory Group on 16 April 2012;
- A meeting with Council’s Arts and Culture Community Engagement Forum on 18 April 2012;
- Meetings and interviews with Council staff from many departments;
- Interviews with senior public librarians and arts administrators in other local governments;
- Interviews with recognised specialists in cultural planning; An online survey for the general public accessible through Council’s website, which was advertised on the Council website the Library website, in the libraries, through social media and in the local print media; and
- The Discussion Paper was made available for public comment from 27 April to 18 May 2012 and was advertised throughout the libraries, on the websites, through social media and in the local print media.

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

Legal
There are no legal implications associated with this report.
Finance

Actions from the strategy were carried out within the Capital and Operating budgets allocated to the departments.

Links to Council policy and strategy

This report draws on a variety of Council policies, strategies and actions including the following:

Council Plan 2017-2021

Goal: Infrastructure

Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

Strategy: Provide modern library services that meet the needs of the community.

Action: Complete and commence implementation of an improvement plan for library infrastructure and services that addresses municipal and local area needs.

Bayside Community Plan 2025: Building a better Bayside

Goal: Community Health & Participation

The Community Aspirations

Bayside will be a better place when:

- I am well informed about activities happening in my local area.
- Sporting clubs welcome all genders and have gender appropriate facilities.
  
  Indicators
- Percentage of people with a library membership.
- Percentage of people who report they have enough opportunities to participate in arts and culture.

Outputs

Ensure art, culture and library services are responsive to changing local needs.
LIBRARY, ARTS AND CULTURE STRATEGY 2012-2017

FIVE YEAR ACTION PLAN
### BAYSIDE LIBRARY, ARTS AND CULTURE STRATEGY - ACTION PLAN

#### Theme 1: Technology in Future – The challenge of staying in front

<table>
<thead>
<tr>
<th>Strategy 1.1</th>
<th>Ensure that Bayside remains at the forefront of the latest advances in global technology through the provision of electronic content and digital devices. Progressively increase the proportion of the library collection budget allocated to e-resources, technology and non-print media</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Select, and subscribe to, the most appropriate provider of digital content and monitor implementation and community take-up</td>
<td>Resources Coordinator</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Purchase e-readers and load with content as a trial to assess community interest</td>
<td>Resources Coordinator</td>
</tr>
<tr>
<td><strong>Action 3:</strong> Investigate options for minimising operational barriers to the use of library e-books by library patrons</td>
<td>Resources Coordinator</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 1.2</th>
<th>Continue to support lifelong learning by facilitating community access to affordable education in the use of digital technology</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Investigate partnership opportunities and volunteering in the provision of digital education programs</td>
<td>Library IT Coordinator</td>
</tr>
<tr>
<td>Action 2: Investigate grants and other funds (commercial and philanthropic) to help minimise course cost to participants</td>
<td>Community Librarian</td>
</tr>
<tr>
<td>Strategy 1.3 Investigate collaborative opportunities to provide access to, and showcase online, the artistic endeavours and the cultural heritage of Bayside</td>
<td></td>
</tr>
<tr>
<td>Theme 1: Technology in Future – The challenge of staying in front</td>
<td></td>
</tr>
<tr>
<td><strong>Person Responsible</strong></td>
<td><strong>Others involved</strong></td>
</tr>
<tr>
<td><strong>Action 1:</strong> Upload images of key council-owned works of art to Bayside’s website and include relevant interpretative material</td>
<td>Manager</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Encourage members of Bayside history network to establish a joint website as a community resource for the display of historic materials</td>
<td>Community Librarian</td>
</tr>
<tr>
<td>Strategy 1.4 Capitalise on new technology to attract different community segments through provision of opportunities for recording, gaming and multimedia</td>
<td></td>
</tr>
<tr>
<td><strong>Action 1:</strong> Partner with Youth Services and other municipalities to assess interest and concepts for introduction of multi-media and gaming materials in libraries</td>
<td>Children’s and Youth Services Librarian</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Post Action 1, trial the introduction of multi-media and gaming activities in one library (e.g Beaumaris)</td>
<td>Children’s and Youth Services Librarian</td>
</tr>
</tbody>
</table>
# Bayside Library, Arts and Culture Strategy - Action Plan

## Theme 2: Places & Spaces – Ensuring they are right for the community in future

<p>| Strategy 2.1 | Investigate ways to provide better access to library resources and better access to opportunities for cultural expression in under-serviced areas of the City. Explore opportunities to collaborate with neighbouring municipalities in the provision of these services |</p>
<table>
<thead>
<tr>
<th>Person Responsible</th>
<th>Others involved</th>
<th>Financial Year</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Establish dialogue with relevant Managers at Kingston City Council with a view to joint planning for the Highett area</td>
<td>Manager</td>
<td>2012-13</td>
<td>Completed Discussions have been held on several occasions but to date no useful outcomes have been reached.</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Develop a plan for provision of both library and cultural opportunities in Highett and East Hampton</td>
<td>Community Librarian</td>
<td>Arts and Cultural Planning Coordinator Children’s and Youth Services Librarian Operations Coordinator</td>
<td>2013-14</td>
</tr>
<tr>
<td><strong>Action 3:</strong> Select suitable staff and provide training in working in these communities</td>
<td>Community Librarian</td>
<td>Arts and Cultural Planning Coordinator Children’s and Youth Services Librarian Operations Coordinator</td>
<td>2013-14</td>
</tr>
</tbody>
</table>

---

Item 10.8 – Reports by the Organisation
<table>
<thead>
<tr>
<th>Theme 2: Places &amp; Spaces – Ensuring they are right for the community in future</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 4:</strong> Pilot a variety of programs for under-serviced areas and assess levels of community interest</td>
</tr>
<tr>
<td>Community Librarian</td>
</tr>
<tr>
<td>Arts and Cultural Planning Coordinator</td>
</tr>
<tr>
<td>Children’s and Youth Services Librarian</td>
</tr>
<tr>
<td>Operations Coordinator</td>
</tr>
<tr>
<td>2013-14</td>
</tr>
<tr>
<td>Completed</td>
</tr>
<tr>
<td>Programs are trialled and assessed and are based on community need and consultation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 2.2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capitalise on opportunities in library precincts to create cultural hubs that act as drawcards and strengthen community connections</strong></td>
</tr>
</tbody>
</table>

| Action 1: Develop a plan for the best utilisation of all available spaces in Council buildings in the Brighton library precinct and prepare relevant designs |
| Manager |
| Arts and Cultural Planning Coordinator |
| Property Coordinator |
| 2013-14 |
| Completed |
| Research undertaken and recommendations presented to Council |

| Action 2: Develop a plan for the best utilisation of all available spaces in Council buildings in the Beaumaris library precinct and prepare relevant designs |
| Manager |
| Arts and Cultural Planning Coordinator |
| Property Coordinator |
| 2014-15 |
| Completed |
| The Library Services Study (2015) and the Library Services Review (2016 and 2017) have presented Council with options for library infrastructure. The Beaumaris Community Centre Precinct is now the subject of a proposed study to develop a community hub. |

<table>
<thead>
<tr>
<th>Strategy 2.3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Increase space for people in libraries through internal redesign that takes account of the impact of technology and the changing way the community uses these facilities</strong></td>
</tr>
</tbody>
</table>
### Theme 2: Places & Spaces – Ensuring they are right for the community in future

<table>
<thead>
<tr>
<th>Action 1:</th>
<th>Undertake identified works in Brighton library (giving consideration to upstairs space) to increase space for people and activities</th>
<th>Operations Coordinator</th>
<th>Resources Coordinator</th>
<th>2014-15</th>
<th>Completed Stage 1 of the Brighton interior redesign has been completed and stage 2 is due for completion by June 2018.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action 2:</td>
<td>Undertake identified works in Beaumaris library to increase space for people and activities</td>
<td>Operations Coordinator</td>
<td>Resources Coordinator</td>
<td>2013-14</td>
<td>Completed Beaumaris Library interior redesign was completed in 2015</td>
</tr>
<tr>
<td>Action 3:</td>
<td>Redesign Sandringham library interior to increase space for people and activities and undertake works</td>
<td>Operations Coordinator</td>
<td>Resources Coordinator</td>
<td>2016-17</td>
<td>Complete The proposal to expand Sandringham Library was endorsed by Council IN February 2018.</td>
</tr>
</tbody>
</table>

**Strategy 2.4**

*Identify under-utilised facilities in the community suitable for arts and cultural programs and investigate ways of making them accessible to community arts groups and artists*

| Action 1: | Undertake an audit of council owned and other facilities throughout the municipality to identify potential spaces for arts and cultural programs | Manager | Arts and Cultural Planning Coordinator Property Coordinator | 2013-14 | Completed This was reviewed but not actioned. Recent community research does not identify the need for more arts and culture programs to be delivered from Council owned spaces. 41.7% of respondents indicated the Community is happy with the level of programming with 23.6% saying there were too few arts and culture events. |

**Theme 2: Places & Spaces – Ensuring they are right for the community in future**

<table>
<thead>
<tr>
<th>Person Responsible</th>
<th>Others involved</th>
<th>Financial Year</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action 2: Subject to outcomes from the audit in Action 1, invite expressions of interest in the utilisation of spaces for arts and cultural activities</td>
<td>Manager</td>
<td>Arts and Cultural Planning Coordinator</td>
<td>2014-15</td>
</tr>
</tbody>
</table>
### Theme 2: Places & Spaces – Ensuring they are right for the community in future

#### Strategy 2.5

**Encourage the inclusion of public art in major developments and public places, making art a part of everyday in the community and include public art in all major council projects**

<table>
<thead>
<tr>
<th>Action 1: Identify five ideal locations for new public art and plan for one new installation every 2nd year</th>
<th>Arts and Cultural Planning Coordinator</th>
<th>Manager ESOS</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed Five locations were identified for public art and endorsed by Council 16 December 2015. During the course of the strategy one public artwork was installed on Hampton Street.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action 2: Jointly with Urban Planning, investigate the provision of incentives for developers to include high quality public art in new developments</th>
<th>Arts and Cultural Planning Coordinator</th>
<th>Manager Urban Strategy</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed Urban Strategy and Arts and Culture will continue to work with developers as opportunities arise.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Strategy 2.6

**Ensure the art collection and display reflects the aspirations of the community by developing policies for acquisition, deaccessioning and exhibition and investigate governance models for the Gallery**

<table>
<thead>
<tr>
<th>Action 1: Develop policies for acquisition, deaccessioning and exhibition of the Collection, public art and community art</th>
<th>Arts and Cultural Planning Coordinator</th>
<th>Gallery Supervisor Arts &amp; Heritage Collections Officer</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed The Collection Management Policy was adopted by Council in June 2013</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action 2: Investigate governance models for The Gallery and make recommendation to Council</th>
<th>Arts and Cultural Planning Coordinator</th>
<th>Gallery Supervisor Arts &amp; Heritage Collections Officer</th>
<th>2013-2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed The Section 86 committee The Board of the Gallery @ BACC was endorsed by Council at the meeting in August 2016.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Strategy 2.7

**Review the physical requirements of all occupants in the Bayside Arts and Cultural Centre and plan for the most effective use of the space available**
### Theme 2: Places & Spaces – Ensuring they are right for the community in future

| Action 1: As shown in Action 1 in 2.2 - Develop a plan for the best utilisation of all available spaces in Council buildings in the Brighton library precinct and prepare relevant designs | Manager | Operations Coordinator Arts and Cultural Planning Coordinator | 2013-14 | See 2.2 above |
### Theme 3: Community Responsiveness – Keeping services responsive to changing local needs

<table>
<thead>
<tr>
<th>Strategy 3.1</th>
<th>Establish mechanisms to engage with all community segments to ensure that access to services is equitable and programs are tailored to specific needs and interests</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Develop a systematic way of engaging the community in library planning, service delivery and collection/content development</td>
<td>Manager</td>
</tr>
<tr>
<td><strong>Action 2:</strong> As noted in Action 2 in 2.1 (in relation to library services) – Develop a plan for provision of both library and cultural opportunities in Highett and East Hampton</td>
<td>Community Librarian</td>
</tr>
<tr>
<td><strong>Action 3:</strong> Investigate cost and plan for establishment of a web-based database of all arts and cultural groups in the municipality and identify opportunities to facilitate mutual support and collaboration</td>
<td>Manager</td>
</tr>
</tbody>
</table>
**Theme 3: Community Responsiveness – Keeping services responsive to changing local needs**

### Strategy 3.2

**Review library practices, programs and activities to ensure alignment with community interests**

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Responsible Officer</th>
<th>Year</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>Undertake a demographic analysis of local areas to ensure each library fully understands its catchment population (one library per year)</td>
<td>Manager Social Development</td>
<td>2012-13</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Action 2:</strong></td>
<td>Undertake an internal review of library practices and identify the extent to which each practice, program or activity caters for different community segments</td>
<td>Operation Coordinator Library Service Coordinators</td>
<td>2013-14</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Action 3:</strong></td>
<td>As previously noted in Action 2, Strategy 1.1 – Purchase e-readers and load with content as a trial to assess community interest</td>
<td>Resources Coordinator Operations Coordinator</td>
<td>2013-14</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Action 4:</strong></td>
<td>Assess the potential for establishment of a volunteer program and identify appropriate volunteer roles</td>
<td>Community Librarian Operations Coordinator Arts and Cultural Planning Coordinator Gallery Supervisor</td>
<td>2013-14</td>
<td>Completed</td>
</tr>
</tbody>
</table>
### Theme 3: Community Responsiveness – Keeping services responsive to changing local needs

<table>
<thead>
<tr>
<th>Strategy 3.3</th>
<th>Enable greater flexibility at each library – in the collection, programming and opening hours to ensure each is strongly focused on local community needs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Establish local library consultation processes ensuring adequate input from all sectors of the community</td>
<td>Operations Librarian</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Review library opening hours within current budgetary parameters taking into account usage patterns and the needs of all sections of the community</td>
<td>Operations Librarian</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 3.4</th>
<th>Review the current suite of arts and cultural programs with a view to shifting the balance from audience events to participative, community-initiated programs that deliver measurable community benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Undertake a review of the current suite of arts and cultural programs and provide advice to Council on the most appropriate allocation of current funds</td>
<td>Manager</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Person Responsible</th>
<th>Others involved</th>
<th>Financial Year</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategy 3.5</td>
<td>Theme 3: Community Responsiveness – Keeping services responsive to changing local needs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Action 1</strong>: Continue to provide, and seek opportunities to enhance, the promotion of reading opportunities to all ages in the community</td>
<td>Resources Coordinator, Operations Coordinator, Communications Librarian</td>
<td>Ongoing</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Action 2</strong>: Promote and facilitate access to reliable online information on issues of prime importance to people at all life stages e.g. parenting, health, drug and alcohol</td>
<td>Resources Coordinator, Operations Coordinator, Communications Librarian</td>
<td>Ongoing</td>
<td>Completed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 3.6</th>
<th>Ensure that staff recruitment and training takes account of the changing needs of library patrons. Re-orient the role of arts and culture staff to community cultural development and away from event delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1</strong>: Review the structure and role descriptions of Arts &amp; Cultural staff with a view to achieving greater emphasis on the provision of participative, rather than audience-based, programming</td>
<td>Manager</td>
</tr>
<tr>
<td><strong>Action 2</strong>: Develop a training program for selected staff to ensure each library branch has staff with high level technology and social media skills</td>
<td>Operations Coordinator, IT Support Officer</td>
</tr>
</tbody>
</table>

Library staff undertaken Frontline Training program, Collection HQ collection Management System acquired. Online resources reviewed on an annual basis. Various products are promoted on a monthly basis. The Community Technology Support Team has undertaken a skills audit of staff and provided training as identified. Staff have also participated in the statewide Jump Start online training program.
**Theme 4: Partnerships & Collaboration – Creating more opportunities to work together**

<table>
<thead>
<tr>
<th>Strategy 4.1</th>
<th>Work with Council’s Economic Development Unit to grow relationships with creative businesses and promote Bayside as a hub for creativity and innovation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>Following establishment of the database (Strategy 3.1 Action 3), identify opportunities for business interaction and collaboration jointly with the Economic Development unit</td>
</tr>
<tr>
<td>Person Responsible</td>
<td>Others involved</td>
</tr>
<tr>
<td>Arts and Cultural Planning Coordinator</td>
<td>Gallery Supervisor Economic Development Coordinator</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 4.2</th>
<th>Support practising artists through provision of opportunities for networking and collaboration, display and promotion of works and linkages to creative businesses and cultural organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>Encourage artists to register their credentials with council and consult them about their interest in opportunities for networking and promotion of their work</td>
</tr>
<tr>
<td>Person Responsible</td>
<td>Others involved</td>
</tr>
<tr>
<td>Arts and Cultural Planning Coordinator</td>
<td>Gallery Supervisor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 4.3</th>
<th>Establish a partnership framework for working with arts and cultural groups to extend their reach into the community and expand the range of library partnerships with external organisations across Victoria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>Identify potential library partners (including schools, community organisations, other Council services</td>
</tr>
<tr>
<td>Person Responsible</td>
<td>Others involved</td>
</tr>
<tr>
<td>Community Librarian</td>
<td>Operations Librarian Children and Youth Services Librarian</td>
</tr>
</tbody>
</table>
and other library services) and explore opportunities for collaboration

**Action 2:** Subsequent to Action 3, strategy 3.1 – work with creative groups to identify opportunities for community outreach and display of work in the community

<table>
<thead>
<tr>
<th>Person Responsible</th>
<th>Others involved</th>
<th>Financial Year</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts and Cultural Planning Coordinator</td>
<td>Gallery Supervisor Cultural Development Officer</td>
<td>2014-15</td>
<td>As above action 3</td>
</tr>
</tbody>
</table>

### Theme 4: Theme 4: Partnerships & Collaboration – Creating more opportunities to work together

<table>
<thead>
<tr>
<th>Strategy 4.4</th>
<th>In partnership with the history network, develop a municipal wide approach to protection of Bayside’s cultural heritage and establish a plan for long-term development of resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Work towards accreditation under the Museum Accreditation Program</td>
<td>Arts and Cultural Planning Coordinator</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Develop a business case for the employment of a Municipal Historian to manage Council’s own historical collection, work with the History Network to protect Bayside’s cultural heritage and support the role of the Gallery in exhibiting the cultural collection</td>
<td>Manager</td>
</tr>
</tbody>
</table>
## BAYSIDE LIBRARY, ARTS AND CULTURE STRATEGY - ACTION PLAN

### Theme 5: Smarter Resource Utilisation – Using existing resources better

<table>
<thead>
<tr>
<th>Strategy 5.1</th>
<th>Review the staffing model with a view to achieving flexibility in the allocation of resources to high priority services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>Undertake a review of the library staffing model to ensure allocation of resources is effective and efficient</td>
</tr>
<tr>
<td>Person Responsible</td>
<td>Operations Coordinator Service Coordinators Branch Librarians</td>
</tr>
<tr>
<td>Financial Year</td>
<td>2012-13</td>
</tr>
<tr>
<td>Status</td>
<td>Completed</td>
</tr>
</tbody>
</table>

The position of IT officer was created and establishment of cross organisation teams to deliver on strategy actions has been completed.

<table>
<thead>
<tr>
<th>Strategy 5.2</th>
<th>Strengthen service planning through effective use of high quality data and strong engagement with local communities to ensure programs match local interests and demographic changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong></td>
<td>Establish a community outreach model of consultation within each library branch with a view to understanding unmet needs in the community (not just needs of the current customer base)</td>
</tr>
<tr>
<td>Person Responsible</td>
<td>Community Librarian Operations Librarian Children and Youth Services Librarian</td>
</tr>
<tr>
<td>Financial Year</td>
<td>2013-14</td>
</tr>
<tr>
<td>Status</td>
<td>Completed</td>
</tr>
</tbody>
</table>

Consultation with non-users has been undertaken to understand their needs.
### Theme 5: Smarter Resource Utilisation – Using existing resources better

<table>
<thead>
<tr>
<th>Person Responsible</th>
<th>Others involved</th>
<th>Financial Year</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 2:</strong> Research feedback models that enable monitoring of changing community needs and satisfaction with different aspects of the library service</td>
<td>Library Service Coordinators Arts and Cultural Planning Coordinator Social Development</td>
<td>2013-14</td>
<td>Completed Process for capturing and responding to feedback reviewed and models implemented</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 5.3</th>
<th><strong>Apply for Deductible Gift Recipient status for donations to the Gallery and seek advice on any other relevant taxation laws that encourage giving</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Apply for Deductible Gift Recipient for a fund able to receive donations for the Gallery</td>
<td>Arts and Cultural Planning Coordinator Gallery Supervisor</td>
</tr>
<tr>
<td><strong>Action 2:</strong> Seek legal/taxation advice on any other relevant taxation laws that encourage giving</td>
<td>Arts and Cultural Planning Coordinator Gallery Supervisor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy 5.4</th>
<th><strong>Establish a governance model that supports the collection of high quality art relevant to Bayside and contributes to appropriate collection and management policies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action 1:</strong> Simultaneously with Action 2 in 2.6 (Investigate governance models for The Gallery and make recommendation to Council), assess how a new gallery governance model might contribute to collection and management policies</td>
<td>Arts and Cultural Planning Coordinator Gallery Supervisor Arts &amp; Heritage Collections Officer</td>
</tr>
</tbody>
</table>
10.9  LIBRARY FUTURES AND LIBRARY SERVICE REVIEW: PART TWO

Communications, Customer & Cultural Services - Library Services
File No: PSF/17/3997 – Doc No: DOC/17/189574

Library Executive summary

Purpose and background

Purpose

The purpose of this report is to:

- Present the findings from the Library Service Review Part 2.
- Provide an overall summary report (“Future Stories”) that threads together findings from Service Review Part 1 and Part 2.

Background

In 2015 Council commenced the Library Service Review. The review involved two parts: Part 1: Infrastructure and Part 2: Service and Programs. The aim of the Service Review was to consider what Council could do to improve public value delivered by Bayside’s library services by:

- enriching the lives of our community;
- providing better access to information and technology; and
- through preserving our local history and offering a diverse range of programs to inform, educate and inspire people.

In July 2016, part one of the Service Review was presented to Council. As a result, Council resolved, subject to a detailed financial assessment, to:

a) expand the floor space of Sandringham Library, either through utilisation of the current building or through redevelopment on the site;

b) retain the Hampton Library. Upon upgrading the Sandringham Library the Hampton Library will be transitioned to an innovative centre for learning. Multiple options will be presented for community consultation including a centre of Wi-Fi excellence and community meeting spaces.

c) based on the findings of the library services review resolves to build a new library in the Highett/Hampton East area within close proximity to the train station within 4 years.

d) notes that further operational improvements to library services and programs will be subject to finalisation of part two of the Service Review.
The Library Service Review Part Two findings were presented to Council at the August 2017 Strategic Issues discussion. The discussion focused on:

- the findings from Service Review Part Two and recommendations to service improvements across the whole library service;
- infrastructure required to enable the delivery of modern library services; and
- addressing the Service Review Part 1 resolution. Officers presented a detailed financial assessment in regards to increasing the floor space of the Sandringham library, the potential improvements of the Hampton library and options for a new library in Highett. This work has since evolved and will be discussed further down in this report.

Key issues

SERVICE REVIEW PART 1 – RESPONSE TO COUNCIL RESOLUTION

Following the financial assessment of the potential to improve infrastructure of Bayside’s library services, the following is now recommended for the Sandringham, Hampton and Highett library services:

1. A Moderate Upgrade to the Sandringham Library

Sandringham is a well-loved library in the heart of the community. More than 600 people visit the library seven days per week. Future forecasts suggest there is going to be growth in the age groups from 0-34 years in Sandringham. This age group requires spaces to study, read, and be creative and areas for children’s programs. Whilst the current programming provides for this age group, the demand will grow and the current space is not adequate to provide more programs and areas in the library to meet these needs. To meet this growing service need, more floor space is required to cater for people wanting more space for study, recreation and reading.

The current capital allocation for the Sandringham library is $1.5m. A moderate upgrade to Sandringham library is proposed. This means expanding the entire footprint and increasing the library floor space from approximately 500 sq m to almost 1000 sq m. The estimated cost for the moderate upgrade is $3.88m.

At the September 2017 meeting, Council resolved to sell the Abbott Street centre and use the funding from this sale for the moderate upgrade to the Sandringham library. This sale will provide the additional $2.3m required.

Through this process Council has also consulted the other tenants of the Sandringham Library to understand their needs and service requirements. It was resolved through these discussions that there were no suitable and available alternative premises within the catchment area that meets their needs.

In response to this, and challenges with other Council service occupancy issues, at the January 2018 meeting Council resolved to purchase the Masonic Hall in Abbott Street for community use.
The Council resolution was:

Carthy Council:

1. Proceeds with the purchase of the Masonic Hall at 23 Abbott Street, Sandringham.

2. Authorise the Chief Executive Officer to execute any documents relating to the purchase.

3. Commence preparation of a detailed design for the Building based on a budget for refurbishment of $2.4 million and that the Building be used to accommodate the maximum possible number of services currently housed in other Council facilities in the area for this amount.

4. Commence the statutory process for the sale of the Council property at Karrakatta Street, Black Rock once the timing of the relocation of the Seniors Respite Service to the Sandringham Masonic Hall is confirmed.

5. Release the Council resolution to the public in relation to this matter.

The proceeds from the sale of the Abbott Street and Karrakatta Street properties will now be used to help fund the refurbishment of the Masonic Hall and the redevelopment of the Sandringham Library.

It is proposed that council consults with the relevant community groups in relation to relocation while building works are taking place at Sandringham library, and in relation to the refurbishment of the Masonic Hall to meet current and future needs.

Council is also undertaking an Early Years Infrastructure Plan. This work will determine the most appropriate permanent location for Maternal and Child Health (MCH) services covering the Sandringham catchment. At this time, a preferred option for consideration is to collocate with the Sandringham Library. Depending on the outcomes of the Early Years Infrastructure review 100 sq m may be used for an MCH centre within the library building.

2. A new library in Hampton

1. An improved library service in Hampton

The Hampton service has been identified as not meeting current and future community needs. Whilst a basic service is provided (eg books, story times and computer access), with the growing population in Hampton, the existing library is not fit to meet current and future needs. Future forecasts suggest there will be increasing empty nest families, as well as rising numbers of people in the young workforce category. This is mainly due to the increasing apartment dwellings being developed in the activity centre.

To meet these future needs, Council has identified the types of services that could be offered in a library in Hampton. Whilst the below service ideas are based on library best practise and the demographics in Hampton, Council will need to consult with the community to ensure the right service model/mix is provided.

The following service options are proposed and could be stand alone or combined:

- The Book Library – Promotes the love of reading and responds to the community request for more books.

- The Digital Library – This library holds no physical items. It will feature easy access ebooks, emagazines, online learning and games.
• The Learning Space – Provides a dedicated space to run training, workshops and programs that enhance learning.

• The Library of Things – This concept promotes the sharing of resources such as drills, bread ovens, sewing machines etc.

• The Co-working Space – A large proportion of Bayside residents work from home. This idea provides a space where they can escape isolation and collaborate with others.

2. New infrastructure in a potential Hampton Hub

As per the Council Plan (2017-2021), Council has commenced working on the options for a potential Hampton Hub. This includes the relocation of the Library to the Hub. In order to determine community needs for the type of library service provided from the Hub, consultation with the community will need to occur. The above potential options for a library in Hampton will be presented to the community as part of the consultation process. Any increase to operating costs for Hampton would be dependent on the size of any redevelopment and changes to opening hours which are currently 35 hours per week.

3. A new library in Highett

The Service Review Part One identified that, whilst residents in the areas of Hampton East and Highett can access libraries in either Kingston or Bayside, there are accessibility barriers such as access to public transport to get to the libraries, and limitations due to low-incomes (eg cost of public transport) and age (ie either too young or elderly requiring assistance). The library service currently runs programs for public housing residents however the overall service provision for the community in Hampton East and Highett could be improved vastly.

The Kingston library in Highett is similar to what is offered in Hampton, providing limited hours of operation, programs and services. It is anticipated that the growth in Highett will see overall younger families and therefore a growing demand for children’s early year’s literacy programs.

A new library service in Highett could provide the following improvements:
- a location in the Highett activity centre makes it more accessible;
- the provision of more digital services will also provide better access to people with limited incomes as they can access services from their personal devices;
- better spaces to cater for a higher than average proportion of home based workers, will also see a growing need for study areas; and
- a supplemented outreach program will continue to provide greater access and equity for the more disadvantaged residents.

Following a detailed financial assessment and analysis of locations in Highett, Council officers have ascertained that there are no suitable sites in Highett to build a facility other than the CSIRO site. At the February 2017 meeting Council resolved as follows:

1. Authorises the Chief Executive Offer 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.

2. Receives a further report on the outcomes of these negotiations.
The purchase of the CSIRO site is currently being negotiated between Council and the State Government.

To build a new library facility would cost in the region of $5m plus approximately $9m for the purchase of the land. There is potential to develop a three story facility for $8-9M and for Council to seek partnerships with other community agencies to financially support the proposed facility, either through co-development or tenancy.

Operating costs for a new library service with the same opening hours as Brighton, Sandringham and Beaumaris libraries would be in the region of $800k per annum.

Note: Sandringham, Hampton and Highett would all be subject to obtaining planning permits resulting in timely and costly processes for Council. For example, the processes involved to acquire, rezone and redevelop the CSIRO site in Highett are complex and could potentially take up to 4-5 years to resolve.

**SERVICE REVIEW PART TWO – KEY FINDINGS**

Service Review Part 2 focused on the analysis of services and programs across all libraries in Bayside. The recommendations can be broadly defined under five areas:

- Better service provision
- Strategic marketing
- Improved performance measuring
- Efficient operations
- Purpose built infrastructure

**Better service provision**

To respond to the changing customer profiling, needs and expectations of our community, it is recommended to improve the services by:

1. Re-focusing the Library Services Strategy around the four themes of:
   - Supporting Lifelong Learning
   - Providing Access to Information
   - Strengthening Community Connection
   - Enhancing Literacy.

2. Develop a Bayside Library Literacy Plan that:
   - Evaluates current literacy programs and services provided by the library and develops a Bayside Literacy Services Plan, including operational requirements.

3. Strengthen the Differentiated Service Delivery Model (DSDM)

Within Bayside library there are a range of core collections, programs and services provided at each of its branch library service points. Through the strategic marketing plan it is recommended to showcase alternative library services such as new technologies, local history & information and community languages available at the different branches. Options for future localised service and product differentiation would see each of the branches play a lead role in particular service areas.

- Beaumaris – Creative Library
Brighton Library – International Library
Sandringham Library – Library and Heritage Centre
New Highett Library – Early Years

**Strategic marketing**

It is recognised through the research that there is an opportunity to increase visitation and use of programs to existing members and increase membership to non-users. A marketing plan will be developed that will increase the community awareness of library services and programs.

**Improved performance measuring**

It is recommended for the purpose of continuous improvement and delivering services based on need, to improve the way the service is measured and set new benchmarks based on the new strategic direction. A set of outcome measures based on guidelines from the Australian Library and Information association will measure the impacts of programs.

**Efficient operations**

In a strategically focused, results-oriented customer service organisation it is desirable that there be a high degree of alignment between strategic objectives and outcomes with the titles, roles and performance indicators of staff. It is recommended to align staff roles and resources with the new strategic direction of the library services.

The Library Service team are currently working on implementing the recommendations to ensure library services meet current and future needs.

**Proposed built infrastructure**

The above discussion has provided detail to this.

**FUTURE STORIES REPORT**

This report (refer to attachment 1) threads together the findings from the Service Review Part 1 and the Service Review Part 2. It draws upon actions and options required to expand and improve library services across Bayside. The recommendations are based on research, consultation and best practise approaches for modern libraries. All of which provide insights to ensure we are providing a sustainable service that meets the community needs now and into the future.
Recommendation

That Council:

1. resolves to expand Sandringham library through a moderate upgrade and considers a budget allocation of $3.88 million in the 2018/19 budget process;

2. maintains the Hampton Library service in its current state whilst the feasibility of a Hampton Hub is finalised and receives a further report at this time;

3. continues to explore opportunities to build a library at the CSIRO site in Highett as a potential multi-purpose community facility, and authorises the Chief Executive Officer to commence discussions with potential not-for-profit providers, the City of Kingston as a nearby provider of library services and other relevant parties; and

4. notes the Library Service Review Part Two.

Support Attachments

1. Bayside Library Services Future Stories (separately enclosed) ⇔
Considerations and implications of recommendation

Liveable community

Social

- Enriching the lives of individuals within the Bayside Community by presenting an equal opportunity for social inclusion and engagement, and by developing and fostering reading and literacy skills for people of all ages;
- Delivering access to, and leadership in, information provision and technological advancements whilst adapting to changing societal demands; and
- Nurturing community identity by preserving local history and offering a centrepiece at the heart of the community that shapes our public realm and maximises our shared value whilst simultaneously connecting individuals to the wider world.

Natural Environment

Not applicable as this report relates to the social environment and infrastructure.

Built Environment

Libraries can be key anchors or place makers. A library’s ability to provide cohesion and identity to a community, and a democratic environment capable of welcoming the full cross section of society, has been identified as a critical factor in regenerating/developing urban spaces. Not least of all, libraries continue to draw a significant level of visitors who, by simply going to the library, activate surrounding spaces and streets, providing further potential benefits through visits to shops and other facilities nearby.

Customer Service and Community Engagement

Libraries are amongst the widest used of any Council service with half the population as members. Significant community consultation was undertaken for the Library Service Review: Infrastructure. The community told us they wanted books, children’s programs, space to study, work or relax and access to technology.

Human Rights

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

Legal

There are no legal implications associated with this report.
Finance

There are significant financial implications to this report, in particular the capital budget and additional operating costs to run new libraries in Hampton and Highett. The below is a financial breakdown of funds required for the improvements to the libraries in Sandringham, Hampton and Highett.

Links to Council policy and strategy

This report draws on a variety of Council policies, strategies and actions including the following:

Council Plan 2017-2021

Goal 1 Infrastructure

- Strategy: Provide modern library services that meet the needs of the community
- Action: Complete and implement an improvement plan for library infrastructure and services

Executive summary

Purpose and background

This report recommends that Council formalises the occupancy arrangements with the Victorian Amateur Football Association (VAFA) following statutory consultation and hearing of submissions being heard at the Special Committee of Council on 7 February 2018.

It also seeks to readvertise the proposal to lease the Gym and Storeroom areas to Old Melburnians Football Club (OMFC) required under sections 190 and 223 of the *Local Government Act* 1989 (the Act) in relation to the proposed lease as this was advertised as a licence arrangement and does not provide appropriate tenure.

Two submissions were received and both submitters spoke at the meeting in support of their submissions. The occupancy arrangements are for 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, OMFC lease of gym with game related facilities being used on a licensed or seasonal basis by OMFC and Elsternwick Cricket Club.

Key issues

A concern raised by one submission was that the resolution of Council to commence statutory procedures included the lease of the social spaces and sports bar to VAFA. This was an error.
The intention is that the sports bar and social spaces will be subject to licence agreements which allow seasonal access to the facilities by other users of the Pavilion to support seasonal ground allocation. 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. There will be a licence for the social space including the bar and kitchen between 1 April and 30 September. The proposed lease agreement will reflect these terms.

**OMFC occupancy arrangement**

The original resolution provided for a licence to OMFC over the Gym and associated Storage with seasonal access to game related facilities. It is proposed that a lease be provided to OMFC for the gym and storage areas instead of a licence as there is some doubt about Council's ability to grant a 21 year licence without an associated lease to the same organisation.

OMFC will also have a seasonal licence to 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 seasonal allocation, the Elsternwick Cricket Club will have use of the game related facilities including the change rooms, sportsground, social space, bar and kitchen.

**Recommendation**

That Council:

1. Having considered the submissions received, authorises the Director Corporate Services to undertake all processes and execute all documentation associated with the occupancy arrangements for the pavilion located at Elsternwick Park, Glenhuntly Road, Elsternwick for the Lease to 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 with a licence for the social space including the bar and kitchen between 1 April and 30 September;

2. 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 a lease with 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 located at Elsternwick Park, Glenhuntly Road, Elsternwick for use of the gym and storage area and seasonal licence agreement to game related facilities and social spaces;

3. 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 Wednesday 11 April at 7:00 pm 2018 in the Council Chambers, Boxshall Street Brighton in relation to the proposal to lease to Old Melburnians Football Club;

4. In the event that no submissions are received, authorises the Director Corporate Services to undertake all necessary actions to finalise and execute the occupancy agreement with Old Melburnians Football Club, and;

5. Seeks the approval of the Minister for the occupancy arrangements outlined in this report in accordance with Section 17D of the Crown Land (Reserves) Act 1978.
Support Attachments

1. OMFC lease area ↓
2. Pavilion Area ↓
3. Agenda - Special Committee of Council - 7 February 2018 ↓
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
The existing facilities are aging not energy efficient and require significant ongoing maintenance and renewal. This proposal acknowledges the need for facilities to be upgraded to match changing standards and community expectations and supports occupancy for the new buildings.

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
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 is required.

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 relevant, Leasing Policy 2008 and Sportsground Allocation Policy
Options considered

Option 1

<table>
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<tr>
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<th>Do not support the occupancy agreements</th>
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<td>Benefits</td>
<td>There is limited benefit to not supporting the current arrangements</td>
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<td></td>
<td>It may be possible to negotiate alternative terms</td>
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<td>Issues</td>
<td>Funding for the pavilion upgrade has been jointly agreed and negotiated along with the rental lease terms</td>
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<td>Not supporting the agreements would jeopardise the funding arrangements and create significant concerns from the user groups involved</td>
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APPENDIX 1: PLAN OF LEASED PREMISES

Ground Floor Plan

Legend
 Lease Premises
 (OMFC)
First Floor Plan
Special Committee of Council Meeting Agenda

Agenda

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

Notice of Intention to Lease Elsternwick Park – pavilion
and associated facilities

Special Committee of Council Meeting

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

on

Wednesday, 7 February, 2018
at 6:30pm
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 Bayside Ratepayers Group - Submission: Notice of Intention to Lease Elsternwick Park - Pavilion and associated facilities

4.2 Elsternwick Cricket Club - Submission: Notice of Intention to Lease Elsternwick Park - Pavilion and associated facilities

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. George Reynolds – Bayside Ratepayers Group

2. Representative – Elsternwick Cricket Club
4. Submissions

4.1 BAYSIDE RATEPAYERS GROUP - SUBMISSION: NOTICE OF INTENTION TO LEASE ELSTERNWICK PARK - PAVILION AND ASSOCIATED FACILITIES

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/16055

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Organisation’s comments
The lease is not subject to a special rate or charge as proposed in the submission. The lease and licence arrangements cover the building assets. These assets include a contribution of funds from State Government, Victorian Amateur Football Association, Old Melburnians Football Club, AFL and combined football contributions. In addition seasonal licence allocation to facilities and grounds for other users will be in place but are not subject to this public notice.

Support Attachments
1. Bayside Ratepayers Group - Submission: Intention to Lease Elsternwick Park - Pavilion and Associated Facilities
BAYSIDE RATEPAYERS' GROUP – RATEPAYERS VICTORIA INC.

Coordinator: George Reynolds.

Email: BRG. [redacted]

19 Agnes St., Beaumaris, 3193. P. 0430900822
RVL: - RatepayersVic@outlook.com

The Chief Executive,
City of Bayside,
Royal Ave.,
Sandringham,
Vic 3191.

21st January 2018.

Dear Sirs,

Proposed Rental Agreement. Elsternwick Park No 1 Oval. Pavilion and Associated Facilities.

Reference PSF/17/73.

We wish to make the following submission on the above advertised proposal. This proposal appears to be to enter into a tenancy agreement covering the No 1 Oval, related pavilion, and administration facilities to the Victorian Amateur Football Association and a separately defined lease to Old Melbournians Football Club. I also request the right to make a verbal submission at the meeting called to review all submissions.

1. Assets to be the subject of the lease.

This is poorly defined; Elsternwick Park is a large facility with many clubs in residence; shared parking areas may or may not be included. It is not legally clear if the lease proposal covers the sports ground, parts of the buildings, the car parks, flood control facilities, or other assets.

The occupancy of the clubhouse, which incorporates the state administrative facilities for the VAFA, - and restaurants – appears to be leased for $353 per year. It is clear that the facility is to be leased at a rental well below its valuation. (In Bayside, bar and dining club facilities, without kitchen equipment, are worth well over $150,000 per year).

The arrangement to transfer out the pavilion appears to have been made without an attempt to recoup the capital contribution from Council, to the cost of construction, of the renewed asset. Additionally, Council has undertaken to supply funds that it is unlikely to have. This leads to a funding gap which must be filled by the occupiers of the facility.

It needs to be made clear how the usage and capital costs are to be shared between the two parties who are the beneficiaries of the two leases. Indeed it is necessary to have a clear understanding of which arrangement applies to the different parcels of land.

2. Capital and Operating Contributions.

The proposal to charge a nominal annual rent, needs to be reviewed. The assets are part of a complex arrangement whereby some capital is supplied by third parties. Additionally, Council has undertaken to supply funds that it is unlikely to have. This leads to a funding gap which must be filled by the occupiers of the facility, in conjunction with, any power and authority, that councils have, in relation to the matter.
In order to understand the funding requirements, we must look to the approved capital works programme in the approved budget. On page 126 of Council Model Budget, 2017/18, we find spending of $1,923,000. This is split as:

- $647,000 as grants
- $842,000 as (user) Contributions
- $434,000 as Council cash.

We know that this is not the full cost of the venture. Money was allocated and spent in the 2016/17 budget year, and earlier. The document, Bayside City Council Model Budget, 2016/17 has no entry against this asset. This is because the spending was not authorised in the 2016/17 budget. The spending authorised in the 2017/18 budget year was simply dealt with by a council resolution, bypassing the required budget revision process. A revised budget process is necessary to put the authorisation on track and determine the shortfall in capital contributions.

As set out in an earlier submission, councils have no financial capital and have little ability to make a capital contribution.

The assets which are the subject of this lease proposal form part of a group of assets now being known as Community Assets. Such assets are those which are owned by Council on behalf of the rating community but provide a special benefit to individuals within community linked to the asset. i.e. the sporting clubs form a user community, if Council enters into an agreement to support the establishment of a Community Asset, its only funding option is to apply a Special rate or Special Charge. This Special Charge (s163(1) of the LGA) is to:

(a) defray any expenses, and
(b) recover the cost of any loans (including interest) raised by Council to meet capital costs.

In terms of the VAFA, being the prime lessee of the club facility, the annual payment for the exclusive use of the asset needs to be set to meet the requirements of s163(1) of the LGA. Such a proposal is not part of the rental arrangements proposed in the Notice. It would probably be a better administrative outcome if the venture were leased to the VAFA and the MGOG were given a sub-lease by the VAFA. (If the asset were separately leased to each party, a Special Rate would be necessary. The identification of an agreed rating base is likely to be difficult).

Submission. The proposal should not go ahead until proper and clear arrangements are made to link the right to use the assets to the obligation to pay a special rate or charge, on an annual basis. Until such time as the loan funds needed to implement the development proposal are repaid, the lease needs to continue. When all loans are repaid, the asset reverts to unrestricted ownership of Council (on behalf of the Municipal Community) and the lessees must pay a rental based on the annual value of the asset.

Yours faithfully,

George Reynolds,
Coordinator, Bayside Ratepayers’ Group.
4.2 ELSTERNWICK CRICKET CLUB - SUBMISSION: NOTICE OF INTENTION TO LEASE ELSTERNWICK PARK - PAVILION AND ASSOCIATED FACILITIES

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/25557

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<td>1 February 2018</td>
<td>Yes</td>
<td>5 February 2018</td>
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Organisation’s comments
The submission correctly points out some inconsistencies in the original report. The leased area should not include exclusive use by VAFA of the social spaces and bar. This will be amended when Council considers the lease and licence agreements at its meeting on 20 February 2018. The areas in question will require licence agreements to support the various user groups which occupy the site.

Support Attachments
1. Elsternwick Cricket Club - Submission to the proposed lease and licence for Elsternwick Park.
Bayside City Council

Special Committee of Council Meeting - 7 February 2018

BAYSIDE CITY COUNCIL
NOTICE OF INTENTION TO LEASE
ELSTERNWICK PARK – PAVILION AND ASSOCIATED FACILITIES
PROPOSED LEASES OF THE PARK
– OCCUPANCY AGREEMENTS PSF/17/73

SUBMISSION

Background

Elsternwick Cricket Club (the Club) is a seasonal occupant of the current and proposed pavilions and the playing facilities at the Main Oval, Elsternwick Park. Broadly, the Club is fully supportive of the proposal to lease and licence the facilities to the VAFA and the Old Melburnians Football Club (OMFC).

The Club is however concerned to protect its interests by ensuring that agreements entered into by Council do not restrict the nature and terms of the rights which the Club currently enjoys.

Additionally, we are seeking to ensure that the documentation proposed by the Council and the lessee and licencsee properly reflects the rights and obligations of the parties insofar as they may impact the Club.

The Club’s concerns were initially raised when the papers for the 19th December, 2017 Council meeting were made available. The recommendation to Council referred to the VAFA lease arrangements:

... (for the exclusive area of the pavilion) plus control of the social space including the bar and kitchen."

The Club’s understanding is that the social space has never been exclusively leased to the VAFA and it is not intended to be so in the new pavilion. Council staff were advised prior to the meeting, but this error was not corrected in the resolution of Council nor in the subsequent Public Notice.

In order to determine whether the lease and licence were properly drafted, the Club requested a copy for review. This was denied with the result that a clubmember lodged a Freedom of Information request which was granted and the draft documents supplied.

Comments:

1. Council records describing the occupancy arrangements should be amended to refer to a lease with the VAFA per paragraph 1 of the Public Notice, omitting the words "... plus control of the social space including the bar and kitchen."
2. Council staff have suggested that the description of the VAFA lease include "seasonal use of the social room and bar throughout the winter tenancy period (1 April to 30 September)." If this is part of the lease then it would be inconsistent with the licence to the Old Melburnians Football Club of the same social space for training and match days during the winter season. On what basis are the VAFA expected to occupy the social space during the winter?

3. When further information becomes available to the Club, there may be other matters on which it would be pleased to address the Special Committee of Council. We hereby request, pursuant to section 223 of the Local Government Act, for a representative to appear in person before the Special Committee of Council.

Elsternwick Cricket Club
1st February, 2017
Executive summary

Purpose and background
Council has undertaken statutory consultation in relation to the proposed lease to the Beaumaris Lawn Tennis Club (BLTC) for the thirteen (13) courts used by the club. The building is occupied under a separate lease to the Beaumaris Sports Club and is not part of this proposed leased area.

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 dust, conduct and early game starts. It should be noted that the existing lease does not have formalised start and end times, however an agreement was reached to seek to minimise impact on neighbours whereby it was agreed that formal coaching classes and private practice could commence at 7am but not matches before 8:00am and completion of play by 10:30pm.

Council wrote to 110 nearby residents advising them of the proposal to lease in addition to the statutory advertising process. The advertising also included start and end times and a resolution of Council also sought development of a code of conduct.

Key issues
During the public submission process 19 submissions were received with 9 seeking to be heard at the Special Committee of Council to hear submissions. A number of submissions were in support of the proposed lease and some raised concerns about hours of operation, poor behaviour from users of the courts and dust.

There was also some criticism of Council’s failure to address residents’ concerns with the Club in the past. In relation to this issue, Council officers have visited the site on multiple occasions and where issues have been identified they have been raised with the Club which has given undertakings to resolve the issues.

Proposed operating times
The existing lease does not constrain the times of operation, however the club has worked with Council to implement hours of operation to minimise impacts on the neighbouring community. The club is also introducing Book A Court technology which will ensure access is restricted to the courts including lighting, in accordance with the agreed hours of operation.

Some community feedback suggested reduced hours ranging from 8:00am to 10:00am start times would be appropriate, along with finish times ranging from 9:00pm to 10:00pm. This would have a significant impact on the activities of the Club.

It is proposed the lease will contain the following provisions for hours:

- No access to the tennis courts 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

With the introduction of the Book A Court System early start and late finish times will no longer be possible.

Code of Conduct

As part of seeking to address the concerns of residents, BLTC has introduced a code of conduct. This seeks to address any issues related to anti social behaviour such as swearing and also on course maintenance such as watering courts to reduce the impact of red dust escaping from the courts.

Red Dust Escaping the Courts

The containment of dust on the site was raised by all parties as a challenging issue. BLTC in recent times have had some issues with watering due to damage caused during construction of the new buildings, however has introduced mesh wind breaks and continue to encourage watering of the courts. BLTC has stated it will continue to work on ways to minimise any escape of material from the courts.

Respondents seeking change have suggested court surfaces be replaced, however BLTC has also raised the challenges of other playing surfaces during winter and wetter periods.

Rental

A number of respondents believe the courts are not being adequately assessed for market rental. This is correct as the Leasing Policy 2008 sets the fee structure for court rentals and is not intended to be a commercial arrangement. The rental has been set in accordance with Council policy at $5,330 per annum plus GST.

Other Issues Raised

The submissions included a number of issues not directly related to the lease of the tennis courts but to the running of the Sports Club. Council will seek to address these in conjunction with the Sports Club, particularly whilst construction of the carpark is being completed. Issues raised include deliveries, rubbish pick up, parking in the street impacting residents ability to park near their homes and noise from patrons leaving the Sports Club.

In considering the proposed lease Council faces the challenge of supporting the future activities of a Club that has existed on this site for over 50 years and which provides a range of valuable community benefits with the amenity of residents immediately abutting the courts.

It is recommended that Council proceed with the 15 year lease with the inclusion of a range of conditions designed to minimise the impact of the activities of the Club on nearby residents.
Recommendation

That Council;

1. Having considered the submissions received, enters into a lease with the Beaumaris Lawn Tennis Club for the 13 courts situated at Beaumaris Reserve, Oak Street Beaumaris for a period of 15 years subject to the following conditions:

   a. The hours of use be set at:

      i. 7:00am for coaching and individual practice;
      
      ii. 8:00am for social and competition matches;
      
      iii. All tennis court activity and court lighting to cease by 10:30pm;
      
      iv. Book A Court System be implemented in accordance with these hours to restrict access;

   b. Rental to be set in accordance with the Leasing Policy 2008 commencing at $5,330 per annum plus GST;

   c. The Club develops, maintains and enforces a Code of Conduct including requirements relating to appropriate behaviour and watering of the courts;

   d. The Club takes all reasonable steps to minimise the escape of dust into neighbouring properties;

2. Authorises the Director of Corporate Services to complete and execute all documents associated with the lease; and

3. Implements a six monthly review by Council Staff for the next 2 years on the performance of the Club in meeting the requirements of the lease.

Support Attachments

1. Agenda - Special Committee of Council - 7 February 2018
Considerations and implications of recommendation

Liveable community

Social
The tennis club provides a wide range of social, health and sporting benefits. BLTC have committed to a code of conduct to address any areas of antisocial behaviour from its members or members of the public that can access the courts.

Natural Environment
There is no significant impact on the natural environment as a result of this lease. It is noted the escape of red dust from the courts is an issue for nearby residential properties and further work is required to mitigate the impact of this. Improved course watering and wind mitigation is being explored by the club.

Built Environment
The courts are located in a sporting precinct abutting residential properties. There are no specific additional impacts to the built environment as a result of the lease. Implementation of further mitigation actions to manage escaping dust are required to minimise impact on nearby properties. The new Sport Club is having an impact on local residents in terms of parking and traffic issues whilst the carpark is being finalised however is not directly related to the lease of the courts.

Customer Service and Community Engagement
Council undertook wider ranging notification as a result of this lease process than would normally occur. Letters were sent to 110 nearby residents and included additional items such as proposed hours in the public notice to ensure any concerns with the lease area were understood.

Human Rights
There are no specific Human Rights issues associated with this report.

Legal
Council has undertaken statutory consultation in line with the requirements of the Local Government Act 1989. The lease provides a legal structure by which Council can set conditions on the property usage such as start and end time.

Finance
The proposed income from the lease is $5,330 per annum plus GST. A number of community members submitted that this site should be commercially market tested however this is outside policy and only for the court playing surfaces so unlikely to attract any broad market interest.

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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<tr>
<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>
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<tr>
<td>Issues</td>
<td>Loss of a community facility where the BLTC has been a provider of tennis facility for the Bayside community</td>
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<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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<tr>
<td></td>
<td>Significant concern from tennis club members if this action was taken</td>
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<td></td>
<td>The courts are separate lease to the Sport Club therefor it is unlikely another party could run the facilities</td>
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### Option 2

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<th>Renewal the Lease with more restrictive times</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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<tr>
<td></td>
<td>Reduces concerns related to early morning starts if a time of 8:00am or 9:00am is set</td>
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<tr>
<td></td>
<td>Reduces some concerns of night time tennis if a restrictive time between 9:00pm or 10:00pm is set</td>
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<td>This approach would resolve the early start/late finish and noise issue with nearby residents who have raised concerns</td>
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<td>Issues</td>
<td>Limits use of courts before 8:00am and will impact coaching in mornings before school/work</td>
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<td>May make the tennis centre less attractive to some members</td>
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<td>May impact the financial viability of the club</td>
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<td></td>
<td>Club is investing in Book A Court system to manage the impact of early start and late finish times</td>
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Special Committee of Council Meeting Agenda

Agenda

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

Notice of Intention to Lease Council Land to Beaumaris Lawn Tennis Club

Special Committee of Council Meeting

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

on

Wednesday, 7 February, 2018
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 Mr Robert and Mrs Elizabeth Smith - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .......... 5
4.2 Mr Warren and Mrs Glenda Stahel - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .......... 13
4.3 Mrs Lesley Hannan-Smith - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 15
4.4 Bayside Ratepayers Group - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 21
4.5 Mr David and Mrs Elaine Morgan - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .......... 25
4.6 Mr Jarrod Broadbent - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 27
4.7 Ms Janice Morrey - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 30
4.8 Ashley and Katrina Cooper - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 32
4.9 Mr Mark Barbour - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 35
4.10 Mr David Stobart - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 40
4.11 Ms Catherine Russell - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 42
4.12 Mr Ian Thomas - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 46
4.13 Ms Emma McCarthy - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 53
4.14 Ms Loraine Fleming - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 55
4.15 Mr John Collins - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 57
4.16 Ms Leanne Scott - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club ........................................... 59

4.17 Mr George Montgomery - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .................. 61

4.18 Ms M Read Flavell - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .............................. 63

4.19 Mr Marcus Gennissen - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club .............................. 67

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. Robert and Elizabeth Smith
2. George Reynolds – Bayside Ratepayers Group
3. Jarrod Broadbent
4. Ashley and Katrina Cooper
5. Mark Barbour
6. Ian Thomas
7. John Collins
8. Margie Read Flavell
9. Marcus Gennissen
1. Welcome and opening of the meeting

2. Apologies

3. Declarations of any Conflict of Interest
4. Submissions

4.1 MR ROBERT AND MRS ELIZABETH SMITH - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/8422

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**Organisation’s comments**

The lease area is only the land associated with the tennis courts. The lease over the buildings is controlled by the Beaumaris Sports Club. The timing of 15 years is to align the lease period with the

It is proposed to install Book a Court system to manage access to the courts. This will include lighting. The proposed lease includes start and finish times between 7:00am to 10:00pm.

In relation to red dust, Council will continue to work with the club to ensure the wind breaks, watering and mitigation strategies are effectively implemented.

With regards to impacts of drains, these will be inspected and if required, appropriate cleaning will be undertaken.

The resolution of Council includes development of a code of conduct which is aimed to support issues such as language or other inappropriate behaviours which may impact the local community.

In relation to ongoing management of the lease and whether Council is being proactive or reactive, the approach to seeking comment from nearby residents as part of lease renewal was to determine what if any issues may have occurred as a result of the interface between residential and sporting activities. The lease is managed by Council’s Commercial Services Department and ongoing relationship with the sporting clubs through the Recreation and Events team. There is a very active ongoing relationship with the Beaumaris Lawn Tennis Club.

A supplementary letter also advises that carparking is now an issue and activities of the Beaumaris Sports Club with rubbish collection is occurring. These issues should be resolved with the completion of works and construction of the new carpark.

**Support Attachments**

1. Mr Robert and Mrs Elizabeth Smith - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
2. Mr Robert and Mrs Elizabeth Smith - Additional information relating to Submission
To: Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Centre Inc – PSF/17/73
Chief Executive Officer
Bayside City Council
PO Box 27
Sandringham VIC 3191

From: Robert and Elizabeth Smith

Date: Tuesday 8th January 2018

Your Ref: Unsigned letter from Council dated 29th December 2017 (copy attached)

Subject: Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Centre Inc – PSF/17/73

Dear Chief Executive Officer,

This is to acknowledge receipt of the above mentioned letter from Bayside City Council (Council) received on Friday 5th January. Among other things this letter invites us to make submissions re the proposed lease of the said land and the tennis courts the land contains to the Beaumaris Lawn Tennis Centre Inc. (BLTC). In response to your invitation we make the following submissions re this subject and we also indicate our desire to be heard in support of this submission as provided for in the above letter.

Submission:-

We strongly support the great sporting facilities provided by Council at Banksia Reserve and it is pleasing to see these facilities used to such a significant extent by the community. However, this support is maintained on the basis that these facilities are used well and appropriately, managed well, maintained well and that they do not impinge adversely on our local amenity or safety.

Since we live directly opposite the courts the main adverse issues we have faced in the past relate to BLTC:-

- Operating outside prescribed times.
- Bad language mainly by male players.
- Poorly maintained surroundings particularly the nature strip areas.
- Red dust and red runoff affecting the surrounding properties.

The negotiation of a new lease does offer the opportunity for Council, on the ratepayer’s behalf, to address these previous problems we have encountered. There needs to be mechanisms to ensure a correct outcome and penalties and other adverse, to them, outcomes if they do not comply with the Lease conditions.
We make some points and comments for Council consideration.

1. We ask for a copy of the draft Lease in case there are additional points of detail we may like to raise that we have not been made aware of in the information provided.

2. The shaded area of the aerial image you provided indicates the lease applies only to the land area which comprises the courts themselves and not the club house facilities. Since in practice the BLTC will be operating out of both the courts and the adjacent building then where is the separate lease to cover the BLTC’s use of the club house facilities? Alternatively if the lease we are currently discussing is to actually cover the use of the adjacent building then the shaded area needs to be extended to that area. If there is a separate lease re the use of the building then we would like a copy of this document in addition to the one referred to above. Council’s written letter and the aerial image contains no reference to BLTC activities other than on the courts which appears to not really represent the actual use activities of BLTC.

3. Reference the points you have included in your letter:-
   a. Re your point (2). The proposed lease of 15 years lease is too long. We would request that the lease be for one year initially and an evaluation made after that to determine if a longer term lease be allowed or additional changes to the lease conditions included to subsequently address any issues that surface during this period.
   b. We request that the lease include a mechanism that allows the lease to be terminated or the BLTC management be replaced by an administrator, appointed by the Council at BLTC’s cost, if they do not conform to the conditions of the Lease or perform appropriately to accepted community standards.
   c. Re your point (4). We would request that the operating times be finished no later than 10.00pm. The noise and lights after that time is an unacceptable intrusion on the community’s amenity including in particular disruption to our sleep.
   d. Also re your point (4). Lighting is not to be allowed to be on outside the prescribed hours. Your letter only refers to evenings but in winter the lights have come on occasionally at soon after 6.00am so both start and finish times need to be stipulated not just finish times. Lights can also be on without them actually playing tennis so otherwise they could say they were not actually playing tennis but the lights were still on outside the prescribed times.

4. The surrounding houses and Council drains are adversely affected by the red dust from the courts. The storm water side entry pit on the BLTC side of Crombie Avenue opposite Banksia Street is blocked with red run off mud from the courts to the point that the road floods and remains that way for several days after rain as an indication that the drain is completely blocked. Also our houses have red dust whenever there are strong winds blowing in our direction. There are bags of new surface material being added to the courts on a regular basis to replace that which is lost to the surroundings which is undisputable evidence that there is a major tennis court surface loss problem. This problem needs to be engineered out of the equation by some means. This may be by a number of ways by changing the surface material and improving the type and extent of the vertical screens on the surrounding mesh fences and increasing the tree screen on the nature strip. The present method used by BLTC of watering the surface obviously is not effective in controlling the problem or else it would not be migrating all over the surroundings. The present adverse outcome speaks for itself in this regard. BLTC includes the name Lawn Tennis but does not have these surfaces so why not make the courts at the Oak Street end into true lawn surfaces or synthetic surface and this would solve the red dust and red must run off that is occurring at this location.
5. Loud bad language coming from some groups of men playing together has been a serious issue in the past and we would want to see this specifically referenced in the Lease as not being allowed under the terms of the Lease.

6. The surrounding grounds and nature strip lawns on Oak Street, Comb Avenue and Tramway Parade have not always been adequately maintained. For years the BLTC mowed the grass occasionally but more often than not they were as much as a meter high which demonstrates their irresponsibility and unacceptable practices. After representation to the BLTC did ot resolve the issue we then went to our local Councillor which led to the Council then taking this over and thankfully it has since been much improved. Can you please clarify in the Lease who is responsible for this matter and have this addressed in the conditions of the Lease.

7. Who on Council is going to monitor the activities of the BLTC to ensure they comply with the terms of the Lease? It should not just operate on a basis that you look into something when someone complains but this needs to be managed by Council so problems do not occur with the neighbouring community and that way the likelihood of future complaints will be low. This is called being proactive rather than just being reactive to complaints.

Thank you for the opportunity to contribute to this process.

Regards

Robert and Elizabeth Smith
29 December 2017

To Owner/Occupier

Dear Resident,

NOTICE OF INTENTION TO LEASE COUNCIL LAND TO THE BEAUMARIS LAWN TENNIS CENTRE INC

Bayside City Council (Council) gives notice under sections 190 and 223 of the Local Government Act 1989 (Act) of a proposal to enter into a lease with the Beaumaris Lawn Tennis Club Inc. (BLTC) in respect of thirteen tennis courts facility at Banksia Reserve, Beaumaris which includes the following terms:

1. The Permitted Use is for community tennis club and associated community-based activities approved by Council in its absolute discretion;

2. A term for 15 years commencing on 15 December, 2017;

3. A commencement rental of $5,330 per annum (inclusive GST) with annual increases by CPI or 5% whichever is greater; and

4. Details of proposed operating times for the Premises:
   - must not permit the Premises to be used prior to 7.00am or after 10.30pm on any day;
   - must not permit any activity other than individual practice and formal tennis coaching to occur between 7.00am and 8.00am on any day; and
   - must ensure that no external lighting at the Premises, including floodlights, is used after 10.30pm on any day.

Any person wishing to make a submission on the proposed leases of land must lodge the submission before 5.00 pm Thursday, 1 February 2018.

Submissions should be addressed as follows:

Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Club - PSF/17/73
Chief Executive Officer
Bayside City Council
PO Box 27,
Sandringham, VIC 3191

Submissions may also be delivered to the Corporate Centre, 76 Royal Avenue, Sandringham.

If a person wishes to be heard in support of his or her submission they must include the request to be heard in the written submission and this will entitle them to appear in person or by a person acting on their behalf, before a Special Committee of Council to be held on Wednesday, 7 February 2018 at 7.00pm in the Council Chambers, Boxhill Street Brighton.

The meeting will proceed if one or more persons request to be heard in support of their submissions as stated above.

All submission will be considered in accordance with section 223 of the Act.
Mandy Bartlett

From: Robert Smith
Sent: Saturday, 20 January 2018 7:07 PM
To: Mandy Bartlett
Cc: Clarke Martin
Subject: HPRL FW: Beaumaris Lawn Tennis Club

Follow Up Flag: Follow up
Flag Status: Completed
Record Number: DOC/18/15812

Dear Mandy,

Thank you for your email of 11th instant re my submission for Council consideration re the new lease for the Beaumaris Lawn Tennis Club. Besides the document I have already provided can you please also include the letter below as part of my submission which includes additional issues that need addressing both by Council and in the lease that is being constructed.

Thank you for your help in this way.

Cheers

Robert Smith

From: Robert Smith
Sent: Saturday, 20 January 2018 6:48 PM
To: 'cmartin@bayside.vic.gov.au', 'cmartin@bayside.vic.gov.au'
Subject: Beaumaris Lawn Tennis Club

Hi Clarke,

Thank you for your much appreciated help when you arranged to have the tennis club nature strip moving transferred to the Council. At the time when I contacted you the bad state of the grass was a disgrace but with the Council now doing this thankfully it is very much improved.

The Council has recently contacted us by letter to ask for submissions re the new lease being arranged with the tennis club. I have since responded to Council with my suggestions and input and I also requested to be heard at the Council meeting in early February. Council has since acknowledged receipt of my submission.

Other residents have raised additional issues than my submission which problems have become apparent coinciding with the start of the club restaurant’s operations.

Car parking is now excessive and now restricts residents from parking near their houses. Tonight for example there are 45 cars in Cromb Avenue. It is now becoming apparent that we will need signs on the south side of Cromb Avenue that make this side for residents only. I know that this parking problem may improve somewhat when the new car park is constructed adjacent the oval but it is anticipated that the patrons will still use the Cromb Avenue for parking since it is closer than the official parking area. One lady who lives nearly opposite the club entrance off Cromb Avenue has five children and had to park over 200m away near Oak Street because of the patrons attending the restaurant and club which has prevented her accessing her own home. Other neighbours have made the same complaints.
A further issue that has now surfaced is that the street which was a quiet residential street has now become somewhat commercial which we strongly have problems accepting. Besides all the car parking issues we also have delivery trucks now service the restaurant from Cromb Avenue and commercial rubbish collection of about 8 or 9 bins per day has taken place at night as late as 11:00 pm and as early as 5:00 am waking up the residents. These are large commercial rubbish collectors. All this is unacceptable in a residential community.

I think that the lease should now include a requirement that when the new car park is completed that all commercial deliveries and rubbish collection are through the car park which has its entrance off Oak Street and the unloading and loading and rubbish removal takes place from the car park which is behind the courts and away from the houses. Council could also arrange for restricted parking on the south side of Cromb Avenue.

If you would like to meet with me or the residents in person to discuss these things then I would think that could be arranged.

Thanks in advance for your help in this matter.

Regards

Robert Smith
4.2 MR WARREN AND MRS GLENDRA STAHEL - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/11128

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**Organisation’s comments**

The submission supports the lease. It notes the importance of encouraging children to participate in sport as a learning and social activity and the club does not create noise or parking impacts in the area.

**Support Attachments**

1. Submission - G and W Stahel - Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Glenda & Warren Stabel of Street Beaumaris support the renewal of the tennis club’s lease. It is so important that we continue to encourage our children to participate in sport as a learning experience both socially and physically. The activities of the club, neither parking nor noise impact the area at all.

Yours sincerely,

Glenda & Warren Stabel.
4.3 MRS LESLEY HANNAN-SMITH - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/15943

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**Organisation’s comments**
Submission supports youth in sport, use of the new facilities and the lease to the tennis club and states no issues with the operation of the club or behaviour of members.

**Support Attachments**
1. Mrs Lesley Hannan-Smith - Submission: Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Centre
To: Chief Executive Officer,
Bayside City Council,
PO Box 27
Sandringham VIC 3191

Date: January 2018

Re: Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club – PSF/17/73
Dear Sir,

I am a resident and ratepayer for over 40 years in Beaumaris. I have lived in the present home for 34 years, within the entrance to my house in Trowb Ave directly opposite the Tennis Club + courts. In all that time I have never had any complaints about bad behaviour or swearing. I actually like it when the lights are on. If the lease is not renewed what do all the members do for the venue and enjoyment possibly there.

Sincerely,

[Signature]
I will be more young and causing trouble. Apart from that why spend all the money on the new buildings that has been spent. I believe the man who is doing all the complaining is renting the duplex building at Brighton Rd. If it is the only one complaining I would ignore him completely. Apart from that he has only resided in the duplex for a short time and the debts court have been there more than 50 years. So he should be aware that possible there may be things.
That may intrigue him when he rented the unit.

Sincerely,

[Signature]

[Handwritten note: Doc/18/14654 - 22/01/18]
4.4  BAYSIDE RATEPAYERS GROUP - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/16002

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Organisation’s comments
The area subject to the lease is only the land associated with the tennis courts. This is clear in the site plans.

The occupancy of the building is subject to a separate lease with Beaumaris Sports Club. The tennis club has contributed funds to the construction of the new buildings.

The lease complies with Council Leasing Policy. There is no requirement for a special rate or charge.

Support Attachments
1. Bayside Ratepayers Group - Submission: Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Club
Dear Sirs,

Proposed Rental Agreement. Beaumaris Lawn Tennis Club. Reference PSF/17/73.

We wish to make the following submission on the above advertised proposal, to renew the tenancy of the tennis courts and related pavilion, comprising the municipal assets previously occupied by the club. Additionally I wish to follow this with a verbal submission at the meeting called to review all submissions.

1. Assets to be the subject of the lease.

This is poorly defined; it is not clear if the lease renewal includes the clubhouse – part of a previous lease to another party – or has been reduced to simply the area of the tennis courts.

The occupancy of the clubhouse, which incorporates the modified and previously leased pavilion, appears to have been transferred to another party, The Beaumaris Sports Club.

The arrangement to transfer out the pavilion appears to have been made without any capital contribution from the Tennis Club, to the cost of construction of the renewed asset.

It needs to be made clear how the usage and capital costs are to be shared between the two parties who are the beneficiaries of the two leases. Indeed it is necessary to have a clear understanding of which arrangement applies to the different parcels of land.

2. Capital and Operating Contributions.

The proposal to charge an annual rent, needs to be reviewed. The assets are part of a complex arrangement whereby some capital is supplied by third parties. Additionally, Council has undertaken to supply funds that it is unlikely to have. This leads to a funding gap which must be filled by the occupiers of the facility.

To understand the source of funds, we look to the budget documents beginning with the 2014/15 version. On page 70 of Appendix C, we find the plan is to fund the pavilion redevelopment cost of $4,274,010 by:

- $1,000,000 by Grants
- $2,100,000 by (owner) Contributions.
- $1,174,010 by Council Cash.
- $ Nil by borrowings.

Obviously, the venture funding requirement has changed since 2014, and the final cost is stated to be around $5,500,000. Additionally, council cash is unlikely to be available in the amounts required.
Councils have no financial capital – nor do they have the facility to retain profit to build a capital reserve. Council cash is limited in source to the sale of gifted assets and special purpose revenue such as the Resort and Recreation funds.

In the event that the grants, contributions and council cash fail to provide the funds to fully meet the application requirements, it is necessary to resort to borrowing.

An asset, such as the Banksia Reserve Redevelopment, is being defined, in the draft of the Local Government Bill, as a community asset. A community asset is different to a Municipal Asset. Both are owned by council on behalf of the rate paying community; the community asset is however, one where the benefit is not available to all in the rate paying community.

In the case of a capital funding requirement for a community asset, the funds are to be provided by the imposition of a Special Rate or Special Charge in the manner set out in s163 of the LGA.

In terms of the Beaumaris Lawn Tennis club, being part of the Sports Club, the annual payment for the exclusive use of the asset needs to include a Special Charge calculated in the manner set out in s163(1) of the Act. Such a proposal is not part of the rental arrangements proposed in the Notice.

Submission. The proposal should not go ahead until proper and clear arrangements are made to link the right to use the assets to the obligation to pay a special rate or charge. This charge (including loan interest) must be sufficient to repay all loans that Council must raise to meet any capital contribution shortfall, caused by overspending, or the failure of Council to supply Council Cash. Further, until such time as the loan funds needed to implement the development proposal are repaid, the lease needs to continue. When all loans are repaid, the asset reverts to unrestricted ownership of Council and the lessees must then negotiate a rental based on the annual value of the asset.

As an additional procedural requirement, the consolidation of the leases into a single agreement will trigger a revised budget. This process will be a necessary precursor to the re-signing of the lease agreement.

Yours faithfully,

George Reynolds, Coordinator, Bayside Ratepayers’ Group.
4.5 MR DAVID AND MRS ELAINE MORGAN - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/23065

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Organisation’s comments
The submission is not in support of the lease without issues raised being addressed. The majority of concerns raised do not relate to the lease of the court areas but the operation of the Sports Club.

The club have committed to reducing the impact of red dust escaping from the court surfaces through improved watering and application of a code of conduct. Council will continue to work with the club to mitigate the impacts of the dust.

The submission also seeks footpaths be installed on both sides of the road due to increased traffic. A review of potential footpath locations is currently underway.

The issues related to the operation of the Sport Club are not directly related to the lease over the tennis courts. These include parking, rubbish bins, collection service times and deliveries. A number of these issues will be resolved with completion of works on the site including car parking and bin storage now that demolition of the old pavilion has been completed.

Support Attachments
1. Mr David and Mrs Elaine Morgan - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
To: Chief Executive Officer,  
Bayside City Council,  
PO Box 27  
Sandringham VIC 3191  

David Henry  

Proposed Renewal of Lease Beaumaris Lawn Tennis Club PSF/17/73  
1 message  

Mon, Jan 22, 2018 at 5:16 PM  
To: david hen  

We object to the Renewal of the Beaumaris Lawn Tennis Club’s Lease for the following reasons:

1. Residences in Cromb Ave were purchased as being in a Residential Area. Through BLTC/Beaumaris Sports Club installing a Licensed Restaurant, Cafe, and Bar requiring the delivery of Food, Alcohol Beverages and Supplies by various COMMERCIAL trucks throughout the day, plus the removal of rubbish from the (possible) 14 rubbish bins (on show daily) in the street for collection by large Industrial Garbage trucks, at anytime (eg. 1am or 4am). This area is now being treated as if COMMERCIAL, therefor possibly reducing the value of our homes.

2. Because the main entrance to the Licensed Restaurant is in Cromb Ave Car Parking has trebled, day and night, thus making it impossible for residents to park outside their own homes.  
If the Lease is renewed we wish to have,  
"RESIDENT PERMIT PARKING ONLY"  
Parking restrictions designated to the South side of Cromb Ave

3. Footpaths. Most streets in Beaumaris have footpaths on both sides - with no Commercial Traffic, therefore owing to the daily use by COMMERCIAL trucks, Restaurant and Bar Patrons, Tennis Court members; We request the same, that is, Footpaths both sides.

4. The red dust from the Courts blows into our homes and this is born out by the continuous supply of bags of en tout cas delivered to the courts periodically. We request a different surface be installed other than en tout cas or if not a much finer mesh be attached to cover the entire height of the tennis court fences.

Yours Sincerely  

David & Elaine Morgan
4.6 MR JARROD BROADBENT - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/23071

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Organisation’s comments
Supports the lease as Vice President of the club promoting the social and development benefits of the club. Supports the starting time of 7:00am for before School and work coaching and practice as a balance to minimising impact on residents and is in line with trades and other activities start times.

Supports the implementation of the code of conduct sought as a lease condition to improve behaviour of members and visitors by outlining what is expected of them.

Support Attachments
1. Mr Jarrod Broadbent - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Chief Executive Officer
Bayside City Council
PO Box 27
Sandringham VIC 3191

Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club – PSF/17/73

Dear Council,

I am the Vice President of the Beaumaris Lawn Tennis Club (BLTC). I have played tennis all my life, representing Victoria in Junior tennis growing up. I competed in two Australian Opens, was a qualified coach, played the top level of competition in the state for many years and now represent our country in Seniors teams. I live in Black Rock and joined the Committee on a voluntary basis some six years ago to give something back to the area and to the sport that has been so good to me.

I am concerned that you may not get a fair representation of what BLTC is all about due to a vocal minority and hence this submission.

I have been involved in tennis clubs for 40 years and whilst we are always trying to do things better I think BLTC ticks a lot of boxes. We have 25 junior teams that play on a Saturday and Sunday morning against other clubs (most of which are in the Bayside area). We have extensive coaching programs that run 7 days a week and they range from 5 year olds using the Tennis Australia Hot Shots Program to adult classes and cardio tennis fitness classes. A new coaching team headed by Daniel Wendler has just started at the club that will offer free programs to our local Primary schools in the area to promote the game of tennis and fitness. We have substantially more teams than any other club in the Saturday afternoon bayside seniors comp in Summer. In winter when the main Tennis Victoria Pennant season is played BLTC has the third most teams participating in the State behind just Kooyong and Royal South Yarra Tennis clubs which are substantial privately owned clubs with paid staff. We have more Seniors players representing Australia than any other club in the country and 12 months ago one of our Junior players represented Australia in Junior Federation Club. It is therefore a very successful club and one that I am proud of and hopefully the Council is also.

I believe there is some discussion around the starting time to allow play. I believe it should stay at 7am which to me strikes a fair balance between neighbours and the Community. An earlier time may impact neighbours and a later time would restrict the business activities of the coaching staff, those that want to hit before work and parents who give their children a hit before school. Given garbage trucks, buses and builders operate in the area at 7am and in some case a lot earlier I believe this is a fair starting time.

The club has invested in the complex over the last few years. The bore and water tanks has helped water usage. We have refenced the whole complex in new good looking black fencing and wind breakers which has given the club a face lift. We have also invested in new lighting on the top 6 courts which is more energy efficient and they are lower box lights which mean less light leakage for the surrounding houses.
We, like most clubs, are looking to improve the culture around the family-friendly club and will be implementing a Code of Conduct to help improve the behaviour of both our members and visiting players and outline what is expected of them.

The new coaching team and Beaumaris Sporting Club should ensure the club continues to prosper, promote tennis and grow as a social hub for the Community. I am particularly excited about the new programs the new coaching team is implementing at the elite level and at the very junior level through the Hot Shots programs at BLTC and in the Primary schools. This should ensure tennis participation continues to grow and we continue to punch above our weight in the number of elite players we produce.

Please note that I wish to speak on this matter at the council hearing Feb 20th.

Regards

Mr Jarrod Broadbent
Vice-President
Beaumaris Lawn Tennis Club
4.7 MS JANICE MORREY - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/23080

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**Organisation’s comments**
Submission supports the lease and ongoing sports and other broader active recreation use at the reserve.

**Support Attachments**
1. Ms Janice Morrey - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
21st January 2018

Chief Executive Officer
Bayside City Council
PO Box 27
SANDRINGHAM VIC 3191

PROPOSED LEASE OF TENNIS COURT
TO BEAUMARIS LAWN TENNIS CLUB – PSF/17/73

As a resident of Beaumaris since the year 1962, I am writing in support of the current lease renewal process pertaining to the BLTC.

Our family lived at 1 directly across the road from the Beaumaris Lawn Tennis Club.

It has always been my pleasure to not only partake in sporting activities, but to enjoy the sporting-ness of the Beaumaris people, big and small. It is so refreshing to see the tiny footballers in their footy gear – usually in the cold weather – of a weekend, tiny legs and dad in tow, off for their match – and then later the ‘big boys’ matches.

The tennis group also has this wonderful procession of small to large participants walking past on game day – or practice days throughout the week – as are the cricketers.

As for the ‘issue of the dust’ from the tennis courts on windy days – this has been completely settled by the wind breaks and the careful watering of the courts.

As a sports mad participant throughout my life – and up to date – it gives me the greatest pleasure to see young and old enjoying the wonderful sporting facilities offered by the Beaumaris Council – there is no intrusion by any of these activities into my life – it is so heartening to see positive activity as I am witness to being part of the BLTC, the Footballers and Cricketers plus all the mates myself and dogs have made in the ‘off leash’ oval.

Yours faithfully

JAN MORREY

Item 4.8 – Submissions

Item 10.11 – Reports by the Organisation
4.8 Ashley and Katrina Cooper - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/23090

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**Organisation's comments**

The submission seeks deferral of lease until all issues raised are addressed. The rental is set in accordance with Council's Leasing Policy in accordance with a community sporting club.

Over summer there have been issues with the sprinkler system due to construction of the sports club. This has been rectified and the club are actively seeking to improve the approach to watering and exploring options to mitigate dust escape from the courts. There is no current proposal to upgrade the courts to synthetic.

The proposed lease seeks to limit tennis activity between 7:00am and 10:30pm. This will be managed through the implementation of Book a Court system.

The club has committed to implementing a code of conduct as part of the lease process to aid in managing any antisocial activity such as swearing on courts.

Parking is currently impacted by the demolition of the old pavilion and construction of new car park. This will be monitored to determine longer term impact.

Other issues not related to the lease of the tennis courts but the facilities will be addressed to Beaumaris Sports Club such as bin location, collection times and deliveries.

**Support Attachments**

1. Ashley and Katrina Cooper - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
January 28, 2018

Chief Executive Officer
Bayside City Council
PO Box 27
Sandringham, VIC 3191

RE: Proposed Lease of Tennis Courts to the
Beaumaris Lawn Tennis Club – PSF/17/73

Dear Sir or Madam,

In principle we do not object to the lease to the tennis club, however we do have some issues that need to be addressed.

But before that, why so cheap? I would have thought the council could have achieved a greater return for ratepayers than just $4845 +GST per annum for all that land.

The issues are:

1. The red clay dust blown from the courts is a major issue. My wife is asthmatic and the clay dust affects her greatly, so much so she cannot sit outside some days. It also gets into all our furniture and fittings. So much so we do not use our balcony plus our garden/alfresco, both of which face Cromb Ave opposite the courts, continually need cleaning.

   Our preference is to the change the clay courts to synthetic. Both the council and the tennis club have a duty of care to its residents and as a ratepayer we expect the council to protect and support us.

2. Before and after hours playing of tennis must be policed by the club. An example of which was on Thursday, January 11, 2018 people were still playing tennis until midnight, with the flood lights on. Obviously it was a club member because I saw one of them enter the club building and go upstairs after they had finished playing, around 12.10am.

3. Swearing is an issue with some of the players; again this needs to be policed by the club. Apart from it be offensive to residents it is not a good example in front of other members and children.

4. Parking is a major issue. It is an ongoing problem in Cromb Ave and the north end of Banksia Ave. We have often had cars parked sticking over our driveway both day and night. We would like to have “Residents Only” parking at the north end of Banksia Ave and the south side of Cromb Ave? The council could issue us with permits, say four per household.
5. All deliveries and rubbish bin collection should be via the new car park, not at the Cromb Ave entrance. This is a residential area not commercial. Van deliveries come at all times during the day and many leave their diesel engines running while taking in their deliveries. This is most certainly not healthy for us when we are in our garden or alfresco. If this cannot be dealt with the club or council should install a locked gate at the Cromb Ave entrance, then they will have to use the car park.

6. Rubbish bins should only be collected after 7am – not before or at 4.30/5am, which has been the case in the past.

If all the issues raised by myself and other residents cannot be fully agreed upon I suggest the granting of the lease be deferred until they have been resolved.

Thank you for the opportunity to express my concerns and I would like to be heard to support my submission at the Special Committee meeting on February 7.

Regards,

Ashley Cooper
4.9 MR MARK BARBOUR - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/23096

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Organisation’s comments
The submission relates to breaches of the lease in relation to start and finish times, antisocial behaviour and lack of Council management of the lease conditions. The current lease does not have a start time, however Council has worked with the club to have a 7:00 start time for coaching and practice which has been incorporated into the proposed lease. Ongoing site visits to spot check start times have been undertaken by Council to ensure adherence to this agreement. Where early starts have occurred follow up with the club to reinforce the commencement time has been undertaken. It is understood the President of the Club has followed up where it was found one coach was starting early and the Club has reinforced the need start times with its members and coaches. Where complaints of excessive noise have been made in relation to tennis, Council has also undertaken site visits, however has not noted excessive noise or anti social behaviour at these times. The Club has agreed to implement a code of conduct as part of the lease renewal to support addressing any antisocial behaviour which may occur through use of the courts. The Book a Court system will also assist in future to manage start and finish times in accordance with the lease by restricting access and lighting times.

The submissions seeks Council to put the property to public tender to realise the worth of the property and suggests that the process has not been transparent. The lease is for the tennis courts and not the buildings which are leased to the Beaumaris Sports Club. Rental is set in accordance with Council Leasing Policy for a community sporting club for the sport surfaces they occupy. The Leasing Policy is on Council website and the fees are transparent. Council sent letters to over 100 surrounding residential properties which would not normally occur as part of a lease renewal process to ensure transparency. Council could also have offered a shorter lease term which would not have required public advertising. Council officers also met with and discussed the lease process with the submitter.

A number of items raised relate to management of the Sports Club and are being addressed with that tenant. Issues related to parking should be addressed with completion of car park works currently underway with the demolition of the old pavilion.

Support Attachments
1. Mr Mark Barbour - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Dear Chief Executive Officer,

This correspondence is in relationship to the re-leasing of council facilities to the Beaumaris Lawn Tennis Club (BLTC).

Firstly, I must convey the correspondence to your office from the other residents who are also adversely affected by the outlandish behaviour of this Club, in particular the precise letter from R E Smith, who have summed up the situation we all face so well, and without my knowledge have restated all my complaints in the last 2 years I have had the misfortune to reside opposite your leased property. All of the points in their letter are true and more than valid.

I further ask the Bayside City Council to put to Public Tender the management rights to this facility, considering the total Lack of Duty of Care to both the residents & neighbours in the surrounding areas by this 'Club' and I urge you as CEO to look up the EPA ACT in particular the 'Public Health & Well Being ACT' and discover that this 'Club' breaches the rules daily.

MARK BARBOUR
DENTAL PROSTHETIST
SmileGloss Dentures
Telephone: 9572 1376 BH
9589 2165 AH

31/1/18
I have had Council Employees out to inspect the devilt state of the grounds, have complained about NOISE, LANGUAGE, AIR POLLUTION, DAMAGE TO PROPERTY, HOURS OF OPERATION, LOUD DRUNKEN PARTIES, (to which Police have been called at 2am on weeknights) and both the Council & Club have done ZERO to this day to remedy any of my complaints. This adds up to a total LACK of Duty of Care by both Council & Club. Therefore in anyone’s book it’s time to tender out the Management Rights.

As a commercial entity, as it is, (Tennis Professionals make a affordable income from the lessons), as Rate Payers one would think it’s a matter of Council Law that the re-Leasing be put to tender, not just renewal, on the quiet.

As for the Luidicrous amount of Rent they pay being $7,800 per week, for Court. That’s Scandalous! We Have Real Estate, Residential Real Estate (Please refer to Clause 2 in Mr & Mrs Smith’s Letter to you) it would seem your present process is Prehistoric, totally inappropriate, particularly in today’s world of Local Government having to be transparent to their Taxpayers.

I ask you to obtain a lot of players who actually play tennis at the 6UTC, seems to us the same 30/40 players are those who scream, yell, giggle uncontrolably, scream abuse, play outside regulated hours.

DENTURE CLINIC
Smilegloss Suite’s
Beaumaris

COUNCIL ROOMS
The Cove Medical Clinic, Shop 22 Thompson Road Patterson Lakes 3197

Item 4.10 - Submissions
Page 37 of 68

Item 10.11 - Reports by the Organisation
Page 269 of 425
Item 10.11 – Reports by the Organisation

MARK BARBOUR
DENTAL PROSTHETIST
Smilegloss
Dentures
Telephone: 9572 1376 BH
9589 2165 AH

...
Ladies & gentlemen and fellow citizens who have business to transact, I am a ratepayer and wish for you to hear the following:

After many years of dealing with our family dentist, we moved to Smilegloss Dentures as a result of a recommendation from another family member. We have been very happy with the service from Mark Barbour, who has demonstrated his expertise in denture repair and has always been patient and understanding.

I have been impressed by the high standard of care provided by Mark and his team. They have gone above and beyond to accommodate our needs and have always been willing to provide advice and guidance. I would highly recommend Smilegloss Dentures to anyone looking for quality denture care.

I appreciate the opportunity to present these views to the Council and hope that they will consider the importance of maintaining high standards of care in our community.

Yours sincerely,
[Signature]

DENTURE CLINICS
Smilegloss Suite's
BEAUMARIS

POSTAL ADDRESS: P.O.Box 754 Patterson Lakes 3197

CONSULTING ROOMS
THE COVE MEDICAL CLINIC, SHOP 22 THOMPSON ROAD PATTERSON LAKES 3197
4.10 MR DAVID STOBART - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/23099

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**Organisation’s comments**
Submission is in support for continuity of the tennis club and 15 year lease and the role of tennis in development of youth and health benefits for all ages and tennis abilities.

**Support Attachments**
1. Mr David Stobart - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Chief Executive Officer
Bayside City Council

Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club - PSF/17/73

I write this letter in support of the request by the Beaumaris Lawn Tennis Club to have their current lease of the courts in Cronb Ave extended by another 15 years.

This club is one of the largest 20 clubs in Victoria and offers playing opportunities for all ages and grades of players. In my time as President of Tennis Victoria it was a club that participated in all events and functions that were organised by Tennis Victoria and was regarded as a very well run club.

Beaumaris Lawn Tennis Club has over the years produced many players who have played the Australian Open and other Grand Slams e.g. Nicole Provis who made the semis of the French Open and this has been due to the quality of coaches and the committees.

With the re-development of the club house and the formation of the Beaumaris Sporting Club tennis club membership is sure to increase.

One of the biggest health issues facing Australia is obesity and diabetes and as leaders in the community we need to encourage everyone to be more active and tennis is an ideal sport for this as families can play together. Tennis is a sport for life and it caters for players from 4-80 plus.

I live around the corner from the club and was President for 12 years and can state categorically we never had an issue with neighbours.

In conclusion I strongly support Beaumaris Lawn Tennis Club being granted a lease for another 15 years to ensure continuity of a great club. This club has not achieved what it has without great committees including the current one.

I am as stated above a past President of Tennis Victoria and Board Member of Tennis Australia and have had the opportunity to mix with many tennis families over the 60 plus years of involvement as both a player and administrator.

Yours Faithfully
David Stubart.
**4.11 MS CATHERINE RUSSELL - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB**

Corporate Services - Commercial Services  
File No: PSF/18/103 – Doc No: DOC/18/24751

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**Organisation’s comments**

Submission in support of lease with revised start times of 8:00am and end time of 9:30pm for any tennis activity due to noise. It raises concern that there is no visible code of conduct and tennis activity can start from 8:00am.

The proposed lease is for coaching and individual practice from 7:00am, with no competition prior to 8:00am and completion of all court activities by 10:30. Council officers are actively working with the club to rectify any issues with early starts and later finish times which will be effectively controlled with the implementation of Book a Court system which will constrain start and end times. The club has agreed to implement a code of conduct as part of the lease process to address community concerns.

**Support Attachments**

1. Ms Catherine Russell - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Firstly, I support the renewal of the BLTC lease. I’ve been a member of the local community for over 30 years, and fully support the development that has occurred at the Banksia Reserve.

As a family we have always advocated a healthy lifestyle through sports, both my husband & I play, coach and volunteer for a number sporting teams and organisations within the local community, including netball, football, basketball and surf lifesaving.

Our four children have learnt to play tennis at BLTC, and we are supportive of the Sporting Facility provided to the whole community at Banksia Reserve. We love hearing the activity during the day, however, the local residents do have concerns regarding the hours of operation. Over the past 7 years our main concern has been the extremely early & late use of the tennis courts.

When I first raise my concerns regarding the hours of tennis court use, I was informed courts access was permitted from 8am. However, we have now been informed that exemption has been granted to coaches and individual practice. This has occurred without consultation of residents directly affected by this decision. It is extremely disappointing that this has not been properly communicated to the residents.

Currently, coaching / practice is occurring on the tennis courts (Oak St end) prior to 7am, this is having a negative impact on the local residence. Your records will show that over the past few years we have been forced to accept the arrogance of players that continue to push the boundary of the tennis clubs finish and start times.

Some might question, whats the big deal with tennis being played until 10.30pm. Well, it often goes hand in hand with loud yelling and inappropriate language. Unfortunately, on a number of occasions the drinking of alcohol intensified both the volume and language used, this occurred particularly on a Tuesday night. Apart from the fact that our family starts going to sleep anywhere from 7.30pm (we have primary school age children), the rest of the family is usually going to sleep around 9.30pm. Then we have the 6am early tennis wakeup, the sound of tennis being played echoes through the air, even more frustrating is the conversations that ensure you are awake. On Monday morning (29th January 2017) the courts were used for practising (Oak St end) 6.20am. This is so rude and inconsiderate.

Unfortunately, we live in an area where people can be self-righteous and selfish. Rules and consequences need to be very clear.

Over the years I have contacted the club and Bayside council many times to address this issue. There is no signage anywhere which I can see that clearly outlines the players code of conduct or start and finish times. No other sporting codes (football & cricket) play at 7am or finish after 10.30pm. Why does the tennis club not recognise the impact they are having on the local residence when they operate outside suitable and realistic hours of 8am – 9.30pm.
We are therefore, recommending the tennis courts not be used before 8am (including all coaching) and evening use finish by 9.30pm. Consideration should also be taken to which courts are more suitable to reduce the impact on residents regarding the early and late use of courts.

Kind Regards,
Catherine Russell
29 December 2017

To Owner/Occupier

Dear Resident,

NOTICE OF INTENTION TO LEASE COUNCIL LAND TO THE BEAUMARIS LAWN TENNIS CENTRE INC

Bayside City Council (Council) gives notice under sections 190 and 223 of the Local Government Act 1989 (Act) of a proposal to enter into a lease with the Beaumaris Lawn Tennis Club Inc. (BLTC) in respect of thirteen tennis courts facility at Banksia Reserve, Beaumaris which includes the following terms:

1. The Permitted Use is for community tennis club and associated community based activities approved by Council in its absolute discretion;

2. A term for 15 years commencing on 15 December, 2017;

3. A commencement rental of $5,330 per annum (inclusive GST) with annual increases by CPI or 5% whichever is greater; and

4. Details of proposed operating times for the Premises:
   - must not permit the Premises to be used prior to 7.00am or after 10.30pm on any day;
   - must not permit any activity other than individual practice and formal tennis coaching to occur between 7.00am and 8.00am on any day, and
   - must ensure that no external lighting at the Premises, including floodlights, is used after 10.30pm on any day.

Any person wishing to make a submission on the proposed leases of land must lodge the submission before 5.00 pm Thursday, 1 February 2018.

Submissions should be addressed as follows:

Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Club - PSF/17/73
Chief Executive Officer
Bayside City Council
PO Box 27,
Sandringham, VIC 3191

Submissions may also be delivered to the Corporate Centre, 76 Royal Avenue, Sandringham.

If a person wishes to be heard in support of his or her submission they must include the request to be heard in the written submission and this will entitle them to appear in person or by a person acting on their behalf, before a Special Committee of Council to be held on Wednesday, 7 February 2018 at 7:00pm in the Council Chambers, Boxhall Street Brighton.

The meeting will proceed if one or more persons request to be heard in support of their submissions as stated above.

All submission will be considered in accordance with section 223 of the Act.
4.12 MR IAN THOMAS - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/24757

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Organisation’s comments
Submission in support of lease by current President and continuing long history of the club in the local community. It outlines the approach to address concerns in relation to tennis before 7am, addressing any issue with bad language, implementation of Book a Court to address start and finish times, management of dust through watering and fencing upgrades. The submission also includes a draft code of conduct and grievance procedure to support the conditions of the proposed lease.

The club has worked with Council to address concerns raised in relation to its activities.

Support Attachments
1. Mr Ian Thomas - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
I will expand upon these points during my 3 minutes in the sun on Wed 7 Feb at the Special Committee of Council. The main points being:

1. The BLTC has been at its current location for several decades. Those who buy property adjacent to the tennis courts are aware that they are buying next to a sports precinct with its attendant noise and traffic.

2. I have been on the Committee for over 25 years and am the current President.

3. The club is a fantastic asset to the community and has invested heavily in its upkeep.

4. The club has grown considerably and now provides coaching, competition and social play for hundreds of juniors, seniors and families.

5. In my time (over 25 years) on Committee there has only been one other complaint to my knowledge with the exception of the spate of complaints raised by one neighbour.

6. We have taken action by:
   - Communication to all members that no play before 7am and no competition before 8am. Where this rule has been broken we have sought perpetrators and dealt with it promptly.
   - Individuals who have a propensity for bad language have been spoken to on an individual basis.
   - Code of Conduct (attached) has been developed and will be loaded on website and drawn to members’ attention. A process in place to deal with those who flout the code.
   - Book a court will be implemented (hopefully very soon) to regulate court opening and closing times and court lighting – courts will be locked before 7am and lights will not function after 10:30pm.
   - Repairs to the sprinkler system, broken during construction of BSC, to help keep courts damp, particularly on hot north wind days to keep porous on the courts – it’s in our interest to do so because it costs hundreds of dollars to repair courts every time the wind blows strongly.
   - Club members continually reminded to wash courts before, after and even during play particularly during summer months.
   - High quality wind mesh has been installed on court fencing as part of our court fencing replacement.
I look forward to expanding on these points on the 7 Feb

Kind regards

Ian Thomas
BLTC President
CODE OF CONDUCT
BEAMARIS LAWN TENNIS CLUB

Introduction:

Beumaris Lawn Tennis Club (BLTC) is a family friendly club that respects the rights of its members and the community which it serves. Competition play is governed by the ITF Rules of Tennis as adopted by Tennis Victoria and Tennis Australia and Tennis Australia’s Code of Behaviour as applicable to member associations. In addition, this general Code of Conduct has been developed from Tennis Australia resources and is applicable to all players including members, casual court hire users and other visitors to BLTC. All players are expected to abide by this Code and failure to do so may result in disciplinary action.

General Code of Conduct
1. Respect the rights, dignity and worth of others
2. Be fair, considerate and honest in all dealings with others
3. Be professional in, and accept responsibility for your actions
4. Make a commitment to providing quality service
5. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example
6. Be aware of, and maintain an uncompromising adhesion to BLTC standards, rules regulations and policies
7. Operate within the rules of tennis including national and international guidelines which govern BLTC and the Member Associations
8. Understand your responsibility if you breach, or are aware of any breaches of this Code of Conduct
9. Do not use your involvement with BLTC to promote your own beliefs, behaviours or practices where these are inconsistent with those of BLTC
10. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible
11. Refrain from any form of abuse towards others
12. Refrain from any form of harassment towards, or discrimination of others
13. Provide a safe environment for the conduct of the activity
14. Show concern and caution towards others who may be sick or injured
15. Be a positive role model

Administrators Code of Conduct
1. Be fair, considerate and honest in all dealings with others
2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards
3. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example
4. Resolve conflicts fairly and promptly through established procedures
5. Maintain strict impartiality
6. Maintain a safe environment for you and others
7. Be aware of your legal responsibilities
8. Be a positive role model for others

Players Code of Conduct
1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
2. Refrain from conduct, which could be regarded as sexual or other harassment towards fellow players and coaches.
3. Refrain from making audible obscenities that may offend other players, spectators and neighbours.
4. Respect the talent, potential and development of fellow squad players and competitors.
CODE OF CONDUCT
BEAUMARIS LAWN TENNIS CLUB

5. Care and respect the en tous cas courts by regular watering and sweeping. In warmer months this could mean watering at the beginning of play and after each set. Courts must be swept from fence line to fence line at the end of each set and the end of play.
6. Wear appropriate tennis clothing and footwear at all times. Cross-trainers and similar shoes with inappropriate soles must not be worn.
7. Comply with the hours and conditions permitted for play.
8. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
9. Conduct yourself in a professional manner relating to language, temper and punctuality.
10. Maintain high personal behaviour standards at all times.
11. Abide by the rules and respect the decision of the umpire, match referee or other adjudicator; making all appeals through the formal process and respecting the final decision.
12. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team/club.
13. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

Parent / Guardian Code of Conduct
1. Treating your child the same irrespective of them winning or losing.
2. Remembering that your child plays tennis for their enjoyment not yours.
3. Trying to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.
4. Looking relaxed, calm and positive on the sidelines.
5. Making friends with other parents at competitions.
6. Getting involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
7. Letting the coach do the coaching.
8. Understanding that children will benefit from a break sometimes and that involvement in other sports is okay.
9. Being there when the child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
10. Being prepared to give your child some space so that he/she can grow and develop as an independent person.
11. Letting your child know that your love for them is not associated with their sporting performances.
12. Communicating with your child and asking them how they are really feeling about their sport and about competing in particular.
13. Occasionally letting your child compete without you being there and hovering over them.
14. Emphasizing the good things your child did in preparing for and during the match/tournament.
15. Try to avoid:
   • Saying, “we’re playing today”. Instead say, “you’re playing today”. Give your child credit for accepting the responsibility of performing.
   • Getting too pushy or believe that you are indispensable. Let the coach do the coaching.
   • Living through your child’s performances.
   • Turning away when your child performs.
   • Turning away when your child’s behaviour is unsportsmanlike.
   • Telling your child what he/she did wrong after a tough match.
   • Making enemies with your child’s opponents or family during a match/tournament.
   • Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport.
   • Thinking of your child’s sporting performances as an investment for which you expect a return.
   • Badgering, harassing or use sarcasm to motivate your child.

Error! Unknown switch argument. February 18
CODE OF CONDUCT
BEAUMARIS LAWN TENNIS CLUB

- Comparing your child’s performances with those of other children.
- Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

Coaches Code of Conduct
1. Treat all students with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.
2. Provide feedback to students and other participants in a caring sensitive manner to their needs. Avoid overly negative feedback.
3. Recognise students’ rights to consult with other coaches and advisers. Cooperate fully with other specialists (e.g. Sports scientists, doctors, physiotherapists etc.).
4. Treat all students fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status, and other condition.
5. Encourage and facilitate students’ independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the students in decisions that affect them.
7. Determine, in consultation with students and others, what information is confidential and respect that confidentiality.
8. Encourage a climate of mutual support among your students.
9. Encourage students to respect one another and to expect respect for their worth as individuals regardless of their level of play.
10. At all times use appropriate training methods which in the long term will benefit the students and avoid those which could be harmful.
11. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the students.
12. Be acutely aware of the power that you as a coach develop with your students in the coaching relationship and avoid any sexual intimacy with students that could develop as a result.
13. Avoid situations with your students that could be construed as compromising.
14. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.
15. Respect the fact that your goal as a coach for the student may not always be the same as that of the student. Aim for excellence based upon realistic goals and due consideration for the student’s growth and development.
16. Recognise individual differences in students and always think of the student’s long-term best interests.
17. Set challenges for each student which are both achievable and motivating.
18. At all times act as a role model that promotes the positive aspects of sport and of tennis by maintaining the highest standards of personal conduct and projecting a favourable image of tennis and of coaching at all times.
19. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your students.
20. Encourage students and coaches to develop and maintain integrity in their relationship with others.
21. Respect other coaches and always act in a manner characterised by courtesy and good faith.
22. When asked to coach a student, ensure that any previous coach-student relationship has been ended by the student-others in a professional manner.
23. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
24. Know and abide by tennis rules, regulations and standards, and encourage students to do likewise. Accept both the letter and the spirit of the rules.
CODE OF CONDUCT
BEUMARIS LAWN TENNIS CLUB

25. Be honest and ensure that qualifications are not misrepresented.
26. Be open to other people’s opinion and willing to continually learn and develop.

Grievance Procedure

In the event that there is an alleged breach of this Code, the person(s) aggrieved may lodge their grievance in writing with the Office Manager, BLTC, clearly stating the date, time and nature of the alleged infringement.

The grievance will be considered within a reasonable timeframe by the Disciplinary Tribunal comprising the President, Club Captain and Director of Tennis. The Disciplinary Tribunal will investigate the grievance to substantiate or disprove the claim made by interviewing the affected parties or by whatever other means it chooses.

The Disciplinary Tribunal will inform the General Committee of its findings and recommendations. The General Committee will decide what penalty will be imposed, if any.

Should the player be found to have committed the breach, the General Committee will impose a penalty consistent with the severity and circumstances of the breach. Should the severity of the breach warrant, membership may be suspended or cancelled. The decision of the General Committee is final.
4.13 MS EMMA MCCARTHY - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/24761

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**Organisation’s comments**
Supports the lease and club as a place which encourages participation of all ages and capability. Supports a 7:00am start time and notes the implementation of a code of conduct. Also notes approach to visiting neighbours to seek feedback to understand concerns with the club which might need to be addressed.

**Support Attachments**
1. Ms Emma McCarthy - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Chief Executive Officer
Bayside City Council
PO Box 27
Sandringham VIC 3191

Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club – PFR/17/73

Dear Council,

As a part-time employee of Beaumaris Lawn Tennis Club and resident in the Bayside area for nearly 6 years I felt it was important to add my voice to this issue. I arrived in Bayside from Ireland, not knowing a single person here, my family and I came to Beaumaris Lawn Tennis Club on our second day in the country. We met the local coach and the office manager who welcomed us to the area and to the club - we have remained great friends since that day. That’s true community spirit!

The welcome we received here was exceptional and I immediately felt at home. People were friendly, warm, informative and extremely helpful to my family and I. Beaumaris Lawn Tennis Club is a club that embraces all levels of players from total beginners to our elite squads. This is the secret to our success and we will never forget that we are a community club run mainly by volunteers who give back to their community every day.

I therefore ask that the council look favourably on the renewal of our lease and allow us to continue the over 50 years of community service for another 50 years or more. Players need access to the courts before work and before school and the 7am start time is a fair compromise for both players and residents.

This club has implemented a Code of Conduct for our members which is being monitored and implemented by us. We are serious about our obligations to fellow residents. We want to work in harmony with them and show them how seriously we take our responsibilities.

I believe that we have opened the lines of communication with our neighbours and I personally visited them over the past few weeks to get a better understanding of their concerns. BLTC are committed to listening to our neighbours and implementing changes as needed.

Yours Sincerely,

Emma Kate McCarthy
Office Manager
Beaumaris Lawn Tennis Club

Delivered by hand 1/2/18

Mrs Emma Kate McCarthy
Office Manager
Beaumaris Lawn Tennis Club
Beaumaris VIC 3193

Item 4.13 – Submissions

Page 54 of 68
4.14 MS LORNAE FLEMING - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF18/103 – Doc No: DOC18/24764

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Organisation’s comments

Notes support for the lease and advises the club have actively informed residents of events where noise may be an issue.

Support Attachments

1. Ms Loraine Fleming - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
To: Chief Executive Officer,
Bayside City Council,
PO Box 27
Sandringham VIC 3191
Date: January 2018

Re: Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club – PSF/17/73

My family and I are in support of the BLTC to have their lease renewed by Bayside City Council. We have no issues whatsoever with the BLTC.

In the events of a special tennis gathering or fundraising evening where noise may be an issue, they have always been kind enough to inform us ensuring the events finish at an appropriate time. I wish them well in their future endeavours to ensure the facilities serve the best possible needs of the Bayside area.

Yours sincerely
[Signature]
4.15  MR JOHN COLLINS - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/24779

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Organisation’s comments

Notes support for the lease and club as an avenue to support junior participation and has no concern related to the activities of the club.

Support Attachments

1. Mr John Collins - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
Chief Executive Officer
Bayside City Council
P O Box 27
Sandringham, VIC 3191

29th January 2018

With reference to your letter dated 29th December 2017 re the Notice of Intention to lease Council land to the Beaumaris Lawn Tennis Club – ref: PSF/17/73 I have absolutely no objection to the granting of the proposed lease as detailed.

I have been an adjoining resident, at for 25 years and during that time I have been involved with the club as parent (Team Manager) with my son and daughter playing as juniors. The tennis club is a fantastic vehicle for young children to be involved in sport and every encouragement should be given to the club to continue to provide this venue.

As a resident, I have no complaints regarding the start and finish times of operation, in fact, it is great to see teenagers committing to start at such an early hour as 7:00am. This shows a discipline that they will carry into their working life.

In all aspects I consider the Tennis Club to be an asset to the adjoining sporting complex and the provision of lease, under the conditions outlined, is essential.

I wish to speak in support of this submission.

John Collins
4.16 MS LEANNE SCOTT - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/24842

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Organisation’s comments

Supports lease and club as a social and active place that benefits the community and notes the investment of the club in the venue over time.

Support Attachments

1. Ms Leanne Scott - Submission: Notice of Intention to Lease Council Land Beaumaris Lawn Tennis Club
31st January 2018

Chief Executive Officer
Bayside City Council
P.O. Box 27
Sandringham Vic 3191

RE: Beaumaris Lawn Tennis Club Lease

I am writing regarding the renewal of the Lease to the Tennis Club that I have been involved in for the past 15 years. This Club has provided the Community with the opportunity to play tennis, become part of a Club Environment and improve our well being. The Beaumaris Lawn Tennis Club has been apart of my life, playing on the courts several times per week. The Club offers tennis for 4 year old children through the 75 plus years. Within Tennis Seniors Victoria, it is known as having the most Senior members of any Club in Melbourne. These players have represented Australia in several Australian Teams. It provides such enjoyment for the community.

Within the last few months of the building of the new Club, it has enhanced the enthusiasm the members have shown by still having the courts full to capacity Saturday, all day and Sunday morning with Juniors. We still have maintained our Mid-week competitions and Coaching throughout the week. It is the most competitive club in Bayside. This was evident whilst we have played between building sites, rubble, and poor facilities due to the new clubhouse being built.

I lived for many years at and walked to the Club, there was always a friendly neighbour or face to talk to. The Club is a meeting place, for sport, socialization and exercise.

The Courts are being constantly maintained to minimize disturbance to the surrounding area. The wind breaks erected, the sprinkler system going at night to minimize amount of en tound cas blowing around the area. The lighting has been replaced. Members are advised to leave quietly when night tennis is on.

My involvement in the Tennis world has spanned over 50 years and I can only strongly support the Council to renew the Lease. The Community loves there tennis and our Club is of great benefit to so many families, women, children and men of all ages.

Yours sincerely,
Leanne Scott.
4.17 MR GEORGE MONTGOMERY- SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/25785

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Organisation’s comments
Submission supports proposed lease, however relates more specifically to liquor licence for the Beaumaris Sports Club and is not to the lease of the tennis courts.

Support Attachments
1. Letter of support - Proposed Lease of Tennis Courts to the Beaumaris Tennis Club - George Montgomery
CHIEF EXECUTIVE OFFICER

BAYSIDE CITY COUNCIL

PROPOSED LEASE OF TENNIS COURTS TO THE
BEAUMARIS TENNIS CLUB PS 117/78

30-01-2018

AS A RESIDENT LIVING OPPOSITE THE PROPOSED LEASE
OF LAND AT __________________, I WISH TO SUPPORT
THE APPLICATION OF THE BEAUMARIS SPORTING CLUB
FOR THEIR LIQUOR LICENCE, AND PROPOSE THAT THE
INTERNAL TRADING BE CHANCE TO:

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MY REASON FOR THE ABOVE CHANGES IS TO PROVIDE
A BETTER SERVICE FOR OTHER FUNCTIONS THAT
WILL BE HELD WITHIN THIS FACILITY TO HELP TO
MAKE IT FINANCIALLY Viable, AND COMMUNITY ASSET
FOR THIS LOCALITY.

Signed: Montgomey - [Signature]

George Montgomery
4.18 MS M READ FLAVELL - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/25800

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Organisation’s comments
Submission supports the renewal of lease and proposed hours of operation. It notes the health and social benefits of the tennis club and approach taken by the club over time to minimise impacts.

Support Attachments
1. Ms M Read Flavell - Submission: Proposed Lease of Tennis Courts to Beaumaris Lawn Tennis Club
Mr Adrian Robb
Chief Executive Officer, Bayside City Council
PO Box 27
SANDRINGHAM VIC 3191

1 February, 2018

Dear Adrian,

Re Proposed lease of Tennis Courts to the Beaumaris Lawn Tennis Club – P5F/17/73

I am in support of the Beaumaris Lawn Tennis Club’s (BLTC), renewal of their lease for their courts for the hours of 7am-10:30pm each day.

My family and I have been members of BLTC for 16 years and it has given us a great belonging for sport, health and friendships. I have also have lived in 3193 for 23 years.

The club promotes and embraces family values and also those of respect and inclusion of members, visitors, their neighbours and the wider community. Their membership spans from 4 year olds to 80 plus (who are still actively playing).

In these days of isolation and loneliness BLTC is a community hub.

When I moved into 3193 I had elderly parents-in-laws and all of my family where in Sydney where I had recently moved from. Then when my first child arrived I felt isolated and alone. I was connected into a mothers group by the Council which I was truly appreciative of, but I was looking for a sport to participate in. Word of mouth led me to BLTC as they had Friday morning social tennis that my 2 small sons could also attend. My world opened up as I was playing sport in a great environment and had met a whole new group of friends.

16 years later I still have many of these friends and more, from my time at BLTC. My friends are of all ages (including the 80+ players)!

My 2 sons, (now 17 and 19), have played at the club as juniors and now as seniors. They have participated in tennis squads before and after school which was imperative for their training. They have met some wonderful other young players, families and also adult players that have been a part of their lives from the beginning. BLTC is our family.

At a time when childhood obesity is on the rise and adult type 2 diabetes and like, is becoming rampant, Australia’s reputation as the healthy nation is seriously being jeopardised. Not only the cost of healthcare to our country but to our communities as well. We should be expanding the opportunities for everyone to participate in an accessible sport, not contracting them. How more accessible is tennis?

1
On occasions I have door knocked the Club’s neighbours to let them know of social functions that were happening. Not once during this door knocking did I receive any complaints about the Club; in fact it was more about how wonderful the Club and its members are in being in the neighbourhood.

I, like many Bayside residents am surrounded by cyclists, outdoor fitness training, runners and walkers that all congregate, chat and laugh before exercise; and they start between 5 and 7am. Tennis also has the chatting, laughter and excitement of that winning point. I embrace these sports values of health and friendship and that everyone is connected into a community. We should not discourage this.

I AM REQUEST TO SPEAK AT THE SPECIAL COMMITTEE OF COUNCIL ON WEDNESDAY 7 FEBRUARY AT 7PM.

Thanks for the opportunity to put forward this submission.

Yours faithfully

M. Read Flavell
4.19 MR MARCUS GENNISSEN - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND BEAUMARIS LAWN TENNIS CLUB

Corporate Services - Commercial Services
File No: PSF/18/103 – Doc No: DOC/18/25805

<table>
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<tr>
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<th>Request to be Heard</th>
<th>Acknowledgement</th>
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<tbody>
<tr>
<td>1 February 2018</td>
<td>Yes</td>
<td>5 February 2018</td>
</tr>
</tbody>
</table>

**Organisation’s comments**

The submission is in support of the lease and benefits of the tennis courts and sport.

**Support Attachments**

1. Mr Marcus Gennissen - Submission: Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Club
Dear Adrian,

My name is Marcus Gennissen and the owner since 2006. Our house is on the corner of Banksia Avenue and Cramb Avenue opposite of the tennis courts.

The main reason for me to write this is to support the tennis club. One of the reasons for us to buy the property in 2006 was because living on the corner gives you the great views of the tennis courts. The beauty of just having to cross the street and be able to play tennis with my wife and two kids. For many years we as a family of four have enjoyed the views and the comfort of the tennis courts.

Of course there have been moments that a person or a group of people playing tennis make too much noise but this out-ways the pleasures by far.

I can think of more noise complaints from my next door neighbor then from the tennis club. In that aspect the tennis club has been the ideal neighbor.

At the moment I am still playing in the Wednesday night evening competition and am still enjoying every evening. I am a strong believer in the importance of sports for myself, my family and of course the community in general.

It is therefore from the utmost importance that the tennis club will continue their service to the community and act as a neighbor of the club.

I see no problem in the proposed times for extending the lease.

I would like to give my support in person by speaking on Wednesday night at 7pm.

With kind regards,

Mark Gennissen

From: Mark Gennissen
Sent: Thursday, 1 February 2018 5:03 PM
To: Bayside City Council
Subject: Proposed Lease of Tennis Courts to the Beaumaris Lawn Tennis Club - PSSF17/73
Executive summary

Purpose and Background
For Council to consider a proposal to extend the current Banking and Payment Services contract for an additional year until 30 June 2019.

The current banking contract with The National Australia Bank (NAB) commenced 1 July 2014 for a three year period with two by one year extensions. Council has already exercised its first of two one year options to extend the contract to 30 June 2018.

The services provided under the contract include

- Transaction Banking – Council’s Operating Accounts, Clearing Accounts, set-off accounts, payroll processing, account reconciliation and suppliers transaction payments.

- Account Collections – Including BPAY facilities, credit and debit card, merchant facilities, direct bank debit, EFTPOS payments and electronic/internet facilities.

- Deposits and Investments – Money market call and 11am, term deposits, commercial bills, fixed interest securities.

Key issues
In order to assess whether Council should take up the option of a contract extension Whitmore Consulting were engaged to conduct a market test (benchmarking exercise) in respect of the transaction banking and bill payment transaction solutions that are currently utilised by Council. The scope included comparing the current contract product pricing to current market – quoted pricing. Based on the recent tender evaluations conducted by the consultant on behalf of Councils, the consultant provided market rates that could be reasonably expected in the current environment based on transaction volumes experienced by Bayside City Council.

The benchmarking results confirm that the fees and charges in the contract for the delivery of paper based services, electronic services, merchant service fees, and BPAY are very competitive and within market expectation. The benchmarking analysis based on the transaction volumes confirmed that there may be minimal savings of up to $6,000. However the At Call Deposit interest rate provided by the NAB was also assessed against benchmark market rates identified a 50 basis points premium revived by Bayside which results in additional interest income of $12,500 per annum compared to the benchmark.

Therefore the benchmarking analysis confirms that the current contract rates are competitive in the market.
The extension of the contract will also allow the NAB and Bayside to continue to work on a number of innovative projects designed to create efficiency and improve the customer experience including:

- Contactless card payment at parking meters which is expected to go live in February 2018
- Epayables which is expected to be implemented in October 2018
- Direct link automated file transfer which is due to be evaluated in the last quarter of 2017/18
- Continuing to transition customers to more efficient and less costly payment channels including Direct debit and BPay

**Recommendation**

That Council approve the extension of Contract No. 13/58 with the National Australia Bank for the provision of Banking and Bill Payment Services for an additional twelve months until 30 June 2019, and authorises the Chief Executive Officer to execute the contract documentation.

**Support Attachments**

Nil
Considerations and implications of recommendation

Liveable community

Social
Council requires from the supplier an understanding of Local Government, corporate social responsibility and a customer focus.

Natural Environment
Not applicable to this report.

Built Environment
Not applicable to this report.

Customer Service and Community Engagement
The banking services and payment transaction solutions contract will improve the service to the community by continuing to provide a range of payment facilities at a reduced fee to Council.

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

Legal
Council requires from the supplier an understanding of Local Government, corporate social responsibility and a customer focus.

Finance
Council’s 2018/19 Budget includes an amount of $243,150 for Banking and Bill Payment Services. This includes merchant service costs for credit card transactions of $130,000 which Council recovers from the customer via a merchant service fee.

Links to Council policy and strategy
The Banking and Bill Payment Services Contract is consistent with the 2017-21 Council Plan as identified in Commitment Goal 8 Governance.
Executive summary

Purpose and background
The report presents the first quarter performance against the Council Plan activities, and the financial results for the period to 31 December 2017.

The report is designed to ensure consistency with the adopted 2017/18 Budget and Council Plan activities, in compliance with statutory requirements. The performance report includes the following components:

- performance against Council Plan and Budget;
- financial results (including operating results, cash position, and Victorian Auditor-General’s Office indicators);
- capital program delivery; and
- summary of community engagement activities undertaken during the reporting period.

The report also includes the following detailed financial schedules:

Income statement
This schedule indicates the major line items for operating revenue less operating expenses to arrive at the net operating result.

Capital program
This schedule comprises the capital budget by program area – capital expenses less capital revenue to arrive at net capital.

Balance sheet
This schedule reports the assets and liabilities to show the net worth of Council.

Cash flow statement
This schedule provides the status of Council’s cash movements and cash position at the completion of the quarter as well as the year end forecast.

Key issues
Of the 58 activities reported against, six have been completed and 49 activities are tracking at least 90 percent on target. Of the nine remaining activities, two activities are tracking between 40-90 percent of target and seven activities are less than 40 percent of the quarterly target.

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community.
Financial report - 2017/18 Forecast operating result
The December 2017 result is a surplus of $14.4M which is $5.5M favourable to budget.

The current forecast for the year is a surplus of $22.7M which is $655k favourable to budget. The forecast surplus decreased marginally by $43k in December.

The underlying forecast remains favourable to budget by $751k and excludes the following one off or timing items totalling $96k:

- $500k increase in the Open Space levy due to increased development activity
- ($296k) 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.)
- ($25k) expenditure for Aged & Disability Regional Projects for which funding was received in 2016/17 offset by unbudgeted funding received in 2017/18.

Capital program result

The forecast capital expenditure is unfavourable to budget $739k. Including the impact of the forecast carry forward projects of $2.041M the underlying result for the program is $1.020M underspent.

Capital program status

For 2017/18 there are 136 capital projects to be delivered, with ten of these completed at the end of the second quarter, 104 projects are in progress and 20 not yet started.

Recommendation

That Council:

1. notes the Quarter 2 Performance Report against the Council Plan activities for the period October to December 2017; and

2. adopts the financial report to 31 December 2017.

Support Attachments

1. Quarterly Report to Council October-December 2017 (Final) (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
The report summarises progress on a range of programs which contribute to the social environment of the Bayside community, through the delivery of activities in line with the goals of the Council Plan 2017-2021.

Natural Environment
The report summarises progress on a range of programs which contribute to the natural environment of the Bayside community, through the delivery of activities in line with Goal 5 ‘Environment’ of the Council Plan 2017-2021.

Built Environment
The report summarises progress on a range of programs which contribute to the built environment of the Bayside community, through the delivery of activities in line with the goals of the Council Plan 2017-2021.

Customer Service and Community Engagement
The performance report provides information within Section 5 on community engagement activities undertaken by Council during the reporting quarter.

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

Legal
The performance report assists Council to meet the requirements of Section 131 of the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014, which require reporting against the Council Plan and preparation of an Annual Report.

Finance
The December 2017 result is a surplus of $14.4M which is $5.5M favourable to budget.

The current forecast for the year is a surplus of $22.7M which is $655k favourable to budget. The forecast surplus decreased marginally by $43k in December.

Links to Council policy and strategy
The performance report provides information on performance against the Council Plan 2017-2021 and the Annual Budget 2017-18. The eight goals of liveability outlined in the Council Plan are also aligned to and contribute towards achievement of the Bayside Community Plan 2025.
10.14 DEED OF SURRENDER AND GRANT OF NEW LEASE TO TELSTRA AT 68 OAK ST, BEAUMARIS

Corporate Services - Commercial Services
File No: FOL/13/267 – Doc No: DOC/18/2730

Executive summary

Purpose and background
The report seeks Council approval to commence statutory procedures under Section 190 of the Local Government Act 1989 (Act) to enter into a Deed of surrender and re-grant of new lease (New Lease) for the occupation of part of Council’s land located at 68 Oak Street, Beaumaris (New Lease Area) by Telstra Corporation Limited (Telstra) for the purpose of proposed upgrade works and continual operation of a telecommunications facility (Proposal).

On 5 September 2008, Council entered into a ten (10) year lease, which included one (1) further term of five (5) years duration with Telstra (Old Lease). The Old Lease will due to expire in 2023.

A substantial redevelopment of the pavilion and associated facilities at Banksia Reserve by Council has created a need to relocate the tower to accommodate new cricket nets. This has prompted Telstra to undertake upgrade works to its facility in order to continue to provide reliable services and to meet advancing technology requirements. As such, the proposed facility upgrade will provide continued and improved coverage and capacity to existing residents, visitors and businesses within the Beaumaris area.

It is intended that this upgrade will satisfy both network coverage objectives and user demand for the new Telstra network. It also facilitates Council completing the works associated with placement of cricket nets. The upgrade work will involve the removal of an existing 17m high steel pole accommodating the existing telecommunications facility, and removing an existing 30m tall light pole nearby, and the installation of a new structurally stronger 35m high monopole capable of accommodating the new telecommunications facility and lighting on one structure. The proposed replacement pole will be located approximately 12m north from the original location.

The proposed mobile telecommunications facility comprises the following:

• A new 35m Telstra monopole
• Removal of the existing 17m steel telecommunications pole and attached equipment
• Removal of an existing 30m tall light pole and relocation of its lights onto the new Telstra monopole at 30m.
• Installation of three (3) panel antennas 2.533m in length on a new “turret” mount on top of the monopole (total height 38.1m)
• Replacement of one (1) outdoor cabinet with a one (1) new outdoor cabinet (coloured Brunswick Green)
• Installation of a new pit at the base of the proposed Telstra monopole
• Relocation of an existing park bench to allow space to install the new Telstra monopole
• Ancillary works
• The location of the new facility is designed to accommodate proposed new cricket nets nearby.
Telstra have agreed to pay all costs associated with the construction and installation of the monopole, the installation of one sports field lighting at height of thirty metre including to transfer the ownership of monopole to Council on the completion of the works.

With the New Lease proposal, Telstra are seeking a new tenancy for an initial term of ten (10) year with one (1) further term of five year with a commencing rental at $25,000 plus GST per annum, with annual fixed four (4%) percent increases. They had proposed a cumulative term of 25 years, however this was deemed to be too long a time period.

**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 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 these requirements therefore apply to the New Lease.

The use of this site for telecommunication purposes is already established as this is an existing site, however a planning permit is required for buildings and works under the Public Park and Recreation Zone. Public advertising for the Proposal will also be undertaken as part of the planning permit process.

The lease area only needs to be relocated due to Council works and changes to the reserve where the pole is currently located. As such Council has sought to negotiate the best commercial term possible to support this. The rental has been set at a level slightly higher than the current rental, however the annual increment has been sought at 4%. Given the cost of the relocation works it is reasonable to consider this change to achieve the broader community outcome of improved facilities.

The proposed changes to Telstra’s current lease Term and relocation of the existing facility to a New Lease Area require Telstra surrender its existing lease and requesting to grant a new lease from Council.

**Recommendation:**

That Council:

1. in accordance with Section 190 and 223 of the *Local Government Act* 1989 (“the Act”) gives public notice of its intention to enter into a Deed of surrender and re-grant of new lease (New Lease) for the occupation part of Council’s land located at 68 Oak Street, Beaumaris by Telstra Corporation Limited (Telstra) for the purpose of upgrade works and continual operation of a telecommunications facility (Proposal), with the following terms and conditions;
   a) an initial term of Ten (10) years with One (1) further term of five year;
   b) Initial rental to be set at $25,000 per annum plus GST with rent increases on each anniversary of 4%;

2. Establishes a Special Committee of Council in accordance with S223 of the Act 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 Wednesday, 11 April 2018 at 6:30pm in the Council Chambers, Boxshall Street Brighton in relation to the New Lease proposal;

3. In the event that no submissions are received, authorises the Director Corporate Services to undertake all necessary actions to finalise and execute the New Lease; and
4. Notes that the final execution of New Lease is subject to a planning permit approval of the Bayside Planning Scheme.

Support Attachments
1. Beaumaris West Plan and Specifications-Telstra
2. Existing Telstra facility and proposed New Lease Area.

Considerations and implications of recommendation

Liveable community
The facility will not have an unreasonable impact upon the amenity of the area as it replaces and existing pole. The proposal will not have a detrimental impact on the local environment; rather it will be beneficial to the area including improved depth of coverage and network capacity to the local area.

Social
The invitation for public submission process may create an expectation among those who will submit objections that this New Lease would not be approved. However, providing for a modern communications network will provide benefits to many more individuals and businesses within the area than the relative few objectors.

In addition, the monopole provides some public lighting to the sports oval, cricket nets and car park area at the site.

Natural Environment
There will be no removal of native vegetation as a result of the new telecommunications facility.

The subject site has been assessed against the Environment Protection & Biodiversity Conservation Act (1999) via the relevant environmental searches. It is considered that the proposed development will not adversely impact on any species mentioned under this act as no native vegetation is to be removed and works and works are relatively minor in scale.

Built Environment
Considering the purpose of this development application is to upgrade an existing telecommunications site, it is submitted that the proposed facility is appropriately located to service the wider locality whilst being designed and sited to minimise its impact on the surrounding area.

There is existing vertical infrastructure present at the reserve with the existing 30m tall light poles, so the new monopole will not be a new element in this respect. The design also features the “turret” style antenna set at the top, which will enhance the slimline appearance of the facility, rather than having the visual clutter of a headframe and associated antenna supports.

Customer Service and Community Engagement
Council must comply with section 190 of the Local Government Act 1989 (Act) when Council enters into a lease agreement for a term 10 years or greater. In complying with this section of
the Act Council must give no less than 28 days public notice of the proposed lease allowing any person the right to make a submission under section 223 on the proposed lease.

The planning permit application received from Telstra will be subject to the usual planning processes, which will include community engagement. If a permit is not issued, the New Lease proposal to Telstra will be abandoned.

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

Legal
A decision to approve to lease may upset those residents that may lodge an objection during the public submissions period. A decision not to approve lease may lead to legal action by Telstra which have been occupying and enjoy its rights as Council’s tenant since 2008.

Finance
Despite reduction on method of rent increase from five (5) % to four (4) %, Telstra have agreed to increase the current annual rental from $23,269.93 to $25,000 plus GST.

Telstra will pay Council’s legal fees and disbursements for the preparation, negotiation and execution of the New Lease.

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.

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

- Leasing Policy
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Not supporting the proposal will potentially lead to Telstra Corporation Limited terminating the existing lease. Council is likely to be required to install new floodlighting.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no obvious benefits to Council or the community in not supporting the telecommunication pole relocation and upgraded flood light</td>
</tr>
<tr>
<td>Issues</td>
<td>The existing telecommunication pole is aging. Council agreements with other potential future carriers at Banksia Reserve may be limited. Adaptability of the new pole to be taken over by carriers may be limited.</td>
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</tbody>
</table>
## Item 10.14 – Reports by the Organisation

### Preliminary Table

<table>
<thead>
<tr>
<th>No.</th>
<th>Antenna Type &amp; Model</th>
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<td>S1: MECHANICAL</td>
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<tr>
<td>A2</td>
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<td>S2: MECHANICAL</td>
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<td>36.5m</td>
<td>S4: MECHANICAL</td>
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**Note:**
- DO NOT SCALE OR REDUCE.
- USE SCALE OF 1:1000 FOR DRAWING.
- DRAWING AND SPECIFICATIONS ARE PRELIMINARY.

### Diagram

[Diagram of Antenna Configuration Table]

**General Notes:**
- Use standard symbols and abbreviations.
- Ensure all parts are clearly labeled.

**Legend:**
- ERICSSON
- Bayside City Council

**Technical Details:**
- Scale: 1:1000
- Orientation: North at the top

**Approval:**
- Authorities: Bayside City Council
- Approval Date: 20 February 2018

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**Attachment 1**

**Ordinary Council Meeting - 20 February 2018**

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**Page 316 of 425**
Existing Telstra facility and proposed New Lease Area

Figure 1 | Aerial view of the site and surrounds

Figure 2 | View of the existing facility and light pole
10.15 CON/17/79 HIGHETT ROAD PAVEMENT RECONSTRUCTION CONTRACT

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/17/239593

Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake the construction of the Highett Road Pavement Reconstruction under the proposed Contract CON/17/79.

Since Highett Road (between Sargood Street and Holzer Street) was reconstructed in 2010 the pavement has shown a rapid increase in structural failures due to the way the pavement was designed and constructed.

Given the contractors defects liability period had concluded, Council undertook investigation of the cause of failure.

The cause of the pavement failure is intrusion of sub surface water into a layer of pavement. It was assessed and found that the original contractor had no fault in this occurring. The proposed rectification treatment has been through a thorough design process and Council proposes to remove the affected pavement layer to ensure the integrity of the pavement for the future. A full depth asphalt replacement pavement has been designed by a geotechnical consultant.

The area proposed for reconstruction contains an underlying South East Water (SEW) water main. After Council enquired about the water main’s condition, SEW confirmed that the main, built in 1915, is still in a satisfactory operational state and does not require renewal at this time.

The recommended contractor is committed to completing the works whilst adhering to SEW’s site specific recommendations for protecting the water main.

The final outcome of these works will be a new road pavement, able to sustain the high traffic loads in Highett Road.

Key issues
A public tender was advertised in The Age and released through TenderSearch on Saturday 16 September 2017. The request for tender closed Wednesday 11 October 2017 with the following submissions:

- Blue Peak Constructions Pty Ltd;
- LA Vandersluys Pty Ltd t/a Country Wide Asphalt; and
- Prestige Paving Pty Ltd.

The delay in finalising this report have been due to ongoing discussions with SEW regarding works near the water main.

The result of the Tender analysis can be found in Confidential Attachment 1: Evaluation Matrix.

From the initial evaluation Prestige Paving was shortlisted and invited to interview.

Prestige Paving Pty Ltd operates primarily within a commercial environment, working with large corporate companies as well as state and local government departments. They have twelve years’ experience in civil construction including the successful completion of road reconstruction projects for multiple local Melbourne councils.
At interview Prestige Paving demonstrated a good understanding of the project and is committed to completing the work within the required timeframe.

The tender evaluation panel concluded that Prestige Paving offered the best value for money.

**Recommendation**

That Council:

1. awards contract CON/17/79 Highett Road Pavement Reconstruction to Prestige Paving Pty Ltd (ABN: 84 140 970 912) for the lump sum price of $323,663.10 exclusive of GST and $356,029.41 inclusive GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/79 Highett Road Pavement Reconstruction; and
3. advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CON/17/79 Highett Road Pavement Reconstruction Tender Evaluation Matrix (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The implementation of the Highett Road Pavement Reconstruction is aimed at improving civil road infrastructure for commuters.

**Natural Environment**

The works under this contract include the removal of existing dangerous potholes and will prevent further potholes from developing. The reconstruction of this pavement will provide a consistent trafficable surface able to perform under high traffic loads.

**Build environment**

The work under this contract will ensure that Council provides fit for purpose assets. The rapid deterioration of the existing road surface since its construction in 2010 is creating maintenance issues for Council and hazardous conditions for road users.

**Customer Service and Community Engagement**

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

**Human Rights**

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.
Legal
This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance
The Capital Works Budget for 2017/18 has an allocation of $595,000.00 (ex GST) for road rehabilitation projects. The following table summarizes proposed distribution of the allocated budget including this work.

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<td>Contingencies &amp; Project Management Costs</td>
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<tr>
<td><strong>Project Cost</strong></td>
<td><strong>$373,763.00</strong></td>
</tr>
</tbody>
</table>

The expected project cost based on the scope of works is $373,763.00 (ex GST), which is within the allocated budget. The remaining $221,000.00 of budget allocated to road rehabilitation projects will be spent on Thomas Street Road Reconstruction.

Links to Council policy and strategy
This project is consistent with the 2017-2021 Council Plan as identified under Goal 1: Infrastructure.

Ensuring Bayside Infrastructure is:

- fit for purpose for today and into the future;
- innovative, environmentally sustainable and reflects the local character of the area; and
- safe, accessible, adaptable and is highly utilised, providing high levels of value.
10.16 CON/17/29 BEACH ROAD FORESHORE REMEDIATION WORKS, BLACK ROCK

Environment, Recreation & Infrastructure - City Works
File No: PSF/18/97 – Doc No: DOC/18/6242

Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of a contractor to undertake the Beach Road Foreshore Remediation Works, opposite house numbers 354-361, Black Rock, under the Contract CON/17/29.

Plans for remedial works have been prepared. These include reconstruction of parts of the shared footway, some reshaping of the existing slope from the footpath down to the beach, followed by installation of matting with a geo-synthetic reinforcement and soil nails over some of the slope.

Some replanting is required (plants supplied by Bayside Community Nursery) along with the construction of sand bag footings at the base of the slope.

The request for tender was undertaken in accordance with Bayside City Council’s Quotation and Tendering Procedure and Section 186 of the Local Government Act 1989. The result of the analysis can be found in Confidential Attachment 1 – CON/17/29 Beach Road Foreshore Remediation Works, Black Rock Tender Evaluation Matrix.

Key issues
A public tender was advertised and closed on Wednesday 20 December 2017 with the following submissions:

- Contek Constructions Pty Ltd;
- Entracon Civil Pty Ltd; and
- Piling and Concreting Australia Pty Ltd.

From the initial evaluation, Entracon was shortlisted for interview. A number of clarifications on items were requested prior to the interview.

At interview, Entracon showed that it had a good understanding of the project and its requirements, having completed a similar project for another municipality recently. The tender evaluation panel was satisfied Entracon had included all requirements in its tender price.

Reference checks confirmed that Entracon Civil Pty Ltd perform quality work and have previously undertaken several successful projects for Bayside City Council.

As shown in Confidential Attachment 1 – Evaluation Matrix, the tender evaluation panel concluded that Entracon Civil Pty Ltd offer the best value for money and recommends that the contract be awarded to Entracon Civil Pty Ltd.
Recommendation

That Council:

1. Awards contract CON/17/29 Beach Road Foreshore Remediation Works, opposite house numbers 354 – 361 Beach Road, Black Rock, to Entracon Civil Pty Ltd for the lump sum price of $390,037.13 (excl. GST) and $429,040.84 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/29 Beach Road Foreshore Remediation Works, opposite house numbers 354-361 Beach Road, Black Rock; and

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CON/17/29 Beach Road Foreshore Remediation Works, Black Rock Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social
The work is aimed at improving the stability of the embankment which has been prone to slippage and caused subsidence of the shared footway. It will improve the safety of the area for the community who use the bike path and utilise the beach below the embankment.

Natural Environment
The works under this contract include removal of some vegetation however a replanting element is part of these works which once established, will help to return the embankment to a more natural look and stabilise the reshaped embankment. A planning permit was required and obtained for the vegetation removal.

Built Environment
The works under this contract will return the shared footway to its original condition and re-establish a stable embankment from the footpath down to the beach.

Customer Service and Community Engagement
Together with the contractor, Council will provide advice prior to commencement of the work and will maintain contact with key stakeholders during the construction period.

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 has an allocation of $650,966 (excl. GST) for this project. The following table summarises the project budget. Prices are excluding GST.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Cost</td>
<td>$390,037</td>
</tr>
<tr>
<td>Year to date expenditure</td>
<td>$2,332</td>
</tr>
<tr>
<td>Consultants Fees for onsite supervision during construction</td>
<td>$28,000</td>
</tr>
<tr>
<td>Contingencies &amp; Project Management Costs (15%)</td>
<td>$63,055</td>
</tr>
<tr>
<td><strong>Project Cost (excl. GST)</strong></td>
<td><strong>$483,424</strong></td>
</tr>
</tbody>
</table>

The allocated budget of $650,966 (excl. GST) for these works is sufficient to complete the project. Any savings in budget will be used to offset any projects within the capital program that are over budget.

Links to Council policy and strategy
This project is consistent with the 2017-2021 Council Plan as identified under Goal 4: Open Space – Strategy: Protect and ensure the quality of our open space including beaches and foreshore.

Options considered
Not applicable to this report.
Executive summary

Purpose and background
The purpose of this report is to rescind the current Projecting Balconies Policy 2007, as appropriate guidance found within Division 2 – Projections, Regulations 504 - 513 of the Building Interim Regulations 2017.

Key issues
Projecting Balconies Policy 2007
The intent of the Projecting Balconies Policy 2007 (refer Attachment 1) was to ensure that projecting balconies into public airspace beyond the street alignment of a property do not compromise community safety, efficient vehicle movement, or neighbourhood character. The policy requires that:

a) Balconies do not project beyond the street alignment:
   - More than 1 metre, and
   - In any street less than 10 metres in width, and
   - At a height less than 3.0 metres above the level of the footpath, and
   - Within 1.2 metres of the side boundary of an adjoining allotment

b) Balconies do not dominate the built form

c) Projecting balconies are not relied upon as the primary means of meeting private open space requirements for a dwelling, or used for commercial activity.

Future approach to building projections
Policy guidance on this issue is provided in Division 2 – Projections, Regulations 504 - 513 of the Building Interim Regulations 2017 (refer Attachment 2). The Building Interim Regulations provide greater policy direction on all building projections and do not limit themselves to balconies. The regulations provide minimum requirements for architectural features, windows and balconies, verandahs, sunblinds and awnings, service pipes and rainwater heads, window shutters, signs and service cabinet doors.

The regulations provide a clear and consistent approach for building projections for the entire state and are not limited to Bayside. Insofar as it relates to balconies, the regulations are consistent with that of the Projecting Balconies Policy 2007 and require:

A window or balcony must not project beyond the street alignment-

a) More than 1 metre, and

b) In any street less than 10m in width, and

c) At a height less than 3m above the level of the footpath, and

d) Within 1.2 metres of the side boundary of an adjoining allotment.
Regulation 513 states that if someone wishes to vary these requirements, they must apply for a Report and Consent to Council’s Statutory Building department. In considering such variations, Council’s assessment will consider safety and whether there are other projections within the streetscape.

**Recommendation**

That Council:

1. Notes that the assessment criteria in the Projecting Balconies Policy 2007 are addressed in Division 2 – Projections, Regulations 504 - 513 of the Building Interim Regulations 2017 and an assessment has indicated that the Projecting Balconies Policy 2007 is not required; and

2. Rescinds the Projecting Balconies Policy 2007 as shown in Attachment 1.

**Support Attachments**

2. Building Interim Regulations 2017 - Div. 2, Reg. 504-513
Considerations and implications of recommendation

Liveable community

Social
The intent of the Projecting Balconies Policy 2007 was to ensure that projecting balconies into public airspace beyond the street alignment of a property do not compromise community safety, efficient vehicle movement, or neighbourhood character.

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

Built Environment
The Building Interim Regulations provide greater policy direction and a clear and consistent approach for building projections within Bayside, as compared to the Projecting Balconies Policy 2007.

Customer Service and Community Engagement
Adjoining land owners will now be consulted on any proposal to vary Regulations 504 - 512 in accordance with Regulation 513 of the Building Interim Regulations. This did not previously exist under the Projecting Balconies Policy 2007.

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 recommendations included in this report.

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

Links to Council policy and strategy
Council Plan 2017-2021
Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
1. Policy intent
To ensure that projecting balconies into public airspace beyond the street alignment of a property comply with Council policy regarding their impact on the safety, appearance and amenity of public spaces.

2. Purpose/Objective

- To ensure that the prevailing streetscape character is continued in new development and any additions are appropriately located and designed to minimise visual impact.
- To ensure that new development achieves appropriate façade articulation, a balanced level of light and shade and a level of complexity that responds appropriately to the precinct.
- To retain the complex character of the commercial precincts in the city, the variety of built forms and subdivision pattern.
- To discourage insensitive/uncharacteristic encroachments into public airspace.
- To ensure the valued ‘openness’ of the streetscape is maintained.
- To maintain diversity in the scale, and type of buildings and a mix of dwelling types and sizes.
- To retain and enhance the urban character of commercial precincts.
- To limit the scale of new development adjoining established low-rise residential areas.
- To ensure that projecting balconies are not relied upon as the primary means of meeting private open space requirements, or used for commercial activity.

3. Policy statement

It is Council policy:

A. That balconies be located to ensure they do not compromise community safety,
B. That balconies be located to ensure they do not compromise efficient vehicular movement,
C. That balconies enhance the existing urban character of the streetscape,
D. That balconies do not project beyond the street alignment:
   a) More than 1 metre; and
   b) In any street less than 10 metres in width; and
   c) At a height less than 3.0 metres above the level of the footpath; and
   d) Within 1.2 metres of the side boundary of an adjoining allotment

E. That balconies do not dominate the built form

F. That projecting balconies are not relied upon as the primary means of meeting private open space requirements for a dwelling, or used for commercial activity.

4. Related documents

<table>
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<tr>
<th>Policies</th>
<th>Procedures</th>
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<tr>
<td>Strategies</td>
<td>Major Activity Centre Structure Plans</td>
<td>Building Regulation 506</td>
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<tr>
<td></td>
<td>Bayside Planning Scheme</td>
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</tbody>
</table>

Version 1

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Building Interim Regulations 2017
S.R. No. 31/2017
Part 5—Allotments and projections

Division 2—Projections

504 Projections beyond the street alignment

Except where otherwise provided in this Division, a building must not project beyond the street alignment.

505 Architectural features

(1) An architectural feature or similar part of a building must not project beyond the street alignment—

(a) if the street is 6 m or less in width; and
(b) more than 600 mm in any street more than 6 m but not exceeding 10 m in width; and
(c) more than 1·2 m in any street more than 10 m in width; and
(d) at any height less than 2·7 m above the level of the footpath; and
(e) unless it is constructed of non-combustible material.

(2) Despite subregulation (1), if a street is 6 m or less in width and is without a footpath, a kerb or buffer block not more than 240 mm in height above the street level may project not more than 240 mm beyond the street alignment.

506 Windows and balconies

A window or balcony must not project beyond the street alignment—

(a) more than 1 m; and
(b) in any street less than 10 m in width; and
(c) at a height less than 3 m above the level of the footpath; and
(d) within 1·2 m of the side boundary of an adjoining allotment.

Authorised by the Chief Parliamentary Counsel

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507 Verandahs
A verandah must not project beyond the street alignment—
(a) unless it is set back not less than 750 mm from the kerb; and
(b) at a height less than 3 m above the level of the footpath.

508 Sunblinds and awnings
A sunblind or awning must not project beyond the street alignment—
(a) more than 2·4 m; and
(b) at any height less than 2·4 m above the level of the footpath.

509 Service pipes and rainwater heads
A service pipe, rainwater head or service installation must not project beyond the street alignment—
(a) more than 200 mm in the case of a service pipe; and
(b) more than 300 mm in the case of a rainwater head or service installation; and
(c) at any height less than 2·7 m above the level of the footpath.

510 Window shutters
Window shutters may project not more than 50 mm beyond the street alignment when in the fully open position.
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511 Signs
A sign or similar Class 10b structure must not project beyond the street alignment—
(a) unless it is set back not less than 750 mm from the kerb; and
(b) at any height less than 2.7 m above the level of the footpath.

512 Service cabinet doors
(1) A service cabinet door must not project beyond the street alignment more than 600 mm when in the open position.
(2) In this regulation service cabinet means a cabinet or cupboard containing meters, electrical equipment, water connections, fire equipment or other similar equipment.

513 Report and consent required
(1) The report and consent of the relevant council must be obtained to an application for a building permit to construct any of the following if it projects beyond the street alignment at a different height or distance to that specified in this Division—
(a) an architectural feature or similar part of a building,
(b) a window;
(c) a balcony;
(d) a verandah;
(e) a sunblind;
(f) an awning;
(g) a service pipe;
(h) a rainwater head;
(i) a service installation;

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Building Interim Regulations 2017
S.R. No. 31/2017
Part 5—Allotments and projections

(j) a window shutter;
(k) a sign or similar Class 10b structure;
(l) a service cabinet door.

(2) The report and consent of the relevant council must be obtained to an application for a building permit to construct a building if any part of the building not specified in subregulation (1) would project beyond the street alignment.

(3) The relevant council may give its consent under subregulation (1) or (2) if it considers that this will not be detrimental to the safety of the public.

(4) The report and consent of the relevant council under subregulation (1) or (2) need not be obtained to an application for a building permit if—
(a) a planning permit is required for the construction of the building; and
(b) the relevant planning scheme regulates the projection of the part of the building beyond the street alignment.

514 Footings adjoining boundaries are permissible

A footing may—
(a) support a party wall; and
(b) extend beyond the boundaries of a street alignment—
(i) to a distance of not more than 300 mm if the highest projecting part of the footing is at a depth of not less than 450 mm but less than 3 m below the ground level; or

Authorised by the Chief Parliamentary Counsel
10.18 MULTI-UNIT SENSE OF ADDRESS POLICY 2007 - RESCISSION

City Planning & Community Services - Development Services
File No: PSF/18/101 – Doc No: DOC/18/10688

Executive summary

Purpose and background
The purpose of this report is to rescind the current Multi-Unit Sense of Address Policy 2007, as appropriate guidance is incorporated within the Bayside Planning Scheme, in particular Clause 55 (ResCode) and Clause 58 (Apartment Developments).

Key issues
Multi-Unit Sense of Address Policy 2007
The intent of the Multi-Unit Sense of Address Policy 2007 (refer Attachment 1) was to ensure that residential development in Bayside had an appropriate sense of address. The policy requires that provision is made to facilitate:

- Safe access by pedestrians to dwellings at the rear of a property by avoiding conflict with vehicles in rights-of-way, etc.
- Identification and access by visitors
- Identification and access by emergency services
- Provision for services such as delivery of mail, and reading of meters by service authorities, and collection of garbage.

Future approach to sense of address for development applications
Policy guidance on dwelling entries is provided in Clause 55 (ResCode) (Refer Attachment 2) and Clause 58 (Apartment Developments) (refer Attachment 3).

The objectives of both Clause 55 and 58 require that each dwelling and building is provided with its own sense of identity. The applicable standards require that entrances are visible and identifiable and are provided with shelter. These provisions repeat those within the Multi-Unit Sense of Address Policy 2007. Other matters pertaining to the provision of mail boxes, services and collection of garbage are controlled through other standards within Clause 55 and 58.

Importantly, Clause 55 and 58 are applicable planning provisions to every planning permit application for medium density housing and residential apartment buildings. Applications assessed against these provisions must meet the objectives of Clause 55 and 58.

Recommendation
That Council:

1. Notes that the assessment criteria in the Multi-Unit Sense of Address Policy 2007 are addressed in Clause 55 and 58 of the Bayside Planning Scheme and an assessment has indicated that the Multi-Unit Sense of Address Policy 2007 is not required; and

2. Rescinds the Multi-Unit Sense of Address Policy 2007 as shown in Attachment 1.
Support Attachments

1. Multi-Unit Sense of Address Policy 2007
2. Clause 55.05-2 (ResCode) - Dwelling entry objective
3. Clause 58.05-2 (Apartment Developments) - Building entry and circulation objective
Considerations and implications of recommendation

Liveable community

Social
The intent of the Multi-Unit Sense of Address Policy 2007 was to ensure that residential development in Bayside had an appropriate sense of address. The Bayside Planning Scheme provides greater direction on dwelling entries.

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

Built Environment
The intent of the Multi-Unit Sense of Address Policy 2007 was to ensure that residential development in Bayside has an appropriate sense of address. The Bayside Planning Scheme provides greater direction on dwelling entries. Both Clause 55 and 58 include objectives and standards to determine if the entry to medium density housing and residential apartment buildings is appropriate.

Customer Service and Community Engagement
Adjoining land owners and occupiers will now be involved in the planning permit application process and will be able to comment on the suitability or appropriateness of entries to dwellings and buildings. This did not previously exist under the Multi-Unit Sense of Address Policy 2007.

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 recommendations included in this report.

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

Links to Council policy and strategy
Council Plan 2017-2021
Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
Policy Title: **MULTI-UNIT SENSE OF ADDRESS POLICY**

**DATE APPROVED BY COUNCIL:** March 2007

**DATE OF NEXT REVIEW:** February 2009

**RESPONSIBLE DEPARTMENT:** Planning and Building Department

**STATEMENT OF INTENT:**
To ensure that residential development in Bayside has an appropriate sense of address.

**POLICY OBJECTIVES:**
To ensure appropriate mechanisms are used for new residential development that does not have a primary abuttal to a street adjacent to the property.

This shall be achieved by ensuring that proper provision is made to facilitate –

- Safe access by pedestrians to dwellings at the rear of a property by avoiding conflict with vehicles in rights-of-way, etc.
- Identification and access by visitors
- Identification and access by emergency services
- Provision for services such as delivery of mail, and reading of meters by service authorities, and collection of garbage.

**POLICY STATEMENT:**

1. All properties should make provision for pedestrian access from all dwellings within the title boundary onto the primary road [s] abutting the property.
2. Pedestrian access provided via a right-of-way, laneway or similar should be secondary and in addition to pedestrian access onto a primary road [s].
3. Pedestrian access should be of sufficient width for that purpose, and include provision at the primary road [s] boundary for installation of a letter-box meeting Australia Post requirements.

**RELATED POLICIES, PROCEDURES, GUIDELINES AND FORMS:**

NAMING OF STREETS AND RESERVES POLICY 2006
ON-SITE AMENITY AND FACILITIES

55.05
1/06/01/17
VC37

55.05-1
1/06/01/0460
VC37

Accessibility objective

To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

55.05-2
1/06/01/2985
VC37

Dwelling entry objective

To provide each dwelling or residential building with its own sense of identity.

Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

55.05-3
1/06/01/2986
VC37

Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

55.05-4
1/06/01/317
VC36

Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.
### Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

**Standard D18**

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

### Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard D19**

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
Executive summary

Purpose and background

The purpose of this report is to outline correspondence received from Brighton Little Athletics Club (BLAC) (as set out in Attachment 1) requesting a change in Council’s expectations as adopted by Council at its 19 September 2017 Ordinary meeting when considering Item 10.1 Needs Assessment for Athletics. At this meeting it was resolved that Council:

1. Notes the Needs Assessment for Athletics as set out in Attachment 1, and reaffirms its commitment to senior and junior athletics both field and track, and recognises the community contribution of the Sandringham Little Athletics Club, the Sandringham Athletics Club and the Brighton Little Athletics Club;

2. Requests that the Sandringham Athletic Club, Sandringham Little Athletic Club and Brighton Little Athletics Club collaborate with Athletics Victoria and Little Athletics Victoria to develop a strategic plan and suitable funding model, including the renegotiation of the lease, for the renewal and upgrade of athletics infrastructure in Bayside including the Glamis Avenue synthetic track and associated infrastructure; and

3. Subject to the acceptance of the strategic plan, refers the renewal of the long jump pits and run-ups at Dendy Park for consideration as part of the 2018/19 Budget preparation process.

Key issues

Brighton Little Athletics Club

BLAC is a stand-alone entity allocated use of Dendy Park Athletics track on a seasonal basis in accordance with conditions included in Council’s Sportsground Allocation Policy.

While sharing a similar interest in the sport of athletics, Brighton Little Athletics Club is independent of the tenant clubs of the Glamis Avenue synthetic athletics track in Sandringham. It is acknowledged that in the best interests of the sport, the three Bayside athletics clubs should continue to collaborate with peak sporting bodies including Athletics Victoria and Little Athletics Victoria.

Facility Provision at Dendy Park

The Needs Assessment for Athletics presented to the 19 September 2017 Ordinary Meeting of Council identified that the renewal of the existing long jump pits and polyurethane surfaces, to allow year round use, will address the short to medium terms needs at Dendy Park.

The Dendy Park athletics track is allocated on a seasonal basis and Council is responsible for any renewal or infrastructure improvements. The long jump pits and run-ups at Dendy Park are in poor condition and require renewal and upgrade to meet the needs of the 300 current members of BLAC. Under the conditions of the Sportsground Allocation Policy improvements to the long jump pits at Dendy Park remains the responsibility of Council and it is recommended that these works be considered as part of the preparation of Council’s 2018/19 Budget.
Glamis Avenue Synthetic Athletics Track
Sandringham Athletic Club and its sub-tenant Sandringham Little Athletics Centre have been collaborating with Athletics Victoria and Little Athletics Victoria to develop a strategic plan and suitable funding model, including the renegotiation of the lease, for the renewal and upgrade of athletics infrastructure at the Glamis Avenue site.

Council has been advised by Sandringham Athletic Club that a funding and leasing model for the Glamis Avenue track will be presented in the coming weeks.

Recommendation
That Council:

1. Encourages Brighton Little Athletics Club, Sandringham Athletics Club and Sandringham Little Athletics Centre to collaborate with Athletics Victoria and Little Athletics Victoria to ensure the sustainability of athletics in Bayside; and

2. Considers the renewal of the long jump pits and run-ups as part of the preparation of the 2018/19 budget.

Support Attachments
1. Councillors - Needs Assessment for Athletics - Brighton Little Athletics Club - Nicole Nabour

Considerations and implications of recommendation

Liveable community

Social
The development of improved athletics facilities will provide positive benefits for young people and adults, through participation and engagement in sport and recreational activities.

Natural Environment
There are no natural environmental implications associated with the proposition included in this paper. The identified improvements are within the site of the Dendy Park athletics track.

Built Environment
The renewal and upgrade of the long jump run-ups and pits will improve infrastructure at the Dendy Park athletics track.

Customer Service and Community Engagement
A Project Working Group (PWG) was convened in January 2017 that included representatives from Sandringham Athletic Club, Sandringham Little Athletic Club and Brighton Little Athletics Club. Three meetings were held and multiple phone calls and email correspondence has been conducted with the PWG members.

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 implications associated with the recommendations in this report.

Finance
The renewal and upgrade of the long jump pits at Dendy Park is estimated to cost $100,000 and it is recommended these works be considered as part of 2018/19 Council budget preparations.

Links to Council policy and strategy
The Honourable Laurence Evans  
Bayside City Council  
76 Royal Avenue  
Sandringham Victoria 3191

12 December 2017

Dear Mayor Evans,

I write in reference to part 2 of Issue 10.1, Needs Assessment for Athletics, addressed at the recent Ordinary Council meeting on the 19th September, 2017, that provided as follows:

1. Notes the Needs Assessment for Athletics as set out in Attachment 1, and reaffirms its commitment to senior and junior athletics both field and track, and recognises the community contribution of the Sandringham Little Athletics Club, the Sandringham Athletics Club and the Brighton Little Athletics Club; and

2. Requests that the Sandringham Athletics Club, Sandringham Little Athletics Club and Brighton Little Athletics Club collaborate with Athletics Victoria and Little Athletics Victoria to develop a strategic plan and suitable funding model, including the renegotiation of the lease, for the renewal and upgrade of athletics infrastructure in Bayside including the Glamis Avenue synthetic track and associated infrastructure; and

3. Subject to Council’s acceptance of the strategic plan, refers the renewal of the long jump pits and run-ups at Dendy Park for consideration as part of the 2018/19 Budget preparation process.

I respectfully request for this to be amended so that:

- Brighton Little Athletics is not made a party to the 2nd resolution and;
- The 3rd resolution is updated so that the renewal of the long jump pits and run-ups at Dendy Park is not contingent on the outcome of the strategic plan for the Glamis Ave facility.

The above is requested to reflect the individual needs and identity of the Brighton Little Athletics Club from the Sandringham Athletics Clubs. This independence was supported in the conclusion of the Needs Assessment for Athletics in Bayside commissioned by council in May 2017.
Brighton Little Athletics Club operates independently from the Sandringham Clubs and our funds and budget are not tied to these clubs. Therefore it would be inappropriate for Brighton Little Athletics Club to be involved in the strategic plan of these clubs or the funding model for the lease and infrastructure upgrade of Glamis avenue.

The Needs Assessment for Athletics in Bayside commissioned by council in May 2017 concluded that the Dendy Park track should be retained and optimized as a venue fit-for-purpose for grass based little athletics. Brighton Little Athletics Club is currently developing its own strategic funding model in line with this conclusion.

Although we offer a similar athletics program to Sandringham Little Athletics, our club is a grass track club and recent research supports the use of grass track training for children. The softer surface reduces the chances of impact-related injury, improves overall balance and proprioception and strengthens feet. At Brighton Little Athletics Club we believe the grass track also encourages the involvement of parents and younger siblings as they follow their children around the track. This creates an inclusive environment at the club.

Brighton Little Athletics Club is currently enjoying a very successful season with new member growth (up 30% to 309 members) and five members representing Victoria in the Pacific School Games in Adelaide in December (approximately 5% of the 10-12 year old Victorian Track and Field Team).

Our members are committed to both athletics and the Bayside community and are very keen to be reassured that Council supports the future of Brighton Little Athletics Club by preserving our independence from Sandringham Athletics and the Glamis Avenue facility.

We thank you for your time and welcome any requests for more information in this matter.

Nicole Nabour
Vice-President
Brighton Little Athletics Club

Cc.
Councillor Rob Grunter
Councillor James Long
Councillor Sonia Castelli
10.20 APPOINTMENT OF GALLERY@BACC BOARD MEMBER

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/26482

Executive summary

Purpose and background
The purpose of this report is to appoint a community member to the Gallery@BACC Board (Section 86 Committee).

Council at its meeting in October 2017 resolved to appoint 2 community members to the Gallery@BACC Board to bring the membership of the Board up to the maximum limit of members being 8 ordinary members.

A public recruitment process was undertaken during the month of November and December 2017 and members of the Arts and Culture Advisory Committee were also encouraged to apply.

As a result of the recruitment process one applicant displayed outstanding qualities.

In accordance with the Gallery@BACC Board Charter an interview was conducted in January 2018 consisting of the Mayor, the Acting Chief Executive Officer and the Chairperson of the Gallery Board.

Key issues
The applicant Mr Arvind Vasan displayed the required skillsets in governance and strategy, a strong financial background, marketing and brand positioning and fundraising, sponsorship and philanthropy experience.

Mr Vasan has had vast experience as a non-executive Director with other art boards and brings a wealth of experience, knowledge and enthusiasm to the Board.

Mr Vasan is also a local resident of Bayside and has a strong connection with the Gallery and creative arts in general.

Given Mr Vasan experience it is recommended that Mr Vasan be appointed to the Gallery@BACC Board for a period of two year commencing 28 February 2018.

In relation to the remaining vacancy of the Board, it is recommended that a member of the Art and Culture Advisory Committee be seconded to the Gallery@BACC Board in the interim period, and a further recruitment of a permanent member be undertaken in the July 2018.

Recommendation
That Council appoints Mr Arvind Vasan to the Gallery@BACC Board (Section 86 Committee) for a period of two years commencing 28 February 2018.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
The Gallery@BACC Board (Section 86 Committee) enables appropriately skilled and experienced individuals, including members of the local community, to contribute to the strategic direction of The Gallery@BACC and Council’s Art & Heritage Collection. The Board also plays a role in monitoring and supporting the achievement of high standards of service delivery and meets the needs and expectations of our community.

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

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

Customer Service and Community Engagement
Council undertook a formal public recruitment process to fill two vacancies which currently exist on the Gallery@BACC Board.

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

Legal
There are no legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The Gallery@BACC Gallery has no direct link to the Council Plan, however does have a connection through the Community Plan.
Executive summary

Purpose and background
The purpose of this report is for Council to consider and approve the attached submission on the 2018 Local Government Bill Exposure Draft.

The State Government has released the Exposure Draft on the Local Government Bill and is currently seeking submissions on the Exposure Draft.

The Exposure Draft is structured into 11 parts:

1. Preliminary
2. Councils
3. Decision Making
4. Planning and Financial
5. Rates and charges
6. Council Operations
7. Council Integrity
8. Ministerial Oversight
11. Transitional and Consequential

The draft Bill proposed by the State Government seeks to:

- Provide a better understanding of the role of councils as democratically elected bodies;
- Encourage Victorians to participate more as candidates, voters and citizens in council activities and contribute to council strategic visions and plans;
- Drive more autonomous and outcome focused councils;
- Encourage councils to embrace innovation and collaborative arrangements that increase organisational efficiency and deliver public value for residents; and
- Provide a sound framework for the sector to become more efficient and enterprising in its local governance.

The Draft Bill contains many reforms. The following table sets out the 10 major reforms that the Bill has addressed:

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<tr>
<td>1</td>
<td>Mayors adopting more responsibilities. They will also commit to providing communities with annual reports on council’s four year plans.</td>
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<td>2</td>
<td>Improved consistency of council representative structures.</td>
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</table>
3. Increased participation, formal voting and fairness in council elections.

4. Councils using contemporary community engagement processes before adopting four year council plans and four year budgets.

5. Councils adopting a long-term approach to strategic planning (four-year Council Plan, Council budget, long-term Community Vision, 10 year financial plan and 10 year asset plan).

6. The Minister having more power to deal with serious governance failures.

7. Mechanisms to guide recruitment and performance monitoring of the CEO.

8. Councils complying with transparency, accountability and sound financial management principles.

9. A council’s financial sustainability being strengthened, by having greater capacity to collaborate with other councils, government agencies and the private sector.

10. A single method of valuing land, clarifying exemptions from rates and increasing transparency in the levying of differential rates.

Key issues
The Bill is very comprehensive and it is based on strong governance and supporting principles. Attached in Attachment 1 to this report is a summary of the major changes proposed in the Local Government Bill as described by Local Government Victoria.

In addition a summary of the major differences between the existing Local Government Act 1989 and the proposed bill is attached to this report and referred to as Attachment 2.

Following a review of the proposed Bill it is intended to make a submission on the Exposure Draft highlighting those areas which require further clarification or explanation and in some instances suggesting various provisions be removed or re-worded to avoid conflict against other provisions in the Bill. The proposed submission is attached to this report and referred to as Attachment 3. The closing date for submissions has been extended until 16 March 2018.

Proposed imeslines for implementation
The timeline for implementation of the Bill assumes that the Bill will be finalised and introduced into Parliament by mid-2018. The various provisions of the new Act will come into operation over four stages, with the final stage being implemented in line with the 2020 general Council elections.

This essentially means that councils will continue to apply the previous Local Government Act 1989 and the corresponding Regulations until specific provisions of the new Act commence. Where the new Act requires a new policy, plan or function, councils will have six months after commencement date to comply with the statutory obligations.

The proposed staged implementation of the Local Government Bill is outlines over the page:
Stages of Implementation

Implementation Stage 1 – 1 July 2018

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<td>Overarching principles</td>
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<td>Supporting principles</td>
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<tr>
<td>Roles and Powers of councils</td>
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<td>Constitution of councils</td>
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Summary of Stage 1.
The provisions of the new Act introduce key elements of the new legislative framework relating to the constitution, role and functions of councils. The overarching good governance principles and supporting principles are also introduced.

Stage 2 – January 2019 + 6 months (1 July 2019)

<table>
<thead>
<tr>
<th>COMMENCEMENT</th>
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<td>Community engagement and accountability</td>
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<td>Audit and Risk Committee</td>
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<th>COUNCIL POLICIES</th>
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<td>Public Transparency Policy</td>
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<td>Expenses Policy</td>
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<th>REGULATIONS</th>
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<td>Local Government (General) Regulations - Public documents</td>
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<td>Local Government (Long Service Leave) Regulations</td>
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Summary of Stage 2
Council will be required to:

- Have key council decision making policies such as a community engagement policy and public transparency policy in place.
- Reconstitute an Audit and Risk Committee.
- Reframe some of the operations in relation to the CEO, Council staffing and councillor entitlements.
- Have a policy relating to a CEO Employment and Remuneration Policy.
Stage 3 – 1 July 2019 + 6 months (1 January 2020)

Summary of Stage 3

The key elements of the new framework will be introduced relating to governance processes, financial management, council integrity and Ministerial oversight will be introduced. Council will need to:

- Prepare for how council meetings are conducted, through Governance Rules.
- Ensure that appropriate financial policies are in place to give effect to the financial management principles.
- Familiarise itself with new processes and obligations in relation to council integrity, local laws and Ministerial oversight to ensure continued compliance with the Act.
Stage 4 – 2020 Council Elections / New Council term (30 October 2020)

Summary of Stage 4
Council will need to:

- Introduce the expanded role of the Mayor, and elect a new Mayor for a term of one or two years.
- Adopt key plans between the election and the start of the 2021 financial year (development of a long-term community vision, a four-year Council Plan and 10 year Asset and Financial plans).
- Operationalise the modernised rating and revenue provisions.
- Develop and adopt a revenue and rating plan by 1 July 2021 that aligns with its financial plan.
- Implement the new electoral provisions that will apply to the 2020 general elections.
Recommendation
That Council:

1. endorses the submission on the 2018 Local Government Bill – Draft Exposure; and
2. authorises the Chief Executive Officer to make editorial changes to the submission prior to submitted before 16 March 2018.

Support Attachments
1. Major Changes within the Local Government Bill ↓
2. Differences between Local government Act 1989 and Local Government Bill Exposure Draft ↓
3. Submission Template - Exposure Draft Bill ↓

Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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
The State Government was undertaken a very robust community engagement program associated with the proposed Local Government Bill. Council has contributed to the process through a submission on the Directions Paper and now the Exposure Bill.
Human Rights
The State Government has undertaken a full analysis of the Bill against the Victorian Charter of Human Rights and Responsibilities Act 2016. In this assessment the State Government concludes that the overall the Bill strongly promotes the right to participate in public life by:

- creating a system of democratic local government consisting of free and fair council elections;
- ensuring the orderly conduct of council meetings;
- providing for oversight of council governance practices and councillor behaviour with strong procedural fairness and protections; and
- facilitating community and individual participation in council decision making.

Legal
There are no legal implications associated with the submission to the Local Government Bill.

Finance
There are no financial impacts associated with this report.

Links to Council policy and strategy
The major reforms identified in the Local Government Bill will assist Council in achieving the strategic directions identified within Goal 8 – Government of the 2017/2021 Council Plan.
Major Changes proposed in Local Government Bill

Part 2 - Councils

1. This Part defines the roles and power of a council and the principles that must guide council actions and the role of the CEO and staff and the Audit and Risk Committee.

2. While councils have the power to do whatever things are necessary or convenient to perform their roles, they must exercise these powers and perform their role in accordance with the overarching governance principles described in the Draft Bill. Among other things, the principles require a council to act lawfully, give priority to the best outcomes for the community, engage with their community and cooperate with other governments and public bodies.

3. Compliance with the overarching governance principles is the basis for determining whether a council is providing good governance. Part 3 explains that the Minister may issue Good Practice Guidelines. Compliance with such a guideline can be used as evidence of compliance with the Act.

4. Councils may comprise 5-12 councillors (this maintains the existing maximum of 12) and must be unsubdivided or comprise wards with equal numbers of councillors. The number of councillors elected to each council will be determined by a formula set out through Regulations, based on municipal population and geographic scale.

5. Mayors will serve a one year term (with the option of two-year appointment) and will continue to be elected by their peers. Longer terms are to be served by the Mayors of the Cities of Melbourne (four years) and Geelong (two years).

6. The responsibilities of mayors will be extended slightly and will include responsibility for leading a community engagement process on the Council Plan and Budget and reporting annually to the community on progress in implementing the plan.

7. The role of councillor will be defined as to: participate in the decision-making of the council; represent the broad interests of the local community in that decision-making; and to contribute to the strategic direction of the council through the development and review of key strategic documents of the council, including the Council Plan.

8. Council CEOs will continue to lead the administrative arm of council and employ staff.

9. Councils will have a CEO Employment and Remuneration Policy consistent with the principles in the Public Sector Commission’s Policy on Executive Remuneration for Public Entities.

10. Council CEOs will adopt workforce plans and a Code of Conduct for staff. The workforce plan will promote gender equity, diversity and inclusiveness. CEOs must specify gender equity targets for the employment of all senior staff in their workforce plans.

11. The move to a principles based Act with less rigid legislative rules will increase the responsibilities of Audit and Risk Committees in assisting councils to remain compliant with the Act and the policies required by it and with other legislation.
Part 3 – Decision Making

1. Council decision making will be transparent and use contemporary community engagement processes.

2. The Draft Bill describes community engagement and public transparency principles. They support the overarching governance principles.

3. The Draft Bill requires councils to have in place a community engagement policy which gives effect to the community engagement principles. The engagement principles have been prepared for a legislative purpose and to remain valid over a generation. For this reason they are succinct, high level and sustainable. They align with the Victorian Auditor General’s Office Public Participation Principles (which are detailed and reflect the public sector values of responsiveness, integrity, impartiality, accountability, respect and human rights). Table 1 shows the alignment of the two sets of principles.

4. Public transparency policies will describe the ways that council information will be made available to the public. The public transparency principles require council information to be accessible and understandable.

5. Each council will be required to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions. The governance rules will apply a council’s community engagement and public transparency policies and demonstrate how council decision making processes support fairness and equity. The governance rules must include an election period policy, outlining council caretaker provisions.

6. The governance rules will describe how the council will make decisions and conduct itself. They will replace council’s meetings local laws. Among other things, governance rules will describe the way Mayors and Deputy Mayors are to be elected, how records of decision making processes are kept and how the public will be provided access to information about council processes and decisions. The governance rules will explain the limitations to decision making that apply to a council during an election period.

7. Council meetings should be open to the public. Councils will be able to close a meeting to the public to consider information that is confidential. The nature of confidential information will be specifically defined and will mainly relate to the types of information that would be exempt from disclosure under the Freedom of Information Act 1982.

8. Council collaboration is reinforced by a new capacity to hold joint council meetings.

9. Councils may delegate decision making powers to delegated committees. Such committees must be chaired by a councillor and include at least two councillors.

10. New arrangements spell out more clearly how councils must exercise local law making powers. To comply, a council must obtain a certificate from a legally qualified person stating that each proposed local law is consistent with the
requirements. This includes compliance with the Victorian Charter of Human Rights and Responsibilities.

11. Before making a local law a council must conduct a community engagement process and a local law must be publicly available both when proposed and when made.

12. The Sentencing Act will allow for indexation of penalties for breaches of local laws.

13. Ministerial good practice guidelines will assist councils comply with the Act and these will be published on the Department’s website. While councils will not be bound to implement guidelines, compliance may be used as evidence of compliance with the corresponding provisions in the Act or Regulations.
### Table 1 – Alignment of Community Engagement Principles and VAGO Public Participation Principles

<table>
<thead>
<tr>
<th>Community Engagement Principles (Local Government Draft Bill)</th>
<th>VAGO Public Participation Principles</th>
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<tr>
<td><strong>Clear Remit</strong>&lt;br&gt;A community engagement process must have a clearly defined objective and scope</td>
<td>Be clear about the scope and objective of the community engagement exercise (Accountability).&lt;br&gt;Ensure that those affected understand the scope of the pending decision, the decision-making process and any constraints on this process (Transparency and Integrity).&lt;br&gt;Be clear about the contribution participants will be asked to make and the responsibilities associated with this (Accountability).</td>
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<tr>
<td><strong>Informed</strong>&lt;br&gt;Participants in community engagement must have access to objective, relevant and timely information to inform their participation</td>
<td>Embed in all decision-making processes an openness to appropriately understand and incorporate the views of those affected by decisions and provide access to all relevant information about the decision in a manner that participants can understand, so that their contributions may be fully informed (Openness).</td>
</tr>
<tr>
<td><strong>Representative</strong>&lt;br&gt;Participants in community engagement must be representative of the persons and groups affected by the matter the subject of the community engagement</td>
<td>Make every reasonable effort to include the stakeholder groups and members of the public affected by the pending decision (Inclusiveness).&lt;br&gt;Be aware and take account of the needs of diverse communities to be able to participate in a meaningful way (Awareness).</td>
</tr>
<tr>
<td><strong>Supportive and Inclusive</strong>&lt;br&gt;Participants in community engagement are entitled to support to enable meaningful and informed engagement&lt;br&gt;(Guidelines will work with the VAGO Principles to help define “support”)&lt;br&gt;&lt;br&gt;Participants in community engagement are informed of the ways in which the community engagement will influence council decision making</td>
<td>Provide appropriate time and resources to ensure that those affected can participate in a meaningful way (Accountability).&lt;br&gt;Make reasonable adjustments where necessary to remove barriers to participation and ensure an inclusive approach (Inclusiveness).</td>
</tr>
<tr>
<td><strong>Transparent and Accountable</strong>&lt;br&gt;Participants in community engagement are informed of the ways in which the community engagement will influence council decision making</td>
<td>Respond to the engagement and input of the public in a timely and constructive manner (Responsiveness).&lt;br&gt;Address public and stakeholder concerns in an honest and forthright way and communicate results back to the public in a way they understand (Transparency and Integrity).&lt;br&gt;Demonstrate that results and outcomes are consistent with the commitment made at the outset of the process (Accountability).</td>
</tr>
<tr>
<td><strong>Other</strong>&lt;br&gt;Responsiveness is addressed through the requirement for councils to implement a community engagement policy</td>
<td>Identify and promote public participation better practice in government/council decision-making (Responsiveness).&lt;br&gt;Fully advise government of the significant impacts of decisions on stakeholder groups and the public and challenges and opportunities related to the engagement exercise (Responsiveness).</td>
</tr>
</tbody>
</table>
Part 4 – Planning and Financial Management

1. The Draft Bill contains an integrated planning and reporting framework which locates the Council Plan and Budget at the centre of strategic decision making and accountability.

2. Under the Draft Bill, the budget, like the Council Plan will run for four years, with annual budgets (like the state budget) including projections for the three out years. Victoria will be the first state to have council budgets run on the same quadrennial cycle as the state budget.

3. Giving both the plan and budget a four-year timeframe enables deep community engagement to be undertaken to inform both simultaneously with both core planning documents struck by 30 June in the year after the election.

4. The Draft Bill sets out Strategic Planning principles which councils must take account of in formulating their strategic planning documents.

5. There will be new requirements for all councils to have: a. A long-term community vision developed in consultation with the local community and articulating its vision for the municipality, including both what the council will deliver and areas of responsibility of others in the municipality b. A financial plan with a 10-year outlook c. An asset management plan of 10 years.

6. The requirement for longer term asset and financial planning reflects the expanded role of councils for complex service delivery and major public infrastructure.

7. Councils will be required to adopt a revenue and rating plan. This will reflect the Government’s expectation that rating discipline will be maintained.

8. The integrated nature of the planning and financial management framework will mean that all plans a council adopts will be articulated with the four-year Council Plan and Budget.

9. This Part specifies the conditions for financial and annual reports of councils. The shift in emphasis to reporting of outcomes will be used to reduce activity based reporting.

10. The mayor is required to publicly report annual progress against the Council Plan in the course of tabling the Council Annual Report at a council meeting open to the public.

11. Councils will also have financial policies consistent with the financial management principles articulated in the new Act and adapted to local requirements.

12. Limitations restrict investment types available to councils to mitigate the likelihood of high risk investments which may compromise the financial sustainability of a council.

13. Council Plans and Budgets will be consistent with the Local Government Performance and Reporting Framework and baseline. Comparable performance reporting will be transparently captured through the Know Your Council website.
Part 5 – Rates and Charges

1. Part 5 of the Draft Bill reorganises and modernises the provisions relating to rateable land to provide greater certainty to councils and ratepayers.

2. Land used exclusively for mining purposes (not including the mineral value) will become rateable while all other rating exemptions are retained.

3. Land used exclusively for charitable purposes will continue to be exempt from rates including when the land is owned by a private entity and leased to a charitable organisation.

4. The Draft Bill requires all councils, with the exception of Melbourne City Council, to apply capital improved value as the single uniform valuation system for raising municipal rates.

5. Following a recommendation from the Report of the Commission of Inquiry into Ararat Rural City Council, the Draft Bill extends the requirement for councils to explain the objectives and reasons for declaring differential rates to uniform rates. The Draft Bill also retains the requirement that the differential rate declared by a council be no more than four times the lowest differential rate in the municipality.

6. The Draft Bill limits the fixed component of council revenue from rates and charges to 10 per cent to cover administrative costs, halving the existing limit of 20 per cent.

7. The Draft Bill rationalises the provisions relating to service charges to ensure they accurately reflect the services councils provide and gives the Minister the power to prescribe other service charges in Regulations if necessary.

8. The Fair Go Rates system is enshrined in the Draft Bill. Rates recovered under the Cultural and Recreational Lands Act 1963 by a council will be included in the Fair Go Rates cap.

9. The Draft Bill continues to prescribe the process by which a council may declare a special purpose charge but streamlines consultation provisions and updates prescribed conditions. It alters appeal provisions to allow VCAT to set aside a special purpose charge that doesn’t comply with the prescribed conditions.

10. The Draft Bill continues to prescribe the process by which a council may declare a special purpose charge.

11. Councils are required to provide an option to pay rates in a lump sum or by four instalments. The quarterly instalment dates will be set to reinforce consistency across all councils. Councils will continue to have the flexibility to offer alternative payment options to ratepayers such as monthly payments.1

12. The Draft Bill establishes a uniform process and timeline to enable a person to apply to VCAT to review a rates or charges decision of a council.

13. Provisions allowing councils to engage in environmental upgrade agreements have been simplified and their scope expanded. These agreements are council-based financing mechanisms to help residents and businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.
Part 6 – Council Operations

1. The Draft Bill introduces service performance principles in recognition that councils deliver over $7B in vital services each year. The Act requires councils to take account of these principles, which will mandate considerations of equity, accessibility, quality and cost, continuous improvement and accountability in service delivery for the local community.

2. Councils will be required to have a complaints policy for service delivery which includes a definition of complaint and an independent review mechanism. This means if a council receives a complaint about a service an independent officer will assess and respond to the complaint. Complaints review does not apply to the independent decision-making powers of the council or decisions made by staff or contractors of the council which are subject to statutory review.

3. Rigid one-size tender thresholds are removed from the new Draft Bill. Instead, councils will be required to establish a procurement policy appropriate for their own community, based on sound financial management principles and optimising opportunities for co-operative arrangements and economies of scale.

4. Councils must comply with their procurement policies. These policies must seek to promote open and fair competition.

5. The Draft Bill confers powers for councils to engage in beneficial enterprises and co-operative business opportunities which deliver public value. Councils may establish a beneficial enterprise with other councils, other levels of government or private sector organisations so long as the enterprise is consistent with the role of a council as defined in Part 2 Division 2 of the Draft Bill.

6. The Draft Bill retains the requirement for a council to conduct a public consultation process on the proposed sale of land. This is an important safeguard to alert members of the public whose interests may be impacted by the proposed sale.
Part 7 – Council Integrity

1. The Draft Bill is designed to provide councils with maximum autonomy in how they deliver while reinforcing council integrity and requiring that councils give effect to the principles based governance framework.

2. The Draft Bill embeds the Local Government (Improved Governance) Act 2015 reforms. Part 7 of the Draft Bill spells out the prohibitions and penalties arising from: misuse of position; directing council staff; release of confidential information and conflict of interest.

3. The new rules define two types of conflicts of interest which apply to elected councillors, members of delegated committees and council staff:
   - A material conflict of interest exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose such a conflict and step aside from the decision is a criminal offence.
   - A general conflict of interest exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.

4. Councils now have an unequivocal responsibility to manage councillor conduct to ensure consistency with the probity standards councils have set themselves through their councillor codes of conduct. In keeping with the transparency principles, councils must make their codes of conduct public.

5. The manner and form of words of the declaration to abide by the code of conduct will be integrated into the oath of office (made at the outset of a councillor’s term) and is prescribed in the Draft Bill to remove ambiguity in the wording. This will serve as a declaration to abide by all future revised codes of conduct adopted during the council term.

6. All councils are required to have in place internal resolution procedures to manage councillors who breach their council’s code of conduct. More serious matters will be adjudicated by Councillor Conduct Panels or Victorian Civil and Administrative Appeals Tribunal (VCAT).

7. The Draft Bill has a clear hierarchy and definitions of: a. Misconduct (Councillor Conduct Panels) b. Serious Misconduct (Councillor Conduct Panels), and c. Gross Misconduct (VCAT).

8. The reforms link the hierarchy to responsible authorities for their adjudication (these are identified at 7. above).

9. A reformed model of Councillor Conduct Panels now manages matters relating to misconduct and serious misconduct.

10. Councillors will be required to complete personal interest returns biennially.

11. All councils will be required to have in place a publicly transparent gifts policy, covering acceptance and disposal of gifts by councillors and a gift register.
Part 8 – Ministerial Oversight

1. The Minister will be able to issue a governance direction to a council to ensure it complies with the governance framework under the Draft Bill. This may include a direction to comply with a best practice guideline. Failure to comply with a governance direction can be taken into account by the Minister in considering whether to suspend the council or an individual councillor.

2. The Draft Bill recognises that councils have the capacity to develop and adopt arrangements that significantly exceed minimum requirements in Regulations. To recognise and encourage the adoption of higher standards, provision has been made for high performing councils to apply for and obtain exemptions from particular Regulations.

3. The Draft Bill maintains compliance enforcement instrumentalities in the form of municipal monitors and the Chief Municipal Inspector.

4. The Minister will be in a position to appoint monitors to assist councils to prevent or address governance challenges and to strengthen their governance practices.

5. The Chief Municipal Inspector will continue to investigate and prosecute potential breaches of the Local Government Act.

6. The Minister will continue to have authority to appoint a Commission of Inquiry to conduct an inquiry into any matter relating to the affairs of a council or more than one council.

7. The Minister will also have a new power to suspend an individual councillor in situations in which there is clear evidence provided by a monitor, the CMI, the Ombudsman, IBAC or a Commission of Inquiry that the councillor is causing or contributing to governance failures or is breaching the Act and that without intervention the problem will persist. This replaces the stand down provisions applying to councillors under the 1989 Act.

8. The Minister maintains the existing power to suspend an entire council where there is evidence of significant governance failures or breaches of the law.

9. The dismissal of a council will continue to require the approval and passage of an Act through both houses of the Victorian Parliament.

10. The Draft Bill includes new baseline conditions that must be considered by a restructuring advisory panel in providing advice to the Minister on altering the external boundaries of a council.

11. Two specific powers of the Minister are addressed in other Parts. Part 3 provides that the Minister may issue best practice guidelines. If a council complies with a relevant best practice guideline, it is evidence of compliance with the relevant requirement under the legislation or the Regulations.

12. Part 10 provides that the Minister will continue to have the power to make Regulations to support the legislation. The general principle involved will be to keep regulation to a minimum. The legislation aims to prescribe outcomes councils must
meet and leave to the judgement of individual councils and their communities the
determination of how those outcomes are achieved.


1. There is no change to the electoral franchise contained in the Draft Bill. Voting entitlements remain unchanged.

2. Future council elections will be conducted using a uniform method – either attendance election, postal ballot or any other model (such as electronic voting should that become secure and viable). The Minister will determine the method based on advice from the Victorian Electoral Commissioner at least one year ahead of general elections.

3. The process for conducting countbacks for multi-member wards and unsubdivided elections will change when a councillor resigns mid-term. Currently only the votes of the vacating councillor are considered. Under the Draft Bill all votes cast in the election will be recounted until a candidate is elected. Continuing councillors are not affected by this process because their positions are expressly protected by legislation.

4. Disputes about the outcomes of council elections should be heard by a tribunal with related jurisdictions and by officials with significant legal training and experience. VCAT will assume responsibility for review of disputed elections in future.

5. Candidates for council elections are currently required to submit an overview of campaign donations they receive above a threshold of $500. All candidates are required to submit a return, even if they receive no disclosable donation. The rigour of the campaign donation regime will be reinforced with a requirement that returns be lodged with the Chief Municipal Inspector (CMI) within 21 days of receipt of each donation and summaries will be published on the Inspectorate website. This change will give voters more information on the supporters of candidates at the time of voting. It also reflects the fact that the CMI has responsibility for enforcement of campaign donation returns and replaces a requirement for candidates to submit their returns to the council CEO.
Differences between Local government Act 1989 and Local Government Bill Exposure Draft

PART 2 - Council

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<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
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<tbody>
<tr>
<td>5 representative structures</td>
<td>3 representative structures (5-12 Councillors, unsubdivided or comprise wards with equal number of councillors)</td>
</tr>
<tr>
<td>Deputy Mayor optional</td>
<td>Deputy Mayor mandated</td>
</tr>
<tr>
<td>No CEO Remuneration Policy required</td>
<td>CEO Employment and Remuneration Policy</td>
</tr>
</tbody>
</table>

PART 3 – Policy and Decision-making

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimal engagement</td>
<td>Engagement policy and principles</td>
</tr>
<tr>
<td>Meeting rules included in Local Laws</td>
<td>Meeting rules based on governance rules</td>
</tr>
<tr>
<td>Conditions for closed meetings undefined</td>
<td>Conditions for closed meetings linked to FOI</td>
</tr>
<tr>
<td>Limited options for collaboration</td>
<td>Strong collaboration – capacity for joint meetings and procurement</td>
</tr>
</tbody>
</table>

PART 4 – Planning and Financial Management

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Budget runs for one year</td>
<td>The Budget runs for four years</td>
</tr>
<tr>
<td>No requirement for a long-term community Vision</td>
<td>Mandated community vision of at least 10 years.</td>
</tr>
<tr>
<td>No requirement for an Asset Plan</td>
<td>Mandated Asset Plan of 10 years</td>
</tr>
<tr>
<td>Strategic resource Plan of 4 years</td>
<td>Mandated Financial Plan of 10 years</td>
</tr>
</tbody>
</table>

PART 5 – Rates and Charges

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining exempted from rates</td>
<td>Land use exclusively for mining becomes rateable</td>
</tr>
<tr>
<td>Three methods to value land for rates</td>
<td>All Councils except Melbourne use CIV</td>
</tr>
<tr>
<td>Municipal Charge capped at 20% of revenue</td>
<td>Municipal charge capped at 10%</td>
</tr>
<tr>
<td>Environmental upgrade agreements available to business</td>
<td>Environmental upgrade agreements extended to residents.</td>
</tr>
</tbody>
</table>
### PART 6 – Council Operations

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance defined in the context of “Best Value”</td>
<td>Service performance principles guide delivery</td>
</tr>
<tr>
<td>Complaints policy not required</td>
<td>Complaints policy mandated for operational delivery</td>
</tr>
<tr>
<td>Procurement subject to rigid, outdated tender thresholds</td>
<td>Councils set their own procurement and investment policies.</td>
</tr>
</tbody>
</table>

### PART 7 – Councils

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflicts of interest voluminously described</td>
<td>Simple, clear definitions of conflict: material and general</td>
</tr>
<tr>
<td>Code of Conduct – complex, two step process</td>
<td>Code of Conduct declaration wording defined single process</td>
</tr>
<tr>
<td>No gifts policy required</td>
<td>Publicly transparent gifts policy</td>
</tr>
</tbody>
</table>

### PART 8 – Ministerial Oversight

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister can stand down councillor</td>
<td>Minister can suspend councillor</td>
</tr>
<tr>
<td>No preconditions for council amalgamations</td>
<td>Legislated preconditions for council amalgamations</td>
</tr>
<tr>
<td>Dismissal of council requires Act of Parliament</td>
<td>Retained</td>
</tr>
</tbody>
</table>

### PART 9 – Elections

<table>
<thead>
<tr>
<th>1989 Act</th>
<th>Proposed 2018 Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elections method at discretion of the Council</td>
<td>Minister determines a uniform elections method</td>
</tr>
<tr>
<td>Countback consider votes vacating councillor</td>
<td>Countback recount all votes casts</td>
</tr>
<tr>
<td>Magistrates Court reviews disputed elections</td>
<td>VCAT reviews disputed elections</td>
</tr>
<tr>
<td>Candidates submit campaign donation declarations to CEO within 40 days after an election</td>
<td>Candidate submits campaign donation declaration to CMI within 21 days of receipt of each donation.</td>
</tr>
</tbody>
</table>
Submission Template
Local Government Bill – Exposure Draft

If you work in an organisation or council, please provide the following information:

<table>
<thead>
<tr>
<th>Organisation or council name</th>
<th>BAYSIDE CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Organisation</td>
</tr>
</tbody>
</table>

Key information about making a submission

What feedback should I provide on the exposure draft bill?
Following an extensive consultation process that considered the policy issues that underpin the Local Government Act, we are now seeking feedback on the Local Government Exposure Draft Bill to inform the final draft legislation before the Government reviews it to present to the Victorian Parliament. We strongly encourage you to read the explanatory document (A New Local Government Act for Victoria) to assist you to navigate the draft legislation.

What is the closing date for submissions?
The closing date for submissions is 5:00 pm, Friday 23 February 2018. Given that the draft bill is subject to parliamentary timeframes, submissions received after this date will be considered at the Government’s discretion.

How do I make a submission?
Submissions can be made in three ways:
- Online by uploading your submission to the www.yourcouncilyourcommunity.vic.gov.au website
- Emailing your submission to local.government@delwp.vic.gov.au
- Posting your submission to:
  Local Government Act Review Secretariat
  C/o Local Government Victoria,
  PO Box 500, Melbourne VIC 3002

How do I complete this template?
To complete this template:
1. Locate the part of the Draft Bill you wish to comment on.
2. Insert the clause number, your level of support for the clause, the proposed change and any other comments into the table.

Can I provide a submission in another format?
It is strongly preferred for submissions to be made by completing this template. However, if another format suits your needs or the requirements of your organisation you are welcome to use another format.

Will submissions be made publicly available?
Written submissions and the name of the author will be published on the www.yourcouncilyourcommunity.vic.gov.au website unless confidentiality is requested and the Executive Director of Local Government Victoria grants it, or if it is determined your submission should remain confidential. Submissions that are defamatory or offensive will not be published.

Please contact the Local Government Act Review Secretariat if you have any questions on (03) 9948 8518 or local.government@delwp.vic.gov.au
Bayside City Council
Submission on the Local Government Bill –Exposure Draft

Bayside City Council welcomes the opportunity to provide commentary and feedback on the Exposure Draft of the Local Government Bill.

The proposed draft provides a number of enhancements, clear direction, and above all provides greater transparency to the community in a range of matters.

It is pleasing to see that many changes have been included as a result of the submissions at the Directions stage of consultation.

Bayside City Council’s submission is outlined below and highlights only areas of concern or those that require further consideration by the State Government.

General comment
The draft Bill appears to have met its objective of driving autonomy and outcome focussed Councils, and enhancing the active involvement of the community in local decision making.

We have appreciated the extent to which the consultation process in developing the draft Bill has involved the local government sector and has genuinely taken into account the feedback provided through the Directions consultation process.

It is acknowledged that further detail regarding the practical implementation of the Bill will be provided in Regulations, and Bayside looks forward to being consulted on those draft Regulations in a timely manner prior to the implementation.
### Part 1: Preliminary

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Do not support</td>
<td><strong>Definition – Senior Officer</strong>&lt;br&gt;Council does not support the removal of the definition of ‘Senior Officer’ from the Exposure Bill. The deletion on this title has an impact upon the Evidence Act when asked by members of the community to sign documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Definition – Confidential Information</strong>&lt;br&gt;Subsection (b) should be extended to include security information for others’ property, not just that of Council.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Definition – Department</strong>&lt;br&gt;Need to ensure the definition of Department includes and successors to the Department of Environment, Land, Water and Planning.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Definition – Workplan</strong>&lt;br&gt;A definition of a Workplan should be incorporated given the term can mean different things in different contexts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Support</td>
<td>Council supports the inclusion of the objectives of the Act in the concise summary outlining the objectives of the Act.</td>
<td></td>
</tr>
<tr>
<td>8(2)(c)</td>
<td>Support</td>
<td>Council supports the amendment to the existing principle. The amendment is a welcome addition because of Council’s role in responding to the impacts of climate change on communities, environment and Council operations. In addition, the improvement to the principle reinforces and guides Council’s role in planning, programs and decision-making to help mitigate and adapt to the impacts of climate change.</td>
<td></td>
</tr>
</tbody>
</table>
### Part 2: Councils

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>18(1)(a)</td>
<td>Do not support</td>
<td>Council does not support that only the Mayor can appoint a Councillor to be the chair of a delegated Committee. We believe this is a role for the elected Council to determine.</td>
<td></td>
</tr>
<tr>
<td>18(1)(C)</td>
<td>Do not support</td>
<td>Council does not support this clause without understanding in further detail, if this requires the CEO to report to the Council on the implementation of a Council decision or all decisions, or the methodology to determine what decisions are to be reported.</td>
<td></td>
</tr>
<tr>
<td>19(a)</td>
<td>Do not support</td>
<td>Council does not support this requirement as it stands. It is suggested that a time of day should be included to eliminate any confusion, such as 6.00am.</td>
<td></td>
</tr>
<tr>
<td>22(a)</td>
<td>Do not support</td>
<td>Council does not support this requirement as it stands. It is suggested that a time of day should be included to eliminate any confusion, such as 6.00am.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Do not support</td>
<td>Council does not support the inclusion of the Local Government Mayoral Advisory Panel to be incorporated into the Bill. It is reasonable for any Minister to determine the most appropriate method of seeking sector advice to best suit his/her needs.</td>
<td></td>
</tr>
<tr>
<td>25(4)</td>
<td>Support</td>
<td>Council supports that the Mayor must be elected by an absolute majority of the Councillors, with the inclusion of the words “present at the meeting”.</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Support/Not support</td>
<td>Details</td>
<td>Additional Notes</td>
</tr>
<tr>
<td>------</td>
<td>---------------------</td>
<td>---------</td>
<td>-----------------</td>
</tr>
<tr>
<td>26(3)</td>
<td>Support</td>
<td>Council supports this requirement for the Council to determine if the mayoralty should be 1 year or 2 years.</td>
<td>Further clarification is sought as to when the resolution is required: prior to the Annual Meeting or at the Annual Meeting.</td>
</tr>
<tr>
<td>28</td>
<td>Support</td>
<td>Council supports this requirement; however, it could be enhanced with reference to the overarching government principles.</td>
<td></td>
</tr>
<tr>
<td>29(b)</td>
<td>Support</td>
<td>Council supports this requirement for a Councillor’s term of office to conclude at 6.00am</td>
<td>We further suggest that the 6.00am be applied to the Mayor and Deputy Mayor when they vacate their roles at the Annual Meeting of Council. (Section 19 and 22)</td>
</tr>
<tr>
<td>43(6)</td>
<td>Not support</td>
<td>Council does not support this provision as it is not necessary for such extensive regulations.</td>
<td></td>
</tr>
<tr>
<td>33(5)</td>
<td>Support</td>
<td>Council believes that Section 33 (5) would be better placed immediately after 33(1) for readability.</td>
<td></td>
</tr>
<tr>
<td>44(3)</td>
<td>Not support</td>
<td>Council does not support this requirements as it stands; however, it is suggested the wording be changed to reflect “have regard to” rather than ‘consistent with’ the Government of Victoria’s Policy on Executive Remuneration in Public Entities, as the bonus component of the Government’s Policy is not supported.</td>
<td></td>
</tr>
<tr>
<td>Item 10.21 – Reports by the Organisation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **45(2)(d)** | Do not support | Council does not support the requirement for the CEO setting the agenda for Council Meetings after consulting the Mayor.  

The proposal makes responsibility for the agenda ambiguous, and will introduce unnecessary tension in the CEO/Mayor relationship. The problem lies in the expectations around the definition of ‘consultation’.  

The best approach to forward planning the Council Agenda is one developed locally and prescription of this via legislation is unnecessary. The new Act must however provide the means by which Council can require reports to be presented but Council or the Mayor should not limit legitimate reports from being presented by the CEO. |

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| **45(2)(e)** | Do not support | Council does not support the requirement as it stands without further clarification as to the types of decisions and format of reporting in respect to the implementation of a Council decision. |

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| **45(4)(a)** | Do not support | Council does not support the requirement that a CEO develop and maintain a workforce plan. This requirement should be removed from the Bill. A staffing structure is not “static” and is always subject to external pressures and a constantly changing environment. Proposed changes should be a management prerogative and ultimately the CEO’s responsibility. It is not something that should be legislated as that would simply add another restrictive burden on Councils.  

Keeping the Council informed before implementing an organisational restructure would generally happen as a matter of course. However, setting this out in legislation may have the effect of “blurring the lines” between the Councillors’ responsibilities and the CEO’s role.  

There are already comprehensive consultation requirements in regard to proposed organisational restructuring in every Council enterprise agreement, in accordance with the Fair Work Act 2009 (C’th). It is mandatory for enterprise agreements and all modern awards (including the Victorian Local Government Award 2015) to contain a consultation clause. This would provide yet another layer of bureaucracy and cuts across other legislation. |
### Item 10.21 – Reports by the Organisation

#### 45(4)(c)
- **Do not support**
- Council does not support the inclusion of this requirement, given this is an industrial matter and is better provided for in Enterprise Agreements.

#### 45(6)
- **Do not support**
- Council does not support this provision given that the Workforce Plan will be a Council document available on Council’s website therefore a specific provision within the legislation is not necessary.

#### 46(1)(b)
- **Do not support**
- Council does not support the inclusion of the Community Asset Committee without understanding the regulations that may sit behind this Committee, and further there are many other potential Committees with existing delegations which are not included in this requirement.

#### 46(2)
- **Support**
- Whilst Council supports this provision, it could be enhanced and broadened to also enable the CEO to delegate power, duties or functions to not only a member of Council staff, but also a natural person acting or performing the duties of a member of Council staff. This would provide the practical flexibility to cater for seconded staff, and even possible individuals or contractors acting as Council staff.

#### 46(5)
- **Neutral**
- It is difficult to comment on this provision given regulations have not been developed.

#### 48(2)(a)
- **Support**
- Council fully supports the requirement that a code of conduct for members of staff must include a gift policy that contains a requirement for staff to disclose all gifts above a specified level, and for the gifts to be recorded in a register.

However for consistency across the sector it is suggested that the regulations incorporate the dollar value of a gift to be disclosed.
<table>
<thead>
<tr>
<th>Item</th>
<th>Support/Do not support</th>
<th>Council's Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Support</td>
<td>Council supports the requirement that a Council must implement appropriate long service leave arrangements for members of Council staff in accordance with the regulations. However, the current regulations, the Local Government (Long Service Leave) should be amended to include a simple and common sense definition of “ordinary pay” and that Councils are able to enter into reciprocal arrangements with a public service body or special body on a discretionary basis.</td>
</tr>
<tr>
<td>52(2)(3)(b)</td>
<td>Support</td>
<td>Council supports this requirement on the basis that an additional reference be made to external or independent members. This would eliminate any confusion with the make-up of the Audit and Risk Committee and further it would clearly articulate the independence of the Committee.</td>
</tr>
<tr>
<td>53(2)(a)</td>
<td>Do not support</td>
<td>Council does not support this provision as it stands without better understanding what policies and procedures the Audit and Risk Committee is expected to monitor and how will this be reported and measured.</td>
</tr>
<tr>
<td>53(3)(6)</td>
<td>Do not support</td>
<td>Council does not support this requirement in its current form. Clarification is sought in relation to the term “maintenance” of the agenda, minutes and reports of the Committee.</td>
</tr>
</tbody>
</table>
## Part 3: Council decision making

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>54(3)</td>
<td>Do not support</td>
<td>Council does not support the provision with the inclusion of the word “collaboration” given this is not defined in the Bill. We believe the Bill would be enhanced with replacing collaboration with “in consultation”.</td>
<td></td>
</tr>
<tr>
<td>55(d)</td>
<td>Do not support</td>
<td>Council does not support the provision in its current form. The intent of the clause is supported; however, the current language is open to interpretation. Further definition is required. It would be helpful if the word “reasonable” was added for clarity.</td>
<td></td>
</tr>
<tr>
<td>56 and 57</td>
<td>Support</td>
<td>Whilst Council supports these provisions as they relate to public transparency in the context of information, they make no reference to decision making.</td>
<td></td>
</tr>
<tr>
<td>57(1)(a)</td>
<td>Do not support</td>
<td>Council does not support this provision in its current form. The requirement to make all Council information (including documents) publicly available is too broad and requires further review. The release of Council information is already managed by the FOI Act which has the appropriate safeguards in place.</td>
<td></td>
</tr>
<tr>
<td>58(2)(b)</td>
<td>Do not support</td>
<td>Council does not support the inclusion of this provision in the Bill, given it is far too broad in its current form and is open to interpretation.</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Support</td>
<td>Council Position</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Do not support</td>
<td>Council does not support this provision as it is not necessary and would have very limited purpose. The set-up of the joint meetings of Council would require agreement in terms of Governance Rules etc, which is unnecessary. The same outcome can be achieved by both Councils resolving on the same matter.</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Do not support</td>
<td>Council believes that this requirement needs further review as it appears confusing and could be expressed in simpler terms. The provisions of Delegated Committees are very important and should be clear and concise.</td>
<td></td>
</tr>
<tr>
<td>64(5)</td>
<td>Do not Support</td>
<td>This provision again causes confusion as it refers back to the Delegated committees. It is unclear what this clause is trying to achieve.</td>
<td></td>
</tr>
<tr>
<td>66(2)(d)</td>
<td>Do not Support</td>
<td>Council does not support this provision as it is too restrictive for the Council during the Election Period. The existing LGA provision concerning major decisions including the threshold is very clear and manageable and also allows the business of Council to continue.</td>
<td></td>
</tr>
<tr>
<td>70(6)(b)</td>
<td>Support</td>
<td>Council supports this provision; however, it is suggested that the word ‘adversely’ be inserted before affect, otherwise there is a risk that a requirement for community engagement process is triggered with every response to feedback that is taken on board regardless of whether it is a beneficial change or not.</td>
<td></td>
</tr>
</tbody>
</table>
## Part 4: Planning and financial management

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>85</td>
<td>Support</td>
<td>Council supports this provision; however, further clarification is required within the provision if the Council Plan is to be reviewed annually and how that might be undertaken in association with the community engagement policy.</td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Support</td>
<td>Council supports this provision; however, further clarification is required within the provision if the Financial Plan is to be reviewed annually and how that might be undertaken in association with the community engagement policy.</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Support</td>
<td>Council supports this provision; however, further clarification is required within the provision if the Asset Plan is to be reviewed annually and how that might be undertaken in association with the community engagement policy.</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>Support</td>
<td>Council supports this provision; however, further clarification is required within the provision if the Revenue and Rating Plan is to be reviewed annually and how that might be undertaken in association with the community engagement policy.</td>
<td></td>
</tr>
<tr>
<td>89(2)(d)</td>
<td>Not support</td>
<td>Council supports that the budget should be able to show the financial statement information for each financial year and the subsequent 3 financial years. However, the detailed narrative information around the service description, initiatives, services being funded, capital works projects, rates and charges, rating information etc. should be confined to the first year as the following years 2-4 have too many unknowns to list in a detailed manner.</td>
<td></td>
</tr>
<tr>
<td>92(3)</td>
<td>Not support</td>
<td>Council does not support this provision given that the need for a revised budget would only be triggered if the change to the budget was substantial and then would trigger the process at any time. Does this provision limit the timeframe when a revised budget can be undertaken?</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>Support</td>
<td>Council supports in principle this provision; however, it is difficult to comment given the financial policies will be prescribed by Regulations yet to be drafted.</td>
<td></td>
</tr>
</tbody>
</table>
## Part 5: Rates and charges

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>101(1)</td>
<td>Not support</td>
<td>Council does not support this provision in relation to charitable purposes land where a charity owns a nursing home and charges full market rate. In this instance it should not be deemed for charitable purposes.</td>
<td></td>
</tr>
<tr>
<td>101(4)</td>
<td>Not support</td>
<td>Council does not support the proposed definition of charitable purpose land. We suggest that greater clarification is needed to ensure charitable purposes is black and white. Therefore we suggest the definition should be amended to read “For the purposes of the definitions of charitable purpose land and public purpose land, any part of land is not used exclusively for charitable purposes or public purposes solely due to the charitable status of an occupant, or the resulting use of land raised from the use of the property”.</td>
<td></td>
</tr>
<tr>
<td>101(3)</td>
<td>Support</td>
<td>Council supports 101(3) but believe a further clause should be included to include where the Crown has approved a caretaker of a property at a nominal rent (peppercorn rent).</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Support</td>
<td>Council supports the uniform system of Capital Improved Value for valuation purposes. However, the words relating to service charges are in conflict with Section 107(2).</td>
<td></td>
</tr>
</tbody>
</table>
| 121 | Support | Council we supports that payment of rates be made by instalments, we object to lump sum being a compulsory option. The Essential Services Commission commissioned a report indicating that large bills accumulated are as a result of infrequent billings.

Council suggests that instalments by the compulsory method of collecting rates and charges with an option to opt in to pay by lump sum or for non-residential properties. |
## Part 6: Council operations

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>145</td>
<td>Support</td>
<td>Council supports the Service performance principles outlined in the Bill. They are clear, concise and provide a mechanism to continually improve service delivery.</td>
<td></td>
</tr>
<tr>
<td>153(2)(b)</td>
<td>Support</td>
<td>Council supports this provision in principle but it is unclear what type of community engagement is required in the absence of the community engagement policy and regulations.</td>
<td></td>
</tr>
<tr>
<td>161</td>
<td>Do not support</td>
<td>Council does not support this provision without clear definition of acceptable excuses. The enforcement of this penalty is unclear as to how this would be undertaken.</td>
<td></td>
</tr>
</tbody>
</table>
### Part 7: Council integrity

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>166</td>
<td>Support</td>
<td>Council supports the inclusion of this provision as it provides a clear definition of a general conflict of interest which provides clarity.</td>
<td></td>
</tr>
<tr>
<td>167</td>
<td>Support</td>
<td>Council supports the inclusion of this provision as it provides a clear definition of a material conflict of interest which provides clarity.</td>
<td></td>
</tr>
<tr>
<td>168(b)</td>
<td>Support</td>
<td>Whilst Council supports this provision we believe further clarification or definition is required as to what constitutes a substantial proportion of residents. It is difficult for Councillors to determine this and therefore if a number or percentage of residents was included in the provision it would provide greater understanding for Councillors.</td>
<td></td>
</tr>
</tbody>
</table>
| 171(1) | Do not support | Definition – Nominated Officer  
Council does not support the definition of nominated officers for the purpose of Personal Interest Returns. There is a significant difference between the current and the proposed definitions of “nominated officer”. Nominated officer currently means CEO, staff with management responsibilities reporting directly to the CEO, and senior officers whose remuneration exceeds a certain threshold. The proposed definition is “a member of Council staff who has a statutory or delegated power, duty or function and is nominated by the CEO because of the nature of that power, duty or function”. Therefore the CEO would need to review a substantial list of all Council officers who have a statutory and delegated power and then make a decision about whether they are a nominated officer. This provides uncertainty as to what basis nominating a person would be, which would result in discrepancy between councils. |

| 174   | Do not support | Council does not support this provision in its entirety. The existing provisions provide a mechanism for the community to access personal returns under a monitored situation. The proposal would see place of residence and other matters prescribed by the regulations published on the internet. This is unnecessary and raises safety and privacy concerns. |
### Part 8: Ministerial oversight

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>209</td>
<td>Support</td>
<td>Whilst Council supports this provision, the principles of natural justice should apply in circumstances where the Minister is intending to intervene through giving a direction. This provision should be amended to require the Minister to first give a Council a right of reply before action is taken.</td>
<td></td>
</tr>
</tbody>
</table>

### Part 9: Electoral provisions

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>276</td>
<td>No support</td>
<td>Council does not support that the Minister will determine the method of voting for a general election and that voting system will apply statewide. Councils should retain the right to determine the voting system that is most appropriate to the municipality taking into account cost, community participation and broader public value.</td>
<td></td>
</tr>
<tr>
<td>323</td>
<td>Support</td>
<td>Council supports the Chief Municipal Inspector taking responsibility for the election campaign donations submitted following an election.</td>
<td></td>
</tr>
</tbody>
</table>
### Part 10: General provisions

<table>
<thead>
<tr>
<th>Clause (No.)</th>
<th>Support / Do Not Support / Neutral</th>
<th>What changes do you propose and why?</th>
<th>Are there any other comments you would like to make on this clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>326(1)</td>
<td>Not support</td>
<td>Council does not support this provision as it stands. The Bill removes the ability for Authorised Officers to enforce provisions under other Acts. This is problematic in terms of the day to day operations of Council. It is suggested that the existing provisions in Section 89 be retained.</td>
<td></td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
Sandringham Aged Care Association (SACA) has requested amendment to the Deed of Settlement with City of Sandringham dated 10 October 1994 (the Deed). A report on the matter was deferred from the December 2017 Ordinary Council meeting. This report seeks Council approval to amend the Deed.

SACA is a not for profit residential aged care provider. SACA has requested amendments to the Deed of Settlement that facilitated the use of Council land in Bluff Road Sandringham by the Association to support development of an Aged Care Facility. The purpose of the Deed was to allow the land to be held in perpetuity for charitable purposes unless the trust is terminated and to establish an aged persons hostel. Since that time SACA constructed 30 beds on the site provided by Council under the Deed. In 2003 the facility expanded by 32 beds on buildings on the adjacent crown land.

Since the Deed was entered into the former Sandringham Council has been amalgamated into Bayside, and aged care regulations have changed meaning some clauses of the Deed require updating. SACA has made requests for changes which reduce some control Council could have over the Trust. The majority of changes are relatively minor, however the approach to meeting the priority for Bayside residents requires some consideration to allow SACA to meet its administrative challenges whilst ensuring that Council maintains the intent to support its residents as a priority with their aged care needs.

Key issues

Updating the Deed to Reflect Changes Over Time

There are a number of historic references in the Deed which are no longer relevant or do not accord to changes in regulation over time. These include references to the City of Sandringham and to the Kingston Aged Care Assessment Team. The proposal by SACA to amend the Deed to reflect these changes is appropriate. Other changes proposed by SACA which reflect the changed nature of Aged Care regulations from the time of the Deed are supported. These relate to the determination of ‘fee paying’ and are in line with the current regulations. It is not possible to meet the terms of the Deed as it is currently written and this has led to interpretations to best fit the conditions, for example the City of Sandringham being interpreted as the City of Bayside.

Priority of consideration

The current deed creates a priority order for access being:

I. Residents of the City of Sandringham (currently interpreted to be Bayside)

II. Persons resident to the City of Sandringham for at least 5 of the last 10 years prior to admission

III. Close relatives of persons who have resided in the City of Sandringham for not less than 5 years immediately to their date of admission; and

IV. Any other persons
As the Aged Care Hostel now operates over two separate land parcels, these four criteria for prioritisation cause challenges in terms of administratively managing the site. SACA has suggested the Deed be amended to remove the four criteria and instead require that 30 beds across the total SACA facility be preserved for Bayside residents. This would provide flexibility to SACA and also preserve and strengthen the intent of the original Deed. SACA has advised that the majority of its residents meet the first 3 priorities above in any case as this is the facility’s natural catchment. This suggested clause provides greater access to Bayside Residents for the 30 beds initially established on the site. In theory, although unlikely due to natural catchments, the priority order could have led to a situation where beds were filled with non residents or their families in the event priority IV. Any other persons was triggered where no one meeting the first three conditions was on a waiting list.

Protecting Council rights as Beneficiary

Council provided title to the land in 1994 and in some circumstances the title may revert to Council. These include the winding up of the association, ceasing to be available to eligible persons in the priority specified below and ceasing to be a not for profit charitable organisation. This is maintained in the revised Deed terms. An amendment to clause 8.1 provides that Council will only exercise powers to remove/appoint trustees where the trust is in default of the Deed and does not rectify the default within 30 days of a written notice by Council. A number of other minor amendments have been made to ensure the triggers whereby Council may enact its rights reflect the changes proposed to bed allocation and assessment of eligible persons.

Proposed changes not agreed to

Council sought legal advice in relation to a number of proposed amendments. Those which may have lessened Council’s rights as Trustee were not agreed. These related to sections 3 and 10 of the deed.

Recommendation

That the Chief Executive Officer be authorised to execute the Deed of Variation with the Sandringham Aged Care Association Trust contained in Attachment No. 1 of this report.

Support Attachments

1. Deed of Variation
2. Sandringham Aged Care Association Deed of Settlement
Considerations and implications of recommendation

Liveable community

Social
The Deed covers part of the land occupied by Fairway Hostel run by SACA which currently has 62 beds used for Aged Care, 30 of which occupy the land under the Deed. The Deed provides for a level of priority in assessment to Bayside residents. SACA's requested changes support continued priority access for Bayside residents. The Deed requires the land be used for a not for profit charitable use as an Aged Care facility.

Natural Environment
There are no implications to the natural environment as a result of this report.

Built Environment
SACA operate the site as an Aged Care Hostel. There are no immediate implications to the site as a result of this report.

Customer Service and Community Engagement
Council officers have had numerous discussions with representatives of SACA in relation to proposals to change the Deed.

Human Rights
There are no Human Rights issues associated with this report, the Deed allows consideration of all people to be residents, however sets a priority order to those connected to Bayside.

Legal
The Deed and suggested modifications have been referred to legal review. As a beneficiary of the Trust it is important that Council protects its rights whilst seeking to amend the Deed to reflect the modern regulatory environment in Aged Care. Only minor amendments have been agreed to any areas where Council's rights may be impacted, the major requests for change were not agreed to during negotiation.

Council is not obliged to update the Deed, however a number of clauses are no longer relevant and would benefit from updating.

Finance
There is no financial implications for the report. SACA will cover the cost of updating the Deed which should be in the order of $2,500.

Links to Council policy and strategy
Links to Goal 8 Governance, specifically the action related to review of Council's property portfolio to provide clarity on tenant responsibilities, maximise community benefit, and ensure financial sustainability.
Options considered

<table>
<thead>
<tr>
<th>Option</th>
<th>Summary</th>
<th>Benefits</th>
<th>Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not update the Deed</td>
<td>Council is not required to update the Deed</td>
<td>The Deed no longer reflects the requirements of Aged Care as regulation has changed over the past 20 years.</td>
<td>SACA have operated the site since 1994 and run an Aged Care Hostel, however the Trust only covers half the facilities leading to some administrative issues with assessment.</td>
</tr>
<tr>
<td></td>
<td>Council maintains a high level of potential control over the site should it wish to intervene in the operation of the Trust at a future time.</td>
<td>The proportion of residents is highly weighted to Bayside over both parcels of land.</td>
<td>Changes in regulations means some clauses are not completely relevant eg. City of Sandringham is being interpreted as Bayside City Council.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Council is protected by the use of the land requiring a charitable use associated with provision of Aged Care. It is unclear what circumstances would cause Council to intervene to remove a member of the Trust or to impose a member. Council does not operate this way with any other arrangements for uses on Council land.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SACA advise future changes to Consumer Directed Care mean the current Deed creates significant challenges as all residents will be fee paying on the basis of services they select or need. This change in funding model is not considered in the current Deed.</td>
</tr>
</tbody>
</table>
1. Deed of Variation
The Sandringham Aged Care Association Trust

Bayside City Council

and

Sandringham Aged Care Association Inc
Deed of Variation

Dated / / 

Parties

Name | Bayside City Council (successor in law to The Mayor, Councillors and Citizens of the City of Sandringham)
Address | 76 Royal Avenue, Sandringham 3191
Short name | Council

Name | Sandringham Aged Care Association Inc (Registration No. A0026351E)
Address | 195 Bluff Road, Sandringham 3191
Short name | SACA

Background

A. This Deed is supplemental to the Original Deed.

B. SACA is the trustee of the Trust. Council and SACA are the beneficiaries of the Trust.

C. Clause 9 of the Original Deed provides that SACA, with the consent of Council, may by deed revoke, add to or vary all or any of the provisions of the Original Deed and declare any new or other trusts or powers concerning the land the subject of the Trust.

D. SACA and Council wish to vary the Original Deed as set out in this Deed.

This Deed Witnesses

1. Definitions

In this Deed, unless expressed or implied to the contrary:

Deed means this deed executed by the parties.

Effective Date means the date of this Deed.

Original Deed means the deed of settlement made on 10 October 1994 between The Mayor, Councillors and Citizens of the City of Sandringham as settlor and SACA as trustee of the Trust.

Trust means the Sandringham Aged Care Association Trust.
2. Variation of Original Deed

The Original Deed is varied as follows:

2.1 Clause 2.2 of the Original Deed is deleted and replaced with the following:

2.2 The Trustee shall hold the land upon trust to permit the same to be appropriated and used in perpetuity for the following charitable purposes unless the Trust is terminated in accordance with the provisions of this Deed:

2.2.1 to enable the Trustee to erect, establish and maintain an Aged Persons Hostel on the land to provide care and accommodation for persons who are frail or disabled and who have been approved by an Aged Care Assessment Team in accordance with the Aged Care Assessment Program administered by the Commonwealth Department of Health to receive residential care provided that at least 30 beds in the residential aged care facility known as Fairway Hostel must at all times be occupied by persons who immediately before their admission were residents of the municipal district of the City of Bayside; and

2.2.2 such other charitable purposes as the Trustee with the consent of the Council may from time to time determine.

2.2 Clause 7 of the Original Deed is deleted and replaced with the following:

7 FINANCIAL STATEMENTS

The Trustee shall, upon request, provide to the Council a statement setting out all of the particulars required by Section 30(3) of the Associations Incorporation Act 1981.

2.3 Clause 8.1 of the Original Deed is deleted and replaced with the following:

8.1 The Council shall be entitled by instrument in writing at any time and from time to time:

8.1.1 to remove any Trustee hereof;

8.1.2 to appoint any additional Trustee or Trustees; or

8.1.3 to appoint a new Trustee or Trustees in place of any Trustee which resigns its trusteeship or ceases to be a Trustee by operation of law, provided that the powers referred to in Clause 8.1.1 and Clause 8.1.2 can only be exercised by the Council where the Trust is terminated under Clause 10 or where the Trustee is in default of the provisions of this Deed and such default has not been rectified by the Trustee within 30 days of written notice by the Council to the Trustee requiring rectification of the default.

2.4 Clause 10.1.3 of the Original Deed is deleted and replaced with the following:

10.1.3 less than 30 beds in the residential aged care facility known as Fairway Hostel are occupied by persons who immediately before their admission were residents of the municipal district of the City of Bayside.

2.5 Clause 10.1.5 of the Original Deed is deleted and replaced with the following:

10.1.5 the Trustee makes the Hostel available to persons who have not been approved by an Aged Care Assessment Team in accordance with the Aged Care Assessment Program administered by the Commonwealth Department of Health to receive residential care, unless the Council has consented in writing to the
Hostel being used for a specified number of persons who have not been so approved (such consent not to be unreasonably withheld) and that number is not exceeded.

2.6 Clause 10.1.6 of the Original Deed is deleted.

3. Council consents

Council consents to the variation of the Original Deed as specified in this Deed.

4. Continued operation

The Original Deed remains effective and unaltered, except as varied by this Deed. SACA (in its capacity as trustee of the Trust) declares that, as from the date of this Deed, it will stand possessed of the land upon the trusts and with and subject to the powers and provisions contained in the Original Deed as varied by this Deed.

5. Costs and duty

5.1 Council’s costs

SACA must pay to Council on demand all legal and other costs and expenses incurred by Council in connection with the preparation, negotiation and finalisation of this Deed.

5.2 Duty

SACA must pay any stamp duty on this Deed and any additional stamp duty required to upstamp the Original Deed.

6. Interpretation

Unless the context otherwise requires, the words defined in the Original Deed have the same meaning whenever they appear in this Deed.
Signing Page

Executed by the parties as a deed on and with effect from the Effective Date.

Signed sealed and delivered on behalf of Bayside City Council by:

.................................................................
Adrian Robb, Chief Executive Officer
pursuant to an Instrument of Delegation dated 25 March 2014

Witnessed by: ..............................................
Name: ..................................................
Date: ..................................................

Executed by Sandringham Aged Care Association  
Inc in accordance with section 38 of the Associations  
Incorporation Reform Act 2012 (Vic):

.................................................................  .................................................................
Signature of Committee Member/Secretary  Signature of Committee Member

.................................................................  .................................................................
Print Full name  Print Full name
THIS DEED OF SETTLEMENT is made the 10th day of October 1994
BETWEEN THE MAYOR, COUNCILLORS AND CITIZENS OF THE CITY OF
SANDRINGHAM of Municipal Offices, Royal Avenue, Sandringham, Victoria
("the Council") of the one part and SANDRINGHAM AGED CARE ASSOCIATION
INC. of 12 Red Bluff Street, Black Rock, Victoria ("the Trustee") of
the other part
WHEREAS
A. The Council is registered or entitled to be registered as the
proprietor of an estate in fee simple free from encumbrances
in all that piece of land delineated and coloured red on the
copy plan annexed hereto and being Lot 2 on Plan of
Subdivision No. PS 336453M ("the land").
B. The Council wishes to transfer the land to the Trustee upon
the Trusts and with and subject to the powers and provisions
hereinafter expressed in this Deed.
NOW THIS DEED WITNESSES as follows:-
1. DEFINITIONS AND INTERPRETATION
1.1 IN this Deed the following terms and words, unless otherwise
indicated by the context, shall have the following meanings:-
1.1.1 "Beneficiaries" means the parties to this Deed and
"Beneficiary" means any one of the parties to this
Deed to the extent of its interest in the land.
1.1.2 "the Council" shall mean and include the Mayor,
Councillors and Citizens of the City of Sandringham
and shall include such other equivalent persons or
legal entity which shall be or become the successor
in title of the City of Sandringham by due process
of law whether by amalgamation or substitution
howsoever occurring.
1.1.3 "the Hostel" shall mean the Aged Persons Hostel erected or to be erected on the land.

1.1.4 "the land" is the land described in Recital A hereof.

1.1.5 "the Trustee" means the Sandringham Aged Care Association Inc. or any subsequent or additional Trustee or Trustees for the time being of the Trust.

1.1.6 "the Trust" means the Settlement created by this Deed.

1.1.7 "termination date" means the date upon which the Trust is terminated in accordance with clause 10 of this Deed.

1.1.8 the singular shall mean and include the plural and vice versa and any gender shall mean and include all other genders.

1.1.9 references to any statutory enactment shall mean and be construed as references to the said enactment as amended, modified and re-enacted from time to time.

1.1.10 if a party consists of more than one person this Deed binds them jointly and each of them severally.

1.1.11 a reference to a person includes a reference to a firm, corporation or other corporate body or entity recognised by law.

1.2 THIS Deed shall bind the parties hereto together with their respective legal personal representatives, successors and permitted assigns.
1.3 IF a Court shall determine that a word, phrase, sentence, paragraph or clause of this Deed is unenforceable, illegal or void then it shall be severed and the other provisions of this Deed shall remain operative.

1.4 ALL headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Deed.

1.5 THE Trust shall be governed by and this Deed shall be construed in accordance with the laws of the State of Victoria.

2. DECLARATION OF TRUST

2.1 THE Council as Settlor hereby conveys to the Trustee the whole of the land together with any improvements constructed on the land upon the Trusts and for the purposes specified in clause 2.2 hereof but subject to that clause upon trust for the Beneficiaries for their respective rights and interests in accordance with the provisions of this Deed.

2.2 THE Trustee shall hold the land upon trust to permit the same to be appropriated and used in perpetuity for the following charitable purposes unless the Trust is terminated in accordance with the provisions of this Deed:-

2.2.1 to enable the Trustee to erect, establish and maintain an Aged Persons Hostel on the land to provide care and accommodation for persons who are frail or disabled and so assessed by the Kingston Aged Care Assessment Team as in need of such accommodation provided that priority of admission to the Hostel shall be in the following order:-
(i) residents of the City of Sandringham.
(ii) persons who have been a resident of the City of Sandringham for at least five (5) of the ten (10) years prior to their admission.
(iii) close relatives of persons who have resided in the City of Sandringham for not less than five (5) years immediately to their date of admission; and
(iv) all other persons.

such other charitable purposes as the Trustee with the consent of the Council may from time to time determine.

3. POWERS OF THE TRUSTEE

3.1 THE Trustee shall in addition to the powers otherwise conferred upon Trustees by law have the following powers:–

3.1.1 to liaise with governments, trusts or corporations for the purpose of attracting financial support for the charitable purposes specified in this Deed;

3.1.2 to employ any person in connection with anything required to be done pursuant to the provisions of this Deed including the receipt and payment of money and to decide the remuneration to be allowed and paid and the amount of all charges and expenses and to create or arrange any scheme or superannuation, retirement benefit or pension for the benefit of any persons so employed;
3.1.3 to take such action as the Trustee shall think fit for the adequate protection of any part or parts of the land and all improvements erected thereon.

3.1.4 to take and act upon the opinion (given in writing) of any Attorney-at-law or Counsel practising in the State of Victoria in relation to the interpretation or effect of this Deed or any other document or Statute or as to the administration of the Trusts hereof without being liable to any Beneficiary in respect of any act done by the Trustee in accordance with such opinion provided that nothing in this provision shall prohibit or impede the Trustee from applying to the Court if it thinks fit or prohibit any Beneficiary from so doing.

3.1.5 to exercise or concur in exercising all the powers and discretions contained in this Deed or otherwise conferred by law notwithstanding that the Trustee or any person being a Trustee or, in the case of a Trustee being a company any person being a Director or shareholder of a Trustee hereof has or may have a direct or personal interest (whether as Trustee of any other settlement or in his personal capacity or as a Director or shareholder of any company or otherwise) in the mode or result of exercising such power or discretion or may benefit either directly or indirectly as a result of the exercise of any such power or discretion and notwithstanding that the Trustee for the time being is the sole Trustee;
3.1.6 generally to do all such acts and things in relation to the management and administration of the land as the Trustee could do if it were its own property;

3.1.7 to do all or such other things as are incidental or conducive to the attainment of the Trusts or the exercise of the above powers or any of them.

3.2 THE Trustee shall further have the power to borrow and raise monies for any of the purposes specified in Clause 2.2 hereof by way of overdraft accommodation or commercial bill facility with a banker or by way of loan or advance from any person, firm, corporation or governmental or municipal body upon such terms with or without security or interest as the Trustee shall deem fit provided always that:-

3.2.1 any monies borrowed and secured by way of mortgage over the land shall only be used for construction of the Hostel and not otherwise; and

3.2.2 the Trustee shall not execute a mortgage over the land unless such mortgage contains provisions to the effect that:-

(a) the mortgagee may not exercise its power to sell thereunder without first having offered to transfer the land to the Council in consideration only of the Council taking over all liability under such mortgage and the Council rejecting such offer or not accepting the same within thirty (30) days of being made; and
(b) in the event of the Council rejecting or not accepting such offer and the mortgagee exercising its power of sale the net proceeds of such sale after deduction of the amount due to the mortgagee shall be paid to the Council.

4. LIABILITY OF THE TRUSTEE

4.1 SUBJECT always to any express provision to the contrary herein contained, every discretion vested in the Trustee shall be absolute and uncontrolled and every power vested in the Trustee shall be exercisable at its absolute and uncontrolled discretion and without any obligation to consider competing claims of any Beneficiaries.

4.2 THE Trustee shall not be entitled to indemnity, reimbursement or recompense from any Beneficiary.

5. DELEGATION OF TRUSTEES POWERS AND DUTIES

IN connection with the carrying out of all or any of the Trusts and powers herein contained, the Trustee shall not be bound to act personally but may hire, engage or employ the services of professionally qualified persons and specialists (including stock brokers, bankers, accountants, solicitors, architects and surveyors) and managers, secretaries, clerks, contractors, workmen, employees, servants or such other persons as the Trustee may in its absolute discretion think fit.
6. **PAYMENT OF RATES, TAXES AND EXPENSES**

AT all times during the continuance of the Trust the Trustee shall be responsible for payment of the following outgoings when due and payable:-

6.1 all rates, duties, charges and impositions whatsoever payable assessed, charges or imposed in every respect on the land (whether Parliamentary, municipal or otherwise and whether assessed, charged or imposed by or under Federal or State law or by Federal or State or Local Authorities) including the amount of any State Land Tax so assessed and payable (if any) provided that if any such outgoings are not separately assessed in respect of the land they shall be apportioned on the basis of an assessment by the Rating Officer of the Council as to the capital improved value of the land and the appropriate apportionment of those rates based on such value.

6.2 all charges for telephone, electricity, gas and excess water as assessed against the Aged Persons Hostel and/or the land together with, if appropriate, the cost of connection of such services and the cost of installation of separate meters for the Hostel.

6.3 the cost of all repairs re-decoration and maintenance to the Hostel including any repairs of a structural nature.

6.4 payment of all premiums for insurances effected in respect of the Hostel.

7. **ANNUAL FINANCIAL STATEMENTS**

THE Trustee shall, within one (1) month from the close of its financial year, provide to the Council a statement setting out all of the particulars required by Section 30(3) of the Associations Incorporation Act 1981.
8. APPOINTMENT OF NEW TRUSTEE

8.1 THE Council shall be entitled by instrument in writing at any
time and from time to time:-
  8.1.1 to remove any Trustee hereof.
  8.1.2 to appoint any additional Trustee or Trustees; or
  8.1.3 to appoint a new Trustee or Trustees in place of
      any Trustee which resigns its trusteeship or ceases
      to be a Trustee by operation of law.

8.2 ANY Trustee and any person who may by succession become a
Trustee may resign or renounce such position by notice in
writing to the other Trustees (or in the case of a sole
surviving Trustee, by notice in writing given to the Chief
Executive Officer) and forthwith upon the giving of such
notice the Trustee giving the same shall for all purposes
hereunder cease to be a Trustee or to be a person who may by
succession become a Trustee.

8.3 A copy of all notices of change in the Trusteeship of this
Trust shall be endorsed on or attached to this Deed and every
such notice shall be sufficient evidence to any person having
dealings with the Trustee of this Deed as to the facts to
which it relates.

9. VARIATION OF TRUSTS

THE Trustee for the time being, at any time and from time to time
prior to the termination date but only with the consent of the
Council may by Deed revoke, add to or vary all or any of the
Trusts hereinbefore limited or the Trusts limited by variation or
alteration or addition made thereto from time to time and made by
the same or any other Deed or Deeds declare any new or other
-10-

Trusts or powers concerning the land or any part or parts thereof the Trusts whereof shall have been so revoked, added to or varied provided always that such new or other Trusts, powers, discretions, alterations or variations shall be for the charitable purposes as specified in clause 2.2 hereof.

10. TERMINATION OF TRUST

10.1 TERMINATION date:

the Trust shall be terminated on the first to occur of the dates upon which any of the following events shall take place:-

10.1.1 the Trustee ceases to be an incorporated association which is not entitled to distribute any profits it may make to its members and/or becomes an organisation or Body Corporate which becomes entitled to distribute any profits it makes amongst its members or shareholders.

10.1.2 the purposes for which the Hostel are used cease to be charitable.

10.1.3 the Hostel ceases to be available to eligible persons in the priority as specified in clauses 2.2 hereof.

10.1.4 the Trustee is wound up or cancelled in accordance with its Rules or the provisions of the Associations Incorporation Act 1981.

10.1.5 the Trustee makes the Hostel available to private fee paying patients unless the Council has consented in writing to the Hostel being used for a specified number of private fee paying patients and that number is not exceeded.
10.1.6 The construction of the Hostel has not been completed within seven (7) years from the date of this Deed.

10.1.7 The Trustee takes any action which may exceed or shall be reasonably anticipated to exceed its powers given in clause 3 of this Deed or generally and such breach has not been remedied upon the expiration of fourteen (14) days notice from the Council specifying such breach.

10.1.8 the Trustee defaults under a mortgage thereby entitling the mortgagee, subject to the provisions of Clause 3.2.2, to exercise its power of sale of the land.

11. PROCEDURE ON TERMINATION

11.1 ON the termination date the Trustee shall take all steps necessary to transfer the whole of the land and all improvements thereon to the Council for no consideration other than as being a Beneficiary of the Trust entitled in equity to the land consequent upon the termination of the Trust.

11.2 THE Trustee hereby irrevocably appoints the Council to be its attorney to execute all documents and to do any thing whatsoever which in the opinion of the Council is necessary to effect or facilitate the transfer of the land to the Council in accordance with the provisions of sub-clause 11.1.

11.3 THIS Clause shall not apply upon termination of the trust as a result of a default by the Trustee under a mortgage and the mortgagee transferring the land to the Council pursuant to Clause 3.2.2(a) or exercising its power of sale in accordance with Clause 3.2.2(b).
12. NOTICES

12.1 ANY notice or other communication required or permitted to be served by any party on another party shall be in writing and may be served:—

12.1.1 by delivering it personally to that party; or

12.1.2 by sending it by pre-paid post addressed to that party at its address set out in this Deed or subsequently notified by the party being served to the other party from time to time.

12.2 A notice or other communication shall be deemed to be served, if delivered, upon delivery and, if posted, on the expiration of two (2) business days after the date of posting.

13. THE NAME OF THE TRUST

THE Trust established by this Deed shall be known as the SANDRINGHAM AGED CARE ASSOCIATION TRUST.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year hereinbefore mentioned.

THE COMMON SEAL of THE MAYOR
COUNCILLORS AND CITIZENS OF
THE CITY OF SANDRINGHAM was hereto affixed in the presence of:

Mayor: ..............................................................

Councillor: ........................................................

Chief Executive Officer: ......................................
THE COMMON SEAL of SANDRINGHAM AGED CARE ASSOCIATION INCORPORATED was hereto affixed in accordance with the provisions of its Rules in the presence of:

Committee Member: [Signature]

General Manager: [Signature]

Committee Member: [Signature]
Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 19 December 2017.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting report
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.11.14</td>
<td><strong>Home and Community Care (HACC) Service Review</strong> 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><strong>Sandringham Village Streetscape Masterplan</strong> 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><strong>Childrens’ Sensory Garden Investigation</strong>  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><strong>Bayside Public Transport Advocacy Statement</strong>  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>
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<tr>
<td>28/02/17</td>
<td>Potential Land Purchase</td>
<td>DCorp</td>
<td>A further report will be submitted to Council following the negotiations.</td>
</tr>
<tr>
<td>25/7/17</td>
<td>Sandringham Golf Course Increased Investment and Upgrade Proposal</td>
<td>DCS</td>
<td>Report to be submitted Council following the consultation.</td>
</tr>
<tr>
<td>25/7/17</td>
<td>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</td>
<td>DCS</td>
<td>A further report will be submitted Council following completion of the community consultation process.</td>
</tr>
<tr>
<td>25/7/17</td>
<td>Bayside Environmental Sustainability Framework 2016-2025 Annual Progress Report</td>
<td>DERI</td>
<td>A report will be submitted to the August 2018 Council meeting.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
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<td>COMMENTS/STATUS</td>
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<tr>
<td>22/8/17</td>
<td><strong>Future Provision of Netball Facilities - Site Assessment Outcomes</strong></td>
<td>DERI</td>
<td>A report will be submitted before or at the April 2018 Council meeting.</td>
</tr>
<tr>
<td></td>
<td>That Council receive a report before or at the April 2018 Council meeting on the</td>
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<td></td>
<td>establishment of a netball centre on the site of the Sandringham Golf Driving Range;</td>
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<tr>
<td>22/8/17</td>
<td>**Brighton Secondary College Synthetic Hockey facility - Management Committee</td>
<td>DERI</td>
<td>A report will be submitted to the July 2018 Council meeting.</td>
</tr>
<tr>
<td></td>
<td>Financials Update**</td>
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<td></td>
<td>That Council receives a further report no later than July 2018 from the</td>
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<td></td>
<td>Management Committee summarising activities, including the financial position of</td>
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<td></td>
<td>the Brighton Secondary College Hockey Facility Management Committee.</td>
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<tr>
<td>22/8/17</td>
<td><strong>Integrated Transport Strategy 2013 - Implementation Progress During 2016/17</strong></td>
<td>DERI</td>
<td>A report will be presented to the March 2018 Council meeting.</td>
</tr>
<tr>
<td></td>
<td>2. receives a further report presenting a mid-term review and update of the</td>
<td></td>
<td></td>
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<tr>
<td>19/9/17</td>
<td><strong>Amendment C126 – Small Activity Centres Strategy 2014</strong></td>
<td>DCPCS</td>
<td>Work is progressing to finalise the material for the Council Briefing report to be presented on 5 December 2017.</td>
</tr>
<tr>
<td></td>
<td>That Council:</td>
<td></td>
<td>Notification of decision was mailed out and emailed to submitters on 2 October 2017.</td>
</tr>
<tr>
<td></td>
<td>1. Considers the submissions to Amendment C126 at a future Council meeting.</td>
<td></td>
<td>A meeting with the Pennydale Action Group is to be organised following the Council Briefing on 5 December 2017.</td>
</tr>
<tr>
<td></td>
<td>2. Receives a briefing on the outcome of the review at its 5 December 2017</td>
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<td></td>
<td>Councillor briefing.</td>
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<td></td>
<td>3. Writes to submitters and advises of its decision.</td>
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<tr>
<td>24/10/17</td>
<td>4. Engages with the Pennydale Action Group to further discuss the implications of Amendment C126 prior to the December meeting.</td>
<td></td>
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</tr>
<tr>
<td>24/10/17</td>
<td>10.1 Amendment C151 – Hampton East (Moorabbin) Structure Plan</td>
<td>DCPCS</td>
<td>A report will be submitted to Council following the Minister for Planning’s decision in 2018.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
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<tr>
<td>24/10/17</td>
<td>10.5 Early Years Infrastructure Plan</td>
<td>DCPCS</td>
<td>A report will be presented in March 2018.</td>
</tr>
<tr>
<td></td>
<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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<tr>
<td>24/10/17</td>
<td>10.16 HMVS Cerberus – Heritage Works Permit Update</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>
</tr>
<tr>
<td></td>
<td>That Council</td>
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<tr>
<td></td>
<td>2. 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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<td>That Council</td>
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<td></td>
<td>3. 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>
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</tbody>
</table>
| 21/11/17        | **Statutory Planning Service and Delegations**  
That Council receives a further report in June 2018 reporting on the outcomes of the trial and any further recommendations. | DCPCS    | That Council consider a report at the June 2018 Council meeting.                |
| 19/12/17        | **Bayside Film Festival**  
4. Pending the outcome of the grant application, a further report be provided to Council which includes the findings of the work undertaken should the application be successful, and in the event that it is not, Council receive a further report. | DCCCS    | A report will be submitted to Council at the October meeting.                  |
11. **Reports by Delegates**

1. **Association of Bayside Municipalities** – The Mayor Cr Evans
2. **MAV Environment Committee** – Director Environment, Recreation & Infrastructure
3. **Metropolitan Transport Forum** – Cr Martin
4. **Municipal Association of Victoria** – Cr del Porto
5. **Inner South Metropolitan Mayors’ Forum** – The Mayor Cr Evans
6. **Metropolitan Local Government Waste Forum** – Cr Heffernen

12. **Urgent Business**
13. Notices of Motion

13.1 NOTICE OF MOTION - 266 - COMMUTER SHUTTLE BUS SERVICE

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/15730

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 20 February 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion
That Council, given the shortage of car parking available to commuters seeking to drive to a railway station, receives a report at its April 2018 meeting on the feasibility of Council conducting a trial of a Council funded shuttle bus service around one of Bayside’s railway stations to transport Bayside commuters to the railway station from specified ‘shuttle bus stops’ located no greater than 800m (10 minute walk) from the railway station and the report to include:

- Identification of the station with the greatest parking demand and poorest public bus service;
- Identification of a trial area;
- Identification of a trial shuttle bus route;
- Consideration of operating times, nominally 6.30am – 9.00am and 4.00pm – 6.30 pm on weekdays;
- Consideration of service frequencies; and
- Consideration of the length of the trial and costs involved in providing a shuttle bus service.

Cr Alex del Porto

Support Attachments
Nil
13.2 NOTICE OF MOTION - 267 - BICYCLE REPAIR/SERVICE STATIONS

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/15758

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 20 February 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

That Council receives a report at its April 2018 meeting on the implications and costs of providing bicycle repair/service stations (incorporating a hand operated tyre pump, various tools for the repair of bikes and a water fountain) at a number of locations adjacent to the Bay Trail and other bike paths within Bayside.

Cr Alex del Porto

Support Attachments

Nil
13.3 NOTICE OF MOTION - 268 - SENIOR CITIZEN EXERCISE PARKS

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/15769

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 20 February 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

“That Council, given the number of seniors in our municipality, its aim to keep our elderly residents in good health and a similar initiative that has been proposed in Canberra, receives a report at its April 2018 meeting on the feasibility of establishing separate activity areas for seniors in a number of Council’s reserves where seniors can maintain their mobility and fitness and the report to include:

• Consideration of the merits/demand of establishing senior exercise parks (playgrounds for seniors) in Bayside incorporating a number of different activities designed to keep seniors in good physical health;
• Identification of potential locations for playground equipment for seniors; including areas adjacent to existing playgrounds; and
• Consideration of the costs involved in establishing fitness (playground) equipment for seniors.”

Cr Alex del Porto

Support Attachments

Nil