Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 20 March, 2018 at 7:00pm

Cr: Cr Laurence Evans (Mayor)

Councillors: Cr Alex del Porto
             Cr James Long BM JP
             Cr Michael Heffernan
             Cr Clarke Martin
             Cr Sonia Castelli
             Cr Rob Grinter
Members of the Gallery

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

Section 92 The Chair's Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
   7.1 Petition: Installation of chicanes on Exon Street Brighton to reduce hoon behaviour................................................................. 7
   7.2 Petition: Request to Continue the Operation of Elsternwick Park Golf Course ................................................................. 9
8. Minutes of Advisory Committees
   8.1 Minutes of the Audit Committee meeting held on 14 February 2018 .................................................................................. 11
   8.2 Minutes of the Arts and Culture Advisory Committee meeting held on 18 October 2017 ......................................................... 17
9. Reports by Special Committees
   9.1 Minutes of the Gallery@BACC Board meeting held on 28 February 2018 .............................................................................. 25
10. Reports by the Organisation
    10.1 Resilient Melbourne.................................................................................................................................................. 37
    10.2 Proposed Sale of Land 31 & 33 Orlando St, Hampton and 49 & 51 Beach Road Hampton ......................................................... 41
    10.3 Proposed Suburb Name Change of a portion of Cheltenham to be known as Pennydale ....................................................... 47
    10.4 Port Phillip Bay Environmental Management Plan 2017-2027 .. 77
    10.5 Carbon Neutrality Action Plan 2018-2020 ................................................. 85
    10.6 Highett Structure Plan Review - Draft Structure Plan ...................... 119
    10.7 Bushland Strategy Review Including Consideration of the Biodiversity Action Plan (BAP) ......................................................... 127
    10.8 Policy Update: Works on Assets Within the Road Reserve Policy and Bluestone Replacement Policy ................................. 129
10.9 Planning Scheme Amendment C155 - Potentially Contaminated Land in Bayside

10.10 Early Years Infrastructure Plan

10.11 Planning Scheme Amendment C153 - Managing Flood Risk in Bayside - Planning Panel Recommendations

10.12 Changes in the Recycling and Waste Management Industry

10.13 Syringe Collection and Disposal Centre - Brighton


10.15 2018 Australian Local Governance Association (ALGA) National General Assembly of Local Government

10.16 Municipal Association of Victoria - State Council - Call for Motions

10.17 CONTRACT CON/17/106 Redevelopment Cheltenham Park Pavilion

10.18 CONTRACT CON/18/18 Playground Improvement Program 2017/18 Construction

10.19 CONTRACT CON/18/8 Construction of Four Raised Humps / Pedestrian Crossings At Male and Church Streets Roundabout, Brighton

10.20 CON1837 - Procurement Australia Panel of Suppliers for Recruitment Services

10.21 Council Action Awaiting Report

10.22 Recreation and Events Policies - Review

10.23 Rescission of Bayside Gaming Machines Policy 2010

10.24 Review of the Audit Committee Charter and renaming of the Committee

10.25 Review of the Gallery@BACC Board Charter and Instrument of Delegation and renaming of the Board

10.26 St Kilda Street Tree Replacement Project

11. Reports by Delegates

12. Urgent Business

13. Notices of Motion

13.1 Notice of Motion - 269 - Flashing Lights at New Street and Bent Avenue Roundabout

13.2 Notice of Motion - 270 - Removal and replacement of trees along St Kilda Street
14. Confidential Business

14.1 Minutes of the Chief Executive Officer's Employment Matters Committee held on 19 February 2018 ........................................ 417

14.2 Minutes of the Chief Executive Officer's Employment Matters Committee held on 15 March 2018 ........................................ 417
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 20 February 2018.

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

7.1 PETITION: INSTALLATION OF CHICANES ON EXON STREET BRIGHTON TO REDUCE HOON BEHAVIOUR

Petition from residents requesting Bayside City Council to install chicanes or other speed reduction measures in Exon Street Brighton to ensure the safety of residents and road users given an increase in hoon-like behaviour in the street.

Petition Prayer

“We the undersigned hereby petition Bayside City Council to put chicanes into Exon Street, Brighton at both ends of the bend to stop the observed excessive speed of drivers who are putting the lives of young children and elderly at risk.”

Petition Requirements

The submitted petition containing 15 signatories meets the required format of a petition in accordance with Council's Governance Local Law No: 1, Clause 65.

Officer Comment

Decision-making for the installation of traffic management devices, such as kerb outstands (chicanes), is governed by the Local Area Traffic Management Policy. This Policy supports an area-based planning and management of street space to ensure acceptable levels of speed, traffic volume and composition in local and collector streets, while increasing amenity and safety for residents and improving access for pedestrians and cyclists. It has been developed and adopted by Council to ensure a consistent, equitable and inclusive approach to the investigation, consultation, design, implementation and monitoring of LATM schemes.

Recommendation

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

Support Attachments

Nil
7.2 PETITION: REQUEST TO CONTINUE THE OPERATION OF ELSTERNWICK PARK GOLF COURSE

Petition from residents requesting Bayside City Council to continue the operation of Elsternwick Park Golf Course.

Petition Prayer
"We the undersigned hereby petition Bayside City Council to continue to operate the golf course in Elsternwick Park."

Petition Requirements
The submitted petition containing 853 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Recommendation
That the petition be received and considered in conjunction with the Future of Elsternwick Park Golf Course at the Special Meeting of Council to be held on Wednesday 28 March 2018 at 6.30pm.

Support Attachments
Nil
8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 14 FEBRUARY 2018

The minutes of the Audit Committee meeting held on 14 February 2018 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

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

Executive summary

Purpose and background
To advise Council of the business transacted at the Audit Committee held on 14 February 2018.

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

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

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

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

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

The internal, external auditors and other assurance providers support the Audit Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
Key issues
The matters discussed at the meeting on 14 February included:

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

- VAGO Parliamentary report – ICT Disaster Recovery Planning
- VAGO Parliamentary report – Results of the 2016-17 Local Government Audits

Brighton Golf Course Water Harvesting Project
The Chief Executive Officer advised the Audit Committee that the Brighton Golf Course Water Harvesting project is approaching completion and the course is now back to the 18 hole configuration.

Councillor Strategic Workshop
The Chief Executive Officer advised the Audit Committee that Councillors held a Strategic Workshop on 10 February to discuss the financial long term future, the Council Plan and the long term Capital Works program. The Chief Executive Officer indicated that the organisation is on track with its long term financial plan. The Chief Executive Officer also indicated that there were some property opportunities in the future such as the Sandringham Golf Course proposal and the potential relocation of the driving range which would result in an area set aside for Netball.

VAGO Review – Delivering Local Government Services
The Chief Executive Officer advised the Audit Committee that Bayside has been selected by VAGO as a participating Council in the review of Delivering Local Government Services. The scope of the review is to better understand how councils plan and deliver services to the community.

VAGO Audit Strategy for financial year ending 30 June 2018
The VAGO representative presented the Audit Strategy for the financial year ending 30 June 2018. The areas to be addressed as part of the audit include:

- Asset recording, revaluation and reporting;
- Streamlined financial reporting
- Implementation of new payroll system;
- Information technology and data integrity

The VAGO representative also advised the Audit Committee that some changes have been made to the model financial statements in an attempt to make the financial statements easier for the reader.

Summary of the Information Technology (IT) Controls Audit Recommendations
A summary of the actions taken since the previous meeting in relation to the VAGO IT Controls audit was tabled
December 2018 – Financial Report
The Manager Finance tabled the financial report for the 6 months period to 31 December 2017.

2018 Local Government Bill Exposure Draft
The Director Corporate Services presented a report on the Local Government Bill Exposure Bill and highlighted those areas which will have a direct impact on the Audit Committee. The Audit Committee also discussed Council’s draft submission to the Exposure Draft.

Progress update on the review of the Internal Control Framework
The Manager Finance provided a progress report on those items outstanding from the previous report considered by the Audit Committee at its meeting in November 2017.

Internal Audit Review – Immunisation Management Review
The Internal Auditor presented the Internal Audit report on Immunisation Management Review. The review focussed on:

1. Policies, procedures and internal controls that have been established, and are operating, regarding the functioning of the service.
2. Processes which have been established for:
   - ensuring that legislative and industry practice changes, updates and improvements are identified and put into practise and incorporated into the policies and procedures;
   - ensuring informed consent is obtained;
   - record keeping and maintaining client privacy;
   - emergency procedures, such as vaccine reactions, etc;
   - storage and transport of vaccines, such as ‘Cold Chain’;
   - reporting to the Australian Immunisation Register (AIR) and Government departments;
   - OH&S issues.
3. Processes in relation to:
   - customer service and feedback;
   - information sharing (internal procedures);
   - ensuring staff have up to date qualifications; and
   - ongoing staff training.
4. Processes and practices in place to facilitate compliance with the Health and Information Privacy Principles.

The Internal Auditor indicated that in order to observe and understand the service and challenges faced by staff, the review included the auditor attending the preparation process and associated immunisation session undertaken by staff.

Overall, the Internal Auditors found that the current controls in place over the immunisation services program maintained by Council are adequate however, there is the opportunity to strengthen existing controls.
The audit identified a range of process controls that should be implemented to further improve the control environment. The Immunisation service is strong and efficient and assists with protecting children and families in the community from preventable disease. The Internal auditor commented that the service is delivered in a professional, safe and caring manner, while informing clients of their rights and educating them of the benefits of immunisation.

The Internal Auditors did not identify any High-risk issues.

As a result of the audit review 8 findings were identified, 5 with a medium risk rating and 3 with a low risk rating.

**Provision of Internal Audit Services - Specification**
The Audit Committee discussed the content of the proposed Internal Audit Services Specification which is proposed to be tendered commencing in March 2018 and a successful contractor appointed in May to commence a three year contract on 1 July 2018.

**Risk Management Report**
The Manager Commercial Services tabled the Risk Management update report outlining the organisation’s strategic risks.

**Review of the Audit Committee Charter**
The Manager Governance tabled a revised Audit Committee Charter which proposes some minor administrative changes, and includes greater detail relating to the role of the Chairperson.

The Audit Committee discussed the proposed Local Government Bill and suggested that the Audit Committee recommends to Council that this Committee be known as the Audit and Risk Committee.

Further discussion took place concerning the election of Chairperson and the timing of this. It was suggested further amendments be made to reflect that the Chairperson be appointed annually by Council at its Annual Meeting from the independent members.

It should be noted that the revised Charter of the Committee and the proposal to rename the Audit Committee to the Audit and Risk Committee is the subject to a separate report on this agenda.

**Audit Committee – Annual Self-Assessment**
The Manager Governance presented the results of the self-assessment of the Audit Committee members. The Committee discussed some of the areas for improvement and suggested that the results of the self –assessment be shared with all Councillors.
Recommendation

That Council:

1. notes the minutes of the Audit Committee held on 14 February 2018,

2. adopts the following recommendations of the Audit Committee meeting of 14 February 2018:

   **9.3.1 Local Government Bill Exposure Draft**
   That the Audit Committee:
   
   1. Notes the report on the 2018 Local Government Bill Exposure Draft; and
   
   2. Recommends to Council that the Audit Committee's comment concerning the proposed Local Government Exposure Bill be included in Council's submission subject to the following amendment:

   "Section 52(3) to read “Agree with the provision subject to the inclusion of a requirement for external members to be independent”.

   **9.8.1 Review of Audit Committee Charter**
   That the Audit Committee:
   
   1. recommends to Council that the Audit Committee be renamed as the Audit and Risk Committee;
   
   2. recommends to Council that the Audit and Risk Committee Charter (review date 14 February 2018) as presented to the meeting and attached to the report, be adopted subject to the following minor amendment to part 5 – Chairperson to reflect that the Chairperson of the Audit and Risk Committee shall be appointed annually by Council at its Annual Meeting of Council from the independent members: and
   
   3. Notes that the Audit and Risk Committee will review the Charter in February 2019 as a result of the proposed implementation of the Local Government Bill.

Support Attachments

1. Minutes - 14 February 2018 - Audit Committee (separately enclosed) ⇨
8.2 MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE
MEETING HELD ON 18 OCTOBER 2017

Executive summary

Purpose and background
To present the minutes of the Arts and Culture Advisory Committee meeting held on 18 October 2017 to Council for noting.

Key issues
Council at its meeting in November 2013 established the Arts and Culture Advisory Committee to provide a mechanism for Council to consult with key stakeholders, seek specialist advice and enable greater community participation in arts and cultural planning and development.

A copy of the 18 October 2017 minutes of the Arts and Culture Advisory Committee is attached for Council’s information.

Recommendation
That Council notes the minutes of the Arts and Culture Advisory Committee meeting held on 18 October 2017.

Support Attachments
1. Minutes - 18 October 2017 - Arts & Culture Advisory Committee ↓
Considerations and implications of recommendation

Liveable community

Social
The Arts and Culture Advisory Committee provides a social impact by providing community members with an opportunity to provide advice on Council policies and strategies, and to consider issues and opportunities relating to libraries, arts and cultural development.

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

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

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

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

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

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

Links to Council policy and strategy
The Arts and Culture Advisory Committee has a direct link to the Council Plan with regards to connecting with the community and supporting arts and culture.
Minutes of the
Arts & Culture Advisory Committee Meeting

held in the Bayside Room
Corporate Centre
76 Royal Avenue
Sandringham
on Wednesday 18 October 2017

The Meeting commenced at 6.30pm

External Members
Mr Robert Dryden
Mr Don Fulton
Mr Brian Hewitt
Ms Karen Wilson
Ms Pamela Darling
Ms Bozen Rutecki
Ms Sarah Morris
Mr John Thompson
Ms Isabella Kotteck

Councillors
Cr Sonia Castelli

In attendance
Giacomina Pradolin
Terry Callant
Arts and Culture Program Coordinator
Governance Manager
# Table of Contents

1. Welcome and opening of the meeting
2. Present
3. Apologies
4. Disclosure of any Conflict of Interest
5. Adoption and Confirmation of the minutes of previous meeting
6. Reports
   6.1 Gallery@BACC Board Update ......................................................4
   6.2 Community Research Project .......................................................4
   6.3 Resonance Music Series 2018 Expressions of Interest ......................5
7. General Business
8. Confirmation of date of future meetings
1. Welcome and opening of the meeting

The Chairperson Cr. Castelli welcomed members of the Advisory Committee to the meeting and also welcomed the Chairperson of the Gallery Board, Ms Angelina Beninati and the Gallery Curator, Mr Michael Brennan to the meeting.

2. Present

The following members of the Advisory Committee were present at the meeting:
- Cr Sonia Castelli
- Mr Robert Dryden
- Mr Brian Hewitt
- Ms Karen Wilson
- Ms Sarah Morris
- Ms Isabella Kotteck

3. Apologies

The following members of the Advisory Committee submitted apologies to the meeting:
- Mr Don Fulton
- Ms Pamela Darling
- Ms Bozen Rulecki
- Mr John Thompson

4. Disclosure of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of the Arts & Culture Advisory Committee Meeting held on 21 June 2017.

Moved: Mr Hewitt  
Seconded: Cr Castelli

That the minutes of the Arts & Culture Advisory Committee Meeting held on 21 June 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED
6. Reports

6.1 GALLERY@BACC BOARD UPDATE

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/200943

The Chairperson invited Ms Angelina Beninati to address the Committee. Ms Beninati briefly outlined the role and responsibilities of the Gallery Board including the objectives of the Gallery’s Strategic Plan. Ms Beninati advised the Committee of the recent public art to be installed in Martin Street and some of the recent acquisitions to the collection. The Gallery Curator, Mr Brennan provided a snapshot of the collection and also provided the Committee with an insight into the Gallery program for 2018.

The Committee discussed some promotional ideas for promoting the Gallery and increasing visitation to the Gallery.

The Chairperson thanked both Ms Beninati and Mr Brennan for their information presentation and discussion.

Moved: Mr Hewitt  
Seconded: Mr Dryden

That the Arts & Culture Advisory Committee notes the presentation by the Gallery Board Chairperson and the Gallery Curator.

CARRIED

6.2 COMMUNITY RESEARCH PROJECT

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/196330

The Arts & Culture Program Coordinator discussed the research project and tabled the proposed questions to be asked of 400 randomly selected residents of Bayside to ascertain the needs and aspirations of the community in the arts and culture environment. The Arts & Culture Program Coordinator requested members of the Advisory Committee to provide any feedback on the proposed questions by Friday 20 October.

Moved: Mr Hewitt  
Seconded: Mr Dryden

That the Advisory Committee notes the proposed questions for the community research project and received a further report at the February meeting on the results of the survey.

CARRIED
6.3 RESONANCE MUSIC SERIES 2018 EXPRESSIONS OF INTEREST

Communications, Customer & Cultural Services - Cultural services


The Arts and Culture Program Coordinator discussed the Resonance Music Series Expression of Interest process for the period to 30 June 2017. Feedback was sought from the Committee on suggested artists and or clubs that might be included in the Expression of Interest process. The Committee also discussed opportunities to change the music series to be more relevant to a wider sector of the community and provide vibrancy and life. It was suggested that Council’s historical gardens or foreshore could be used for some form of music program, should the program be changed.

It was suggested the results of the community research project will provide the Committee with a greater understanding of the needs and aspirations of the community in relation to music and public concerts.

Moved: Mr Dryden  
Seconded: Mr Hewitt

That the Advisory Committee notes the Resonance Music Series Expression of Interest process for the period to 30 June 2018.

CARRIED

7. General Business

7.1 – Correspondence from Arts and Culture Advisory Committee member – Mr Don Fulton

The Governance Manager tabled a letter from Mr Don Fulton highlighting the need for the development of a Bayside Development Archive to record and display the where, what and by whom historical information for the establishment of Bayside.

Moved: Mr Hewitt  
Seconded: Mr Dryden

That the Arts and Culture Advisory Committee receives and notes correspondence received from Mr Don Fulton concerning the establishment of a Bayside Development Archive project, and the Committee thanks Mr Don Fulton for his suggestion and refers this matter to the Brighton and Sandringham Historical Societies to discuss with relevant Council officers.

CARRIED

8. Confirmation of date of future meetings

The next meeting of the Arts and Culture Advisory committee will be held on 7 February 2018.

The Chairperson declared the meeting closed at 7.31pm.

CONFIRMED THIS INSERT 7 DAY OF FEBRUARY 2018
Executive summary

Purpose and background
To present the minutes of the Gallery@BACC Board meeting held on 28 February 2017 to Council for noting.

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

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

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

1. To recommend a four year Strategic Plan for The Gallery@BACC, to be presented to Council for adoption, including adjustments and alterations as determined by Council. The Strategic Plan will be in accordance with the Council-adopted purpose that has been established for The Gallery@BACC.

2. Approve acquisitions, de-accessions, and the ongoing management of Council’s art & heritage collection on recommendation from the Council Executive Team member with management responsibility for the Arts & Culture programs in accordance with Council’s Art & Heritage Collection Policy, the approved Four Year strategic plan and Council’s annual budget.

3. Approve The Gallery@BACC exhibition and public program schedule with regard to the Four Year Strategic Plan.

4. Monitor performance against the Four Year Strategic Plan and provide strategic advice to Council as necessary.

5. Support staff in building of relationships and partnerships with artists, arts sector organisations, business and government agencies.

6. Approve marketing and promotion strategies as outlined in the Strategic Plan, The Gallery@BACC’s exhibition program, public programs, and its positive artistic, social, and economic impacts.

7. Provide advice and guidance on the pursuit of sponsorship, fundraising, and philanthropic opportunities, and investigation of the feasibility of establishing a Gallery@BACC Foundation to facilitate the receipt of donations, bequests, and proceeds of fundraising activities.

The Gallery Board membership consists of two Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Gallery Board was held on 28 February 2018 to consider the following matters:

- Review of the Gallery@BACC Board Charter and Instrument of Delegation
- Marketing and Audience Development Plan
- Gallery Activities from January to March 2018
- 2018-2019 Exhibition Program
- Public Art Future Sites review
- Self-assessment for the Gallery@BACC Board

A copy of the 28 February 2018 minutes of the Gallery@BACC Board meeting is attached for Council’s information.

It should be noted that the minutes of the meeting recommend that Council rename the Board to the Bayside Arts and Culture Board and expand the role and responsibilities to include Arts and Culture.

The amended Charter and Instrument of Delegation is the subject of a separate report included on this agenda.

Recommendation
That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 28 February 2018;
2. adopts the following recommendations of the Gallery@BACC Board meeting of 28 February 2018:

Item 6.1 – Review of the Gallery@BACC Board Charter and Instrument of Delegation

That the Gallery@BACC Board:

1. Supports the process for the acquisition of Public Art, and acknowledges the Board’s involvement in the selection of public art through the following process stages:

   Stage 5 - Two representatives of the Gallery Board (based on the availability of Board members to be present at each meeting) and rotated where possible for ongoing projects, be part of the Public Art Project Team to access the EOI’s and selected the preferred submissions.

   Stage 9 – The Gallery board to confirm the preferred submission for Public Art installation and recommend the Public Arts’ accession.
2. recommends to Council that the Gallery@BACC Board be renamed to the Bayside Arts and Culture Board to acknowledge the additional roles and responsibilities associated with Arts and Culture;

3. recommends to Council that the Arts and Culture Advisory Committee be dissolved as from 1 July 2018 and current members of the Arts and Culture Advisory Committee be encouraged to apply for the two additional positions on the Board; and

4. recommends to the Council that the amended Charter and the Instrument of Delegation be adopted to reflect the following changes:
   - Change of name to the Bayside Arts and Culture Board;
   - Number of Ordinary Members increased to 10 members;
   - Ordinary Members when appointed will be for a full three year term; and
   - inclusion of the appointment of the Chairperson process.

Item 6.5 – Public Art Future Sites Review.

That the Gallery@BACC Board recommends to Council that a Public Art Strategy be developed to outline the future direction for Public Art in Bayside with a view to encourage easily accessible public art works.

Support Attachments
1. Gallery Minutes 28 February 2018 ↓
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are no financial implications associated with this report.

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

held in the Mayor’s Room
Council Chambers Brighton
76 Royal Avenue
Sandringham
on Wednesday 28 February 2018

The Meeting commenced at 6:00pm

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

Councillors
Cr Sonia Castelli
Cr Alex del Porto

In attendance
Paulina Xerri Executive Manager Communications,
Customer and Cultural Services
Giacomina Pradolin Arts and Culture Program Coordinator
Terry Callant Manager Governance
Nicole Salvo Acting Curator/Gallery Teamleader
Table of Contents

1. Welcome and opening of the meeting
2. Present
3. Apologies
4. Disclosure of any Conflict of Interest
5. Adoption and Confirmation of the minutes of previous meeting
6. Reports
   6.1 Review of the Gallery@BACC Board Section 86 Committee Charter and Instrument of Delegation ................................................. 4
   6.2 Marketing and Audience Development Plan .................................................. 5
   6.3 Gallery Activities : January - March 2018 .................................................. 6
   6.4 2018 - 2019 Exhibition Program .................................................................. 6
   6.5 Public Art Future Sites Review ..................................................................... 7
   6.6 Self Assessment of the Gallery@BACC Board ................................................. 7
7. General Business
8. Confirmation of date of future meetings

Page 2 of 8
1. **Welcome and opening of the meeting**

The Chairperson welcomed members of the board to the meeting, and particularly welcomed new member Mr Arvind Vasan to the meeting following his recent appointment by Council on 20 February 2018.

2. **Present**

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

   - Ms Angelina Beninati (Chairperson)
   - Ms Tiziana Borghese (Deputy Chairperson)
   - Mr Roger Boyce
   - Mr Patrick Christian
   - Ms Charlotte Christie
   - Mr Arvind Vasan

3. **Apologies**

There were no apologies submitted to the meeting.

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

There were no conflicts of interest submitted to the meeting.

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

Committee) Meeting held on 29 November 2017.

Moved: Cr del Porto  
Seconded: Ms Christie

That the minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 29 November 2017, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**
6. Reports

6.1 REVIEW OF THE GALLERY@BACC BOARD SECTION 86 COMMITTEE CHARTER AND INSTRUMENT OF DELEGATION

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/23747

The Executive Manager Communications, Customer and Cultural Services (EMCCCS) provided the Board with context on the background associated with the review of the Charter.

The EMCCCS advised the Board that the Library, Arts and Culture Strategy 2012-2017 was presented to Council on 20 February 2018. It should be noted that the role of the Arts and Culture Advisory Committee was to oversee the implementation of the strategy which has now been successfully completed. Therefor the Arts and Culture Advisory Committee is expected to conclude its tenure in July 2018. As a result of this, it is proposed to expand the role and responsibilities of the Board to include Arts and Culture activities additional to those operating within the Gallery space. It is proposed that the membership of the Board be expanded to include two additional ordinary members.

The EMCCCS also indicated that the Charter did not include a process for the election of Chairperson, and an appropriate clause has been included into the Charter proposing the Council appoint the Chairperson at the Annual Meeting of Council similar to the process for the Audit Committee. Discussion took place regarding this process amongst members.

The Board indicated that given the additional role and responsibilities pertaining to Arts and Culture it was suggested that the Board be renamed to reflect the additional responsibilities and recommend to the Council that the Board be known at the Bayside Arts and Culture Board.

The EMCCCS also tabled a revised Public Art Procurement process, and a discussion was held concerning the process and the involvement of the Board at various stages of the process.

A discussion took place concerning the number of Board members involved in the final selection of public art. After much discussion the tabled process was supported and it was agreed that two members of the Board be involved as part of the Public Art Project Team based on the availability of members committing to the dates and times selected, and later in the process where the Board confirms the referred submission as put forward by the Project Team and recommended for accession to the collection.

Moved: Cr Castelli  
Seconded: Mr Christian

That the Gallery@BACC Board:

1. Supports the process for the acquisition of Public Art, and acknowledges the Boards involvement in the selection of public art through the following process stages:
Stage 5 - Two representatives of the Gallery Board will be part of the Public Art Project Team, based on the availability of the selected Board members and rotated where possible.

The Public Art Project Team access the EOI’s, shortlist and selects a preferred submission.

Stage 9 – The Gallery board to confirm the preferred submission for Public Art installation and recommend the Public Arts’ accession.

2. recommends to Council that the Gallery@BACC Board be renamed to the Bayside Arts and Culture Board to acknowledge the additional roles and responsibilities associated with Arts and Culture;

3. recommends to Council that the Arts and Culture Advisory Committee be dissolved as from 1 July 2018 and current members of the Arts and Culture Advisory Committee be encouraged to apply for the two additional positons on the Board; and

4. recommends to the Council that the amended Charter and the Instrument of Delegation be adopted to reflect the following changes:
   - Change of name to the Bayside Arts and Culture Board;
   - Number of Ordinary Members be increased from 8 to 10 members;
   - Ordinary Members when appointed will be for a full three year term; and
   - inclusion of the appointment of the Chairperson process.

   CARRIED

6.2 MARKETING AND AUDIENCE DEVELOPMENT PLAN

Communications, Customer & Cultural Services - Cultural services

File No: FOL/16/1934 – Doc No: DOC/18/25607

The Arts and Culture Coordinator discussed the Marketing and Audience Development Plan, and discussion took place concerning the inclusion of programming and education within the Development Plan.

Moved: Cr del Porto   Seconded: Mr Boyce

That further research be conducted into the barriers for visitation to the Gallery in order to inform a comprehensive marketing and audience development strategy.

   CARRIED
6.3 GALLERY ACTIVITIES: JANUARY - MARCH 2018

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/25706

The Arts and Culture Coordinator presented the Gallery Activities for the period January to March 2018. The Coordinator particularly acknowledged and the thanked Council’s Volunteer coordinator for their support which has resulted in an increase in volunteers for the Gallery.

Moved: Mr Vasan                       Seconded: Mr Christian

That the Gallery@BACC Board notes the activities of the Gallery during the period January to March 2018.

CARRIED

6.4 2018-2019 EXHIBITION PROGRAM

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/25728

The Arts and Culture Coordinator presented the 2016-2018 Exhibition Program. It was suggested that the dates for the exhibition openings be emailed to all members.

Moved: Ms Christie                   Seconded: Mr Boyce

That the Gallery@BACC Board:

1. approves the 2018-2019 Exhibition and Public Programs;
2. endorses the forward planning of the 2019 – 2020 Exhibition Program;
3. notes the current Classification Code as administered by the Australian Classification Board; and
4. notes procedures are in place for the exhibition of work that could be considered offensive by the general public.

CARRIED
6.5 PUBLIC ART FUTURE SITES REVIEW

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/26182

The Arts and Culture Coordinator presented a report on the future sites for Public Art. It was indicated that there was a strong need for a Public Art Strategy to ensure all locations and sites are considered in terms of accessibility and the environment.

Moved: Ms Borghese  Seconded: Mr Vasan

That the Gallery@BACC Board:

1. notes the report on the Public Art Future sites; and

2. recommends to Council that a Public Art Strategy be developed to outline the future direction for Public Art in Bayside with a view to encourage easily accessible public art works.

CARRIED

6.6 SELF ASSESSMENT OF THE GALLERY@BACC BOARD

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/32738

The Arts and Culture Coordinator tabled the proposed questions associated with the Boards’ self-assessment. It was indicated that the survey would be released to Board members next week and the results would be presented to the next Board meeting.

Moved: Cr Castelli  Seconded: Mr Boyce

That the Gallery@BACC Board endorses self-assessment questions and receives a report at the next meeting on the results of the self-assessment.

CARRIED

7. General Business

The Executive Manager Communications, Customer and Cultural Services advised the Board members that this was her last meeting given she had resigned from the organisation.

The Board thanked Paulina Xerri for her assistance and support to the Gallery and the Board.
8. **Confirmation of date of future meetings**

The next meeting the board will be held on Wednesday 30 May 2018 at 6.00pm.

*The Chairperson declared the meeting closed at 8.00pm.*

**CONFIRMED THIS 30 DAY OF MAY 2018**
10. Reports by the Organisation

10.1 RESILIENT MELBOURNE

Environment, Recreation & Infrastructure - Open Space, Recreation & Well Being
File No: PSF/18/106 – Doc No: DOC/18/5821

Executive summary

Purpose and background
The purpose of this report is to update Council on the Resilient Melbourne Project and assess the merits of continuing to contribute funding to support the project from 2018 to 2020.

Resilient Melbourne is part of the global challenge called 100 Resilient Cities. 100 Resilient Cities, pioneered by the Rockefeller Foundation, is a non-profit organisation dedicated to helping cities around the world build resilience to the economic, social and physical challenges that are increasingly part of the 21st century.

Resilient Melbourne is a collaborative project with input, guidance and support from organisations and community groups across greater Melbourne, including, but not limited to: Melbourne’s 32 metropolitan councils, Department of Premier and Cabinet, Emergency Management Victoria; and the Municipal Association Victoria.

In 2017, Council committed to participate in the Resilient Melbourne Project and provided $15,000 in funding for the first year of the project, with subsequent funding to be subject to further consideration of the outcomes achieved through the Resilient Melbourne Strategy and the benefits to the City of Bayside.

It is now appropriate for Council to consider whether to commit to funding Resilient Melbourne for $15,000 in 2018/19. This amount will also be requested for 2019/20 membership.

Key issues
A large number of the aspirations of the Resilient Melbourne Project are shared by Council and the Bayside community. The vast majority if not all of these aspirations are captured by Council strategies and plans including but not limited to:

- Council Plan (2017 – 2021);
- Community Plan 2025;
- Wellbeing for All Ages and Abilities (2017 – 2021);
- Open Space Strategy;
- Environmental Sustainability Framework (2016 – 2025);
- Bayside Housing Strategy 2012;
- Municipal Emergency management Plan; and

While difficult to identify measurable outputs there is little evidence that the Resilient Melbourne Project is making a difference to liveability in Bayside. The Resilient Melbourne Project does not currently involve activities that relate directly to Bayside and there are no direct benefits to Bayside arising from the $15,000 contribution in 2017/18. As a result, it is recommended that Council does not continue with the annual membership of the Resilient Melbourne Project.

However, Council will continue to work with the Resilient Melbourne Project on issues that are relevant to Bayside.
Recommendation
That Council:

1. Does not continue with the annual membership of the Resilient Melbourne Project but does continue to work with the Resilient Melbourne Project on issues relevant to Bayside; and

2. Advises the Resilient Melbourne Project office of this decision.

Support Attachments
Nil

Considerations and implications of recommendation

Liveable community

Social
Council implements a number of strategies and plans that positively impact the social environment of the Bayside community. There is little evidence that the Resilient Melbourne Project provides any social benefit to Bayside residents which is reflected in the recommendations in this report.

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

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

Customer Service and Community Engagement
Council staff have been involved in a number of meetings and communication with the Resilient Melbourne Delivery Office.

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

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

Finance
The Resilient Melbourne Project has requested the 32 councils in greater Melbourne to provide funding of $15,000 per year for three years. The recommendation of this report proposes not to continue membership to the project for the second or third year.
Links to Council policy and strategy

A strategic objective in the Council Plan 2017-2021 is where infrastructure: is safe, accessible, adaptable and is highly utilised, providing high levels of value. Participating in the Resilient Melbourne Project in 2017/18 was aimed at improving the resilience of greater Melbourne to cope with stresses and acute shocks that are likely to be experienced and this was expected to help Bayside deliver its objectives of protecting and enhancing amenity, liveability and neighbourhood character. To date, no direct benefit of participating in the Resilient Melbourne Project has been observed or quantified.
10.2 PROPOSED SALE OF LAND 31 & 33 ORLANDO ST, HAMPTON AND 49 & 51 BEACH ROAD HAMPTON

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/16/201819

Executive summary

Purpose and background
Council has become aware that Council land has been fenced into properties at 31 and 33 Orlando Street and 49 and 51 Beach Road in Hampton. The land is a former drainage reserve contained in the Certificate of Title volume 2931 folio 123 (Land). The Land has been fenced into the properties for over 35 years. As the Land is in Council’s name it cannot be adversely possessed.

Council has approached the property owners adjoining the Land and offered to sell the Land in accordance with Council’s Discontinuance and Sale of Roads and Right of Ways and Drainage Reserves Policy (Council Policy). The property owners at 31 and 33 Orlando Street Hampton expressed an interest in acquiring the Land fenced into their properties. These two properties occupy the majority of the former drainage reserve. In addition, there are two very small parcels of land that have been occupied by the property owners of 49 and 51 Beach Road, Hampton. Attachment 1 sets out the parcels of land in question.

The property owners at 31 and 33 Orlando Street and 51 Beach Road, Hampton have confirmed that they wish to purchase the land following protracted negotiations. The owners of 49 Beach Road have shown preliminary interest on purchasing the other small parcel but have been difficult to contact to confirm the proposal. It is proposed that negotiations will continue with the owners of 49 Beach Road, but in the event that the sale of that final parcel cannot be confirmed, it will be offered to the property owners of 33 Orlando St, Hampton.

Key issues
Council does not require the Land to be retained in Council ownership to maintain drainage assets in the Land. An appropriate easement has been created over the Land to protect Council’s drainage infrastructure.

A current sworn independent valuation has been obtained for the land and the proposed sale prices are based on this valuation. These prices are set out in Attachment No.2. The value of the land is substantially reduced as a result of the easement and the restrictions this places on the use of the land. The valuation methodology is based on the increase in the value of the overall site based on the inclusion of the additional land area.

The Local Government Act 1989 requires that a public advertising and submission process be undertaken prior to the sale of any land.

Recommendation
That in accordance with Section 189 of the Local Government Act 1989 Council resolves to:

1. Commence the statutory procedures to sell the land described as lots 1, 2, 3 and 4 on PS801384N (Land), as shown in Attachment 1, to the property owners of 31 and 33 Orlando Street and 49 and 51 Beach Road in Hampton by private treaty in accordance with Council Policy;
2. Give Public Notice of the proposed sale of the Land in the appropriate newspaper and on Council’s website, in accordance with Sections 82A, 189 and 223 of the Local Government Act 1989;

3. If no submissions are received following the publication of the Public Notice, authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the sale of the Land including the execution of all relevant documentation, and

4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 consisting of all Councillors with a quorum of four Councillors to consider any submissions received at a meeting to be held on Wednesday, 16 May 2018 at 6:30 pm in the Council Chambers, Boxshall Street Brighton in relation to the proposed sale.

Support Attachments
1. Attachment 1 - Plan of Subdivision
2. Attachment 2 - Allocation of Land and Distribution of Offers
Considerations and implications of recommendation

Liveable community

Social
The sale of unneeded roads, right of ways and drainage reserves may improve the amenity and remove the need for Council to regularly maintain land that it may no longer be required to hold ownership over to deliver the social needs. In this case the land is used for drainage purposes and this purpose would continue if the land ownership was transferred.

Natural Environment
There are no impacts associated with this report.

Built Environment
A drainage easement has been created on the subdivided land.

Customer Service and Community Engagement
Consultation has been undertaken with relevant Council departments and external service authorities. No objections have been received. It will be necessary for Council to undertake procedures under section 189 and 223 of the Local Government Act 1989 for the sale of the land. The proposed commencement of the statutory procedures under section 189 and 223 of the Local Government Act 1989 require Council to give public notice of its intention to sell the land and invite submissions from affected parties.

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

Legal
The land is currently enclosed in the property boundaries. Council has title to the land and it cannot be adversely possessed. In order to sell the land Council must undertake a statutory consultation process in accordance with Section 189 and 223 of the Local Government Act 1989.

The Land will be encumbered by a drainage easement in favour of Council on title and cannot be built over.

Finance
Revenue achieved from the sale of discontinued roads or former drainage reserves will be held in a fund and utilised for the development of Council’s land holdings or the purchases of additional land for open space.

The land will be sold at market value as determined by a qualified valuer, contracted to Council, taking into account relevant criteria including the following:

i. The land area and dimensions of the land;
ii. The increase in value of any property which occurs as a result of the transfer of the extra land;
iii. The potential the abutting property has for redevelopment as a result of the transfer of land; and
iv. Any easements, encumbrances or other assets retained on the land as a requirement of Council or other statutory authorities.
See Attachment 2 for details of the purchase price of the Land.

There will be no other costs payable by Council as all costs associated with the sale including transfer, surveying and legal are to be paid proportionally by the purchasers.

**Links to Council policy and strategy**

Discontinuance and sale of roads and right of ways and drainage reserves policy provides for the sale of land.

**Council's Property Strategy Principle One**

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

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

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Attachment 1 – Plan of Subdivision

Plan of Certificate of Title volume 2931 folio 123 (Land)

Proposed Allocation of Land & Distribution of Offers
## Attachment 2 – Allocation of Land and Distribution of Offers

<table>
<thead>
<tr>
<th>Address Encumbered</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land 1 Adjacent 31 Orlando Street (26m²)</td>
<td>$45,000 plus GST</td>
</tr>
<tr>
<td>Land 2 Adjacent 33 Orlando Street (34m²)</td>
<td>$58,000 plus GST</td>
</tr>
<tr>
<td>Land 3 Adjacent 51 Beach Road (1m²)</td>
<td>$1,500 plus GST</td>
</tr>
<tr>
<td>Land 4 Adjacent 49 Beach Road (4m²)</td>
<td>$6,000 plus GST</td>
</tr>
</tbody>
</table>
10.3 PROPOSED SUBURB NAME CHANGE OF A PORTION OF CHELTENHAM TO BE KNOWN AS PENNYDALE

Executive summary

Purpose and background

The purpose of this report is to recommend that Council lodges a naming proposal for an area to be known as Pennydale (bounded by Frankston Railway Line, Bay Road, rear of residential properties on the west side of Jack Road and Park Road) to the Office of Geographical Names for the Registrar’s consideration. Refer to the proposed boundaries in the map shown below:

The Pennydale Residents Action Group undertook a community engagement process to gauge the level of interest in early 2017 and accordingly tabled a petition at the June 2017 Council Meeting indicating that from the 964 properties within the area 61% signed a petition in support of a proposed name change.

Council at its meeting in July 2017 resolved to undertake a community survey of owners and occupiers to gauge a level of support from a proposal to rename a portion of Cheltenham to Pennydale. Accordingly a survey was forwarded to the residents within the area however the centre of Jack Road was used as the boundary in accordance with the guidelines.
Council at its meeting in December 2017 considered a petition from residents on the west side of Jack Road to be included in the proposed Pennydale name change. Accordingly a separate survey was forward to all residents on the west side of Jack Road to gauge their level of support.

As a result of the first survey to residents (excluding west side of Jack Road), 85% of respondents were in support of the proposed suburb name change.

In relation to the second survey relating to properties on the west side of Jack Road 67% of the respondents surveyed in west side of Jack Road, Charlton Avenue and Park Road, expressed their desire to be included in the suburb Pennydale.

The overall results of both surveys indicate an 84% support for the proposed name change.

A summary of the survey results inclusive of both surveys undertaken is shown below:

### Overall Pennydale and Jack Road Survey Result

<table>
<thead>
<tr>
<th>Street</th>
<th>Agree</th>
<th>Disagree</th>
<th>Total number of surveys sent</th>
<th>% of surveys returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Rd</td>
<td>7</td>
<td>14</td>
<td>81</td>
<td>26%</td>
</tr>
<tr>
<td>Charlton Ave</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Churchill Ave</td>
<td>29</td>
<td>2</td>
<td>60</td>
<td>52%</td>
</tr>
<tr>
<td>Correa Ave</td>
<td>15</td>
<td>2</td>
<td>36</td>
<td>47%</td>
</tr>
<tr>
<td>Crocus Crt</td>
<td>2</td>
<td>1</td>
<td>6</td>
<td>50%</td>
</tr>
<tr>
<td>Davie Ave</td>
<td>19</td>
<td>3</td>
<td>40</td>
<td>55%</td>
</tr>
<tr>
<td>Erskine Ave</td>
<td>16</td>
<td>1</td>
<td>31</td>
<td>55%</td>
</tr>
<tr>
<td>Fir Gve</td>
<td>5</td>
<td>0</td>
<td>7</td>
<td>71%</td>
</tr>
<tr>
<td>Gilford Gve</td>
<td>18</td>
<td>3</td>
<td>37</td>
<td>57%</td>
</tr>
<tr>
<td>Heather Gve</td>
<td>20</td>
<td>3</td>
<td>58</td>
<td>40%</td>
</tr>
<tr>
<td>Jack Rd</td>
<td>40</td>
<td>5</td>
<td>90</td>
<td>50%</td>
</tr>
<tr>
<td>Luxmoore St</td>
<td>43</td>
<td>4</td>
<td>72</td>
<td>65%</td>
</tr>
<tr>
<td>Mernda Ave</td>
<td>14</td>
<td>3</td>
<td>39</td>
<td>44%</td>
</tr>
<tr>
<td>Munro Ave</td>
<td>20</td>
<td>1</td>
<td>35</td>
<td>60%</td>
</tr>
<tr>
<td>Olympic Ave</td>
<td>50</td>
<td>4</td>
<td>76</td>
<td>71%</td>
</tr>
<tr>
<td>Park Road</td>
<td>59</td>
<td>18</td>
<td>174</td>
<td>44%</td>
</tr>
<tr>
<td>Paul St</td>
<td>36</td>
<td>6</td>
<td>68</td>
<td>62%</td>
</tr>
<tr>
<td>Siede Crt</td>
<td>12</td>
<td>9</td>
<td>31</td>
<td>68%</td>
</tr>
<tr>
<td>Stuart Ave</td>
<td>37</td>
<td>6</td>
<td>79</td>
<td>54%</td>
</tr>
<tr>
<td>Tulip Gve</td>
<td>60</td>
<td>13</td>
<td>170</td>
<td>43%</td>
</tr>
<tr>
<td>Wembley Ave</td>
<td>21</td>
<td>3</td>
<td>39</td>
<td>62%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>523</strong></td>
<td><strong>101</strong></td>
<td><strong>1230</strong></td>
<td><strong>51%</strong></td>
</tr>
</tbody>
</table>
% returned of total letters sent
% of total surveys returned

<table>
<thead>
<tr>
<th>Agree</th>
<th>Disagree</th>
<th>Total number of surveys sent</th>
<th>% of surveys returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>43%</td>
<td>8%</td>
<td>1230</td>
<td>84%</td>
</tr>
<tr>
<td>84%</td>
<td>16%</td>
<td>624</td>
<td>51%</td>
</tr>
</tbody>
</table>

Total letters sent: 1230
Total received: 624
% response: 51%

Number of surveys received with no address/not from area: 6
Number of surveys Returned to sender: 8

**Key issues**

It should be noted that the use of main roads as suburb boundaries is preferable and Council Officers proposed the centre of Jack Road as the western boundary during the consultation process. However, as a result of the community concern expressed that the proposal would divide community that has a strong connection with the proposed suburb name change, it is recommended that Council supports the residents’ views and the proposed name change to include both sides of Jack Road given the community sentiment.

As shown from the results of the survey above, it is evident there is a substantial support (84% of responses received in support) of the proposed name change to Pennydale.

In addition to the yes/no vote of the proposal, respondents were also provided with the opportunity to provide additional comments about the proposal which are detailed in Attachment 1 to this report.

A summary of the themes of the comments are outlined below:

## Agree comments

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>The name sounds better/Revert to original name</td>
<td>26</td>
<td>2</td>
</tr>
<tr>
<td>Historical relevance/heritage</td>
<td>46</td>
<td>1</td>
</tr>
<tr>
<td>Restore/create identity</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Familiarity/historic link to Penny family</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Keep zoning residential</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Stop overdevelopment of area</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Unique from the rest of Bayside or Cheltenham</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>Retain village atmosphere(character – community/family feel)</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>Don’t want to be confused with Kingston Council’s Cheltenham</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>No reason</td>
<td>2</td>
<td>10</td>
</tr>
</tbody>
</table>
Disagree comments

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost to ratepayer to rename unnecessary</td>
<td>15</td>
<td>=2</td>
</tr>
<tr>
<td>Don’t like the name</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Too many people to be notify if changed</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Taking a step back in time, not progressive/ old fashioned</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>I like living in Cheltenham / identify with Cheltenham</td>
<td>27</td>
<td>1</td>
</tr>
<tr>
<td>Possibly devalue property</td>
<td>5</td>
<td>=6</td>
</tr>
<tr>
<td>Confusion with location</td>
<td>15</td>
<td>=2</td>
</tr>
<tr>
<td>Pennydale not the ‘original’ name of area</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Happening only to help the ‘anti-development’ push</td>
<td>5</td>
<td>=6</td>
</tr>
<tr>
<td>Not familiar with Pennydale, despite living in area for considerable time</td>
<td>6</td>
<td>5</td>
</tr>
</tbody>
</table>

In relation to the disagree/objection comments from residents, commentary is provided in Attachment 2 to this report.

Recommendation

That Council:

1. supports the naming proposal of Pennydale within the area bounded by Frankston Railway Line, Bay Road, rear of residential properties abutting the west side of Jack Road (both sides), and Park Road;

2. submits the naming proposal for the proposed name of Pennydale for the area bounded by Frankston Railway Line, Bay Road, rear of residential properties abutting the west side of Jack Road (both sides), and Park Road to the Office of Geographical Names for the Registrar’s consideration; and

3. advises the first name petitioners of Council’s decision in this matter.

Support Attachments

1. Document - Suburb Renaming - Pennydale and Jack Rd - Summary and Comments - 23/02/2018
2. Commentary in response to the Disagree comments relating to Pennydale
Considerations and implications of recommendation

Liveable community

Social
The residents within this particular area are proposed to be renamed Pennydale have voiced a real sense of community pride and affiliation to the name of Pennydale. Through the establishment of the Pennydale Residents Action Group for this naming proposal and other strategic planning matters has enhanced the community connectedness amongst residents. Including all properties within the proposed boundaries will provide residents with a sense of address that relates to the historic background of the area.

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
A comprehensive community engagement process was undertaken with all property owners and occupiers, and ample opportunity was provided with the surveys to be returned.

Human Rights
The implications of this report 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 consultation process for this proposal was undertaken in accordance with the Office of Geographical Names requirements, and was conducted independently from the Resident Action Group.

Finance
The cost associated with this proposal is provided within the 2017/18 Budget.

Links to Council policy and strategy
There is no direct link to Council strategy or policy in relation to this matter.
## Overall Pennydale and Jack Road Vote Result

<table>
<thead>
<tr>
<th>Avenue</th>
<th>Agree</th>
<th>Disagree</th>
<th>Total number of surveys sent</th>
<th>% of surveys returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Rd</td>
<td>7</td>
<td>14</td>
<td>81</td>
<td>26%</td>
</tr>
<tr>
<td>Charlton Ave</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Churchill Ave</td>
<td>29</td>
<td>2</td>
<td>60</td>
<td>52%</td>
</tr>
<tr>
<td>Correa Ave</td>
<td>15</td>
<td>2</td>
<td>36</td>
<td>47%</td>
</tr>
<tr>
<td>Crocus Crt</td>
<td>2</td>
<td>1</td>
<td>6</td>
<td>50%</td>
</tr>
<tr>
<td>Davie Ave</td>
<td>19</td>
<td>3</td>
<td>40</td>
<td>55%</td>
</tr>
<tr>
<td>Erskine Ave</td>
<td>16</td>
<td>1</td>
<td>31</td>
<td>55%</td>
</tr>
<tr>
<td>Fir Gve</td>
<td>5</td>
<td>0</td>
<td>7</td>
<td>71%</td>
</tr>
<tr>
<td>Gilford Gve</td>
<td>18</td>
<td>3</td>
<td>37</td>
<td>57%</td>
</tr>
<tr>
<td>Heather Gve</td>
<td>20</td>
<td>3</td>
<td>58</td>
<td>40%</td>
</tr>
<tr>
<td>Jack Rd</td>
<td>40</td>
<td>5</td>
<td>90</td>
<td>50%</td>
</tr>
<tr>
<td>Luxmoore St</td>
<td>43</td>
<td>4</td>
<td>72</td>
<td>65%</td>
</tr>
<tr>
<td>Mernda Ave</td>
<td>14</td>
<td>3</td>
<td>39</td>
<td>44%</td>
</tr>
<tr>
<td>Munro Ave</td>
<td>20</td>
<td>1</td>
<td>35</td>
<td>60%</td>
</tr>
<tr>
<td>Olympic Ave</td>
<td>50</td>
<td>4</td>
<td>76</td>
<td>71%</td>
</tr>
<tr>
<td>Park Road</td>
<td>59</td>
<td>18</td>
<td>174</td>
<td>44%</td>
</tr>
<tr>
<td>Paul St</td>
<td>36</td>
<td>6</td>
<td>68</td>
<td>62%</td>
</tr>
<tr>
<td>Siede Crt</td>
<td>12</td>
<td>9</td>
<td>31</td>
<td>68%</td>
</tr>
<tr>
<td>Stuart Ave</td>
<td>37</td>
<td>6</td>
<td>79</td>
<td>54%</td>
</tr>
<tr>
<td>Tulip Gve</td>
<td>60</td>
<td>13</td>
<td>170</td>
<td>43%</td>
</tr>
<tr>
<td>Wembley Ave</td>
<td>21</td>
<td>3</td>
<td>39</td>
<td>62%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>523</td>
<td>101</td>
<td>1230</td>
<td></td>
</tr>
</tbody>
</table>

| % returned of total letters sent | 43% | 8%  |
| % of total surveys returned     | 84% | 16% |

<table>
<thead>
<tr>
<th>Total letters sent</th>
<th>Total received</th>
<th>% response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1230</td>
<td>624</td>
<td>51%</td>
</tr>
</tbody>
</table>

- Number of surveys received with no address/not from area: 6
- Number of surveys RTS: 8

---

Item 10.3 – Reports by the Organisation
Comment Themes

Agree

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historical relevance/heritage</td>
<td>46</td>
<td>1</td>
</tr>
<tr>
<td>The name sounds better/Revert to original name</td>
<td>26</td>
<td>2</td>
</tr>
<tr>
<td>Retain village atmosphere/character – community/family feel</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>Unique from the rest of Bayside or Cheltenham</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>Restore/create identity</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Stop overdevelopment of area</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Don’t want to be confused with Kingston Council’s Cheltenham</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Familiarity/historic link to Penny family</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Keep zoning residential</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>No reason</td>
<td>2</td>
<td>10</td>
</tr>
</tbody>
</table>

1. Historical relevance/heritage

Disagree

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>I like living in Cheltenham / identify with Cheltenham</td>
<td>27</td>
<td>1</td>
</tr>
<tr>
<td>Cost to ratepayer to rename unnecessary</td>
<td>15</td>
<td>=2</td>
</tr>
<tr>
<td>Confusion with location</td>
<td>15</td>
<td>=2</td>
</tr>
<tr>
<td>Don’t like the name</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Taking a step back in time, not progressive/old fashioned</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Not familiar with Pennydale, despite living in area for considerable time</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Possibly devalue property</td>
<td>5</td>
<td>=6</td>
</tr>
<tr>
<td>Happening only to help the ‘anti-development’ push</td>
<td>5</td>
<td>=6</td>
</tr>
<tr>
<td>Too many people to be notify if changed</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Pennydale not the ‘original’ name of area</td>
<td>1</td>
<td>8</td>
</tr>
</tbody>
</table>
Overall Suburb Renaming – Pennydale and Jack Rd: Comments

Agree Comments

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>No different.</td>
</tr>
<tr>
<td>Sounds better.</td>
</tr>
<tr>
<td>Pennydale is a true community with a unique sense of place. 'Pennydale' is relevant both historically, and as residents see their community today.</td>
</tr>
<tr>
<td>#1 Reason - to honour the history of the area and restore its identity as it was known years ago.</td>
</tr>
<tr>
<td>Because it does have a strong historical association with the area</td>
</tr>
<tr>
<td>We were neighbours of the Penny family for many years and are happy to preserve a little of our early history, having lived here for 62 years.</td>
</tr>
<tr>
<td>I wish the area to be maintained as a &quot;residential&quot; area (officially) and not lumped in with industrial/commercial zoning.</td>
</tr>
<tr>
<td>Mainly to stop overdevelopment of our unique area. But we would suggest it be Pennydale, Cheltenham, Vic 3192.</td>
</tr>
<tr>
<td>I agree but would like it Pennydale/Chelt and why not incorporate boundary over Bay Rd to Graham Rd.</td>
</tr>
<tr>
<td>We live in the area owned by the Penny’s. We also live in the lot once owned by Ernest Penny.</td>
</tr>
<tr>
<td>We agree our area should revert to its original name of Pennydale.</td>
</tr>
<tr>
<td>Unique part of Bayside which often gets overlooked on Planning and other Council decisions. Common issues for the Pennydale area different from the rest of Bayside.</td>
</tr>
<tr>
<td>Petition requests change. Was originally Pennydale &amp; will retain this heritage. Pennydale will be exclusively in Bayside Council &amp; Cheltenham in other Councils.</td>
</tr>
<tr>
<td>Historical identity. Cheltenham area is too big! However, if the cost excessive I would disagree!</td>
</tr>
<tr>
<td>To preserve our heritage of Pennydale.</td>
</tr>
<tr>
<td>Because those people involved in the Pennydale camp are trying to prevent high rise buildings in the Cheltenham area. There used to be a Pennydale Post Office in Bay Rd Cheltenham in 1960’s also.</td>
</tr>
<tr>
<td>Preserving the historic link to the Penny family and early history of the area. Identifying the area as part of Bayside.</td>
</tr>
<tr>
<td>Pennydale is the historical name for this area and will provide a unique identifier for this often forgotten &quot;bayside&quot; part of Cheltenham.</td>
</tr>
<tr>
<td>This unique separate part of Cheltenham deserves to be known by its historical colloquial name.</td>
</tr>
<tr>
<td>Heritage connection.</td>
</tr>
<tr>
<td>It is more of a new identity to Bayside.</td>
</tr>
<tr>
<td>Hoping to enforce changing zoning from GR2 to NR2. It’s a start. Ideally west of Tulip Grove.</td>
</tr>
<tr>
<td>To reinforce the village atmosphere that has always existed in this area and to help, in some small way, to resist the bastardisation of multi-storey development.</td>
</tr>
<tr>
<td>As a resident for the past 66 years I have had a strong affiliation with the name Pennydale and the Post Office and Chemist at the Bay Road shopping strip.</td>
</tr>
<tr>
<td>Historical significance.</td>
</tr>
<tr>
<td>It's a great name &amp; has heritage.</td>
</tr>
<tr>
<td>Return original name to area, add character and achieve distinction from 'Southland' precinct.</td>
</tr>
<tr>
<td>Differentiate this side of Cheltenham to other side and not allow for too many apartments, except on Bay Rd.</td>
</tr>
<tr>
<td>History is important and identity of the new name great for the area.</td>
</tr>
</tbody>
</table>
### Agree Comments

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>But why are we excluding the residents on the other side of Jack Road. Please include them.</td>
</tr>
<tr>
<td>Would also include all parts of Cheltenham west of railway line.</td>
</tr>
<tr>
<td>Pennydale allows us to be recognised as part of Bayside, not Cheltenham which is part of the Kingston Council.</td>
</tr>
<tr>
<td>The area has a contained look about it and is historically legitimate.</td>
</tr>
<tr>
<td>I think it is important to give due reference to the history of the area and it is a shame to lose these 'identities' and I am very much in favour of the name change.</td>
</tr>
<tr>
<td>To help protect the &quot;character&quot; of Pennydale. To reduce over development especially of 3 storey apartment blocks.</td>
</tr>
<tr>
<td>Because this is the original name of the locality &amp; the historical significance.</td>
</tr>
<tr>
<td>It's important as part of the recent rezoning of an 'Activity Centre' and changes in the development structure plan that this area has its own 'identity' and 'voice' to ensure future planning is in line with comments/expectations.</td>
</tr>
<tr>
<td>Original name for the area. Historical significance. Builds community.</td>
</tr>
<tr>
<td>A good reflection of the community feel of our neighbourhood &amp; it would nbe fantastic if we could return it to its original name.</td>
</tr>
<tr>
<td>This community is one distinct community and we stand as one to reflect the heritage and family values of the previous owners of this and - the Penny family.</td>
</tr>
<tr>
<td>Fits with the history of the suburb.</td>
</tr>
<tr>
<td>The name change recognises the unique character of our area ant that it is separate to Cheltenham/Kingston. Also has historical meaning.</td>
</tr>
<tr>
<td>It will make our area unique.</td>
</tr>
<tr>
<td>1. I like the name. 2. Cheltenham is already split between Kingston &amp; Bayside Councils. Having the name Pennydale would then differentiate &amp; encompass this area as part of Bayside and alleviate continuing confusion. 3. Postcode will stay the same.</td>
</tr>
<tr>
<td>To create a name for a distinctive area of Cheltenham that recognises the distinctive characteristics of the area.</td>
</tr>
<tr>
<td>To return the area to its historical name and thus preserve the memories.</td>
</tr>
<tr>
<td>Greater sense of community, bond with our area. Reverting to a historical name with and interesting story.</td>
</tr>
<tr>
<td>Recognise &amp; maintain the heritage of this area. It has historic value &amp; historic meaning &amp; acknowledges that this part of Cheltenham is unique and distinct.</td>
</tr>
<tr>
<td>Takes into account its heritage, especially since the area is changing so fast. Identifies this area is unique. Identifies this area as Bayside, not Kingston.</td>
</tr>
<tr>
<td>Historical reasons.</td>
</tr>
<tr>
<td>No real reason.</td>
</tr>
<tr>
<td>The name Pennydale has a strong historical association with the area and it is important to keep this alive in our opinion.</td>
</tr>
<tr>
<td>61% of local household have already agreed to this. It should also include the west side of Jack Rd.</td>
</tr>
<tr>
<td>The name change will honour our history and clearly identify our area as unique. Helping to protect our neighbourhood into the future.</td>
</tr>
<tr>
<td>Historical significance. Protect and maintain the look &amp; feel of the area.</td>
</tr>
<tr>
<td>To preserve the unique character &amp; history of the area. Please include the west &amp; east side of Jack Rd.</td>
</tr>
<tr>
<td>1. Preservation of unique historical aspect of the area. 2. The name has a feel of village charm about it. Which sets it apart from the rest of Cheltenham. 3. Many locals have a prevailing view that this area has always been &quot;Pennydale&quot;.</td>
</tr>
</tbody>
</table>
Agree Comments

Sounds nicer.

Historic meaning to the Area.

Hopefully name change will slow down the overdevelopment of residential units and building. It is out of control and congestion on roads is serious.

I agree to the proposal to officially name our area Pennydale. My reasons in support of the proposed name "Pennydale" is we are a very strong family oriented community who identify ourselves always with the historical and uniqueness of our own little special area of Cheltenham. We just want appropriate development, not inappropriate development to retain our area that we love to belong to. No overdevelopment please.

I have lived on this block since 1949. We were to have a station called Pennydale, it has been a long wait. I still hope to get to see it finished.

Increased sense of community.

The area has its own identity, look and feel to the rest of Cheltenham.

To give this area its own unique identity. Please include WEST side of Jack Rd.

ABSOLUTELY. This is something that makes perfect sense. We are a small pocket (in Bayside) and I believe this will give us our identity back!! And also b'c the remainder of Cheltenham is in Kingston Council area not this side of the highway!! NO OBJECTIONS

To reclaim history and identify area. Cheltenham area is large, all the way from Jack Road to Warrigal Road.

In full support of defining our community.

Happy for our part of town to have its own identity and not exist between councils.

When I came here 58 years ago, the shops on corner of Bay Rd & Jack Rd were known as Pennydale and I was given to understand a railway station to be called Pennydale was planned?

Would like to retain identity + history of area as a family zone.

There's a really strong sense of community in "Pennydale" + there are currently a lot of issues (Southland station, Beaumaris Secondary School zone, new planning rules) which make us distinct from the rest of Cheltenham.

Historical recognition.

Historic and accurate portrayal of locations.

Recognise our history + unique neighbourhood.

To differentiate and protect the proposed Pennydale area from the over-development being experienced in other areas that are considered high activity zones.

The history

Pennydale is a very 'close' community - so different from every area around it.

Important to recognise & retain the history & heritage of the area.

Because this is a unique area and very separate & different to the broader Cheltenham.

This area, has its own identity, distinct from the rest of Cheltenham and Kingston Council. It is fitting that a distinct name reflect this - 'Pennydale' for its historic reasons is most suitable.

This area is very different in character to the area of Cheltenham on the other side of the railway - especially around Southland.

Historical name. I have always known it as Pennydale and use it to identify where I live.

Re-claim history/heritage.

The area has a different characteristic to the rest of Cheltenham and the renaming will recognise that. The name "Pennydale" has a historic connection to the area.

To bring back the "Pennydale" as the name we had and many locals call the area. As we should support the residents on the west side of Jack Rd to be also part of Pennydale.
**Agree Comments**

<table>
<thead>
<tr>
<th>Agree Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>In support of defining our community</td>
</tr>
<tr>
<td>It is a link to the past, it was even in the Melway! We should hang on to our heritage.</td>
</tr>
<tr>
<td>Nice name!</td>
</tr>
<tr>
<td>Separate us from Cheltenham, Kingston area and return to historical name.</td>
</tr>
<tr>
<td>I want to have all the yellow, ugly signs finally removed from the houses around this area.</td>
</tr>
<tr>
<td>It has always been known as &quot;Pennydale&quot; and should never have been changed.</td>
</tr>
<tr>
<td>Great historical connection and has a nice 'feel/sound' about it.</td>
</tr>
<tr>
<td>Historic significance. However, we are concerned of potential implications - e.g. planning process, school zoning issues</td>
</tr>
<tr>
<td>Recognises the historical origin of the location.</td>
</tr>
<tr>
<td>I like the name Pennydale.</td>
</tr>
<tr>
<td>Go back to original name.</td>
</tr>
<tr>
<td>Building unity in the local community influence on development of the area.</td>
</tr>
<tr>
<td>The identified historical link to the known &amp; used 'locality'/neighbourhood' of Pennydale. We do also believe the west side of Jack Rd should be included.</td>
</tr>
<tr>
<td>We like to preserve this area as close to its original identity for future generations.</td>
</tr>
<tr>
<td>Defines area of Cheltenham that is in Bayside. Why not call of all Cheltenham in Bayside Pennydale? Not just this small area.</td>
</tr>
<tr>
<td>I agree with this name change as it maintains a historical perspective of the area and reflects well on area as it first came into being. This is a unique opportunity to honour our heritage.</td>
</tr>
<tr>
<td>To strengthen community spirit. Please also consider adding the Jack road residential area to Pennydale.</td>
</tr>
<tr>
<td>Links our area with historical background. Gives us more of an identity and &quot;Pennydale&quot; is such a nice name &amp; gives character back to our area. Thanks.</td>
</tr>
<tr>
<td>I believe the name change will help to differentiate this area.</td>
</tr>
<tr>
<td>To differentiate from the East side of the Nepean Hwy.</td>
</tr>
<tr>
<td>To retain the historical identity of our area, Pennydale.</td>
</tr>
<tr>
<td>This is quite a separate pocket of the current &quot;Cheltenham&quot; which lends itself to becoming a separate entity.</td>
</tr>
<tr>
<td>A sense of distinct identity and belonging to Bayside. To acknowledge the historical connection with the Pennydale family. To proudly name the area after its central park - Pennydale Park.</td>
</tr>
<tr>
<td>Because Pennydale is the original name of this neighbourhood named in honour of Edward Penny. We do not feel part of Cheltenham as the main part is the other side of the highway - and a different council.</td>
</tr>
<tr>
<td>This is very important what we keep Pennydale for strong historical history and my house was the first house built in the street and Pennydale was the original name. Please keep our history alive for our children and years to come.</td>
</tr>
<tr>
<td>I would like to retain the village/community spirit of our lovely leafy suburb. Especially as the rest of the world has gone mad with property development. I can remember when the Pennydale Post Office was at the back of Mrs O'Donohue's chemist shop and the community spirit around the shopping strip was alive and well. We are not a part of Southland and never have been (the station should have been called Pennydale). Let us retain our identity. PENNYDALE.</td>
</tr>
<tr>
<td>I have lived in the Pennydale District for over 50 years &amp; have always known it as Pennydale.</td>
</tr>
<tr>
<td>Retain the historical settlement connection of this pocket of residences. To separate the area from industry and commerce.</td>
</tr>
</tbody>
</table>
**Agree Comments**

<table>
<thead>
<tr>
<th>Comment</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>We are separate from the bulk of Cheltenham with a different Council, and I like the historical aspect, and was pleased when our park was named Pennydale. It seems logical to go back to being Pennydale to me.</td>
<td>Maintain the identity of Pennydale so the history of the area is not lost. So we have more of a voice:- what happens in our area.</td>
</tr>
<tr>
<td>Uniqueness and identity.</td>
<td>It should not have been changed from the original name in the 1st place.</td>
</tr>
<tr>
<td>Think Cheltenham is so large this would distinguish our little area a bit.</td>
<td></td>
</tr>
<tr>
<td>To preserve the history of the area.</td>
<td></td>
</tr>
<tr>
<td>We live in the street of the original Pennydale Post Office owned by Mrs O'Donohue and her family ran the business and lived in our street strong historical bonds to Mernda Ave.</td>
<td>Historical nature of area; the area has lots of native vegetation that differs from the surrounding streets &amp; needs preserving. The Pennydale name has a strong historical significance to residents many who had parents &amp; grandparents who lived in Pennydale.</td>
</tr>
<tr>
<td>Great name for a great area. Cheltenham is predominantly in Kingston and reaches to the airport. This name recognises our uniqueness in Bayside.</td>
<td>Preservation of area. Historical reasons. Enhancing future control by creating new identity.</td>
</tr>
<tr>
<td>We consider &quot;Pennydale&quot; is a different community to other areas of Cheltenham &amp; Pennydale is the original name for our area.</td>
<td></td>
</tr>
<tr>
<td>As long as includes both sides of Jack Rd. Recognises uniqueness of the area, as well as the geographical placement on the other side of Nepean Highway, which isolates us from Cheltenham.</td>
<td></td>
</tr>
<tr>
<td>It's in Bayside Council as &amp; not Kingston like most of the rest of Chelt is. Main reason why a part of Moorabbin became Hampton East. My family here since '57 &amp; it was never officially Pennydale.</td>
<td></td>
</tr>
<tr>
<td>We support the proposed name change in an acknowledgement of its historical significance and provide this area with a sense of identity.</td>
<td></td>
</tr>
<tr>
<td>We have lived at the above address for 61 years. The Post Office was Penny-dale and that is where we lived with our children.</td>
<td></td>
</tr>
<tr>
<td>Separate Bayside Cheltenham from Kingston Cheltenham. Historical significance.</td>
<td></td>
</tr>
<tr>
<td>Have all way liked the name.</td>
<td></td>
</tr>
<tr>
<td>This is a community separated from the rest of Cheltenham with its own unique character.</td>
<td>Pennydale represents the history of the area.</td>
</tr>
<tr>
<td>I am hoping that separating from Cheltenham we can have more control over planning in the area.</td>
<td>Historical recognition. This pocket is isolated from other parts of Cheltenham due to the rail line. It has a sense of community that doesn’t exist in Cheltenham as a whole.</td>
</tr>
<tr>
<td>Protect too much construction in the area. Differentiate this pocket from the other side of Cheltenham (across Nepean Highway)</td>
<td></td>
</tr>
<tr>
<td>Unique historical part of 'Bayside' Cheltenham.</td>
<td></td>
</tr>
<tr>
<td>I like it.</td>
<td>Pennydale being the historical name for the area, i.e. The post office in Bay Road and the Pennydale Park in Olympic Ave.</td>
</tr>
<tr>
<td>The Pennydale name reflects the “uniqueness” of this community as distinct from the rest of Cheltenham.</td>
<td></td>
</tr>
</tbody>
</table>
### Agree Comments

The area was originally called Pennydale for over 50 years when we had a Post Office in Bay Rd. To keep the area village, with no high-rise apartments or buildings. It is a unique area, reclaiming the name Pennydale will clearly identify the area, helping to protect our neighbourhood into the future.

Since the proposal for this area to be called "Pennydale" people have become actively communicating with one another. We now become informed about what is happening in our streets. We are certainly more community minded.

Having been resident in 'Pennydale' since the early 1960's I am keen to see its historical association with the area re-established.

Area is unique, small, family oriented. The name "Pennydale" gives the area its own identity. I believe the houses on the west side of Jack Rd should be included - they are not part of the MIRVAC development. | It has always been known as Pennydale. Houses on the West side of Jack Rd should also be included.

Historical significance. This area was known as Pennydale when I was a child. | This was the original name of the area when first developed & has historical significance.

Prevent over development.

To protect the unique identity & character of the area & distinguish it from Cheltenham in Kingston area.

This area is quite different to the rest of Cheltenham and it seems fitting for it to have its own name.

I think it is important to hold onto the heritage if the area and too establish ourselves as being 'Bayside' not Kingston.

Higher house prices means more rates for the Council (if prices were to rise). Sense of identity as Cheltenham is very large!! Stronger community as we can see from this process a lot of people in this pocket are community minded.

In sync with the old neighbourhood.

This neighbourhood has a village atmosphere + culture - hopefully Pennydale will retain this, a place where residents can continue to be proud of low-rise homes. Most residents take pride in their house + gardens. Pennydale is a safe neighbourhood with a friendly atmosphere. It would be really useful if a Pennydale P. Office in Bay Road could be returned.

It has a strong association with the area and this is a unique area within the present Cheltenham name.

History of the subject area.

Strongly! Our family home for 62 years is close to what is now Pennydale Park. We love the old name and its history and used Pennydale Post Office in Bay Road for many years.

Happy with the way it is. Of the 2 adults + 4 children (3 of understanding age) we all agree no need to change + like being part of Cheltenham.

Cheltenham is fine for me. If you want to make Pennydale a suburb allow access to it from the railway station not via a shopping centre only.

I like the name & the idea of it being restored to its original.

Hope to try and retain some history and look of area.

It will give our neighbourhood the unique historical identity of its past and enable us to differentiate our area from the very diverse nature of Cheltenham that covers a vast area over two Council authorities.

Renaming the area provides clarity around the area being within Bayside City Council and not Kingston which causes confusion.

Recognises historical origins of the location.

Recognises historical origins of the location.
**Agree Comments**

Area is known as Pennydale by locals. Recognises the unique character if the area. Recognises the history and Edwin Thomas Penny.

Identification as a suburb of Bayside not Kingston.

Possible positive impact on property values.

Unique identity + historical association with area, distinct from broader Cheltenham zone.

I like the idea of establishing and identity for this area.

We recognise it is important to retain the historical nature if the area. We think the name change would provide the area with a point of difference in a positive way.

It differentiates the Bayside part of Cheltenham to that of the large Kingston suburb. It was previously known as Pennydale so why not put it back.

The historical relevance. Cheltenham covers 2 Councils which is not ideal, Pennydale will be an entity on its own in Bayside Council.

Cheltenham too big an area & differences within "Pennydale" is suited to this unique section.

The Pennydale area being named as such will reflect its history and the areas unique neighbourhood character, which is not evident anywhere outside its immediate border area.

Yes, because of the history in the area.

Historical significance of the name to the area. Cheltenham’s a large suburb on the other side of highway. Easier to break it up.

To keep its heritage.

Historical association.

This area will help control limits on development. This area will also support Bayside Council identity, to that of Kingston.

Separate area from Kingston to maintain Bayside identity.

It's more appropriate given the history and direction the area will take in the coming years.

It's more appropriate given the history and direction the area will take in the coming years.

It was the original name when I first started to live on Park Rd, Paul St corner.

The area is a small pocket west of the railway that doesn't fit with the name Cheltenham.

Historically correct.

Historical association of the area. Cheltenham is such a large suburb makes sense for proposed area to be renamed.

Reflects the history of the area + the local character of the neighbourhood. I would like to include the properties on both sides of Jack Road. | Reflection of the historical significance of the name and character of the area.

Historical name associated with area. Distinguishes area from remainder if Cheltenham with its distinctive character and location.

Pennyle has a wonderful sense of community which should be reinforced and protected with a meaningful identity that the name change will provide. Residents already strongly see themselves as part of Pennydale, and I very much look forward to seeing this formalised. I also think this better aligns with this area being part of the Bayside Council.

Because it remind us a strong historical association.

In keeping with the current character of our suburb to limit any proposed developments to the 2 storey height limit.

Support community history.

The original name "Pennydale" should never have changed, it is only right and proper that the name be restored.

It is a reversal of the original name giving it authenticity.

To restore name 'Pennydale' to the historical association of the proposed area.
Agree Comments

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheltenham is such a big area. We like the idea of this little pocket being renamed with a name of historical significance.</td>
</tr>
<tr>
<td>To prevent high rise developments.</td>
</tr>
<tr>
<td>The main reason for support of this name alternation is for the area to retain the distinctive feel of comfortable residential living without the development of high rise flats. The new rail station will create industrial development and must be contained within certain boundaries.</td>
</tr>
<tr>
<td>To maintain the history of the area.</td>
</tr>
<tr>
<td>To preserve this area’s historical identity.</td>
</tr>
<tr>
<td>Identify with initial history including Pennydale Post Office.</td>
</tr>
<tr>
<td>I like the historical context.</td>
</tr>
<tr>
<td>I like the historic reference.</td>
</tr>
<tr>
<td>We are always in favour of preserving history &amp; past events being from the U.K. which is steeped in history. It’s great that Australia is recognising that face more and more and we are proud to support this small part. Good Luck!</td>
</tr>
<tr>
<td>This area is a distinct suburb then the rest of Cheltenham.</td>
</tr>
<tr>
<td>Some of our neighbours would like it changed.</td>
</tr>
<tr>
<td>Historically accurate. 2. Gives definition to an area. 3. Sounds well. Comment: The new residential area of METRICON Homes (Jack Road) needs to be included. Make it up to Reserve Road for clarity.</td>
</tr>
<tr>
<td>Cheltenham is such a large area with many diverse segments. It would be beneficial to have this area renamed Pennydale as a tribute to historical connections.</td>
</tr>
<tr>
<td>To distinguish the residential properties located in this area from the commercial ones near Southland and Bay Road.</td>
</tr>
<tr>
<td>Makes more sense as we get confused with Kingston’s Cheltenham &amp; have lost our identity since we changed to Bayside.</td>
</tr>
<tr>
<td>Historical name.</td>
</tr>
<tr>
<td>Differentiation.</td>
</tr>
<tr>
<td>Cheltenham is a suburb predominately associated with the City of Kingston. The target area is Bayside &amp; it is appropriate to return it to its traditional name.</td>
</tr>
<tr>
<td>Protect neighbourhood identity. Prevent over-development.</td>
</tr>
<tr>
<td>Original name &amp; hopefully we will have some influence regarding keeping this area from future development.</td>
</tr>
<tr>
<td>Because it is the logical thing to do as it is the only area of Cheltenham that comes under Bayside Council.</td>
</tr>
<tr>
<td>We have a historical proposed area. The &quot;only&quot; part of Cheltenham currently in the Bayside Council heading, so we should have a historical name to reflect that.</td>
</tr>
<tr>
<td>For over 40 years, from 1956-1999, our community was known as Pennydale. We strongly support the proposal to give our residential neighbourhood a separate and lasting identity distinct from the proposed Southland Activity Centre. We believe the Pennydale &quot;identity&quot; will assist in perpetuating the friendly, safe and family oriented environment and community in to which we have settled.</td>
</tr>
<tr>
<td>Cheltenham covers such a big area and our friends think we are part of Beaumaris. 'Pennydale' Park is nearby and we tell our friends when they visit - use Pennydale Park as landmark.</td>
</tr>
<tr>
<td>Helping to create a sense of community and for historical reasons.</td>
</tr>
<tr>
<td>1) As a strategy to defer the subdivision of properties + highest density development. 2) To EXCLUDE 'Pennydale' from the Southland Activity Centre. 3) Retain family friendly community existing in this area now.</td>
</tr>
</tbody>
</table>
## Agree Comments

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am in support of the name change as this acknowledges the strong historical association with this area.</td>
</tr>
<tr>
<td>No reason in particular just like the name.</td>
</tr>
<tr>
<td>Historical references to the Penny family are great. &quot;Pennydale&quot; name is a great tribute.</td>
</tr>
<tr>
<td>We strongly agree with this proposal. We always referred to our suburb as &quot;Pennydale&quot; when we lived in the Paul St address. Pennydale has historical significance. We did not agree with the decision to do away with this name.</td>
</tr>
<tr>
<td>The area has a unique residential ambience &amp; community rapport with an historic connection to its foundation.</td>
</tr>
<tr>
<td>Because of the historical background to the area.</td>
</tr>
<tr>
<td>To minimise big development.</td>
</tr>
<tr>
<td>Historic. Protect zoning, lifestyle + amenity of area, against over development.</td>
</tr>
<tr>
<td>In order to provide the area with a sense of identity, as the original post office locality was known as Pennydale. We would like to once again be associated with this historical name.</td>
</tr>
<tr>
<td>We like the new name and we like the idea of this area having its own identity.</td>
</tr>
<tr>
<td>I would like to see the area revert to its original name and retain its current character and to have some say in the development of the area.</td>
</tr>
<tr>
<td>Development, identity, not getting swallowed into &quot;Southland&quot;.</td>
</tr>
<tr>
<td>Maintain historical association.</td>
</tr>
<tr>
<td>Original name. Try to prevent inappropriate development. Bayside is agreeing to many inappropriate apartments blocks with inadequate parking. Maybe some heritage overlay might make a difference.</td>
</tr>
<tr>
<td>Create identity for our little corner of Cheltenham.</td>
</tr>
<tr>
<td>Acknowledging the history of the area.</td>
</tr>
<tr>
<td>This is quite a unique part of Cheltenham and it would be good to set it apart from the rest of Cheltenham.</td>
</tr>
<tr>
<td>The name PENNYDALE has a historic association with the area and the name change would give it a sense of identity. Until the 1960’s the Post Office on Bay Road was known as Pennydale. Besides, the Penny family has had close connections with the area. I think the name Pennydale is move in keeping with the area’s village atmosphere.</td>
</tr>
<tr>
<td>The reason I support this is, we are a unique area + a great community, which is something the Council should assist + support as Councils did years ago + not become greedy.</td>
</tr>
<tr>
<td>When we moved here over 35 years ago, we liked the area with small streets and hills and bends and the Bay Rd shops included our Pennydale Post Office and no tall buildings/apartments.</td>
</tr>
<tr>
<td>Historical significance.</td>
</tr>
<tr>
<td>Acknowledging the significant history. Strengthens pride in our neighbourhood. Develops a stronger sense of community + belonging. More of a 'village like' atmosphere by virtue of the above points.</td>
</tr>
<tr>
<td>When we arrived in early 80’s we went to Pennydale P.O./pharmacy around the corner + enjoyed the friendship of people + smaller community . We are happy to have Pennydale back.</td>
</tr>
<tr>
<td>I support my neighbours who want the name to change. They’re good people.</td>
</tr>
<tr>
<td>Unique neighbourhood character distinguished by a different look and feel than the rest of Cheltenham; historical ties; odd to have a suburb in two different Councils.</td>
</tr>
<tr>
<td>Will distinguish the area from Cheltenham. Historical importance.</td>
</tr>
<tr>
<td>To stop inappropriate development and keep traffic flow from getting worse that it already is.</td>
</tr>
<tr>
<td>Happy for it to go back to original name.</td>
</tr>
</tbody>
</table>
### Agree Comments

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>I went to Highett High back in the 70's and friends from this area back then referred to the place as &quot;Pennydale&quot;. It has history - it somehow helps to identify this area apart from the Southland Development Zone. I think it would be ideal in keeping this beautiful tree lined, park rich area as a nice difference in amongst the multi development - nice mix.</td>
</tr>
<tr>
<td>To maintain an historical link with the past.</td>
</tr>
<tr>
<td>Would be lovely to return the area back to the original name.</td>
</tr>
<tr>
<td>Historically this area was called Pennydale and renamed Cheltenham. The Post Office was called Pennydale Post as it was in Pennydale.</td>
</tr>
<tr>
<td>I like Pennydale name.</td>
</tr>
<tr>
<td>Sense of identity. Reinstall previous name of the area.</td>
</tr>
<tr>
<td>We feel by changing the name to Pennydale it sets us apart from the Kingston area of Cheltenham and makes us more inclusive in the Bayside Council area. It gives us our own identity in Bayside.</td>
</tr>
<tr>
<td>2 Main Reasons. To &quot;stop&quot; builders over developing + being allowed to convert land into 3 storey apartment blocks! Relying on common sense approach to be included in school zone for new Beaumaris Secondary College - as we are very limited in this zone.</td>
</tr>
<tr>
<td>Historical significance. Confirms unique identity of locality. Distinctly different from surrounding Southland area.</td>
</tr>
<tr>
<td>Reclaiming the name Pennydale will honour the history of our area + define the location so we can protect our neighbourhood from bad development.</td>
</tr>
<tr>
<td>The Pennydale name has significant history to the designated area.</td>
</tr>
<tr>
<td>Need to recognise the location as a part of Bayside, and disassociate the area from 'Southland' which is a shopping centre.</td>
</tr>
<tr>
<td>Pennydale was the areas name, would like to see it go back to Pennydale.</td>
</tr>
<tr>
<td>1. Sounds nicer than Cheltenham. 2. Why not!</td>
</tr>
<tr>
<td>Lived here all my life + always known as Pennydale.</td>
</tr>
<tr>
<td>This is a unique part of Cheltenham + deserves to be recognised as such.</td>
</tr>
<tr>
<td>Return to original identity.</td>
</tr>
<tr>
<td>To preserve the history and character of the area.</td>
</tr>
<tr>
<td>Strongly agree with the strong historical connection to the name - Pennydale.</td>
</tr>
<tr>
<td>I was born in the area (Olympic Ave) now 65 years ago. I remember Mrs Donahue running the Post Office and Pharmacy down there in the group of shops on Bay Rd.</td>
</tr>
<tr>
<td>To honour the heritage on Pennydale.</td>
</tr>
<tr>
<td>Pennydale is a unique area and community and we would like to reclaim its historic name and identity.</td>
</tr>
<tr>
<td>I think it is great to create a smaller community of 'Pennydale' in a very large suburb like Cheltenham.</td>
</tr>
<tr>
<td>It will identify the area specifically. Cheltenham is a big suburb, and a lot of the time people associate Cheltenham with Southland or DFO, not the lovely area where Pennydale is.</td>
</tr>
<tr>
<td>We like the history associated with the name + believe it is an appropriate name for this area.</td>
</tr>
<tr>
<td>Mainly to stop over-development of our area. I would suggest it should be Pennydale Cheltenham Vic 3192.</td>
</tr>
<tr>
<td>Cheltenham is largely an area of Kingston Council. Giving our area the name &quot;Pennydale&quot; will distinguish ourselves as the bayside suburb we are.</td>
</tr>
<tr>
<td>To return the area to its original name for historical recognition.</td>
</tr>
<tr>
<td>Good idea.</td>
</tr>
</tbody>
</table>
**Agree Comments**

As 20+ yr residents, this is a niche area and not really Cheltenham, so we think it should be named 'Pennydale' to reflect this.

Many reasons.

Should also include west side of Jack Rd. To restore the historic name and recognise this unique pocket of Bayside. Distinguish us from the rest of Cheltenham in Kingston.

**Historical association. Improved navigation for visitors.**

Want greater say over high rise developments in this small very residential area. I wish to keep our small area on beach side of hwy separate from Cheltenham proper + have more say on development within this residential area.

**Historical reference & preservation of community.**

To provide our area with a sense of identity with the original post office locality known as Pennydale.

**Historical association and separate identity of the area.**

Limit over development.

1. To honour the historic name of the area. 2. To identify this section of Bayside as a family oriented residential area worth preserving.

I have lived in this area for nearly 30 years and feel a very strong association with the name Pennydale. We have always unofficially referred to our area as Pennydale and would like the name to become official.

The historical information about Pennydale is so valuable and changing the name back should be implemented.

Why not, sounds better and I’m supporting locals that want it back the way it was.

More control over developments. Acknowledge its history. Belong to a tight knit community - hopefully one day be included in Beaumaris Secondary School zone.

Supportive of the historical connection + it identifies our suburb separately from the wider Cheltenham.

Retain the history of the area and hopefully avoid multiple storey dwellings upsetting the ambience of our area.

We believe it will be a good change for our property.

To reinstate the historic name and allow us to create an identity, with the historical significance, for our area.

This pocket "locality" needs to be distinct from the rest of Cheltenham, which encompasses a large area.

Sounds good.

Support historical association.

Helps to define the neighbourhood which is unique in character + location (entirely within Bayside). Would be good to also include houses on west side of Jack Rd.

Important to protect and restore its original name dating back to 1956.

It is a unique pocket of Cheltenham which resides under the Bayside Municipality. Given historic name it would seem appropriate to give the area its own identity.

The majority of Cheltenham is situated on the eastern side of the rail line to Warrigul Road and beyond. Our little "Pennydale" pocket is of historical significance, unlike the residential area east of the rail line.

To preserve the heritage of the area and return to its historical name. To define the area as separate from Southland.

The proposed suburb has a unique character that needs recognition with a special name and with which the residents can present a united front.
**Agree Comments**

<table>
<thead>
<tr>
<th>Item 10.3 – Reports by the Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To preserve from dense, congested high rise development. To keep this area in a gentle, quiet pleasant neighbourhood for quality living.</strong></td>
</tr>
<tr>
<td><strong>Maintain the low-rise, residential feel of the area. Avoid high-rise development + traffic chaos.</strong></td>
</tr>
<tr>
<td><strong>Original name historically.</strong></td>
</tr>
<tr>
<td><strong>Cheltenham is a large suburb. Re-naming this area creates ties back to the historical name.</strong></td>
</tr>
<tr>
<td><strong>Heritage and individuality to Cheltenham - Kingston.</strong></td>
</tr>
<tr>
<td><strong>It’s a definable, unique area.</strong></td>
</tr>
<tr>
<td><strong>Local area is recognised a having unique historical identity as well as street look.</strong></td>
</tr>
<tr>
<td><strong>Heritage name. One of the first families in area were &quot;Penny's&quot;</strong></td>
</tr>
<tr>
<td><strong>Cheltenham suburb covers too much area currently. This side of Nepean Hwy should be separate to parts of Cheltenham on other side of hwy.</strong></td>
</tr>
<tr>
<td><strong>It does seem a bit strange not to extend it to Reserve Road.</strong></td>
</tr>
<tr>
<td><strong>Proposal is agreed to.</strong></td>
</tr>
<tr>
<td><strong>Historical association. I think the west side of Jack Rd should also be included.</strong></td>
</tr>
<tr>
<td><strong>It’s time for a change.</strong></td>
</tr>
<tr>
<td><strong>To help retain the community feel, history of the area and distinguish it as a residential area amidst the mass development in Cheltenham.</strong></td>
</tr>
<tr>
<td><strong>Has a bayside look and feel. A strong neighbourhood community.</strong></td>
</tr>
<tr>
<td><strong>Differentiate from &quot;Kingston Council&quot; part of Cheltenham. Rightfully &quot;Pennydale&quot; is an apt renaming + belongs in Bayside Council area.</strong></td>
</tr>
<tr>
<td><strong>We strongly believe having the heritage reference + a sub-name increases an area’s recognition, property value + desirability.</strong></td>
</tr>
<tr>
<td><strong>Connection - respecting history of area. Community strengthening/connection.</strong></td>
</tr>
<tr>
<td><strong>Pennydale is already the name used in the area and has been for many years. It remembers the Penny family who lived in the area for over 100 years.</strong></td>
</tr>
<tr>
<td><strong>I have in the above address for over 40 years and except for the Post Office in Bay Rd being known as Pennydale, have never heard this area being referred as Pennydale, but if the name change is able to prevent high rise living in the area I'm agreeing to the name change of this unique little &quot;pocket&quot;. We live here because of its character + community and would not like a drastic change.</strong></td>
</tr>
<tr>
<td><strong>To return Pennydale to its own identity and local community.</strong></td>
</tr>
<tr>
<td><strong>This area of Cheltenham is Bayside not Kingston and should be unique to the bayside area and historic origin.</strong></td>
</tr>
<tr>
<td><strong>The name 'Pennydale' has a strong historic reference and provides a great sense of community.</strong></td>
</tr>
<tr>
<td><strong>Keep the village feel + historical reasons.</strong></td>
</tr>
<tr>
<td><strong>It gives our area some identity + is historical. We want this area to be low density housing.</strong></td>
</tr>
<tr>
<td><strong>I feel it’s good to rename our small pocket as the Nepean divides Cheltenham from Bayside and will be good to be a bit separate from Southland. We’re a small area surrounded by golf courses and industrial.</strong></td>
</tr>
<tr>
<td><strong>We want to provide the area with a sense of identity and welcome more development and young families into this area.</strong></td>
</tr>
<tr>
<td><strong>Important to honour former Pioneering Generations for our unique identity. The &quot;Pennydale&quot; name will further strengthen our existing community values.</strong></td>
</tr>
<tr>
<td><strong>Reflects the local community being separate to Cheltenham’s greater one.</strong></td>
</tr>
<tr>
<td><strong>Because Pennydale is its original name, historic reasons.</strong></td>
</tr>
<tr>
<td><strong>Would love the suburb name to be Pennydale (including west side of Jack Rd) as a nod to our history.</strong></td>
</tr>
</tbody>
</table>
**Agree Comments**

<table>
<thead>
<tr>
<th>Emphasize unique character of this area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>We are not part of Greater-Cheltenham which is on the other side of Nepean or railway.</td>
</tr>
<tr>
<td>&quot;Pennydale&quot; was original name. Close family community - character. Could possibly a property value. &quot;Niche&quot; community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historic significance and an obvious need to acknowledge the unique community we reside in - both geographical and social.</th>
</tr>
</thead>
<tbody>
<tr>
<td>History of area. Cheltenham is a very big suburb is it would be good for this area to have a different name.</td>
</tr>
<tr>
<td>Cheltenham doesn't really represent the bayside. It’s too big. This area was Pennydale &amp; should be Pennydale again. The growth in the new Pennydale will be controlled. More attention to local issues.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>I like history that it brings back to the people.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don’t want more 3-4 storey slums like Mirvac on Jack Rd.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sense of identity and recognise the community feel.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Separate ourselves from Kingston Council part of Cheltenham. Similar to Moorabbin and Hampton East in the past.</td>
</tr>
<tr>
<td>As long as there is no/minor costs involved.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historic reasons.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honour the past community. Promote a truer sense of community for today's residents. Develop a communal responsibility for our progress.</td>
</tr>
<tr>
<td>Reduces confusion of Tulip Grove + Tulip Street. Recognises the historic/cultural area. Defines separate suburb as Cheltenham is large and sprawling.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historical name, reflects more the bayside than Cheltenham or Southland.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preventing over development. Infrastructure &amp; development that is separate from particularly Southland. Already known as that by many due to size of Cheltenham suburb.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Return to original area and sub post office name.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historically this area was named &quot;PENNYDALE&quot;. The local park is still Pennydale Park. I want this area to go back to its historic name &quot;Pennydale&quot;.</td>
</tr>
<tr>
<td>To help retain the historical legacy of the area and also try and prevent over development of a nice family area.</td>
</tr>
<tr>
<td>The name Pennydale recognises a significant part of the history of the settlement in this area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>It’s the original name.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To protect our neighbourhood, character &amp; family environment - we don’t want 4-6 storey apartment blocks encroaching on our doorstep. The infrastructure we have in place is already insufficient for what has been proposed.</td>
</tr>
<tr>
<td>Desire to retain identity when there is so much change in our suburb.</td>
</tr>
<tr>
<td>By naming this part of Bayside, Pennydale, it removes confusion over Cheltenham and City of Kingston. It also retains historical aspects of the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>This reclaims the original name of the area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe renaming area Pennydale could halt inappropriate development.</td>
</tr>
<tr>
<td>Heritage, historic unique individual name.</td>
</tr>
<tr>
<td>Some history involved here. Also it is an area with so many families with lots of children playing in their back yards. Hopefully it will stay that way!</td>
</tr>
<tr>
<td>This area has a more exclusive ambience to the rest of Cheltenham.</td>
</tr>
</tbody>
</table>

The area needs to be returned to its original name.
**Agree Comments**

<table>
<thead>
<tr>
<th>Originality.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To help keep the neighbourhood character.</td>
</tr>
<tr>
<td>It keeps the history of the area going and gives the area a real community feel, helping to keep the local character.</td>
</tr>
<tr>
<td>Am hopeful that our area will be retained as a leafy suburb and not opened up to 4 storey developers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In order to curtail the high density development. To distinguish Pennydale from Southland Activity Centre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>We think it is much more appropriate for our suburb name to be &quot;Pennydale&quot; in Bayside rather than in the old Cheltenham which is part of Kingston.</td>
</tr>
<tr>
<td>This is such a unique pocket of Cheltenham. While we are part of Bayside most of Cheltenham is in Kingston Council. Renaming it Pennydale would differentiate our little piece of paradise. I also think the west side of Jack Road should be included in Pennydale.</td>
</tr>
<tr>
<td>Family home where Stuart grew up. Father built home. Long connection with 19 Wembley Ave and history of Pennydale.</td>
</tr>
<tr>
<td>This is a unique pocket of both Cheltenham and Bayside and deserves its own recognition in line with its history.</td>
</tr>
<tr>
<td>Historical. Gives our area and identity.</td>
</tr>
<tr>
<td>I don't want multi-unit/high rise developments in my area. For reasons of aesthetics + maintaining family friendly vibe + keeping our backyards+ greenery. Also don't need more traffic/cars. Like the older houses + single level homes.</td>
</tr>
<tr>
<td>Love the name! We need to be recognised again as Pennydale as we were for over 50 years. It makes sense for our Bayside pocket of Cheltenham to have its own name and identity.</td>
</tr>
<tr>
<td>The name should never have changed, &quot;Pennydale&quot; is the name!!!</td>
</tr>
<tr>
<td>Possible better controls of developments.</td>
</tr>
<tr>
<td>My parents + I lived on the west side of Jack Road since mid 50's + always called it Pennydale. My understanding was Mr Penny lived in the pink house (now units) on the corner of JACK + BAY Roads (next to Laminix)</td>
</tr>
<tr>
<td>I would prefer our old name back.</td>
</tr>
<tr>
<td>Boundary should be up to Reserve Rd. Bear minimum Jack Rd all inclusive.</td>
</tr>
<tr>
<td>To recognise and preserve the unique character and history of this neighbourhood.</td>
</tr>
<tr>
<td>To preserve the character and history of our local area and create a distinction for Bayside Cheltenham. Please include west side of Jack Rd in Pennydale border.</td>
</tr>
<tr>
<td>I believe in the traditional name of the area, Pennydale.</td>
</tr>
<tr>
<td>Because Pennydale has a strong historical connection to the area.</td>
</tr>
<tr>
<td>Preserve the original name assigned to this specific area and also to protect the area as per matters raised by the &quot;Pennydale Petition&quot; members.</td>
</tr>
<tr>
<td>Its history and the name should live on.</td>
</tr>
<tr>
<td>To reflect the history of this area and maintain the character of the area.</td>
</tr>
<tr>
<td>Good name.</td>
</tr>
<tr>
<td>The area we live is unique and does not feel like Cheltenham or Highett. Re-naming it Pennydale would give the area a more community feel + belonging to the Bayside.</td>
</tr>
<tr>
<td>Believe in holding this heritage name as part of our history &amp; to collectively protect our neighbourhood from over development/increased density.</td>
</tr>
<tr>
<td>Historical respect + reference. Cheltenham is ridiculously huge + actually barely advises someone where you live.</td>
</tr>
</tbody>
</table>
**Agree Comments**

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Return to historical named area. Minimise development in area from high density planned growth.</td>
</tr>
<tr>
<td>Apology - I lost my form + copied someone else.</td>
</tr>
<tr>
<td>The residents in this area are very &quot;Community Minded&quot; and want to retain a &quot;feeling&quot; of family/welcoming - and reject the huge developments - (in our case Mirvac’s giant &quot;thing&quot; behind us!). Oh and the West side of Jack Rd (are still should be) a part of the proposal.</td>
</tr>
<tr>
<td>Including west side of Jack Road.</td>
</tr>
<tr>
<td>As 61% of the residents in households in the proposed suburb want the name changed to Pennydale. It unites the community for Jack Rd West to be included.</td>
</tr>
<tr>
<td>As you stated, its strong historical status is important to this community.</td>
</tr>
<tr>
<td>Being the only part of Cheltenham that is in Bayside, it has caused confusion on odd occasions.</td>
</tr>
<tr>
<td>Makes more sense to be separated from Cheltenham as we are Bayside and the other side is Kingston Council. About time to change.</td>
</tr>
<tr>
<td>I think it could improve the value of the land.</td>
</tr>
<tr>
<td>Reclaim the name Pennydale</td>
</tr>
<tr>
<td>West side should be included if name is changed.</td>
</tr>
</tbody>
</table>
Disagree Comments

Never heard of it. I’ve never seen or feel the strong historical association. I have a business + will be made to change stationary etc, and let my clients know about some weirdo change. It cuts the suburb of Cheltenham into a stupid shape. What about the people on the other side of Bay Rd. A strip of them known as Cheltenham + Highett at their back door. Ridiculous!

It will be v confusing for business and we have to change all out stationary and it costs money And time. Tks.

Believe area should be added to Sandringham East and renamed.

I like Cheltenham!

Please see attached letter: I do not support the renaming of this area to Pennydale. I suspect that it is based on a historical fiction created by Australia Post who was faced with the task of providing a name for a sub-post office in Bay Road to distinguish it from the main office in Cheltenham. This was at the time that the Cheltenham Post Office was located on the south-east corner of the Charman Rd/Nepean Hwy intersection. The Penny family is well known in the area from Mentone around to Brighton and St Kilda as they had a number of business holdings. In fact the first husband of my maternal grandmother was a Penny. Accordingly one could say that by historical connection I am related to the Penny family. As a child I had several Penny step-uncles, the half-brothers of my father. The reason for the change, we are told, is that a member of the Penny family owned an orchard in this area and this gave rise to the area being called Pennydale. As far as I am aware the orchard ownership story may be correct but the rest seems to me to be manufactured to suit the argument for the name change. The area of Churchill Avenue in which I live was sub-divided from an old market garden that had been owned pre-war and into the immediate post-war years by a woman named Katie McLeod who, if I recall correctly, was notorious for running a sly grog shop accessible by a rough track from Park Road. Ironically that anecdote was told to me by a now deceased neighbour who was a Penny. I have examined street directories available online at the State Library which chart the settlement and growth of this part of Cheltenham going back to the 19th century and nowhere is the name Pennydale mentioned as a name for any historically verifiable area. Furthermore there is no mention in the title deeds for my property of the Penny name, nor any historically defined district called Pennydale. Therefore I feel the proposed name change is not connected with correcting a historic error by returning us to a name that has been lost but more connected with inflating property values to distinguish this part of Cheltenham which lies in Bayside, from the larger part that lies in the City of Kingston.

I see no advantage and therefore the process is just a waste of time and money which could be better spent.

We are happy with the current situation and this change may low our residential value of our property which would be unfair.

Why change. Ridiculous waste of time & money.

I don’t like the name.

Sick of Council wasting ratepayer’s money on minority groups whims/agendas. Fix the foot paths instead.

I have lived in the area since 1954 & the area proposed for renaming has never been known as Pennydale. A member of the Penny family lives in the next street & confirms that the area was never known as Pennydale & he does not support the name change. There is no historical basis for the proposed name change.

I do not identify with the name Pennydale and suggest ratepayer’s money and time is better spent on more pressing concerns.

Changing name will cause confusion. Pennydale sounds like it belongs to Thomas the tank engine.

Cheltenham is fine for me. If you want to make Pennydale a suburb allow access to it from the railway station not via a shopping centre only.
**Disagree Comments**

It's going to cost money to rename it. Spend it on something important instead.

Too many people need to be notified but most of all we don't like the name.

I did not buy into "Pennydale" - I bought into "Cheltenham"! Pennydale sounds like a hick country town! People are pushing for the name change purely because they believe (incorrectly) that it will stop developments! It was "Pennydale" before and it was changed to "Cheltenham" for a reason! We should not be taking a step back in time!!

I like living in Cheltenham.

We have lived in Cheltenham for over 25 years and identify only with Cheltenham. Until this petition we had never heard of Pennydale.

See no need to change. Dislike the name.

1) It is an unknown name and is likely to devalue my property. 2) The name change is a waste of Council money. 3) It will cause confusion to visitors. 4) It is a very old fashioned name and out of keeping with the contemporary nature of the area. 5) The area is too small to be a viable suburb in terms of identity and identification. 6) I have never heard of Pennydale and I suspect most others in Cheltenham & Melbourne would be the same. 7) There is no compelling reason given to make the change. 8) Cheltenham will become a very odd shape and confusing for people visiting. Especially the area north of Pennydale. 9) Because of point 8, Cheltenham's identity will become diminished. 10) Pennydale was never a suburb, just a neighbourhood area.

No need to rename - why? Will it improve? We live in 'Cheltenham'. What difference is it going to make if we've called it 'Pennydale'? Would there be "financial" or any other particular differences? That would help us all?? (if the case).

I do not like the name at all and do not want to live in a suburb where people ask "where do I live" and people have no idea where Pennydale is. I see no reason to re-name a small pocket of one suburb - becomes too confusing Pennydale is a ridiculous, old fashioned name.

Unnecessary change, potentially confusing carve-out of a small area within Cheltenham; simply a mechanism to garner support for anti-development push (with which I disagree)!

Why live in the past? It will be confusing to everyone else who visits or posts mail. The name Pennydale will not protect us or have any influence on developers putting up inappropriate buildings. Let's stay as Cheltenham! Or become part of Sandringham!

If I say I live in Pennydale nobody would know where that is. I am 84 years old and don't want to remember a new suburb. It is a ridiculous idea.

I think this pocket of Cheltenham needs to be renamed East Sandringham or Beaumaris Nth to align with Bayside suburbs. Creating a new name for such a small area is ridiculous.

Have always known the area as Cheltenham & and would like its name to remain unchanged.

Proposed name has no recognition outside immediate area. It is chintzy and more likely to appeal to children.

Unnecessary cost to rate payers

I have lived in the area all my life and am not familiar with "Pennydale" region. It will cause confusion for those outside the area. I cannot think of any reason to change.

Cheltenham has meaning for me. A little corner in Cheltenham changing its name seems expensive and wasteful. What's behind the change? These people were happy with Cheltenham up till now. Is it Beaumaris Secondary College catchment of +3 storey units - Ridiculous!!

Edwin Penny and Pennydale are already remembered by Pennydale Park in Olympic Avenue. It is incongruous to re-name the area with Cheltenham Park, Cheltenham Station and Cheltenham Business Centre adjacent. The proposal ignores the effect the name change will have on Property Titles, Property and Contents Insurance details, Residents Passports, Utility Bills, Bank Accounts, Vehicle Registrations & Insurance, Drivers Licence details, Medical Services and Club Memberships, etc.
### Disagree Comments

Don’t really see what we would benefit by changing to "Pennydale".

A waste of money/resources/people. Why?? Not necessary. Use council funds in a more constructive way.

We prefer Cheltenham.


My family have lived in this area for many, I myself was born in Centre Rd Bentleigh 70 years ago. I have never heard the name Pennydale. I will still call it Cheltenham.

I don’t believe any change is needed, and the change to Pennydale will only cause confusion.

We purchased a house in Cheltenham 15 yrs ago, we would like it to remain in Cheltenham!!

As long as I can remember (and I grew up very close by), the name of this suburb was Cheltenham! I understand 'local' terminology, but don't feel this warrants such extra cost and controversy, not to mention future complications not even thought of as yet!!! | I have absolutely no idea why we need to change our suburbs name to "Pennydale". I am not convinced of its legitimacy and history. My family have a very "rich" history of living in Cheltenham and I don't want to lose this nor have my suburbs name changed. It is a totally wasted exercise and at a cost. No one knows who or what Pennydale is. Google maps will be totally confused!!!

Why change for the sake of changing? I am happy to keep the Cheltenham name as a suburb.

Area not sufficient to warrant being renamed. No P.O. etc.

The area has been known as such since we lived in our house for over 20+ years, there is a concern of lowering property value & we dislike the proposed new name.

I agree the name needs to be changed but I want a survey of multiple name options. The proposed Pennydale area is small and restrictive (exclusive) you need to consider all Bayside parts of Cheltenham.

Lived here for 40 years and happy with the status quo "Cheltenham"!

I am 85. I have lived in the area for 60 years very happily. I can’t believe anyone would want to change the name from Cheltenham to Pennydale. It sounds like you are from the bush. This came in the mail box from the young people who want this (see attachment to survey). Please do not do it. It would be a complete mess up.

I am sick to death about renaming - next we will not be known as Australia!

Why change something that is working well and at 94 do not like changes.

My family does not like the name "Pennydale".

It is an old sounding name which I believe will devalue the area. These are modern times! If a name change is needed, a name that would increase property value such as Sandringham East or Beaumaris North is appropriate.

Will devalue the property.

Don't really see the point - to me that area will always be Cheltenham. Surely it will cause confusion.

We are happy with Cheltenham.

Why change when the name "Cheltenham" has been used for so long? I see no benefits at all! To satisfy a few residents, I don't agree to the name change.

1. Silly name. 2. Waste of valuable time and money. 3. Unnecessary and confusing.

I am used to & quite happy with Cheltenham. As is everyone else - all my friends, family etc. work - who know I live in Cheltenham. Would be a pain to change it!!

Segments the area. Should either be Sandringham, Highett, or Beaumaris.

Devaluing.
**Disagree Comments**

Because this area is Cheltenham, always has been & should remain so. Cheltenham is its identity. I use Cheltenham station, Chelt Park, Chelt Golf Course, Chelt Primary etc, etc - Pennydale does not have an identity & must not be changed! The issues raised for re-naming Pennydale are not strong enough and I believe that re-naming would make this area exclusive when we should be trying to remain in an inclusive area which is part of Cheltenham. Imagine if all of this time, effort + money was put into doing something valuable.

I don't like the name Pennydale + would like to have been given other options to re-name this area. I believe the area is still unique as Cheltenham.

Stupid proposal. Should be called Sandringham East. Nothing else!

This is a twee name which harks back to earlier times. The area is flat and far removed from the Yorkshire Dales, i.e. undulating ground + a "penny" has almost disappeared from the Australian lexicon!!

I would prefer Sandringham East as it would have a better capital appreciation for owners & rate value for Bayside Council. If this is not an option then probably Pennydale rather than Cheltenham.

Cheltenham has a strong recognition in all of Melbourne. It doesn't make sense to have our area being bound on all 4 sides by Cheltenham - it would cause confusion. Cheltenham Park, Golf Course, Cemetery & Primary School are very close - these are stronger recognition points and areas of interest than Pennydale Park. When I bought, I bought in CHELTENHAM NOT A MADE UP AREA. Please don't rename the area. It is not needed. Cheltenham is an established, well known and desired suburb. I grew up in Cheltenham (a different part). It feels like that the people who want this are spitting on those of us from another part of Cheltenham. Cheltenham is a great suburb that I want to continue to be a part of.

Please view attachment: The proposed renaming of an area called "Pennydale" within the long-standing + established suburb of Cheltenham seems ludicrous/unnecessary to us, in view of its historically connected name derived from the United Kingdom (as are other numerous Australian suburbs). Moreover, it would be an unenviable task notifying various authorities, organisations, relatives, friends, etc within Australia and overseas (let alone the unnecessary costs which could be used for the "needy people on the poverty line") for the purpose of identifying with an antiquated post office of which many exist!

We live in Cheltenham, an area that we are proud to call home.

Unnecessary cost. Unnecessary confusion. Already achieved name of locally identity - Pennydale. No need to formalise. Increased rates if values increases. No further benefits to be gained by name change.

There is nothing wrong with the name "Cheltenham". Changing the name is unnecessary and cause too much hassles including the waste of the budget, which could use to do something else more useful for the suburb!

No one will know where or what Pennydale is? Why live in the past? There is no Pennydale Post Office or corner store! The name change will not protect us from townhouse dev't with no gutters. Better to become Sandringham or stay Cheltenham. Totally irrelevant to current times. It will accelerate the move to become a slum ghetto of high-rise boxes with no open space and greener, jammed with cars on street because of a lack of off-street parking.

Will sever links with Cheltenham!!! I enjoy being a Cheltenham resident used to facilities - new suburb = new identity, new zoning, new rules for developers - NO!!

Since buying property in 1989 we have been told area would be renamed Beaumaris East. I would prefer this name change not Pennydale.

The local park is named "Pennydale" out of respect of the history. Singling out some areas around streets makes it difficult for suburb identification.

It's been known as Cheltenham for ever so leave it as "Cheltenham".
<table>
<thead>
<tr>
<th>Disagree Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>We certainly DO NOT want multi-storey developments in this part of Cheltenham. However, we don't see how a name change to Pennydale will legally exempt us from the State Planning Policy.</td>
</tr>
<tr>
<td>Pennydale should include both sides of Jack Rd + MIRVAC estate, i.e. to Reserve Rd or all the area should be Sandringham East, i.e. the area of Cheltenham which is in Bayside Council Area.</td>
</tr>
<tr>
<td>I like the name Cheltenham as it is. I dislike the name &quot;Pennydale&quot; - it sounds rural.</td>
</tr>
<tr>
<td>As a descendent of original owner 1957 the property has been known as Cheltenham!!</td>
</tr>
<tr>
<td>What a waste of time and money. Please do more to save money for poor ratepayers.</td>
</tr>
<tr>
<td>Outrageous waste of ratepayer’s money!</td>
</tr>
<tr>
<td>Happy with it as it is. Confusion for some time when name changes.</td>
</tr>
<tr>
<td>I am happy living in Cheltenham and don't see the need to change it.</td>
</tr>
<tr>
<td>There are areas west of Reserve Rd named as Cheltenham.</td>
</tr>
</tbody>
</table>
Commentary in response to the Disagree comments

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>I like living in Cheltenham / identify with Cheltenham</td>
<td>27</td>
<td>1</td>
</tr>
<tr>
<td>Confusion with location</td>
<td>15</td>
<td>=2</td>
</tr>
<tr>
<td>Cost to ratepayer to rename unnecessary</td>
<td>15</td>
<td>=2</td>
</tr>
<tr>
<td>Don’t like the name</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Taking a step back in time, not progressive/ old fashioned</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Not familiar with Pennydale, despite living in area for considerable time</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Possibly devalue property</td>
<td>5</td>
<td>=6</td>
</tr>
<tr>
<td>Happening only to help the ‘anti-development’ push</td>
<td>5</td>
<td>=6</td>
</tr>
<tr>
<td>Too many people to be notify if changed</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Pennydale not the ‘original’ name of area</td>
<td>1</td>
<td>8</td>
</tr>
</tbody>
</table>

Comment: I like living in Cheltenham / identify with Cheltenham

Response: The suburb Cheltenham will continue to surround the proposed area of Pennydale, therefore the identification with Cheltenham will continue and the same postcode will apply. This comment is very subjective.

Comment: Confusion with location

Response: The proposed name change will cause some confusion to those unfamiliar with the area, although the postcode will remain the same. The confusion may be caused by the fact that the remainder of Cheltenham is surrounding a small pocket of residential area.

Comment: Cost to ratepayer to rename unnecessary

Response: There will be a financial impost on local businesses in relation to the change of stationary etc, to reflect the proposed change. In addition ratepayers would need to change personal information to a range of organisations, and service provider reflect the proposed name change, which is convenient for some residents.

Comment: Don’t like the name

Response: The name chosen by the Resident Action Group has a significant historical connection with a former post office in the location and original landowners of the area. The name Pennydale has some form of connection to the proposed area.

Comment: Taking a step back in time, not progressive/ old fashioned

Response: The proposed name Pennydale has at least some connection to the area with the establishment of the Pennydale Post Officer. There is no point changing a suburb name where there is no connection to the area.
Comment: Not familiar with Pennydale, despite living in area for considerable time

Response: It has been sometime since the Pennydale Post Office was in existence in the area. The Penny family had been significant land owners of the area, and a park is named Pennydale within the area.

Comment: Possibly devalue property

Response: This is difficult to quantify and is subjective. No data is available to comment on this statement.

Comment: Happening only to help the ‘anti-development' push

Response: Development will occur within the area regardless of a change to a suburb name. The Cheltenham/Pennydale Structure Plan will assist to the planning for any large scale developments within the area.

Comment: Too many people to be notify if changed

Response: The Office of Geographical Names will assist notifying the relevant service providers within the area, along with Council informing all residents should the name change be successful. However, if the proposed name change is accepted there will be an expectation for residents to change personal information kept by various organisations and service providers.

Comment: Pennydale not the ‘original' name of area

Response: This is correct. Pennydale is not the original name of the area, however does have some form of connection with the area.
Executive summary

Purpose and background

The purpose of this report is to inform Council of the State Government’s Port Phillip Bay Environmental Management Plan 2017-2027 (the Plan) and highlight how Council contributes to the health of Port Phillip Bay.

Port Phillip Bay (the Bay) is a unique and precious natural asset, supporting a wide range of community uses, rich and diverse marine life, spectacular scenery, and providing significant benefits for local businesses and the Victorian economy.

The Plan’s aim is to ensure a healthy Port Phillip Bay that is valued and cared for by all. It has been written in accordance with Protecting Victoria’s Environment – Biodiversity 2037, which was released in April 2017 by the Victorian Government as a long term plan to protect the State’s environment.

The Plan has three main goals to guide future action and investment over the next 10 years (a Summary Brochure is set out as Attachment 1):

- Stewardship of the Bay is fostered across community, industry and government;
- Water quality is improved to ensure environmental health and community enjoyment of the Bay; and
- The Bay’s habitats and marine life are thriving.

The Council Plan, Council’s Open Space Strategy and various foreshore masterplans clearly define goals to protect and enhance the Bayside area, which includes 17km of coastal foreshore. In addition to Council’s current programs, the Plan now provides Council with additional guidance on how to contribute towards a healthy Bay.

The Plan will be considered when developing future foreshore masterplans to ensure these masterplans deliver strategic benefits for the Bay. Council will advocate this approach with other Bay facing councils (via mediums such as the Association of Bayside Municipalities (ABM)) to promote its benefits around the entire Bay.

Key issues

Management of the Bay

Management of the Bay occurs within a framework of federal, state, regional and local strategies, plans and policies. The state’s Environment Protection Act 1970 and the federal Environment Protection and Biodiversity Conservation Act 1999 provide overarching legislation that defines core conservation and management principles. The Department of Environment, Land, Water and Planning (DELWP) is responsible for leading and coordinating environmental management of the Bay, and other roles including wildlife protection, incident response, planning and issuing of permits for works. While DELWP holds the lead role, many other organisations and agencies have management responsibilities in the Bay and within its catchment.
Under the *Coastal Management Act 1995*, there is a hierarchy of agencies responsible for managing coastal issues. The Victorian Coastal Council has responsibility for preparation of a framework to guide planning, management and sustainable use of the Victorian coast. At a regional level, the Central Coastal Board has developed the Central Regional Coastal Plan, incorporating Port Phillip Bay.

At a local level, a range of public land managers (including local government, Parks Victoria and DELWP) are responsible for preparing coastal management plans and climate change adaptation plans. Overarching adaptation to climate change is a whole-of-government priority, which will be guided by the new *Climate Change Act* and Victoria’s *Climate Change Adaptation Plan 2017-2020*. There may be some change to coastal management responsibilities with the introduction of the new Marine and Coastal Act (which is currently in preparation).

Ten local government authorities (including Bayside), partnered to form the Association of Bayside Municipalities (ABM) to prepare the ‘Bay Blueprint 2070’ to provide a consistent, bay-wide response to coastal adaptation.

**How Council contributes towards a healthy Bay**

Priority area 1 of the Plan is to ‘Connect and inspire’ people with regards to the Bay. Council implements its own polices, strategies and projects that benefit Port Phillip Bay. Council adopted its Coastal Management Plan in 2014.

Council is currently drafting a new Biodiversity Action Plan (BAP) that will set goals to improve the health of the Bay and highlight indicators to track these goals.

Priority area 4 of the Plan focuses on ‘Litter’ and how the amount of litter entering the Bay can be reduced. Council has been vocal on this issue in the past and will continue to work on reducing the amount of litter, especially plastics that make it into the Bay in the future.

Council works with other bodies (such as ABM, DELWP and Parks Victoria) to implement projects (e.g. groyne installations) aimed at improving the Bay and also to advocate on methods to improve the Bay’s health (e.g. lobbying to reduce or ban single use plastic bags).

**Port Phillip Bay Fund**

Council will continue to consider offering its support to worthwhile projects that require endorsement in order to apply for and receive funding from the Port Phillip Bay Fund. The fund has been established to support projects that address local and regional priorities to protect the health of the Bay.

**Management of the Bay**

The Plan highlights that managing the Bay is achieved through a complex framework. Council is often called upon by residents to action tasks that fall outside its jurisdiction. It is important to emphasise that in most cases along the Bay, Council is responsible for land above the median high tide line. Past (or below) the median high tide line is the responsibility of others (in most instances Parks Victoria). Council will continue to advocate for improvements in areas outside of its jurisdiction, but is reliant on other land managers to action physical tasks.

**Recommendation**

That Council notes the work and involvement of agencies and Bayside City Council in managing Port Phillip Bay.
Support Attachments
1. Attachment 1 - Port Phillip Bay - Environmental Management Plan 2017-2027 Summary Brochure ↓

Considerations and implications of recommendation

Liveable community

Social
Port Phillip Bay provides recreational opportunities for many people, the health of the Bay is key for this to continue. The Port Phillip Bay Environmental Management Plan 2017-2027 seeks to protect health of the Bay.

Natural Environment
Port Phillip Bay is one of Victoria’s most significant marine areas, and it home to a wide variety of marine life. The Port Phillip Bay Environmental Management Plan 2017-2027 seeks to protect and improve these natural elements.

Built Environment
There are no built environment implications of this recommendation. The Bay area, below the high tide mark, is managed by others.

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

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 this report.

Finance
There are no financial implications associated with this report. Council has already committed funds towards projects that will contribute towards the Port Phillip Bay Environmental Management Plan 2017-2027.

Links to Council policy and strategy
Council’s policies and strategies including the Open Space Strategy, Coastal Management Plan and Biodiversity Action Plan (draft) deliver outputs that ensure Council contributes towards the objectives of the Port Phillip Bay Environmental Management Plan 2017-2027.
The Victorian Government is committed to conserving and enhancing the health of the state’s marine and coastal environments. The *Port Phillip Bay Environmental Management Plan 2017–2027* is an important step towards achieving this goal.

Port Phillip Bay is a unique and precious natural asset, supporting a wide range of community uses, rich and diverse marine life, spectacular scenery, and providing significant benefits for local businesses and the Victorian economy.

This Plan builds on the good work that is already being done to maintain the health of the Bay. It aligns government, industry and community groups on actions that will address challenges resulting from population growth, urbanisation and climate change.

**Understanding this Plan**

This Plan focuses action and investment on priority issues affecting Bay health. Priorities were identified through background investigations, and community and agency consultation.

Goals, priority areas and actions in this Plan are based on:

- What scientific investigation has identified as key threats to the health of the Bay
- Issues on which stakeholders and the broader community want action
- Which issues need more attention or coordination
- Which actions will have the most impact on protecting long-term Bay health.

Priority actions will be implemented over ten years, and will follow an adaptive management approach. Specific interventions and activities will be aligned to, and in some cases delivered by, broader state or regional plans and strategies (such as whole-of-catchment planning or integrated water cycle management).

Annual reporting and 5-yearly evaluations will ensure that the Plan’s actions remain focused and aligned. The Environmental Management Plan and its accompanying Delivery Plan provide detail on specific activities, program partners and expected outcomes.

### A healthy Port Phillip Bay that is

**VISION**

**GOALS**

Stewardship of the Bay is fostered across community, industry and government

**PRIORITY AREAS**

Connect and inspire

Empower action (work together)

**STRATEGIES**

Improve appreciation and understanding of Bay values and connections to catchment

Improve collaboration and partnerships across community, industry and government

### PRIORITY ACTIONS

1.1 Work with Aboriginal groups to improve understanding of Aboriginal cultural values and interests in the Bay and support connections to Country

2.1 Build capacity and knowledge within community and industry networks

1.2 Develop and deliver programs to inspire greater appreciation of the Bay’s values

2.2 Empower the broader community to get more actively involved in caring for the Bay

1.3 Build understanding of management responsibilities and programs for the Bay and its catchment

2.3 Support stronger partnerships across community, industry and government to ensure aims and outcomes are aligned
valued and cared for by all Victorians

Water quality is improved to ensure environmental health and community enjoyment of the Bay  The Bay's habitats and marine life are thriving

<table>
<thead>
<tr>
<th>Nutrients and pollutants</th>
<th>Litter</th>
<th>Pathogens (human health)</th>
<th>Habitat and marine life</th>
<th>Marine biosecurity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure nutrient and sediment loads do not exceed current levels and pollutant loads are reduced where practicable</td>
<td>Reduce litter loads to the Bay</td>
<td>Minimise risks to human health from pathogens</td>
<td>Conserve and restore habitats and marine life</td>
<td>Manage risks from marine pests</td>
</tr>
</tbody>
</table>

3.1 Effectively maintain existing stormwater infrastructure and programs to mitigate loads to the Bay, or secure via equivalent means

4.1 Establish a baseline estimate of the volume of litter entering the Bay and support clean up activities

5.1 Improve understanding of links between pathogen concentrations and human health for swimming and consumption of shellfish

6.1 Monitor indicator species and key habitats at priority locations

7.1 Prevent introduction and dispersal of marine pests

3.2 Prevent increases in nutrient loads from wastewater systems and where practicable reduce loads of other pollutants

4.2 Support capability and capacity building programs that target litter prevention, including reduction of microplastics

5.2 Adopt a risk-based approach to mitigate sources of pathogens found in the Bay

6.2 Improve understanding of ecological processes, threats and pressures

7.2 Monitor priority locations for early detection of marine pest introductions

3.3 Ensure all urban and rural land use effectively controls impacts from stormwater and runoff, and that controls are in place to manage increases in loads

4.3 Identify and prioritise litter sources and pathways, and take actions to prevent litter entering the Bay

5.3 Improve monitoring and reporting to better detect and communicate human health risks from pathogens

6.3 Improve overall extent and condition of the Bay’s natural ecosystems

7.3 Respond rapidly to new introductions of marine pests

Monitoring, Evaluation, Reporting and Improvement

Item 10.4 – Reports by the Organisation
DELWP would like to acknowledge and thank all groups and individuals who have given time to review and provide comment during development of the Port Phillip Bay Environmental Management Plan.

To obtain a copy of the Port Phillip Bay Environmental Management Plan

- Call DELWP on 136 186 and ask for a copy to be posted
- For queries, email BayPlan@delwp.vic.gov.au
10.5 CARBON NEUTRALITY ACTION PLAN 2018-2020

Executive summary

Purpose and background

The purpose of this report is to present the Draft Carbon Neutrality Action Plan 2018-2020 to Council for adoption, following a period of public exhibition of the draft version of the Plan and incorporation of feedback from the community in finalising the document.

Council’s Carbon Neutrality Action Plan sets the direction and specifies actions so Council can achieve its commitment to be ‘Carbon Neutral’ by 2020. Carbon neutrality is achieved when the net greenhouse gas emissions associated with an organisation’s activities, products, services and events are equal to zero.

Carbon neutrality requires that Council invests resources to:

- **Avoid**, then **Reduce** greenhouse gas emissions;
- **Switch** to renewable energy sources; and
- **Offset** residual greenhouse gas emissions.

The carbon neutral goal demonstrates Council’s commitment to:

- Reducing its contribution to climate change;
- Being efficient in the use of energy and resources; and
- Enhancing the value of services provided to the community by reducing electricity and gas consumption costs.

Achieving this commitment requires that the carbon neutral goal is considered in planning and decision-making across Council’s various services, e.g. sustainable infrastructure (design, construction, operations and maintenance), procurement and fleet policy. A quantified inventory of Council’s greenhouse gas emissions must be assessed to ensure Council meets its commitment. Implementation of the Plan also meets Council’s responsibilities under the reviewed **Local Government Act 1989** and **Climate Change Act 2017**.

The outcomes of achieving ‘carbon neutrality’ through the Plan are:

- **Avoidance** of greenhouse gas emissions as Council activities and processes are aligned to this goal;
- **Reduction** of greenhouse gas emissions through improved energy efficiency in Council buildings and other assets;
- **Switching** from fossil fuel-based energy generation to renewable energy, including the installation of renewable energy on Council buildings, as well as sourcing renewable energy and less greenhouse gas intensive fuels through procurement; and
- **Offset** of residual greenhouse gas emissions.

At the Ordinary Meeting of Council on 28 October 2008, Council committed to be carbon neutral for its operations by 2020. Since then, works to upgrade streetlights and buildings to improve energy efficiency have occurred, and the construction of new buildings has included a focus on minimising energy use, installing renewable energy, improving thermal comfort, and research to identify further opportunities to achieve carbon neutrality.

Council’s adoption of the Climate Change Strategy in 2012 further reinforced the commitment to become carbon neutral and the Environmental Sustainability Framework adopted in May 2016 included an action to develop and implement a Carbon Neutrality Action Plan.

The finalised Carbon Neutrality Action Plan 2018-2020 is shown in Attachment 1 for adoption.
Key issues

The Carbon Neutrality Action Plan details the actions required to achieve Council’s ‘carbon neutral’ goal, with costs and greenhouse gas emission reductions of each action.

Path to Carbon Neutrality

Council has options for investment to meet its ‘carbon neutral’ goal. The proposed pathway to carbon neutrality presented in the Plan uses the Avoid, Reduce, Switch and Offset approach to prioritise actions.

This approach maximises the reduction of greenhouse gas emissions, focusing on reducing emissions from sources that Council directly controls, and/or can be accurately measured. Priority is placed on funding activities that will directly reduce energy use and the reliance on fossil fuels, at the lowest cost of greenhouse gas abatement. This approach allows the purchase of renewable energy for ongoing electricity once maximum energy efficiency has been achieved. This approach also allows for social and economic benefits from investment in offsets to residual greenhouse gas emissions. Purchase of offsets is a ‘last resort’ action to achieve carbon neutrality in this approach.

Another option is to Switch and Offset. This approach involves the purchase of electricity and gas from renewable sources to minimise the residual greenhouse gas emissions to offset. As renewable energy is supplied at a higher cost than fossil-fuel generated energy, typically 30-50% at present, this option will require significantly more up-front investment.

The Offset approach – the purchase of offsets without the avoidance and reduction of greenhouse gas emissions – is a further option. Purchasing the cheapest greenhouse gas offsets available would achieve carbon neutrality quickly, however this approach would not achieve the ongoing benefits from the efficient use of resources.

Benefits of this Plan

Implementing this Plan will have the following benefits for Council and the Community:

- Meeting community expectations for Council to reduce greenhouse gas emissions and lessen its contribution to climate change;
- Understanding Council’s major sources of greenhouse gas emissions and quantifying them;
- Clarifying what greenhouse gas emissions are within and beyond Council’s control;
- Identifying opportunities for greenhouse gas emission reductions, which can lead to improved efficiency and cost savings;
- Building understanding and commitment to greenhouse gas emission reduction across the Council organisation;
- Influencing Council’s supply chain and procurement decisions to ensure that Council suppliers and contractors reduce their environmental impact; and
- Impacting positively on the environment through the purchase of carbon offsets with identified social and environmental benefits.

What has happened since 2008?

The following inputs have informed the development of the Carbon Neutrality Action Plan:

- Energy efficiency opportunities assessments at the Corporate Centre, and approximately 100 Council buildings (mostly smaller buildings);
- A 2015 review of progress towards carbon neutrality; and
- A Solar Feasibility Study of 48 Council buildings (including Council’s largest owned and operated buildings).
Renewable energy installations and energy efficiency upgrades at several Council buildings have been implemented to reduce energy consumption and greenhouse gas emissions. The streetlight upgrade implemented between 2012 and 2016 has reduced greenhouse gas emissions from streetlights by almost 50 per cent. Attachment 2 shows Council’s current greenhouse gas emissions and the path to achieving carbon neutrality through implementation of the Plan.

Work involved in implementing the Plan
The following activities broadly describe the actions to implement the Plan:

- Behaviour Change – educating and enabling Council staff, contractors, building users, and service providers to reduce their environmental impact;
- Capital Works – installing more energy efficient technology and renewable energy to improve Council’s buildings and assets;
- Procurement – buying goods and services that reduce our environmental impact, and purchasing offsets; and
- Monitoring and Reporting – demonstrating to the community that Council is accurately measuring its progress.

Implementation will require actions involving many internal and some external stakeholders.

Key stakeholders and community engagement
Comment on the Draft Carbon Neutrality Action Plan 2018-2020 was invited from the community on the ‘Have Your Say’ website and via direct engagement with the Bayside Climate Change Action Group (BCCAG). Sustainability Victoria, the administrator of the Victorian ‘Take2’ initiative was also invited to comment. A summary of the Community Engagement is included as Attachment 3.

Community feedback was polarised on the question of what Council should procure to offset its residual emissions. Half of the respondents supported higher-cost greenhouse offsets that support the Victorian economy at a ‘gold standard’; half do not see the purchase of offsets as an essential expenditure of Council’s resources. In response to the feedback, an additional action has been included to consider further procurement options prior to the need to purchase offsets in 2020.

What has been changed from the Draft Carbon Neutrality Action Plan?
Based on the responses from the community and BCCAG, two changes have been made to the Draft Plan.

1) A change in the budget for Staff Education on the implementation of the Carbon Neutral Action Plan, increased from $0 to $2,500 for two years. A commensurate reduction in the budget for education in small leased facilities from $5,000 to $2,500 for two years has been made. This change does not add or reduce the cost of the Plan.

2) An additional action, Action 3.5 to: ‘Investigate the potential for procurement of offsite renewable electricity to replace fossil fuel sourced (non-renewable) energy, including working with other Councils and partners has been included. This change addresses some community concerns that purchasing offsets is a waste of Council’s resources, as well as allowing Council the flexibility to consider evolving more innovative electricity procurement models. This action has been considered in the recommendation to Council.

Minor corrections to tables and text have also been made in the Plan.
It is recommended that Council adopts the Carbon Neutrality Action Plan 2018-2020 as amended following the community consultation process.

**Recommendation**

That Council:

1. Adopts the Carbon Neutrality Action Plan 2018-2020 (Attachment 1);
2. Reports on progress of the Carbon Neutrality Action Plan 2018-2020 at a Council meeting in 2019; and
3. Thanks all stakeholders and community members for their valuable input and feedback which has informed the finalisation of this document.

**Support Attachments**

2. Attachment 2 - Council’s organisational greenhouse gas emissions 2012-2021 (separately enclosed) ⇐
5. Attachment 5 - Response to BCCAG Submission on Carbon Neutral Action Plan ⇩

**Considerations and implications of recommendation**

**Liveable community**

**Social**

There is growing community awareness and concern regarding the impacts of carbon emissions on climate change. There is also an expectation within the community that Council will use its resources efficiently and will respond to the challenges of climate change.

This is demonstrated by the feedback reviewed from the community when Council developed the Community Plan 2025.

**Natural Environment**

The goal of becoming carbon neutral is directly aimed at addressing risks to the natural environment by contributing to the reduction of the harmful impacts of climate change on humans and natural systems.

**Built Environment**

Actions to achieve carbon neutrality will improve resource efficiency of Council’s building stock and reduce energy related running costs.

**Customer Service and Community Engagement**

The Draft Carbon Neutrality Action Plan 2018-2020 was released for consultation between 18 December 2017 and 5 February 2018. The primary objectives of the engagement process were to:

- Educate the community on Council’s commitment to achieving carbon neutrality by 2020;
- Identify the level of expenditure on residual greenhouse offsets acceptable to the community; and
Community feedback was invited through:
- A ‘Have Your Say’ page;
- Direct invitation for feedback from key stakeholders, such as BCCAG;
- Invitation to ‘Brighter’ newsletter subscribers (Council’s sustainability e-newsletter) to feedback via the ‘Have Your Say’ page; and
- Direct email correspondence with Sustainability Victoria.

The Community Engagement Report is included as Attachment 3.

The consultation process provided respondents with a copy of the Draft Plan, and further information on ‘What does being carbon neutral mean?’; ‘What is Council doing to reduce greenhouse emissions?’ and ‘What are carbon offsets?’.

Respondents were also provided with a table of the type of carbon offsets available for a range of costs, as shown in the table below. Community members were asked to provide a response to a survey on ‘What type of offsets would you prefer Council to purchase?’

Table 1. Offset Criteria shown on ‘Have Your Say’ page

<table>
<thead>
<tr>
<th>Offset criteria</th>
<th>Standards</th>
<th>Locations</th>
<th>Example</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relative Cost</td>
<td>Standards</td>
<td>Locations</td>
<td>Example</td>
<td>Benefits</td>
</tr>
<tr>
<td>Low (e.g. $1.50)</td>
<td>Purchased from a reputable supplier and/or project and no negative consequences</td>
<td>Overseas</td>
<td>Overseas wind energy, overseas hydropower</td>
<td>Greenhouse gas emissions reductions</td>
</tr>
<tr>
<td>Mid-range (e.g. $8.00)</td>
<td>Purchased from a reputable provider and aligned with other positive outcomes for the environment and communities</td>
<td>Overseas</td>
<td>Overseas forestry projects, energy efficiency, waste diversion projects, agricultural improvement</td>
<td>Social, health outcomes, economic improvements through process improvements and job creation</td>
</tr>
<tr>
<td>Most expensive (e.g. $15.00)</td>
<td>Gold Standard – this certification guarantees the application of certain standards</td>
<td>Victoria</td>
<td>Tree planting, landfill gas</td>
<td>Environment, biodiversity improvement, clean water, Economic – projects in regional communities, Social –</td>
</tr>
</tbody>
</table>

As part of the ‘Have Your Say’ process, 39 responses were received and all included a comment on the carbon offsets survey. Only one respondent was not a Bayside resident. Six respondents were BCCAG members, and five respondents were members of Friends Groups in Bayside.

The table below shows the offset criteria supported.

Table 2. Community Preference for Council to purchase offsets from ‘Have Your Say’ page

<table>
<thead>
<tr>
<th>Relative Cost</th>
<th>No. of Survey Respondents (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low (e.g. $1.50 per tonne CO\textsubscript{2}e)</td>
<td>14 (36%)</td>
</tr>
<tr>
<td>Medium (e.g. $8.00 per tonne CO\textsubscript{2}e)</td>
<td>2 (5%)</td>
</tr>
<tr>
<td>High (e.g. $15.00 per tonne CO\textsubscript{2}e)</td>
<td>21 (54%)</td>
</tr>
<tr>
<td>Zero</td>
<td>2 (5%)</td>
</tr>
</tbody>
</table>

Two respondents commented that they wished to record that they did not want Council spending any money on greenhouse gas emission offsets.
The responses were grouped under the following themes:

- The purchase of offsets is a waste of Council’s resources;
- Any offsets purchased by Council should support local solutions and the Victorian economy; and
- Any offsets purchased by Council should meet highest standard of rigour and transparency.

A detailed response was received from the BCCAG, which is included in Attachment 4. BCCAG states that it supports the vision and general principles of the Plan, but has reservations on the resources required for implementation and achieving the vision. The feedback suggests this is dependent on the budget allocated by Council and the education and training of Council staff to deliver the actions in the Plan.

Other key points raised by BCCAG include:

- Purchasing certified renewable electricity, with very low or zero emissions, will reduce Council’s greenhouse gas emissions, alleviating the need to purchase greenhouse gas offsets. BCCAG suggests that this strategy may be simpler and more cost-effective.
- Council should explore the bulk purchase of renewable energy with partners (i.e. the South East Councils Climate Change Alliance), using the Melbourne Renewable Energy Project as a model.
- It is uncertain that adequate resources have been provided to achieve carbon neutrality. Given Council’s debt-free financial position, BCCAG recommends an additional $900,000 over three years for the Plan, to finance further renewable energy and energy efficiency projects.
- Additional resources are required for Council staff education and awareness of the urgent need to address climate change and deliver this Plan.
- The kerbside waste and recycling service should be included in Council’s organisational boundary for greenhouse gas emissions;
- Resources should be allocated to include the requirement to reduce greenhouse gas emissions into leases and permits, and for tenants to report on emissions, to drive more environmentally-friendly behaviour;
- Verification of Council’s progress to carbon neutrality should be annual, not every ten years, given the timeframe of the Plan.
- Council should join the Cities Power Partnership to access both shared knowledge and resources to track progress towards carbon neutrality.

A response to BCCAG on how these concerns have been addressed is included as Attachment 5.

Representatives from Sustainability Victoria confirmed support for Bayside City Council joining the Victorian Government’s ‘Take 2’ program when the Carbon Neutrality Action Plan 2018-2020 is adopted by Council.

**Human Rights**

The reduction of carbon emissions resulting from Council’s operations is not considered to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

**Legal**

Council is not legally required to be carbon neutral. Should Council seek certification as a carbon neutral organisation in 2020, it would need to meet the requirements of the National Carbon Offset Standard.
An action within the Plan is to join the Victorian Government’s ‘Take2’ program. This action is recommended to Council simultaneously with the adoption of this Plan, as a demonstration of Council’s commitment to reducing its contribution to climate change. Implementation of the Carbon Neutrality Action Plan will achieve the pledged actions under the ‘Take2’ program.

The Local Government Act 1989 is being reviewed. The current Bill includes a proposed change to Part 2, Division 1, ‘Role and Powers of a council’ to include a change to one of the overarching governance principles to which a Council must give effect in the performance of its role. This new governance principle includes consideration of climate change, as follows: ‘the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted’. Implementation of the Carbon Neutrality Action Plan will meet this governance principle.

Also relevant to Council responsibilities is the Climate Change Act 2017 which relates to Council pledges, a statement made under section 46 in respect of the reductions of greenhouse gas emissions caused or otherwise influenced by a Council. Clause 47 specifies what is to be included in the pledge:

(a) a description of actions to be undertaken by the Council over the next five years that are reasonably expected to contribute to the reduction of greenhouse gas emissions caused or otherwise influenced by the Council; and

(b) a reasonable estimate of the total level of greenhouse gas emissions reductions expected to result from the implementation of those actions.

The Carbon Neutrality Action Plan has been developed to meet these specifications. Pledging to implement the Carbon Neutrality Action Plan through the ‘Take2’ program will meet Council’s responsibilities under the Climate Change Act.

Finance

The table below documents the costs associated with each set of actions outlined in the Action Plan. These costs have been separated into once-off costs, such as capital upgrades for buildings to fit solar panels, and ongoing annual costs, such as purchasing offsets. Council is not bound by legislation to achieve carbon neutrality and in this sense, the cost of these actions can be considered ‘discretionary’.

However, as Council has adopted a Sustainable Infrastructure Policy to ensure the ecological impacts of decision-making regarding the design, construction, operation and maintenance of Council’s infrastructure are minimised, Council’s capital works budget identifies such expenditure as a core element of projects and operations. In the medium to long term, energy efficiency works and renewable energy will result in reduced energy costs for Council and will provide a buffer from rising energy costs.
## Table 3. Costs of Implementing Actions in Draft Carbon Neutrality Action Plan

<table>
<thead>
<tr>
<th>Action Type</th>
<th>Costs 2017-2020 (Estimated $)</th>
<th>Ongoing Annual Costs 2020 Onwards (Estimated $)</th>
<th>Current 2017/18 Budget Allocation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoidance: Behaviour change, Procurement, Sustainable building design and practices</td>
<td>13,000</td>
<td>6,000</td>
<td>Current</td>
</tr>
<tr>
<td>Energy efficiency (2017/18 budget includes $155,000)</td>
<td>758,000</td>
<td>50,000</td>
<td>Current</td>
</tr>
<tr>
<td>Renewable energy (i.e. solar panels) (2017/18 budget includes $390,000)</td>
<td>1,170,000</td>
<td>--</td>
<td>Current</td>
</tr>
<tr>
<td>Sustainable Transport</td>
<td>15,000</td>
<td>5,000</td>
<td>Current</td>
</tr>
<tr>
<td>Offsets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fleet</td>
<td>15,000</td>
<td>5,000</td>
<td>Current</td>
</tr>
<tr>
<td>Residual Emissions</td>
<td>--</td>
<td>Estimated Range from 9,000-135,000</td>
<td>New</td>
</tr>
<tr>
<td>Monitoring, Verification and Audit</td>
<td>20,000</td>
<td>2,500</td>
<td>Current</td>
</tr>
<tr>
<td>Total (approx)</td>
<td>$2,441,000</td>
<td>Range between $77,500 – 203,500</td>
<td></td>
</tr>
</tbody>
</table>

The 2018 - 2020 costs identified above are covered within the Long Term Financial Plan. In the medium to long term, renewable energy and energy efficiency will provide a buffer from rising energy costs.

The $9,000 to $135,000 range of cost to offset residual greenhouse emissions after 2020 to achieve carbon neutrality will depend on the amount of emissions that Council can avoid and reduce prior to their purchase. Community engagement focused on gathering community feedback on the type of offsets to be purchased to achieve carbon neutrality. The type of offsets purchased will influence cost.

A preliminary assessment has been completed on the quantity of offsets to be purchased, based on expected emissions reductions and the addition of emissions produced by Council contractors and large service providers, as a result of services provided to Council. The initial estimate is 3,800 tCO$_2$-e, which will result in total greenhouse emissions of approximately 9,000 tCO$_2$-e. At a cost of $1 per tonne to offset this will be approximately $9,000 per annum. At a cost of $15 per tonne to offset this will be approximately $135,000 per annum.

An option to the purchase of offsets is the purchase of GreenPower. GreenPower is a government-accredited scheme that supports renewable energy generation. Purchasing GreenPower from an electricity retailer costs 20-50% more than standard electricity, and pays for electricity produced by a renewable power source that meets a strict set of criteria for accreditation. This renewable energy is added to the grid on the Council’s behalf.

A similar option is to purchase renewable energy as Large Generation Certificates under the Australian Government’s Mandatory Renewable Energy Target. This option is currently cheaper than GreenPower, at approximately $80-85 per Megawatt-hour of electricity. Sourcing electricity from renewable, low greenhouse emissions sources reduces the amount of residual greenhouse emissions, as well as the cost to offset them.

A further option is the direct purchase of electricity from a renewable energy source, either as a stand-alone investment by Council or as a partner in a consortium. This option would need...
to align with the renewal of procurement contracts for electricity, but would also substantially reduce the amount of residual greenhouse emissions, as well as the cost to offset them.

The method of offsetting residual emissions, and costs, will be the subject of future assessment over the next two years.

Council currently offsets greenhouse gas emissions from its vehicle fleet, costing $5,000 per year based on 2016/17 costs. Fleet emissions are expected to reduce through implementation of the Plan, however this expenditure will be budgeted in future years.

Certification as a carbon neutral organisation provides credibility to carbon neutrality claims, but comes at a cost of approximately $10,000 annually, with biannual certification costs of $2,500. These costs would not be required until 2020 and only if Council seeks carbon neutrality certification.

Note this table does not include the planning and upgrade of VicRoads lighting, estimated at $825,000. This capital cost has not been included in the figures above as it would be covered by VicRoads funding.

Joining the Victorian Government’s Take 2 program is at no cost to Council.

Links to Council policy and strategy

A strategy in Goal 5 of the Council Plan 2017-21 states that Council will: “Achieve carbon neutrality by 2020”.

The Community Plan also sets the aspiration that Council will be an environmental steward, “showing leadership and upgrading its facilities to minimise environmental impact”.

Council’s adoption of the Climate Change Strategy in 2012 includes a commitment to achieve carbon neutrality by 2020. Achieving carbon neutrality is also an action in Council’s Environmental Sustainability Framework.
**Options considered**

As the achievement of the goal of carbon neutrality by 2020 is a demonstration of a long held commitment of Council that is aligned with the current Council Plan and Environmental Sustainability Framework, this is not presented as an option as part of this report.

Based on the feedback from community engagement, the following options are presented to Council.

**Option 1 – Recommended - Adoption of Carbon Neutrality Action Plan 2018-2020**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Avoid, Reduce, Switch and Offset Approach.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Implementation of proposed Plan to maximise the avoidance and reduction of greenhouse gas emissions.</td>
</tr>
<tr>
<td></td>
<td>Prioritises reduction of greenhouse gas emissions from sources that Council directly controls, and/or can be accurately measured.</td>
</tr>
<tr>
<td></td>
<td>Prioritises reduction of greenhouse gas emissions at the lowest cost of greenhouse gas abatement.</td>
</tr>
<tr>
<td></td>
<td>Minimises residual greenhouse gas offsets.</td>
</tr>
<tr>
<td></td>
<td>Purchase of offsets is a ‘last resort’ action to achieve carbon neutrality.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Implements all identified opportunities to feasibly reduce greenhouse gas emissions and install renewable energy on Council buildings and assets.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allows the purchase of renewable energy for ongoing electricity once the maximum energy efficiency in Council operations has been achieved.</td>
</tr>
<tr>
<td></td>
<td>Provides flexibility for Council to explore emerging and innovative procurement models for renewable electricity to 2020/21, as alternatives to the purchase of offsets for residual greenhouse emissions.</td>
</tr>
<tr>
<td></td>
<td>Least residual greenhouse gas emissions to offset annually, estimated at 3,572 tonnes COe per year from 2020/21.</td>
</tr>
<tr>
<td></td>
<td>Allows for social and economic benefits from investment in offsets for residual greenhouse gas emissions.</td>
</tr>
<tr>
<td></td>
<td>Aligns with standard methodology for Carbon Management as per EPA guidelines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issues</th>
<th>Estimated costs to 2025/26 - $7,175,000.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated ongoing annual cost of $54,000 to offset greenhouse gas emissions beyond 2025/26, (based on $15 per tonne CO$_2$-e).</td>
</tr>
<tr>
<td></td>
<td>Requires further investigation into procurement models for renewable electricity to 2020/21.</td>
</tr>
</tbody>
</table>
Option 2 – Not Recommended – Purchase renewable energy, then offset

<table>
<thead>
<tr>
<th>Summary</th>
<th><em>Switch and Offset Approach.</em> Immediate purchase of electricity and gas from renewable sources, followed by offset of residual greenhouse gas emissions.</th>
</tr>
</thead>
</table>
| Benefits | Achieves carbon neutrality quickly without investment in capital energy efficiency or renewable energy projects.  
Allowing for social and economic benefits from investment in offsets for residual greenhouse gas emissions. |
| Issues  | Does not achieve ongoing benefits from the efficient use of resources.  
Does not implement opportunities to minimise ongoing greenhouse gas reductions through avoidance and reduction.  
Estimated costs to 2025/26 - $7,896,000  
Estimated ongoing annual cost of $68,000 to offset greenhouse gas emissions beyond 2025/26, (based on $15 per tonne CO$_2$e).  
Requires medium amount of greenhouse gas emissions to offset annually, estimated at 4,544 tonnes CO$_2$-e per year from 2020/21.  
Requires more ongoing investment due to the currently higher cost of renewable energy supply than fossil-fuel generated energy.  
Does not reduce exposure to rising energy prices by reducing consumption  
Does not align with standard methodology for Carbon Management as per EPA guidelines. |

Option 3 – Not Recommended – Offset without reduction of energy use

<table>
<thead>
<tr>
<th>Summary</th>
<th><em>Offset Approach.</em> Purchase of greenhouse gas offsets without the avoidance and reduction of greenhouse gas emissions through energy efficiency actions, nor the switch to renewable energy through procurement.</th>
</tr>
</thead>
</table>
| Benefits | Purchasing the cheapest greenhouse gas offsets available achieves ‘carbon neutrality’ at least cost.  
Achieves carbon neutrality quickly without investment in capital energy efficiency or renewable energy projects, or procurement of renewable energy.  
Allows for social and economic benefits from investment in offsets for residual greenhouse gas emissions.  
Purchasing offsets in the high cost range means that they are certified to the highest standards and they have the most benefits, i.e. support for the Victorian economy, local biodiversity outcomes. |
<table>
<thead>
<tr>
<th>Issues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does not achieve ongoing benefits from the efficient use of resources.</td>
<td></td>
</tr>
<tr>
<td>Does not implement opportunities to minimise ongoing greenhouse gas</td>
<td></td>
</tr>
<tr>
<td>reductions through avoidance and reduction.</td>
<td></td>
</tr>
<tr>
<td>Estimated costs to 2025/26 - between $11,108,000 and $11,762,000.</td>
<td></td>
</tr>
<tr>
<td>Estimated ongoing annual cost of $80,000 – $150,000 to offset greenhouse gas emissions beyond 2025/26, (based on $8-15 per tonne CO$_2$-e).</td>
<td></td>
</tr>
<tr>
<td>Requires largest amount of greenhouse gas emissions to offset annually, estimated at 9,972 tonnes CO$_2$-e per year from 2020/21.</td>
<td></td>
</tr>
<tr>
<td>Does not reduce exposure to rising energy prices by reducing consumption.</td>
<td></td>
</tr>
<tr>
<td>Does not align with standard methodology for Carbon Management as per EPA guidelines.</td>
<td></td>
</tr>
</tbody>
</table>

**Table 4. Total Estimated Costs of Implementing Options**

<table>
<thead>
<tr>
<th>Total Estimated Cost of Options to 2025/2026 ($'000s)</th>
<th>Option 1 - Avoid, Reduce, Switch and Offset</th>
<th>Option 2 - Switch and Offset</th>
<th>Option 3 - Offset (offsets purchased at $8 per tonne CO$_2$-e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000</td>
<td>8,000</td>
<td>14,000</td>
<td></td>
</tr>
</tbody>
</table>

For each option, the following table shows the costs and the estimated total greenhouse gas emissions to offset to maintain Carbon Neutrality to 2025/26.
Table 5. Costs of Implementing Options Presented to 2025/2026 and Total Emission to Offset

<table>
<thead>
<tr>
<th>Option</th>
<th>Estimated Total Cost to 2025/2026 ($'000s)</th>
<th>Estimated Total Emissions to Offset to maintain Carbon Neutrality to 2025/26 (tCO$_2$-e)</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| 1 Avoid, Reduce, Switch and Offset (Recommended) | 7,175 | 54,139 | All actions in Carbon Neutrality Action Plan implemented  
Renewable electricity purchased as Large Generation Certificates from 2020/21  
Offsets purchased at $15 per tonne CO$_2$-e |
| 2 Switch and Offset | 7,896 | 65,338 | No actions implemented in Plan beyond those committed for 2017/18  
No renewable electricity purchased for SFLC/leased sites from 2017/18  
Renewable electricity purchased as Large Generation Certificates from 2020/21  
Offsets purchased at $15 per tonne CO$_2$-e |
| 3a Offset (offsets purchased at $15 per tonne CO$_2$-e) | 11,762 | 93,364 | No actions implemented in Plan beyond those committed for 2017/18  
No renewable energy purchased  
Offsets purchased at $15 per tonne CO$_2$-e  
Cost of electricity rises by 30% in 2018/19 and stable from then |
| 3b Offset (offsets purchased at $8 per tonne CO$_2$-e) | 11,108 | 93,364 | Same as 3a  
Offsets purchased at $8 per tonne CO$_2$-e |

Assumptions for all Options:
- No change in greenhouse emissions factors from 2016/17
- No new buildings
- Electricity average cost 2016/17 - 2017/18 is $0.15/kWh. Cost of fossil-fuel electricity rises by 30% in 2018/19 then stable to 2025/26
- Green Electricity Low Generation Certificates (LGC) price is $85.00/MWh
- Natural gas average cost is 2016/17 is $9/GJ. Cost of natural gas rises by 10% in 2018/19 then stable to 2025/26
Community Engagement Report
Carbon Neutrality Action Plan 2017-2020
December 2017 – February 2018

Background
In 2008, Council committed to be carbon neutral for its operations by 2020 and in doing so, committed to use resources efficiently and to reduce its contribution to climate change.

Council’s Carbon Neutrality Action Plan sets the direction and specifies actions so Council can achieve its commitment to be ‘Carbon Neutral’ by 2020. Meeting this commitment meets community expectations addressed by Goal 5 - Environment of the Council Plan 2017-2021:

_Council and the Bayside community will be environmental stewards, taking action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations._

The commitment to develop and implement a Carbon Neutrality Action Plan is made in Council’s Environmental Sustainability Framework adopted in May 2016. Achieving ‘Carbon Neutrality’ is also a demonstration of the Bayside ‘Better Place Approach’, whereby our dedicated professional people, with an ongoing focus on efficiency, provide core services that improve liveability for the Bayside community.

Carbon neutrality is achieved when the net greenhouse gas emissions associated with an organisation’s activities, products, services and events are equal to zero. Achieving this commitment requires that this goal is considered in planning and decision-making across Council’s various services, e.g. sustainable infrastructure (design, construction, operations and maintenance) procurement and fleet policy.

Carbon neutrality requires that Council invest resources to avoid, then reduce greenhouse gas emissions, switch to renewable energy sources, and offset residual greenhouse gas emissions as a last resort. As the financial requirement to offset greenhouse gas emissions can be achieved with a range of costs, the acceptability of these costs was presented to the community for comment.

Though Council’s commitment to ‘Carbon Neutrality was considered ‘non-negotiable’ in engaging the community, comment on the Plan and suggested opportunities for improvement were also sought. The message provided in the engagement was that the Carbon Neutrality Action Plan will help minimise Council’s contribution to climate change.

Communication and Engagement
The draft Carbon Neutrality Action Plan 2017-2020 was released for consultation on 18 December 2017 to 5 February 2018. This followed review of the draft Plan and approval for release by Council, at a briefing on 5 December 2017.
A Communications and Engagement Plan outlined the community engagement phase of the project. Council conducted a period of public exhibition of the draft Action Plan from 18 December to 5 February 2018. Community feedback was invited through:

- A ‘Have Your Say’ page
- Direct invitation for feedback from key stakeholders, Bayside Climate Change Action group.
- Invitation to ‘Brighter’ newsletter subscribers (Council’s sustainability e-newsletter) to feedback via the ‘Have Your Say’ page
- Direct email correspondence with Sustainability Victoria.

**Objective**

The primary objective of the Community Engagement was to:

- Educate the community on Council’s commitment to achieving carbon neutrality by 2020
- Identify the level of expenditure on residual greenhouse offsets acceptable to the community

**Analysis of Community Engagement**

Engagement was targeted at the existing ‘Have Your Say’ page audience and direct community stakeholders in the Bayside Climate Change Action Group.

Community members were provided with a copy of the Draft Plan, and further information on ‘What does being carbon neutral mean?’; ‘What is Council doing to reduce greenhouse emissions?’; and ‘What are carbon offsets?’.

Community members were presented with a table of the type of carbon offsets available for a range of costs, shown in the table below. Community members were then asked to provide a response to survey on ‘What type of offsets would you prefer Council to purchase?’

<table>
<thead>
<tr>
<th>Offset criteria</th>
<th>Standards</th>
<th>Locations</th>
<th>Example</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low (e.g. $1.50)</td>
<td>Purchased from a reputable supplier and/or project and no negative consequences</td>
<td>Overseas</td>
<td>Overseas wind energy, overseas hydropower</td>
<td>Greenhouse gas emissions reductions</td>
</tr>
<tr>
<td>Mid-range (e.g. $9.00)</td>
<td>Purchased from a reputable provider and aligned with other positive outcomes for the environment and communities</td>
<td>Overseas</td>
<td>Overseas forestry projects, energy efficiency, waste diversion projects, agricultural improvement</td>
<td>Social, health outcomes, economic improvements through process improvements and job creation</td>
</tr>
<tr>
<td>Most expensive (e.g. $15.00)</td>
<td>Gold Standard – this certification guarantees the application of certain standards</td>
<td>Victoria</td>
<td>Tree planting, landfill gas</td>
<td>Environment – biodiversity improvement, clean water; Economic – projects in regional communities Social -</td>
</tr>
</tbody>
</table>

Table 1. Offset Criteria shown on ‘Have Your Say’ page
As part of the ‘Have Your Say’ process, 39 responses were received and all included a comment on the survey. Only one respondent was not a Bayside resident. Five respondents were BCCAG members, and four respondents were members of Friends Groups in Bayside.

The table below shows the offset criteria supported.

Table 2. Community Preference for Council to purchase offsets from ‘Have Your Say’ page

<table>
<thead>
<tr>
<th>Relative Cost</th>
<th>No. of Survey Respondents.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low (e.g. $1.50 per tonne CO(_2)e)</td>
<td>14</td>
</tr>
<tr>
<td>Medium (e.g. $8.00 per tonne CO(_2)e)</td>
<td>2</td>
</tr>
<tr>
<td>High (e.g. $15.00 per tonne CO(_2)e)</td>
<td>21</td>
</tr>
<tr>
<td>Zero</td>
<td>2</td>
</tr>
</tbody>
</table>

Two respondents commented that although they chose ‘Low Cost’ in the survey, there was no option for ‘Zero Cost’. These respondents wished to record that they did not want Council spending any money on greenhouse gas emission offsets.

The responses may be grouped under the following themes.

1) **The purchase of offsets is a waste of Council’s resources**

Several respondents who chose the ‘Low Cost’ option commented that Council money and resources should not be “wasted” on greenhouse gas emission offsets. These respondents do not agree with the concept of offsets and would rather see Council money spent on tangible resources or services.

2) **Any offsets purchased by Council should support local solutions and the Victorian economy**

The respondents who do wish Council to purchase offsets would like to see the co-benefit of supporting the Victorian economy. This means supporting, for example, the planting of trees to offset emissions in Victoria. This also means that the emissions we are generated

3) **Any offsets purchased by Council should meet highest standard of rigour and transparency**

A few respondents recognised that climate change is a global issue and therefore the location of offset projects does not matter, as long as Council is offsetting greenhouse gas emissions to the highest standard of rigour and transparency. BCCAG and one respondent commented that any offsets purchased should meet the National Carbon Offset Standard. Meeting this standard will require offsets at a higher cost. One respondent commented that there is no certainty that this “gold standard” will bring commensurate benefits due to government control, and therefore chose the ‘Medium cost’ option as a balance of rigour and value for money.

**Bayside Climate Change Action Group response**

A very detailed response was received from the Bayside Climate Change Action Group (BCCAG), which is attached to the Council Report.

BCCAG states that it supports the vision and general principles of the Plan, but has reservations on the resources required for implementation and achieving the vision.
The feedback suggests this is dependent on the budget allocated by Council and the education and training of Council staff to deliver the actions in the Plan.

Other key points raised by BCCAG:

- Purchasing certified renewable electricity, with very low or zero emissions, will reduce Council’s greenhouse gas emissions, alleviating the need to purchase greenhouse gas offsets. This strategy may be simpler and more cost-effective.

- Council should explore the bulk purchase of renewable energy with partners (i.e. the South East Councils Climate Change Alliance), using the Melbourne Renewable Energy Project as a model.

- It is uncertain that adequate resources have been provided to achieve carbon neutrality. Given Council’s debt-free financial position, BCCAG recommends and additional $900,000 over 3 years for the Plan, to finance further renewable energy and energy efficiency projects.

- Additional resources are required for Council staff education and awareness of the urgent need to address climate change and deliver this Plan.

- The kerbside waste and recycling service should be included in Council’s organisational boundary for greenhouse gas emissions;

- Resources should be allocated to include the requirement to reduce greenhouse gas emissions into leases and permits, and for tenants to report on emissions, to drive more environmentally-friendly behaviour;

- Verification of Council’s progress to carbon neutrality should be annual, not every two years, given the timeframe of the Plan.

- Council should join the Cities Power Partnership to access both shared knowledge and resources to track progress towards carbon neutrality.

A response to BCCAG has been provided addressing these points, at the quarterly meeting with Council staff on 9 February.

*Sustainability Victoria response*

Sustainability Victoria has contacted Council staff to confirm they will be very supportive of Bayside City Council joining the Victorian Government’s ‘Take 2’ program, when the Carbon Neutrality Action Plan is adopted by Council.

*Officer responses*

Responses were provided by officers to submissions. A sample response to each theme is provided in the table overleaf.
Support and suggestions for the overall draft Plan

Officers thanked community members for support and will consider suggestions to widely communicate the Plan when it is adopted.

Support for local tangible solutions that reduce greenhouse gas emissions

Officers have considered the support for tangible reductions in greenhouse gas emissions, which alleviate the need for greenhouse gas offsets to achieve ‘carbon neutrality’. A further action has been included in the Plan to provide flexibility to minimise Council’s emissions through the procurement of renewable electricity.

Support for purchase of ‘High Cost’ offsets

Officers have considered the level of support for greenhouse gas offsets (54%), which provide for greater local co-benefits.

Standard of Greenhouse gas emission offsets purchased

Officers will consider the standard and rigour of any greenhouse gas offsets purchased in future required to be met, subject to Council consideration in future budgets.

Objections to the purchase of greenhouse gas offsets and the draft Plan

Officers have considered the level of support for no purchase of greenhouse gas offsets, but note that the Plan will be adopted as a Council commitment from 2008.

A response to the submission from BCCAG is provided as an attachment to the Report.

Summary

Community engagement on the draft Carbon Neutrality Action Plan has shown a mixed level of support for the implementation of the Plan, specifically the use of offsets to achieve carbon neutrality.

The response from Bayside Climate Change Action Group is generally supportive, but has highlighted concerns about the resources allocated and reliance on greenhouse gas offsets to achieve Council’s vision of Carbon neutrality.

Based on analysis of community feedback, a further action has been included in the draft Plan. This action will provide flexibility to minimise Council’s emissions through the procurement of renewable electricity. This could provide further reductions than quantified and outlined in the draft Plan, and alleviate the need for offsets to reach carbon neutrality in 2020-21.

This addition responds to the concerns of both those who wish to see Council resources spent on physical assets to reduce emissions that support the Victorian economy, in preference to the purchase of “high-cost” offsets that meet rigorous standards.

A further change is the re-allocation of resources for internal staff education, rather the education if users of small leased buildings. With education of both is important, this change is in response to BCCAG’s submission that the delivery of the Plan is reliant on greater understanding of the Plan, and the capacity to deliver actions within it, by Council staff.
APPENDIX 1 - ‘Have Your Say’ page content

The ‘Have Your Say’ page was titled: ‘Becoming a carbon neutral Council - Help shape Council’s Carbon Neutrality Action Plan’.

Community members were asked to read the copy of the Draft Plan, and further optional information on ‘What does being carbon neutral mean?‘; ‘What is Council doing to reduce greenhouse emissions?‘; and ‘What are carbon offsets?’ before responding.

Community members were presented with a table of the type of carbon offsets available for a range of costs, shown in the table below. Community members were then asked to provide a response to survey on ‘What type of offsets would you prefer Council to purchase?’

Quick Poll
Carbon Offsets
Even with the proposed investment in energy efficiency, renewable energy and working with building users, contractors and suppliers, there will be some greenhouse gas emissions that Council cannot reduce. To achieve carbon neutrality these remaining emissions will need to be offset. Help Council to select which type of carbon offsets it should purchase.

Offset Criteria

<table>
<thead>
<tr>
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<td>Environment – biodiversity improvement, clean water Economic – projects in regional communities Social –</td>
</tr>
</tbody>
</table>

What type of offsets would you prefer Council to purchase? (refer to Offset Diagram above) *

- [ ] Low cost (e.g. $1.50 per tonne)
- [ ] Mid-range (e.g. $8 per tonne)
- [ ] High-cost (e.g. $15 per tonne)

Please describe why you selected the offset criteria? *Required
APPENDIX 2 - Direct feedback from ‘Have Your Say’ page respondents

The following comments on the draft Plan were received. These have been provided as samples of community feedback. Names have been removed and comments have been grouped under themes. Minor grammatical edits have been made with no alteration of content.

Support and suggestions for the overall draft Plan

The 6 strategic objectives in the Plan are appropriate, practical and measurable. The Council should be commended for the transparency and vision in the Plan.

I have only one suggestion. Please consider joining the Cities Power Partnership involving 35 councils, representing over 3 million people and over 200 towns and cities from around Australia. See https://www.climatecouncil.org.au/cpp

I am very impressed by what Bayside council is doing and what it has done in its plan to become Carbon Neutral by 2020. The next step is to encourage local residents and businesses to do the same. Also how about aiming for becoming carbon positive? This will help offset other users.

BCC should improve the ‘reach’ of the CNAP, the better to involve the maximum number of groups and individuals in the commitment to the project’s success, and show wider emissions reduction in BCC operations than is currently planned;

Given the uncertainties cited that remain in areas of emissions - and emissions reduction -measurement, and re how much can be achieved in behaviour change, the CNAP needs ‘creative flexibility’ built in to these final years of implementation of the carbon neutrality commitment. This would allow wiser spending, and greater certainty of its achievement. It could also allow the possible grasping of an opportunity to overshoot the target – i.e. to see BCC a net contributor to Bayside community’s and Australia’s emissions reduction (beyond its own operational neutrality). Now that would be something to crow about!

The plan has too many ‘motherhood’ features. We need specific dates to achieve specific quantitative targets, e.g. all council vehicles need to be replaced with electric/hybrid vehicles within three years. It is important that the council sets a credible example for the community.

It would be great to extend efforts to the wider Bayside community, not just Council activities.

I would like to see specific reference to education and awareness-raising on the benefits of walking, cycling (and equivalent carbon-neutral mobility).

Great to see the Council showing leadership on this issue. Note that the greatest potential for reducing carbon emissions by the Council is through influencing local building and transportation outcomes (too many buildings meeting the minimum energy standard!).

Support for local tangible solutions that reduce greenhouse gas emissions

Want to see more support for localised renewable energy and tree planting/habitat restoration. Too many ad hoc ideas. Need a consolidated and long term commitment

Planting trees will have other benefits as well - aesthetic, calming effect on streets, shade for walkers and parked cars, green spaces for people. Landfill is a massive and growing environmental problem, especially in the disposal of plastic and worth tackling.
Support for purchase of ‘High Cost’ offsets

I believe Australia has the resources and ability to become carbon neutral and a carbon credits exporter. As a result I believe that we should where possible support out local activities.

(High-cost offsets) create jobs for Victorians and the benefits are realised locally.

We have to provide our own solutions!

Standard of Greenhouse gas emission offsets purchased

Will the offsets be consistent with the National Carbon Offset Standard for Organisations? If so, the offsets must comply with the integrity principles are based on the offsets integrity framework for Australian Carbon Credit Units as set out in the Carbon Credits (Carbon Farming Initiative) Act 2011. Local offsets are preferred as they create local benefit. $15/tonne is relatively cheap. Support our state!

Regrettably, there is no certainty that the Gold Standard option will bring commensurate benefits. Inter-governmental disputation and manoeuvring make it difficult for Councils, industry and concerned citizens to plan effectively.

It is unclear if the Council is intending to secure certification under the National Carbon Offset Standard for Organisations. This is highly recommended as it provides the appropriate level of rigor and transparency.

Objections to the purchase of greenhouse gas offsets and the draft Plan

Council would actually be STUPID to purchase carbon offsets. While the goal should be to achieve carbon neutrality, this should not be pursued by incurring excessive cost. Set the target as zero, work hard to achieve it, but accept that this may be unachievable in the short term.

Absolutely sick of this big con regarding climate, offsets, green etc. Just to get a big tick that looks good in the media and the greenie brigade. Council should be concentrating what they are there for - rates, roads, rubbish

Complete nonsense concept that achieves nothing !!

Council should NOT purchase any offsets. Council should use its best endeavours to minimise its carbon footprint at lowest economic cost and leave it that. The overall ability to reduce emissions further will depend on external factors driven by the state and federal governments. Even after purchasing offsets, council will still emit 8kt CO2e and the "offsets" would likely happen anyway. Not a good economic result. Feel good, but senseless.

DONT WASTE RATES ON THIS, you can buy back land to create parks. Why not do this more often to offset all the apartments that have removed a lot of trees and gardens per house block in the area. Which increases the heat in all the buildings that go up, and lots of concrete. Your planning should make developers offset the carbon.

I don't think the Council should be buying offsets. This is not the role of the Council. Reducing carbon is admirable but it should be undertaken by implementing changes that will have long term healthy and sustainable impacts within the Council's area.

Buy back land with our rates to create parks and plant trees for the increased population you are creating with all the high density which adds to greenhouse.
Submission to Bayside City Council

Bayside City Council has prepared a draft update to its Carbon Neutrality Action Plan for the period 2017 – 2020. In the Draft Update, BCCAG is acknowledged as a key stakeholder and accordingly our feedback has been requested. This is the BCCAG response to that request.

1. Introduction

In 2008, Bayside City Council committed to becoming carbon neutral in its operations by 2020. The decision reflected Council’s recognition that climate change is a critical issue requiring concerted action locally as well as both nationally and globally.

In 2012 the Council published a Climate Change Strategy. The Strategy incorporated the Carbon Neutrality Action Plan for Council’s operations but went further. It describes how Council will play a role in helping the community reduce its emissions. Furthermore, in recognising that we are already experiencing climate change impacts that will increase, it outlines a program of actions for adapting to climate change.

In 2015 Council commissioned the consultancy firm Point Advisory to review Council’s progress to carbon neutrality and to submit recommendations for the task ahead. The Draft Carbon Neutrality Action Plan 2017-2020 (CNAP) appears to be a response to the Point Advisory report.

The Plan was developed with the intention of conforming to best practice in line with the National Carbon Offsets Standard (NCOS) and relevant greenhouse gas management systems. NCOS certification provides a nationally recognised benchmark as to the credibility and value of Bayside’s Plan.

The Plan has been presented as a demonstration to the community that Council is committed to using resources wisely, reducing its contribution to climate change and investing in renewable energy and energy efficiency to eventually reduce ongoing costs.

Email: bccagsecretary@gmail.com
Website: https://bccag.org.au

2nd February 2018
2. Vision Statement and Principles

The plan incorporates a vision statement and set of principles which articulate the commitment of Council to minimise its contribution to climate change and to achieve carbon neutrality.

Guiding principles include:
- an evidence based decision making process,
- a process of monitoring, reporting and capturing outcomes to improve future planning,
- prioritising carbon neutrality considerations in procurement, leasing and building design,
- a whole of organisation approach involving staff, contractors, suppliers and partners alike.

BCCAG supports this vision and the general principles articulated. However, the real test will be in the detail of actual plans, the resourcing set aside to achieve this vision and the extent to which Council staff and other stakeholders can be recruited, trained and motivated to support the Plan.

3. Objectives

Council aims to fulfil the following strategic objectives in its quest to achieve carbon neutrality in its operations by 2020:

1. Avoid GHG emissions by enabling staff to change behaviour and contribute to achieving the carbon neutrality goal.

2. Reduce GHG emissions from Council buildings and assets by 30% compared to 2012/13.

3. Increase energy from renewables by 30% compared to 2012/13.

4. Reduce the greenhouse gas emissions intensity from Council’s fleet and staff travel, by 30% compared to 2012/2013

5. Reduce Council’s total organisational greenhouse gas emissions, by 5% each year

6. Accurately measure and report on Council’s greenhouse gas emissions, with independent verification.

The Plan sets out measurement, management and reporting principles to achieve these objectives based on EPA Victoria’s Greenhouse Gas Management System, the National Carbon Offset Standard and the International Greenhouse Gas Management Framework.

BCCAG supports this approach and notes that the objectives stated are reported as allowing Council to achieve its goal of carbon neutrality in its operations by 2020.
4. Discussion Points

Awareness and Behavioural Change

The Plan aims to enable staff to change behaviour and contribute to the achievement of Council’s carbon neutrality goal. Furthermore, it envisages that its fulfilment will demonstrate to the community the Council’s commitment to reducing its contribution to climate change and investing wisely in renewable energy and energy efficiency.

BCCAG agrees that having staff identify with and support that goal is critical to its success. However, we feel that the Draft Plan lacks clarity, details and the financial resources needed to achieve this particular objective. We believe the five actions listed are insufficient to achieve the changes needed and think additional funds to the $18,000 allocated will be needed for this program to be successful.

Whilst a majority in the community support action on climate change, the subject is seldom discussed in any detail. There remains a pervasive reluctance generally to confront the severity of the climate change risks we face and the urgency with which climate solutions must be adopted to avoid potentially catastrophic consequences. As an issue, climate change is not on people’s agenda. We suspect that there is very low awareness amongst staff and other stakeholders of the seriousness of the challenges we face as a community and of the actions needed to address those challenges. Changing that mindset and gaining support for the comprehensive action needed will require additional resources.

Educational programs will be needed to have staff understand the value and the urgency for change and to willingly embrace measures like revised thermostat settings, turning off lights, computers and other equipment, using public transport in preference to driving where applicable, responsible waste disposal, maximising recycling options, sustainability in procurement preferences etc. New information is constantly emerging so regular briefings and updates are needed.

Protocols will need to be developed to monitor progress in the changes needed. Having already achieved carbon neutrality, Moreland Council can, no doubt, provide assistance in developing such protocols.

And finally, the Plan, if credible and successful, can help motivate the general community to adopt similar measures at home and in the workplace to mitigate climate change. We recommend that Council actions in accordance with the Plan be well publicised with appropriate commentary through Council’s and other media.

Scope 3 Emissions

We note and welcome the inclusion of a range of Scope 3 emissions within Council’s organisational boundary to be accounted for, including purchased electricity, gas and water; fleet fuel and consultants and contractors. On the other hand, we query the exclusion of community waste, since, according to the Australian Govt website, it is the responsibility of local government to handle community needs such as waste collection.
Emissions from Waste.

In 2009, The Australian Government adopted a National Waste Policy. That policy includes amongst its aims, ‘to contribute to the reduction in GHG emissions’, and sets out the strategies for achieving that.

We believe the NCOS test of relevance of the emissions sources to the organisation (clause 2.3.1) supports the view that emissions from waste fall within the organisational boundary of municipal government. Based on the relevance test, community waste management is an activity:

- that was previously undertaken within the organisation’s boundary or from outsourced activities,
- that is deemed relevant to key stakeholders (the general public and other levels of government),
- over which Council has the potential to influence the reduction of the emissions from that source.

Recognition of community waste management as being within Council’s organisational boundary would make Council a stakeholder in reducing waste and emissions from waste with flow-on benefits to the community. Those benefits could include:

- Council working harder to reduce food waste and plastic packaging,
- The promotion of composting,
- Biogas recovery from landfill and utilisation as a fuel,
- The development of materials recovery and value adding business opportunities
- The deployment of emissions-free trucks for waste collection as Moreland Council is doing.

Leased Buildings

Many or most of the leased buildings are used by the community for a range of cultural and recreational purposes. They are, in fact an important inter-face between Council and the community. As such energy upgrades to these buildings will be highly visible and can play a key role in demonstrating Council’s ambition to the community to achieve emissions reductions and mitigation.

Building an emissions reduction requirement into leases and permit conditions would drive appropriate behaviours and outcomes. An additional requirement for tenants and providers to report on their annual emissions should be negotiated. Whilst verification may not always be feasible, it does give some basis for management of targets. We recommend allocation of resources to facilitate such processes, and to assist tenants to meet the requirements.

Procurement

We are glad that Objective 3 includes reference to a review of procurement policy and support the recommendation contained there to refer to ‘low carbon procurement’ in procurement guidelines. However, the guidelines should also refer to procurement of recycled materials such as recycled soft plastics which may not be captured by low carbon procurement.
Energy Efficiency Performance Standards

Investing in energy efficiency measures is, arguably the most cost effective way of reducing emissions. Since the purchase of electricity and gas are one of the main sources of Council’s emissions, substantial resources need to be devoted to energy efficiency measures to reduce energy use. Council needs to adopt best practice performance criteria on which to guide investment decisions and measure progress. We understand that procedures and performance standards are currently being prepared by Council.

In a previous submission, we recommended the adoption of the NABERS 5.5 star standard as a minimum for energy efficiency rating, to ensure the best return on investment and its long-term validation and success.

Targets

The targets of this Plan are fairly ambitious when considered over an action period of 3 years. However, the end result is modest when considering the carbon neutrality goal was established in 2008 for implementation over 12 years. It is regrettable that substantial residual emissions will remain against which offsets will need to be purchased. We know that since 2016, substantial progress has been made, with the street lighting replacement program and installation of solar panels at the Corporate Centre. We hope this ambition and level of achievement will continue.

Verification and Reporting

There appears to be some inconsistency in the Draft as to the frequency of verification and reporting. Whilst reporting is stated to be annually, verification of the carbon inventory is stated to be biennially. Given that targets over a limited 3 year period are fairly ambitious relative to past achievement, we believe that the entire verification and reporting process should be scheduled annually to ensure discrepancies are identified and lessons can be learnt in good time.

Offsets

According to the NCOS rules, (clause 2.3.5), if the organisation purchases a product or service that has been certified by NCOS as carbon neutral, (e.g. retail electricity) the product is considered to contribute zero emissions to the organisations carbon account. Therefore, electricity purchased from an energy retailer with NCOS certification will not add to the Council’s carbon account. This strategy may be simpler and more cost effective than purchasing offsets against electricity supplied by a non-certified retailer.

We recommend that Bayside arrange for electricity purchase from an NCOS certified retailer.

The NCOS rules also recognise the renewable energy product, GreenPower as zero emissions power. Bayside Council purchased GreenPower up until 2011 when it was decided to allocate the funds saved to energy efficiency improvements instead. This was
regarded as a more efficient use of those resources long term. Other options discussed below may offer more cost-effective access to zero emissions electricity.

Bayside residents are being asked whether they prefer offsets that cost as little as $1.50/tonne. Clearly no offset offered at such a unrealistic low price can inspire confidence that a sound investment has been made. If offsets are to be purchased at all, they must be of the highest grade attainable. This should not be an attempt to buy a low cost, poor product, simply because those making the purchase will not be around in 50 years to stand judgment.

**Community Solar**

BCCAG has put forward a proposal to Council for establishing a Community Solar Project which would mobilize investment from the community in a commercial solar array along the lines of the Lismore Model\(^6\). Such a project could provide Council with renewable energy without the need for upfront funding from Council.

**Renewable Energy Bulk Purchasing**

There are significant gains to be made by joining forces with other Councils and organisations working to reduce their carbon footprint and reduce emissions. Melbourne City Council was the lead player in a project to bulk purchase renewable energy and reap the benefit from working with others.

We propose that BCC, together with SECCCA, initiate the establishment of a group renewable energy purchasing project along the lines of the Melbourne Renewable Energy Project (MREP)\(^5\).

MREP also provides guidance for other Councils and organisations to follow their example.

**Renewable Energy Knowhow Sharing.**

At no cost, Bayside can join with the City of Port Phillip and other municipalities in the Cities Power Partnership. The Partnership connects members to participant councils working on similar programs and acts as a vehicle for sharing ideas and experience. Participants receive access to the national knowledge hub to help with emissions reductions projects, and to the Power Analytics tool to help track emissions, energy and costs savings. Details can be found on their website\(^4\).

**Resourcing**

We are not convinced that adequate resources have been provided for in the Draft to achieve the carbon neutrality vision in accordance with the NCOS guidelines. Our impression is that too much reliance is made on purchasing offsets to an extent that NCOS may not certify and the costings may not adequately allow for investing in climate mitigation is not a luxury; it should be viewed as a matter of urgency and priority that will also reap dividends.
Council’s annual budget is in excess of $120 million and furthermore Council is now debt free. With such a financial position, we believe there is the capacity to raise an additional $900,000 over 3 years, on top of the estimated $1.8 million costing of the scope of work in the Draft Plan. Most of the additional funds would finance further renewable energy installations and energy efficiency measures to help reduce electricity and gas consumption further all of which would pay back the investment within several years.

Also, we think additional funds may be needed in avoidance programs and staff training and motivation programs as well as enhancing monitoring and verification arrangements, not to mention needed reforms to waste management.

The additional $900,000 might be allocated as follows:

- Renewable Energy $450,000
- Energy Efficiency $350,000
- Additional for Miscellaneous as above. $100,000

5. Conclusions

The Draft Plan acknowledges on p. 18, that 78% of the Victorian population think that climate change is an issue that requires urgent action now and 87% want action from local government. This indicates that there is an appetite for serious climate action upon which more ambitious targets can be built.

BCCAG would support an expansion of the Draft Plan’s ambition by increasing investment in renewable energy and energy efficiency measures. We also support engaging further with contractors, suppliers and partners to promote carbon reduction across all areas of activity within Council’s boundary of responsibility, including waste management. To achieve the ambition, verification and reporting must take place annually.

We emphasise that capital expenditure directed to renewable energy, energy efficiency and street lighting should be regarded as a sound investment that will deliver savings immediately and repay with dividends within a matter of years.

We also emphasise the importance of staff and community awareness in building behavioural change and avoidance. We regard Council staff as potential ambassadors to the wider community. Council leadership has a pivotal role in creating community awareness.

Upgrades to buildings leased by Council can be a showcase to the community of Council’s carbon neutrality ambition and hence should be viewed as an integral part of the Plan. The CNAP has the potential to create ripples of positive action throughout the Bayside community.

There is great scope for co-operation with other Councils and organisations, both directly and through existing intermediary bodies and alliances to mutual benefit. The
opportunity to utilise these relationships and promote BCC as a responsible leader should be maximised.

Every reasonable effort should be made to reduce Councils actual emissions rather than relying on the purchase of offsets that may not stand the test of time. Overreliance on poor quality offsets will seriously compromise the integrity of the Plan.

Finally, there is a need to increase council and community awareness of the risks and opportunities posed by climate change, now and into the future. Regular briefings and ongoing educational activities are needed to develop attitudes and behaviours that support carbon neutrality and develop climate resilience.

References

1 About Local Government:

2 About Australia’s National Waste Policy

3 Moreland Council deploys Emissions-Free Garbage Trucks:

4 The Lismore Plan for Community Solar:
http://farmingthesun.net/lismore/business-model/

5 Melbourne Renewable Energy Project:

6 Cities Power Partnership:
http://citiespowerpartnership.org.au/what-is-the-partnership/
Response to BCCAG submission on Draft Carbon Neutral Action Plan

Key points from the BCCAG submission have been addressed by Council officers. The officers’ response is highlighted in bold text.

1. Purchasing certified renewable electricity, with very low or zero emissions, will reduce Council’s greenhouse gas emissions, alleviating the need to purchase greenhouse gas offsets. This strategy may be simpler and more cost-effective.

   Agreed. A further action has been included in the Plan to provide flexibility to minimise Council’s emissions through the procurement of renewable electricity.

2. Council should explore the bulk purchase of renewable energy with partners (i.e. the South East Councils Climate Change Alliance), using the Melbourne Renewable Energy Project as a model.

   Agreed as per response to (1). The models for the bulk purchase of renewable energy suggested by BCCAG will be explored through implementation of this action.

3. It is uncertain that adequate resources have been provided to achieve carbon neutrality. Given Council’s debt-free financial position, BCCAG recommends and additional $900,000 over 3 years for the Plan, to finance further renewable energy and energy efficiency projects.

   The costings to implement the Plan are based on previous energy efficiency audits, the Solar Feasibility Study 2016, and current knowledge. Council is confident these costs will achieve the intended outcomes. However, Council will review costs to achieve carbon neutrality through monitoring and review of the Plan.

4. Additional resources are required for Council staff education and awareness of the urgent need to address climate change and deliver this Plan.

   The budget for Council staff education and awareness to implement this Plan has been increased to $5,000 over two years.

5. The kerbside waste and recycling service should be included in Council’s organisational boundary for greenhouse gas emissions;

   Advice from the Municipal Association of Victoria to Council was that the kerbside waste and recycling service should not be included in Council’s organisational boundary for greenhouse gas emissions, as these services are contracted and not owned by Council. However, Council will influence the greenhouse gas emissions of contractors, as an action in the Plan.

6. Resources should be allocated to include the requirement to reduce greenhouse gas emissions into leases and permits, and for tenants to report on emissions, to drive more environmentally-friendly behaviour;
Resources to achieve these outcomes are allocated through the Sustainable Infrastructure Policy, as this Policy addresses responsibility of the use of leased and tenanted Council buildings.

7. Verification of Council’s progress to carbon neutrality should be annual, not every two years, given the timeframe of the Plan.

The cost of verification is $10,000 annually. Given the timeframe of the Plan, Council has budgeted for verification at this frequency to allow for greater expenditure on greenhouse gas reduction initiatives.

8. Council should join the Cities Power Partnership to access both shared knowledge and resources to track progress towards carbon neutrality.

Officers have investigated the Cities Power Partnership as a knowledge sharing resource and thanked BCCAG for their suggestion. However, further investigation of the use of the Cities Power Partnership resources to track progress to track carbon neutrality is required to determine the best option within Council’s resource capacity.

Council officers thanked BCCAG for their detailed and considered submission on the Draft Carbon Neutral Action Plan in their meeting on 9 February 2018.
Executive summary

Purpose and background
To present Council with the key elements of the Draft revised Highett Structure Plan, in order to endorse the plan for community consultation and engagement.

Highett is defined as a Neighbourhood Centre by both State and Local Planning Policy. Residential development and growth is supported within Neighbourhood Centres, which have local access to public transport, community facilities, employment and commercial services. Highett is also identified as an urban renewal site by State Policy where higher density is encouraged.

To guide development, the Highett Structure Plan was adopted in 2006 jointly by Bayside and Kingston City Councils. It has been over 10 years since the Structure Plan was adopted by Council and given effect in the Bayside Planning Scheme through Amendment C46. Development trends and population change forecasted for the area call for a review of the Structure Plan to ensure planning controls are effective in guiding development in the area.

The review does not seek to replace the core principles or direction of the 2006 Structure Plan but rather to assess and consider the changes that have occurred in the area since the Structure Plan was adopted and implemented. The existing planning controls are not proposed to be changed extensively, but rather modified to better implement the vision for the Highett Activity Centre.

Key issues

Community Consultation
A comprehensive engagement program was undertaken throughout April – June 2017 to inform the Structure Plan review. In total there were over 900 participant interactions by approximately 740 individuals, with a broad cross section of the (Bayside) Highett community participating in this consultation.

The Activity Centre Boundary

The revised Structure Plan proposes to change the boundary of the Activity Centre to exclude land in the Neighbourhood Residential Zone, as this is land which is not expected to accommodate increased densities. The new boundary is proposed to encompass land bounded by Dart Road in the north, Worthing Road and Middleton Street in the west, CSIRO boundary and Bay Road in the south and the Frankston railway line to the east.

The proposed change is consistent with the approach taken with other activity centres in Bayside and ensures development expectations in the residential hinterland match the purpose of the Neighbourhood Residential Zone. A small amount of Neighbourhood Residential Zoned land, directly adjacent to the CSIRO site, fronting Middleton Street has been retained within the proposed activity centre boundary to ensure development on the CSIRO site is managed appropriately at this sensitive interface. A map of the proposed new boundary is provided on page 7 of the draft Structure Plan included at Attachment 1.
Land Use

The review of the Highett Structure Plan has shown that the land use objectives are generally being achieved. However, economic analysis suggests that by 2031, the Highett shopping strip will need to be expanded to accommodate increased retail floor space.

The Structure Plan proposes to expand the Highett retail strip by rezoning land from General Residential Zone and Neighbourhood Residential Zone to Commercial 1 Zone along Highett Road to Worthing Road and Donald Street.

Ongoing advocacy for Council’s adopted package of Planning Provisions for the CSIRO site is also a key strategy for ensuring the future needs of Highett residents are met.

Building Heights

Currently, land within the structure plan area has a mixture of two and three storey buildings in the residential areas, with a range of three to five stories along Highett Road. These heights are generally in line with the intent of the original structure plan to allow increased density in close proximity to the train station, in and adjacent to the commercial strip along Highett Road and in the residential areas bound by the Frankston train line and the CSIRO site.

There is room to improve the existing planning controls, to make it clearer what built form is expected along Highett Road and to ensure the built form controls for the residential areas reflect state and local policy and existing and proposed developments. The draft structure plan proposes the following changes to building heights within the activity centre:

- Highett Road - four storeys, with a three storey street wall. The existing planning controls allow for heights of up to four storeys in the commercial areas of Highett road, subject to a number of conditions being met. The wording of the existing planning controls have resulted in different interpretations of what built form is appropriate on Highett Road. Having a clear four storey height limit, with clear setbacks will provide more certainty for both developers and the community as to what is expected along Highett Road. To ensure an appropriate transition with the adjacent Neighbourhood Residential Zone, a side setback of three metres and a street wall height of two storeys at this interface is proposed. In addition, developments fronting Highett Road will be required to provide weather protection in the form of canopies to improve pedestrian amenity.

- Triangle of land behind the Highett Road commercial strip between the Frankston train line and Train Street - four storeys, with the fourth storey set back five metres. Currently three storey development is allowed in this area. However, given the area’s proximity to the train station, its interface with the railway line and the existing four storey development being completed on Highett Road, it is considered four stories is a more appropriate height for this location.

- Triangle of land bounded by Highett Road, Graham Road, Thistle Grove and the railway line – four storeys, with the fourth storey set back five metres. Currently three storey development is allowed in this area. However, given the area’s proximity to the train station, its interface with the railway line and that development of up to five storeys is expected on the CSIRO site directly opposite, it is considered four stories is a more appropriate height for this location.
• The rest of the land within the proposed Activity Centre boundary will remain at three storeys, which is allowed under the existing GRZ with the exception of the CSIRO site, which will be developed in accordance with Council’s adopted package of Planning Provisions and includes a residential area of five storeys in the north of the site. The strip of properties along Middleton Street, directly abutting the CSIRO site will remain at two storeys, as is currently allowed under the existing NRZ.

Attachment 2 details the zoning changes proposed by the draft revised Highett Structure Plan.

Access and Movement

Prioritising active transport modes (walking and cycling) is an important objective of the Highett Structure Plan. This will be achieved through improving footpaths in the activity centre to make it easier and safer for pedestrians to access shops and the train station and by introducing on-road bike paths for more connectivity north and south.

To promote safe and efficient car movement in the activity centre, the Structure Plan recommends investigating upgrades to Bay Road to improve the congestion at the Bay Road, Middleton Streets and Graham Road intersections. For the specific actions, see page 23 and 24 of Attachment 1.

Public Realm

The Highett Structure Plan aims to retain green and leafy streetscapes and create safer and better quality pedestrian spaces within the activity centre. To achieve this, strategies include the enhancement of pedestrian access, improving the amenity of existing open spaces, continuing to improve the treed streetscape character and protecting the biologically significant Highett Grassy Woodland. A pedestrian and visual open space link through 36 Graham Road to connect the proposed open space on the CSIRO site and Lyle Anderson Reserve is also an important strategy from the original structure plan that has been retained.

Recommendation

That Council endorses the Draft Highett Structure Plan for the purposes of community consultation and engagement.

Support Attachments

1. Draft Highett Structure Plan (separately enclosed) ⇨
2. Proposed Zoning and Height Changes Summary Map ↓
Considerations and implications of recommendation

Liveable community

Social
Reviewing the Highett Structure Plan will result in the creation of updated objectives and strategies in relation to land use, built form, access and movement, and the public realm that will guide development in the centre. The provision for a mix of housing types in Highett will enable 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 Structure Plan review has considered 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. Highett has an existing Structure Plan and built form controls in place. The current review process is the opportunity for the community to provide input into the changes occurring in Highett.

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 Highett will develop in the future. Consultation and engagement activities to inform the Draft Structure Plan included:

- A survey of apartment residents to understand who was living in apartments in Highett and their hopes for the future of Highett;
- A mail out to all businesses, landowners and occupiers within an approximate 1000m radius of the train station. The mail out was also sent to local community groups, government agencies and partners, infrastructure/service providers and developers active in the area. The mail out included a brochure summarising the project and opportunities to get involved;
- A release of the Highett Structure Plan Review document, videos and fact sheets on Have Your Say webpage, and online ideas and voting;
- An online and hard copy survey relating to the questions in the Highett Structure Plan Review document;
- 2 x Café Conversations, where people could drop in for 1 on 1 conversations about Highett and the Structure Plan review;
- 3 x Listening Posts and drop in sessions;
- 2 x ‘Walk shops’ (walking tours);
- Targeted outreach engagement activities (Peterson Youth Centre, Dunkley Fox Estate);
- Individual meetings upon request; and
Advertisements in The Leader newspaper and targeted Facebook advertisements. 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 provided valuable insights into the needs of the Highett community.

The next stage of community engagement on the draft Structure Plan will help confirm that the objectives and strategies reflect the needs of the Highett community.

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 Highett 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 Highett Structure Plan Review have been allocated in Council’s 2017/2018 and 2018/2019 Budgets.

Links to Council policy and strategy
Updating the Highett Structure Plan is consistent with the following Council Plan strategies:

- Develop and review structure plans to ensure localities are developed in line with Council’s Housing Strategy
- Ensure new development responds to preferred neighbourhood character in activity centres

Bayside Housing Strategy 2012

The Highett 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 reviews the Highett Structure Plan.

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 Highett Structure Plan Review 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><strong>Summary</strong></th>
<th>Proceed with the draft Highett Structure Plan for the purposes of community consultation and engagement without changes.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>The draft Structure Plan has been developed after extensive consultation with the community and stakeholders. 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><strong>Issues</strong></td>
<td>Any potential concerns from community groups with the recommendations presented in the Draft Structure Plan will be addressed when the plan is presented to Council for adoption following review and response to submissions.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Not proceed with the draft Highett Structure Plan for the purposes of community consultation and engagement.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>There are no benefits with this approach.</td>
</tr>
</tbody>
</table>
| **Issues**                      | The development of an updated Highett Structure Plan will provide the area with current and relevant planning controls to ensure the vision for the area continues to be implemented for the area.  
If the updated draft Highett Structure Plan is not progressed, the existing planning controls for the area will remain in place. Current planning controls do not adequately respond to future development trends in the area. The Structure Plan will not only guide where and how development will occur but ensure infrastructure and services meet the needs of current and future residents. |
Highett Structure Plan
Proposed Zoning and Height Changes

Legend

- Activity Centre Boundary
- Frankston Railway Line
- Railway Station
- Changed Zone
- Currently Unzoned
- 2 Storey Height Limit
- 3 Storey Height Limit
- 4 Storey Height Limit
10.7 BUSHLAND STRATEGY REVIEW INCLUDING CONSIDERATION OF THE BIODIVERSITY ACTION PLAN (BAP)

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/45725

Executive summary

Purpose and background
At its 25 July 2017 Ordinary Meeting, Council adopted the Council Strategy and Policy Review Program 2017-2021 (the Program). The Program includes a review of the Bushland Strategy by March 2018 and this report is to extend the timeframe of completion of this task.

The Bushland Strategy was endorsed by Council in 2002 and at that time formed part of the Bayside Open Space Management Framework. Its purpose was to establish management objectives for Bayside’s seven remnant bushland reserves.

Council adopted the Environmental Sustainability Framework (ESF) 2016-2025 in 2016. One of the key actions in the ESF 2016-2025 is to develop a Biodiversity Action Plan (BAP) (currently in draft) to address a range of environmental issues.

It is intended that the BAP will replace the Bushland Strategy 2002 and that the BAP will guide the strategic management actions required to maintain and enhance the important biodiversity values throughout the entire municipality, including the bushland reserves and foreshore.

Key issues
Due to ongoing negotiations with Parks Victoria on matters relating to consistent management arrangements of intertidal and beach areas, finalisation of the draft BAP has been delayed.

Work with Parks Victoria will continue so as to resolve the issues and to finalise the draft BAP to enable its exposure for community consultation in March/April 2018.

Following this, a report will be presented to Council outlining the draft Bayside Biodiversity Action Plan for Council endorsement. This report will also incorporate the review of the Bushland Strategy 2002. It is anticipated that this task will be completed for report to Council in May 2018.

Recommendation
That Council defer consideration of the draft Bayside Biodiversity Action Plan, incorporating the review of the Bushland Strategy, to a future meeting in 2018 after finalising a number of matters with Parks Victoria.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

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

Natural Environment
The recommendation in this report do not impact the natural environment.

Built Environment
The recommendation in this report do not impact the built environment.

Customer Service and Community Engagement
Further consultation will be undertaken during the exposure draft of the Bayside Biodiversity Action Plan.

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 the recommendation in this report.

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

Links to Council policy and strategy
There are no links to Council policy and strategy associated with the recommendation in this report.
10.8  POLICY UPDATE: WORKS ON ASSETS WITHIN THE ROAD RESERVE POLICY AND BLUESTONE REPLACEMENT POLICY

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/18/97 – Doc No: DOC/18/46030

Executive summary

Purpose and background

The purpose of this report is to present recent policy reviews undertaken on four current policies, with one policy having been reviewed and updated, and three policies having been combined into a single policy. The resulting Road Reserve Bluestone Replacement Policy (2018) and Works on Assets within the Road Reserve Policy (2018) are presented for consideration. The latter combines and replaces three existing policies to better reflect the strategic intent of a policy document.

Key issues

Several policy documents have been reviewed:
- Bluestone Kerb and Channel Replacement Policy (2015) Attachment 1;
- Discharge of Pumped Subterranean Drainage Policy (2012) Attachment 2;
- Vehicle Crossing Policy (2017) Attachment 3; and

In alignment with the Better Place Strategic Planning Framework policy review, and proposed rationalisation of policy documents which do not fulfil the strategic intent of corporate policy, a number of changes are proposed. These are set out in the following sections.

Road Reserve Bluestone Replacement Policy (2018)

The Bluestone Kerb and Channel Replacement Policy (2015) is due to be updated. It relates to work by Council and other parties on bluestone in the road reserve. The Road Reserve Bluestone Replacement Policy (2018) (Attachment 5) provides governance for the preservation of bluestone kerb and channel during road maintenance and capital works in relevant streets in the Bayside municipality. This Policy was first adopted in 2007 and has been instrumental in ensuring the neighbourhood character in streets within Brighton, Hampton, Sandringham and Black Rock is retained by the presence of bluestone kerb and channel. The policy was previously updated in 2012 and 2015.

The key change introduced in this revision is to broaden the scope of the policy to include all bluestone infrastructure assets within the road reserve. It has therefore been renamed, “Road Reserve Bluestone Replacement Policy”. There have also been minor changes to the layout and format.

In considering the Policy on Road Reserve Bluestone Replacement a significant increase of cost in this material over the past few years is noted. The cost per lineal meter for bluestone kerb and channel, has increased from $70 in 2013 to $175 in 2017.
Works on Assets within the Road Reserve Policy (2018)

Policies for review at this time are:

- The Nature Strip Planting Policy (2014);
- Discharge of Pumped Subterranean Drainage Policy (2012); and

These policies govern how parties, other than Council, undertake work on Council’s assets in the road reserve. It is therefore proposed that these policies be combined into one policy: Works on Assets within the Road Reserve Policy (2018) (Attachment 6). The strategic intent common to each of these policies is that work conducted in the road reserve be managed to preserve environmental values, amenity and access and safety. This proposal would see the Nature Strip Planting Policy, Discharge of pumped Subterranean Drainage Policy and the Vehicle Cross Over Policy rescinded.

Works on Assets within the Road Reserve Policy (2018) is attached for consideration. Preparing this policy involved identifying and removing content which comprised procedural technical detail. While this detail does not belong in a Policy document, it is important that it be documented somewhere for public access. It is therefore proposed that three new guideline documents be drafted to support implementation of the policy:

- Subterranean Drainage Guideline
- Vehicle Crossing Guideline
- Nature Strip Planting Guideline

A Nature Strip Planting Guideline is already in existence, it is proposed that this document is reviewed and updated.

Recommendation

That Council:

1. Adopts the Road Reserve Bluestone Replacement Policy (2018) and Works on Assets within the Road Reserve Policy (2018);
2. Rescinds the Discharge of Pumped Subterranean Drainage Policy (2012); Vehicle Crossing Policy (2017); Nature Strip Planting Policy (2014); and
3. Notes that guideline documents (Subterranean Drainage Guideline, Vehicle Crossing Guideline and Nature Strip Planting Guideline) will be developed and published.

Support Attachments

5. Attachment 5 - Road Reserve Bluestone Replacement Policy (2018)
6. Attachment 6 - Works on Assets within the Road Reserve Policy (2018)
Considerations and implications of recommendation

Liveable community

Social
The Works on Assets within the Road Reserve Policy (2018) sets out Council’s expectation for other parties working within the road reserve so that it is done in a way that is safe, does not impact negatively on the environment, and ensures the community retains access.

The Road Reserve Bluestone Replacement Policy (2018) maintains neighbourhood character that is preferred by the Bayside community.

Natural Environment
Two of the objectives in the Works on Assets within the Road Reserve Policy (2018) are to realise environmental and social benefits of indigenous nature strip planting and also through management of Subterranean Drainage to protect the quality of stormwater flowing into Port Phillip Bay. The Nature Strip Planting Policy permits residents to plant out in the nature strip abutting their property.

Built Environment
The revised policies seek to enhance the management of road reserves which is a significant element of the built environment within a municipality.

Customer Service and Community Engagement
The revised policies will have positive implications for customer service and community engagement as they set out a clear expectation for works.

There has been no community consultation on the revised policies as they do not alter the previous policies’ intent.

Human Rights
There are no human rights implications associated with the recommendations in this report.

Legal
A primary purpose of the Works on Assets within the Road Reserve Policy (2018) is to ensure Council compliance with the Road Management Act.

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

Links to Council policy and strategy

Council Plan 2017–2021

The Road Reserve Bluestone Replacement Policy and Works on Assets within the Road Reserve Policy supports Goal 1: That we will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community. It also supports Goal 5 Council and the Bayside community will be environmental stewards, taking action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations.
Bayside Community Plan 2025

The Road Reserve Bluestone Replacement Policy and Works on Assets within the Road Reserve Policy support the community aspiration to work together to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

The proposed enhancements to Bayside Policy documents and guidelines are consistent with the following policy and strategy documents:

- Service Driven Asset Management Policy 2014
- Local Area Traffic Management Policy 2016
- Neighbourhood Amenity 2012
- Street and Park Tree Management Policy 2016
- Road Management Plan
- Bayside Tree Strategy
- Sustainability Strategy
- Asset Management Plans (Road, Drainage, Open Space and Recreation)
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Bluestone Kerb and Channel Replacement Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy ref no:</td>
<td>C/POL/15/102</td>
</tr>
<tr>
<td>Council policy owner:</td>
<td>Director Infrastructure Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>[Insert meeting date/reference number]</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>June 2017</td>
</tr>
<tr>
<td>Document reference no:</td>
<td>DOC/15/67558</td>
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</table>

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

1. Policy Intent

The intent of this policy is to preserve bluestone kerb and channel during kerb and channel and other road maintenance and capital works in relevant streets in the Bayside municipality.

2. Purpose/Objective

The Objectives of the Policy are:

- Recognise the historical significance and contribution to neighbourhood character of Council’s bluestone kerbs and channels;
- Provide the basis for bluestone kerb and channel replacement in Bayside;
- Ensure that a consistent approach to the replacement of bluestone kerb and channel is adopted for works associated with the maintenance and refurbishment of infrastructure in Bayside;
- To provide guidance where site specific constraints such as accessibility, compliance and low gradients/poor drainage make existing kerb and channel replacement impractical and/or undesirable.

3. Scope

This Policy applies to streets that have bluestone kerb and channel and is to be implemented by all parties undertaking maintenance or capital works in relevant streets within Bayside.

4. Roles & Responsibilities

The Manager Infrastructure Assets is responsible for the periodic review and updating of this Policy. The Manager City Works is responsible for ensuring road and kerb and channel maintenance and capital works in relevant streets adheres to this Policy.

5. Monitoring, evaluation & review

Evaluation and review through Council road and kerb and channel maintenance, upgrade and renewal works will indicate the effectiveness of the policy. Annual updates to Council’s Geographic Information System data is required.

This Policy should be reviewed every 2 years.
6. Policy statement

This policy relates to both maintenance works and complete road reconstruction.

Maintenance Works
- Maintenance works usually consist of replacement and realignment of short sections of kerb and channel to correct misalignments brought about by structural movement.
- Where maintenance works are to be carried out, bluestone kerb and channel is to be replaced with bluestone to the same kerb and channel profile. Where possible, the bluestones are to be cleaned and re-used and the mortar shaped and coloured to match as close as practical to that of adjacent sections.

Road reconstruction works
- Where reconstruction of a road including bluestone kerb and channel is required and the section of street between intersections contains 50% or more of bluestone kerb and channel, bluestone kerb and channel is to be constructed for the entire section of the street. Where possible, the bluestones removed are to be re-used and similar shaped bluestones used for other sections.
- Where reconstruction is necessary in a street containing less than 50% of bluestone kerb and channel between intersections, construction is to take place to retain the bluestone component and replacing other sections to match existing materials.
- Where accessibility compliance impacts occur, sawn bluestones rather than bluestone pitchers are required.
- Where low gradients and poor drainage occur, hydraulically efficient concrete trays with bluestone kerbs are required.

Heritage Considerations
- Under 43.01-1 of the Bayside Planning Scheme, a planning permit is required only when works alter the kerb and channel (i.e. change in material, position, height or alignment). Routine maintenance and renewal works do not require a permit.
- Planning scheme overlays apply to certain precincts of heritage value and Statements of Significance has been developed to describe the specific elements of heritage value within the precinct.
- Where there is specific mention of bluestone kerb and channel within the Statement of Significance for a heritage precinct, reconstruction of a road containing less than 50% of bluestone kerb and channel between intersections will have bluestone kerb and channel reinstated for the entire section of the street. Where possible, the bluestones removed are to be re-used and similar shaped bluestones used for other sections.

7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Service-Driven Asset Management Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td>Asset Management Improvement Strategy</td>
</tr>
<tr>
<td>Procedures</td>
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**Neighbourhood Character and Heritage Study References**

<table>
<thead>
<tr>
<th>Name</th>
<th>Summary</th>
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Page 2
<table>
<thead>
<tr>
<th>Name</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Committee Report, 21 November, 2006 – Bluestone Kerb and Channel Replacement Strategy.</td>
<td>Report to planning committee</td>
</tr>
<tr>
<td>City of Bayside Heritage Review (Revision 1): Precinct Citations (October 2003)</td>
<td>A revision of the original study.</td>
</tr>
<tr>
<td>City of Bayside Heritage Review (Revision 2): Precinct Citations (December 2006)</td>
<td>A revision of the original study.</td>
</tr>
<tr>
<td>City of Bayside Inter-War and Post-War Heritage Study, Volume 2 (Amended May 2010).</td>
<td>Concrete Bridge datasheet 7.38 (p. 83) may be of some relevance.</td>
</tr>
<tr>
<td>Bayside Review of Heritage Precincts in Activity Centres Revised September 2012</td>
<td>Martin Street citation (pp. 22-26) is relevant.</td>
</tr>
<tr>
<td>Bayside Neighbourhood Character Review August 2004</td>
<td>Reviews the character of Bayside, to determine best statutory approach to implement neighbourhood character objectives.</td>
</tr>
<tr>
<td>Bayside Neighbourhood Character Review Precinct Brochures, Plansphere, March 2006.</td>
<td>Precinct brochures were produced for each precinct, as a part of this study. Makes reference to specific characteristics, including kerb and channeling materials.</td>
</tr>
<tr>
<td>Bayside Neighbourhood Character Review – Stage 2 Final Report (Revised August 2011)</td>
<td>Investigates the need for additional planning policy or controls for areas that have been identified as having a significant neighbourhood character.</td>
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8. Definitions and Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDA</td>
<td>Disability Discrimination Act</td>
</tr>
<tr>
<td>Kerb and channel</td>
<td>A concrete or stone structure located at the edge of a road designed to provide drainage and a barrier to prevent vehicles from leaving the road carriageway.</td>
</tr>
</tbody>
</table>

9. Attachments

Attachment 1 - Locations of Bluestone Kerb and Channel – Brighton
Attachment 2 - Location of Bluestone Kerb and Channel – Sandringham, Black Rock, Hampton.

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
1. Policy Intent

This Policy has been developed to address issues associated with the discharge or flow of pumped subterranean water originating from sub-surface agricultural drainage systems and the discharge or flow of pumped subterranean water associated with the construction of basements and/or underground car parking or other below-ground structures within the municipality of the City of Bayside.

This Policy establishes guiding principles for managing the discharge or flow of subterranean water from any building or land to any Council owned or controlled land, footpath, municipal reserve, road or street, and where appropriate, the conditions on which Council will accept a subterranean water discharge or flow into the Council’s storm water drainage system.

In particular, the intent of this Policy is to:

- reinforce that the “point of discharge”, as determined by the Council in accordance with regulation 810(2) of the Building Regulations 2006, is for the purposes of discharging storm water, as defined by this Policy, from the specified point of discharge on a property to an appropriate external point of connection in the Council’s storm water drainage system;

- reinforce that Council is under no legal obligation to accept any subterranean water discharge or flow into the Council’s storm water drainage system; and

- set out the circumstances, and the conditions, under which Council may accept any subterranean water discharge or flow into the Council’s storm water drainage system.

This Policy assists in the implementation of the Council Plan 2009-2013 – Revised 2010, in particular Strategy 3.1.5:

“We will provide sustainable infrastructure that is fit for purpose and provides high levels of community benefit.”

Adopted by Council 8 May 2012
This Policy is consistent with the guiding principles for storm water quality management, as established in Council’s *Storm Water Quality Management Plan*.

2. **Purpose and Objective**

   The purpose of this Policy is to:

   - clarify the responsibilities of the Council, and others, with respect to the management of any subterranean water discharge or flow from any building or land to any Council owned or controlled land, footpath, municipal reserve, road or street;
   
   - establish guidelines for the acceptance of subterranean water from any building or land into the Council’s storm water drainage system;
   
   - ensure that the acceptance by the Council of any subterranean water from any building or land will not adversely impact on the quality of storm water within the City of Bayside, and that the subsequent discharge or flow of any subterranean water into Port Phillip Bay will not impact upon the natural environment or human activities; and
   
   - ensure that the acceptance by the Council of any subterranean water, having regard to its quantity or nature, from any building or land will:
     - not be dangerous to public health, safety or wellbeing;
     - will not constitute a nuisance; and
     - will respect the proper care, management and control by the Council of the storm water drainage system.

3. **Scope**

   This Policy is applicable to all properties within the City of Bayside.

   While this Policy is largely applicable to privately-owned properties with basements and/or underground car parking or other below-ground structures, it also applies to properties owned by the Council and other Government Authorities. This Policy also applies to any other property for which there is a requirement to discharge any subterranean water from the site.

   The issue of subterranean water is not unique to the City of Bayside. In the past, the discharge of subterranean water has been accepted into the Council’s surface and underground storm water drainage systems, and also into South East Water’s sewerage system. In some instances, the discharge or flow of subterranean water has created problems, which this Policy purports to address.

4. **Roles & Responsibilities**

   The Manager Asset Management is responsible for ensuring Policy implementation, compliance, monitoring, evaluation and review and is also responsible for providing advice in relation to this Policy.

   South East Water, as the sewerage authority, is responsible for discharges into the sewerage system and is the relevant body for making a determination as to the acceptance of subterranean water from any building or land into the sewerage system.
Property owners, under the *Water Act* 1989 and other legislation, are responsible for the management of subterranean water within their site. Property owners must obtain approval from either the Council or South East Water (whichever is the relevant authority) to discharge subterranean water from the site.

5. **Monitoring, Evaluation & Review**

Compliance with this Policy will be monitored through existing procedures and processes including:

- the process for determining and reporting on property "point of discharge" applications in accordance with regulation 610(2) of the *Building Regulations 2006*;
- engineering and site analysis of drainage system proposals, prior to acceptance;
- inspection of all "as-built" connections into the Council's storm water drainage system; and
- investigation of complaints regarding any inappropriate discharge or flow into the Council's surface and/or underground storm water drainage systems.

This Policy will be reviewed every three years.

6. **The Difference Between Storm Water and Subterranean Water**

For the purposes of this Policy, "storm water" means:

*Naturally occurring water that results from rainfall falling on or around the surface of a site, or water flowing onto the surface of a site, but does not include any rainfall which does not form or become surface run-off from a site, and which has otherwise soaked, seeped or percolated into the sub-surface of the ground or the soil of a site.*

For the purposes of this Policy, "subterranean water" means:

*Any water (including any matter dissolved or suspended in any such water) which –

(a) exists or occurs in or can be obtained from any geological structure or formation, any natural or artificial land fill or any soil beneath the surface of the land; and

(b) arises (or has originated) from any surface or underground flow of water (including any discharge, release, escape, percolation, seepage or passage of such water).*

7. **Policy Statement**

Bayside City Council's *Storm Water Quality Management Plan* provides the guiding principle for Storm Water Quality Management in the City of Bayside:

"*The quality of storm water within Bayside and discharging into Port Phillip Bay will not impact upon the natural environment or human activities.*"
In the Council’s management of its responsibilities with respect to the Council storm water drainage system and, in particular, when considering whether or not to accept a discharge of any subterranean water from any building or land to any Council owned or controlled land, footpath, municipal reserve, road or street, Council must act appropriately and reasonably, and will take into account the following considerations:

i. Be cognisant of the purpose of the Bayside City Council’s drainage network, which is to manage storm water run-off and drainage. Unless otherwise determined in accordance with this Policy, only storm water, as defined by this Policy, may be discharged from the point of discharge at, or within, a property allotment boundary to an appropriate external point of connection in the Council storm water drainage system;

ii. Recognise that, while the Council is under no legal obligation to accept any subterranean water discharge into the Council’s storm water drainage system, in some instances this may be the only practical solution available to property owners;

iii. Require property owners to consider alternatives to discharging subterranean water on an ongoing basis. This can be achieved by:
   a. designing the basement taking the subterranean water level into account and constructing the basement to be water tight so that there would be no need to discharge any subterranean water; or
   b. discharging the subterranean water into a water storage facility and using it on site.

iv. After considering the nature of any proposed development on a property require Engineering certification that subsurface water will not be discharged from the property if it appears that this may be a likely outcome and no application to discharge has been lodged.

v. Only accept the discharge of subterranean water from properties into the stormwater system if the following criteria are met:
   a. That the owner demonstrates that the need to discharge subterranean water cannot practically be eliminated or be contained and used on site.
   
   b. That the owner demonstrates that the existing or treated subterranean water meets Councils quality standard for discharge into the stormwater drainage system.
   
   c. That on an ongoing basis, when requested by Council, the owner at their cost provides further evidence that quality standards are being met.
   
   d. discharges of subterranean water to the Legal Point of Discharge will only be considered if the Legal Point of Discharge is connected to a public underground drainage system with adequate capacity to handle the additional flows and that, where required, subterranean water is filtered to rainwater clarity or other standard approved by Council.

Note: alternatively, property owners can enter into a trade waste agreement with the sewage authority (South East Water) to discharge the subterranean water into the sewage system.
vi. Require that where a public underground drainage system of adequate capacity is not available within the property or at the front boundary of the property, the subterranean water must be discharged into the nearest public underground drainage system at the cost of the owner unless otherwise determined by Council. Any drain between the Legal Point of Discharge and the public underground drainage system must be constructed to Council’s satisfaction and this drain will be vested in Council upon completion. Council will contribute to the cost of the drain if:

   a. The size of the drain determined by Council exceeds minimum standards i.e. 225mm diameter, or
   b. Other properties are connected to the new drain as part of its construction.

vii. Where it is identified that a nuisance is created by subterranean water discharging from an existing property into kerb and channel, require the property owner to amend their drainage system to discharge that water into the nearest public underground drainage system, at the cost of the owner unless otherwise determined by Council. Council will contribute to the cost of the drain if:

   a. The criteria listed in 7(vi) for new approvals are met, or
   b. Specific approval has previously been given by Council to discharge subterranean water into the kerb and channel.

viii. Indicate the implications of this policy to the applicant at the time of application for a Legal Point of Discharge (“point of discharge” under the Building Regulations 2006 (s610 – Stormwater Drainage)).

8. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>N/A</th>
</tr>
</thead>
</table>
| Strategies | Drainage Asset Management Plan 2011  
Storm Water Quality Management Plan 2001 |
| Procedures | Application for Legal Point of Discharge |
| Guidelines | Bayside City Council Standard Drawings  
Requirements for the Design of Council Drains, February 2010 |

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
1. Policy Intent
The intent of this Policy is to provide consistent, transparent, equitable and efficient guidelines for the installation and alteration of vehicle crossings within the City of Bayside and to provide clarity for applicants during the vehicle crossing permit application process.

2. Purpose/Objective
The objectives of the Council’s Vehicle Crossing Policy are to:
- Provide safe and efficient access to properties with minimum disruption to other road users, including pedestrians;
- Prevent the unnecessary loss of on-street parking;
- Mitigate any impact on Council assets such as street and park trees, drainage and street furniture;
- Maintain the continuity of the neighbourhood streetscape and character by minimising the number of crossings;
- Restricting the width of all crossings to the minimum required;
- Prevent (or minimise where applicable) any impact on protected vegetation and heritage values of private properties located within relevant planning scheme overlays; and
- Compliment Council’s Urban Design Principles, such as:
  o Maintaining green space along Council streets; and
  o Maximising opportunities for street tree planting, as per the Bayside Tree Strategy.

3. Scope
This Policy covers applications to install new or modify existing vehicle crossings within the City of Bayside on Council owned or controlled land.

4. Roles & Responsibilities
The Manager Development Services oversees the customer service and administration components in this Policy. Any relevant internal officer input as part of the internal referral process will be overseen by the relevant department manager.

June 2017
The Building Surveying & Asset Protection Coordinator is responsible for implementing this Policy and Procedure.

The Director City Planning & Community Services is responsible for the recommendation of changes to this Policy to Council and to approve the Procedures in respect of the Policy.

5. Monitoring, evaluation & review

The Policy will be reviewed every three years to monitor effectiveness and community satisfaction. Resident and officer feedback collected throughout the period will inform the evaluation.

6. Policy statement

a) Number of Crossings and Dimensions

One vehicle crossing is permitted per allotment as per the table below:

<table>
<thead>
<tr>
<th>Land Usage</th>
<th>Typical crossing width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>3m</td>
</tr>
<tr>
<td>Mixed use developments /</td>
<td>5.5m</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
</tbody>
</table>

For residential properties, a crossing width greater than 3m will not be approved unless:

- There are difficulties encountered in entering or leaving the property. To demonstrate this difficulty, the applicant shall submit swept path assessment using B99 vehicle template in accordance with Australian Standards;
- The number of cars able to be parked on the street is not reduced;
- A double garage is located within 5.5m to the front set back. Acceptable widths for these crossings will depend upon the particular circumstances;
- The existing naturestrip and or internal trees if any will remain viable post construction where practical.

For Commercial type vehicle crossings, applications greater than 5.5m in width will only be considered where it is shown by engineering drawings that the requested width is necessary.

All vehicle crossings are to be constructed in accordance with Council’s standard drawing and specification Vehicle Crossings in Streets with Nature Strips Drawing #BCC401, which is available on the Bayside Council website.

Any vehicle crossings made redundant by the installation of a new crossing must be removed at the cost of the property owner.

b) Council Assets

i. Crossings must avoid drains and drainage pits and other services wherever possible.

ii. The permit applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including parking, footpaths, drains, pits, trees and also any tree on the property protected by a planning overlay (SLO, VPO, HO), planning permit or Local Law No.2.

iii. Vehicle crossing permit is not valid until costs of removing any trees (including the tree amenity value) or relocating services (including relocating or replacing drains and drainage pits) are paid by the applicant/property owner.

iv. The distance that a crossing can be located from a Council street tree will be determined by the Council’s Open Space Arborist with reference to AS4970-2009 Protection of Trees on Development Sites. The Street and Park Tree Management Policy outlines the conditions
required to gain approval for the removal of a street tree to facilitate vehicle access to the development.

v. Crossings must be offset at least 1m from any utility pole or other above ground asset (excluding trees) unless written approval from the relevant authority is obtained to relocate the asset or for the crossover to be within 1m of the asset.

vi. Following the removal of redundant crossings and kerb openings, any reinstatement of the kerb and channel, footpath and nature strip must be undertaken with materials that are consistent with the surrounding area to achieve uniformity or to Council's satisfaction at the applicant's/property owner's expense.

c) VicRoads requirements

VicRoads approval is required to construct or alter a vehicle crossing that abuts to an Arterial Road for which VicRoads is the responsible road authority in accordance with the Road Management Act 2004.

d) Separator/Dividing strip

It is desirable that a 1 metre wide offset is provided between the side of the driveway and the fence line to provide for landscaping.

Where a new crossing is proposed adjacent to an existing crossing on an abutting property, it is desirable that a landscape strip of minimum 1m width is provided.

e) Alignment of the crossings across the footpath

All new crossings are to be at right angles to the street. Exceptions may apply to crossings to arterial roads, where VicRoads' requirements apply.

Where the side boundary is not at right angles to the street, the crossing may be parallel to the side boundary provided the angle of entry to the street (carriageway) is not less than 70 degrees.

f) Second Vehicle Crossings

A second vehicle crossing will only be considered subject to compliance of the conditions in 6(a) of the Application Assessment Procedure.

g) Maintenance of vehicle crossings

In accordance with Local Law No.2 Neighbourhood Amenity, the owner of the land must ensure that the vehicle crossing is properly maintained. The cost of maintaining the crossing is the responsibility of the property owner.

h) Reconstruction of existing crossover

Any reconstruction of existing crossover is classified as a new crossover. As such, all conditions applicable for a new crossover will apply with the exception given for public infrastructure maintenance works.

Road resurfacing, footpath and or kerb & channel repair works impacting on existing vehicle crossings requiring reconstruction are currently reinstated like for like. Where the existing vehicle crossings is positioned within 3m of a street tree the Open Space Arborist may consider slight relocation to the vehicle crossing.

i) Approvals of Exceptions to this policy

Proposed new or modified crossings that are contrary to the requirements outlined within this policy will be assessed on the merits of the proposal on a case by case basis in accordance with the criteria specified within the Vehicle Crossing Permit Application Assessment Procedure.
7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
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<tr>
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<td></td>
<td>Bayside City Council – Consolidated Local Law No. 2 Neighbourhood Amenity 2012</td>
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<tr>
<td></td>
<td>Street and Park Tree Management Policy 2016</td>
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<td>Strategies</td>
<td>Bayside Tree Strategy</td>
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<tr>
<td>Procedures</td>
<td>Vehicle Crossing Permit Application Assessment Procedure</td>
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<td>Street Tree Assessment Procedure</td>
</tr>
<tr>
<td>Standards</td>
<td>Bayside Standard Drawing BCC401</td>
</tr>
<tr>
<td></td>
<td>AS4970-2009 Protection of Trees on Development Sites</td>
</tr>
</tbody>
</table>

Please note: This Policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
1. **Policy intent**

The intent of the City of Bayside (Bayside) Nature Strip Planting Policy (the Policy) is to provide guidance to residents regarding approved plantings on the nature strip abutting their properties, and to outline the consent and approval process required under relevant State laws.

Bayside City Council (Council) acknowledges that well-maintained nature strips add to the visual appeal of Bayside and its streetscapes. This Policy encourages residents to recognise the value of nature strips and to take pride in maintaining them.

In recognition of the State’s response to climate change and the effects of permanent water restrictions on the “traditional turf nature strip”, this Policy allows residents to consider alternative “low water use” approaches to the traditional grassed nature strip that are in-keeping with Bayside’s natural environment.

Council supports the planting of nature strips provided that the appropriate approvals are gained prior to modifying the nature strip and the underlying purposes of the nature strip can be maintained while ensuring the ongoing safety of the general public.

2. **Policy objectives**

The Policy aims to achieve the following objectives:

Objective 1: To enable residents to consider the use of indigenous ground covers, grasses and shrubs as alternatives to the “traditional grassed nature strip”, to achieve a range of environmental and social benefits including increased biodiversity, increased visual amenity, reduced maintenance and reduction in background noise levels from petrol mowers and line trimmers.

Objective 2: To provide guidance to residents to ensure, if nature strips are modified, that the appropriate approvals are obtained prior to modifications being made, that they are landscaped and maintained appropriately to provide for the safe and unobstructed flow of pedestrian traffic, access for bus stops, postal deliveries and utility service providers, unimpeded access to fire hydrants, the safety of...
vehicles using the road, kerbside parking of vehicles and safe and practical conditions for waste collection.

3. Definition

The term “nature strip” refers to:

“the area of road reserve between the property boundary and the back of the kerb (or road shoulder), excluding any footpath or other asset such as driveways, power poles, utility pits or fire hydrants.”

Nature strips are set aside to provide one or more of the following uses:

- to accommodate power poles, light poles and a range of underground services such as water and gas supply pipes, storm water, sewage, telephone and, sometimes, electrical cables;
- to allow pedestrian access along the street where there is no paved footpath;
- to provide a flat space for the kerbside collection and emptying of rubbish and recycling bins;
- to allow vehicles to park safely at the kerbside and for door opening space between the road and footpath;
- to provide visibility of and for motorists, cyclists and pedestrians at intersections, curves in the road and near driveways; and
- to provide space for street tree planting.

4. Scope

This Policy applies to nature strips on Municipal Roads whereby the City of Bayside is the Coordinating Road Authority under the Road Management Act 2004.

This Policy does not apply to nature strips on Arterial Roads where VicRoads is the Coordinating Road Authority under the Road Management Act 2004. Any work in the road reserve including the nature strip along an Arterial Road requires consent for works which must be sought directly from VicRoads.

5. Policy Statement

5.1 Works requiring Consent

Aside from regular maintenance activities on the nature strip, including mowing, weeding and picking up litter, all other activities carried out on the nature strip are considered “works” under the Road Management Act 1994 and require written consent from the relevant Coordinating Road Authority as outlined in 5.8.

The consent process that the resident must follow before carrying out any works is outlined in Section 5.8.

5.2 Items Permitted on the Nature Strip

Plants may be planted on the nature strip under the following conditions:

1. That consent to work within the road reserve is obtained from the relevant Coordinating Road Authority (Council for local roads and VicRoads for arterial roads) prior to commencing works.
2. Planting is consistent with the *Bayside Nature Strip Planting Guidelines*;

3. A minimum of 500 mm from the back of kerb is kept clear of plantings to allow for people to enter and exit their vehicles safely and placement of waste and recycling bins;

4. Nature strips that contain bus stops are not permitted to be planted under any circumstances.

5. Plants (except street trees) must be maintained at a maximum height of 600mm. Corner blocks are limited to ground cover plants to a maximum height of 250 mm within 9 metres either side of an intersection to ensure a clear line of sight for motorists and pedestrians;

6. A minimum of 1.5 metres from the property line is kept clear to allow for pedestrian access, mail, paper and other deliveries;

7. That nature strip works do not disturb or damage existing street trees, including their roots.

8. The following mulches, wood chips and gravels are permitted:
   - mulches or wood chips 12mm to 25mm in size, to a depth of 75mm and natural in colour (i.e. no painted or colour dyed mulches).
   - fine gravel such as compacted washed granitic sand or similar, to a depth of 75mm;

9. Where a fine gravel or wood chip mulch is used on the nature strip:
   - it must be contained within the nature strip and not be allowed to spill onto the footpath, driveways or in the kerb and channel;
   - it must align with the level of the footpath or kerb; and
   - it must be maintained in a reasonably level and weed free condition.

Further guidance to residents on what is permitted on the nature strip is given in the *Bayside Nature Strip Planting Guidelines*.

5.3 **Items not permitted on the Nature Strip**

*Items not permitted to be installed or used on the nature strip include:*

- Plants other than those listed *Bayside Nature Strip Planting Guidelines*.
- shredded plant products such as pea straw, wood chips and bark, other than that specified in Section 5.2 of this policy;
- rocks or pebbles greater than 7mm diameter;
- bluestone pitchers, railway sleepers or retaining walls;
- scoria;
- artificial turf;
- irrigation systems;
- letterboxes;
- temporary or permanent electrical wiring, including tree lights;
- metal stakes, metal edging or star pickets; and
- hard paving such as concrete, brick or asphalt (non-slip stepping stones, flush with the surrounding surfaces are permitted if approved).

5. 4  **Street Trees**
Residents are not permitted to supply or plant trees on the nature strip.
Residents may request Council to plant a nature strip tree/s. The species, location and timing of trees planted to be determined by Council in consultation with the resident.
Street trees and their root systems should be protected when undertaking any digging on the nature strip.

5. 5  **Maintenance of nature strips**
Nature strips modified in accordance with this Policy must be kept in a well maintained safe condition by the resident at all times by:
- ensuring that plants are pruned so that they do not protrude onto pathways, driveways or over the kerb;
- keeping plants (other than street trees) pruned to a height of no more than 600mm at all times and 250mm within 9 metres of an intersection for corner blocks; and
- keeping the nature strip free of weeds, rubbish, trip hazards or protruding objects.
Ongoing maintenance of a modified nature strip is the responsibility of the owner, or any subsequent owners of the property for the life of the landscape. Further modifications or reinstatement of the nature strip back to turf will require a new permit as set out in Section 5. 8 to be obtained and is the responsibility of the adjacent property owner.

5. 6  **Nature Strips modified prior to endorsement of the Policy**
Nature strips modified prior to Council endorsement of this Policy are not subject to the need to retrospectively apply for a "Works within the Road Reserve Permit" (for works conducted prior to "insert date policy is endorsed"), these nature strips should comply with the planting conditions of this policy and no intervention by Council is proposed unless there is a failure to maintain the nature strip in accordance with Section 5.10.

However, for any nature strips that are deemed unsafe for any reason, e.g., creating a visual obstruction to pedestrians or traffic or creating a tripping hazard, Council will request the property owner to rectify the issue.

Any modifications (beyond maintenance) planned to the nature strip post endorsement of this policy will be subject to the requirements of this policy.

5. 7  **Utilities and maintenance work**
Council and utility companies that supply water, gas, electricity and telecommunications may from time to time require access to the nature strip to carry out maintenance works. The utility companies are required to reinstate the nature strip following maintenance work, but do so with topsoil and grass seed only.

Council or the utility companies will not be responsible for replacing plants or landscaping as a result of such works or losses due to theft, vandalism, storm damage or accidental damage during street tree maintenance.
5. 8 Permits and Approval Process

Consent to work within the Road Reserve (Road Management Act 2004)

Aside from regular maintenance activities on the nature strip, (including mowing, weeding and picking up litter), all other activities carried out on the nature strip are considered “works” under the Road Management Act 2004 and will require a “Works within the Road Reserve Permit” from the relevant Coordinating Road Authority (CRA).

Prior to any works commencing within the road reserve, the resident intending to carry out the works must submit a permit application to the relevant CRA.

Vic Roads is the CRA for the arterial road network (i.e Balcombe Rd, Bay Rd, Beach Rd/St Kilda St/Esplanade, Bluff Rd, Centre Rd, Cummins Rd, Hampton St, Hawthorn Rd, Nepean Hwy, North Rd and South Rd). Council is the CRA for the municipal road network, i.e. all roads not listed as an arterial road.

Traffic Management Plan

Before works can commence within the Road Reserve, Section 99A(3) of the Road Safety Act 1986 states that a person undertaking works within a road reserve must have in operation a Traffic Management Plan. It is the responsibility of the resident as the “works manager” to undertake the works safely (Section 99A of the Road Safety Act 1986).


The Traffic Management Plan must be prepared by the resident and available to authorities if required.

5. 9 Safety and Liability

During landscaping or maintenance works on the nature strip, the person conducting the works has a Duty of Care under common law to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

Residents must contact “Dial Before You Dig”, (a free national service) to determine the presence of any underground services before commencing any excavation to the nature strip.

Council will not be liable for any financial penalties that a resident incurs from damaging any underground services.

5. 10 Failure to maintain modified nature strips

Where a resident fails to maintain a nature strip modified in accordance with this Policy and:

- the condition of the nature strip is a traffic or pedestrian hazard; or
- does not provide appropriate pedestrian access; or
- is a safety or fire hazard; or
- interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways; or
- where weed species have been allowed to flourish; or
- is visually obtrusive and detracts from the surrounding streetscape,
an Authorised Officer may enforce the requirements of this Policy under the General Local Consolidated Local Law No. 2 ‘Neighbourhood Amenity’ or the Road Safety Act 1986 and issue a Notice to Comply.

5.11 Enforcement

Notice to Comply

If a nature strip has been landscaped in contravention of this Policy, the resident will be issued with a Notice to Comply under the General Local Consolidated Local Law No. 2 ‘Neighbourhood Amenity’ or the Road Safety Act 1986 to reinstate the nature strip to a safe condition. A Notice to Comply may require that the specific problem be fixed by a date which is usually 14 days from the date on the notice.

Failure to Comply

Failure to comply with the Notice to Comply may result in the resident being fined or subject to Court proceedings.

Removal

If an Authorised Officer considers that the state of the nature strip creates an imminent risk to users of the nature strip, that it limits or prevents access and appropriate use of the nature strip or that the vision of motorists and cyclists is affected, an Authorised Officer may take immediate action to remove the landscaping and reinstate the nature strip to a safe condition.

If the resident fails to comply with the requirements of a Notice to Comply, Council will arrange for maintenance or reinstatement of the nature strip. The cost of maintenance or reinstatement may be charged to the resident, under the powers given to Council under the Road Safety Act 1986.

In the event a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may request Council to reinstate the nature strip with seeded turf grass at Council’s expense.

6. Roles & Responsibilities

The Director, Infrastructure is responsible for implementation and review of this policy

7. Monitoring, Evaluation & Review

This Policy, shall be monitored, evaluated and reviewed regularly by an authorised Council officer to assess the impacts and ensure the objectives of the Policy are met. Reviews of the Policy are carried out at a minimum of every three years.
8. Related documents

| State Legislation and Guidelines | Local Government Act 1989  
Catchment and Land Protection Act 1994  
Flora and Fauna Guarantee Act 1988  
Road Management Act 2004  
Road Management (Works & Infrastructure) Regulations 2005  
Code of Practice: Management of Infrastructure in Road Reserves (Oct 2008)  
Code of Practice: Worksite Safety – Traffic Management (Dec 2004)  
Code of Practice: Operational Responsibility for Public Roads  
Road Safety Act 1986  
Road Safety (Traffic Management) Regulations 2009  
| Council Strategies | Bayside Open Space Strategy 2012  
Community Engagement Framework 2009  
Bayside Climate Change Strategy 2011 |
| Plans | Council Plan 2001-2017  
| Guidelines | Bayside Nature Strip Guidelines (to be developed) |
9. Terms and Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinating Road Authority</td>
<td>in relation to a road, means the road authority which has coordination functions as determined in accordance with section 36 of the Road Management Act 2004.</td>
</tr>
<tr>
<td>Environmental Sustainability</td>
<td>'the ability to maintain the qualities that are valued in the physical environment'. (<a href="http://www.ces.vic.gov.au">www.ces.vic.gov.au</a>).</td>
</tr>
<tr>
<td>Noxious weeds</td>
<td>has the meaning ascribed to it by section 3 of the Catchment and Land Protection Act 1994: (a) a State prohibited weed; or (b) a regionally prohibited weed; or (c) a regionally controlled weed; or (d) a restricted weed; and are listed, as determined from time to time, in the Schedule to the Catchment and Land Protection Regulations 2002 and incorporated in Schedule 2 to this Local Law.</td>
</tr>
<tr>
<td>Nature Strip</td>
<td>an area of public land between the property boundary and the back of the kerb, excluding any footpath or other asset such as driveways, utility pits or fire hydrants.</td>
</tr>
<tr>
<td>Roadside</td>
<td>means any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed. Example: Any nature strip, forest, bushland, grassland or landscaped area within the road reserve would be roadside. (Road Management Act 2004, S.3).</td>
</tr>
<tr>
<td>Works Manager</td>
<td>means any person or body that is responsible for the conduct of works in, on, under or over a road. Note - This includes all works whether related to road infrastructure or non-road infrastructure.</td>
</tr>
</tbody>
</table>

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

Council policy title: Road Reserve Bluestone Replacement Policy 2018
Council policy ref no: DOC/17/255363
Council policy owner: Director Environment, Recreation & Infrastructure
Adopted by: Bayside City Council
Date adopted: [insert meeting date/reference number]
Scheduled review: June 2022
Document reference no: DOC/17/255363

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

1. Policy intent
Bayside City Council owns and manages many bluestone assets with the road reserve including original pitched and modern sawn bluestone within laneways, kerb and channels, streets and footpaths. The intent of this policy is to preserve these bluestone assets, specifically where bluestone may be impacted by road maintenance and capital works by Council or others.

2. Purpose/Objective
The objectives of the policy are:
- Recognise the historical significance and contribution to neighbourhood character of Council’s bluestone kerb and channel, footpaths and laneway;
- Balancing the need for safe access and environmental sustainability;
- Provide the basis for bluestone replacement in Bayside;
- Ensure that a consistent approach to the replacement of bluestone is adopted for works associated with the maintenance and refurbishment of infrastructure in Bayside; and
- To provide guidance where site specific constraints such as accessibility compliance and low gradients/poor drainage make existing kerb and channel replacement impractical and/or undesirable.

3. Scope
This policy applies bluestone in Bayside City Council streets, kerb and channel, laneways and footpaths. It is to be implemented by all parties undertaking maintenance or capital works within Bayside. The policy does not apply to bluestone within interior or exterior buildings facades, parks, reserves or Council owned properties.

4. Roles & Responsibilities
The Manager City Assets and Projects is responsible for the periodic review and updating of this Policy and is responsible for ensuring infrastructure maintenance and capital works in relevant streets adheres to this policy.
5. Monitoring, evaluation & review
Evaluation and review through Council road and kerb and channel maintenance, upgrade and renewal works will indicate the effectiveness of the policy. Annual updates to Council’s Geographic Information System data is required.

This policy should be reviewed every 3 years.

6. Policy statement
This policy relates to both maintenance works and complete road reconstruction.

Kerb & Channel
Maintenance works usually consist of replacement and realignment of short sections of kerb and channel to correct misalignments brought about by structural movement:

- Where maintenance works are to be carried out, bluestone kerb and channel is to be replaced with bluestone to the same kerb and channel profile. Where possible, the bluestones are to be cleaned and re-used and the mortar shaped and coloured to match as close as practical to that of adjacent sections;
- Where reconstruction of a road including bluestone kerb and channel is required and the section of street between intersections contains 50% or more of bluestone kerb and channel, bluestone kerb and channel is to be constructed for the entire section of the street. Where possible, the bluestones removed are to be re-used and similar shaped bluestones used for other sections;
- Where reconstruction is necessary in a street containing less than 50% of bluestone kerb and channel between intersections, construction is to take place to retain the bluestone component and replacing other sections to match existing materials;
- Where accessibility compliance impacts occur, sawn bluestones rather than bluestone pitchers are to be used and
- Where low gradients and poor drainage occur, hydraulically efficient concrete trays with bluestone kerbs are to be used.

Laneways
In the case of reconstruction works in a laneway, bluestone is to be replaced with bluestone. If there is a mix of bluestone and other material, if there is greater than 50% bluestone replace all with bluestone. If less than 50% bluestone replace only existing bluestone with bluestone.

Footpaths
Use of bluestone in footpaths is not standard practice within the Bayside municipality. However where bluestone footpaths exist they will be maintained in alignment with the protocols and intervention levels set out in the Bayside Road Management Plan.

Median Strip
Bluestone set out with a median strip will be maintained according to protocols and intervention levels set out in the Bayside Road Management Plan. They will also be managed in accordance with the principles set out above for bluestone Kerb and Channel.

New Developments
New developments to be reviewed on a case by case basis according to the development approval process taking account of key considerations such as accessibility,
Heritage Considerations
Under 43.01-1 of the Bayside Planning Scheme, a planning permit is required only when works alter
the kerb and channel in a Heritage Overlay (i.e. change in material, position, height or alignment).
Routine maintenance and renewal works do not require a permit.
Planning scheme overlays apply to certain precincts of heritage value. Statements of Significance
describe specific elements of heritage value within the precinct.
Where there is specific mention of bluestone kerb and channel within the Statement of Significance
for a heritage precinct, reconstruction of a road containing less than 50% of bluestone kerb and
channel between intersections will have bluestone kerb and channel reinstated for the entire section
of the street. Where possible, the bluestones removed are to be re-used and similar shaped
bluestones used for other sections.

7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Service-Driven Asset Management Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td>Asset Management Improvement Strategy</td>
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<tr>
<td>Procedures</td>
<td>N/A</td>
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</tbody>
</table>

Neighbourhood Character and Heritage Study References

<table>
<thead>
<tr>
<th>Name</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Committee Report, 21 November, 2006 – Bluestone Kerb and Channel Replacement Strategy.</td>
<td>Report to planning committee</td>
</tr>
<tr>
<td>City of Bayside Heritage Review (Revision 1): Precinct Citations (October 2003)</td>
<td>A revision of the original study.</td>
</tr>
<tr>
<td>City of Bayside Heritage Review (Revision 2): Precinct Citations (December 2006)</td>
<td>A revision of the original study.</td>
</tr>
<tr>
<td>City of Bayside Inter-War and Post-War Heritage Study, Volume 2 (Amended May 2010).</td>
<td>Concrete Bridge datasheet 7.38 (p. 83) may be of some relevance.</td>
</tr>
<tr>
<td>Bayside Review of Heritage Precincts in Activity Centres Revised September 2012</td>
<td>Martin Street citation (pp. 22-26) is relevant.</td>
</tr>
<tr>
<td>Bayside Neighbourhood Character Review August 2004</td>
<td>Reviews the character of Bayside, to determine best statutory approach to implement neighbourhood character objectives.</td>
</tr>
<tr>
<td>Bayside Neighbourhood Character Review Precinct Brochures, Planisphere, March 2006.</td>
<td>Precinct brochures were produced for each precinct, as a part of this study. Makes reference to specific characteristics, including kerb and channelling materials.</td>
</tr>
<tr>
<td>Bayside Neighbourhood Character Review – Stage 2 Final Report (Revised August 2011)</td>
<td>Investigates the need for additional planning policy or controls for areas that have been identified as having a significant neighbourhood character.</td>
</tr>
</tbody>
</table>
8. Definitions and Abbreviations

<table>
<thead>
<tr>
<th>DDA</th>
<th>Disability Discrimination Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerb and</td>
<td>A concrete or stone structure</td>
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<tr>
<td>channel</td>
<td>located at the edge of a road</td>
</tr>
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<td></td>
<td>designed to provide drainage</td>
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<td></td>
<td>and a barrier to prevent</td>
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<td>vehicles from leaving the road</td>
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<td></td>
<td>carriageway.</td>
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Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
1. Policy intent
The policy is intended to guide Council’s decision making with regard to consenting to works carried out by those other than Council within the road reserve.

2. Policy purpose
The purpose of this policy is to ensure that works within the road reserve are managed in accordance with Council’s obligations under the Road Management Act, and also the broader Bayside City Council Plan objectives: providing safe and sustainable transportation and infrastructure assets and also protecting and enhancing Bayside’s natural environment and open spaces.

3. Glossary - Definitions and Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>Road Reserve</td>
<td>The total area between property boundaries within which facilities such as roads, footpaths, and associated features may be constructed for public travel.</td>
</tr>
<tr>
<td>Legal Point of Discharge</td>
<td>A point specified by Council where stormwater from a property must be discharged. This point is usually Council’s stormwater drain, where available, or street kerb and channel.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>Naturally occurring water that results from rainfall falling on or around the surface of a site, or water flowing onto the surface of a site, but does not include any rainfall which does not form or become surface run-off from a site, and which has otherwise soaked, seeped or percolated into the subsurface of the ground or the soil of a site.</td>
</tr>
<tr>
<td>Subterranean discharge</td>
<td>Discharge or flow of pumped water originating from sub-surface agricultural drainage systems and the discharge or flow of pumped water associated with the construction of basements and/or underground car parking or other below-ground structures.</td>
</tr>
</tbody>
</table>
4. Scope
This policy covers private works within the road reserve performed by property owners or their contractors.

This Policy applies to road reserves whereby the City of Bayside is the Coordinating Road Authority under the Road Management Act 2004. This Policy does not apply to road reserves on Arterial Roads where VicRoads is the Coordinating Road Authority under the Road Management Act 2004. Any work in the road reserve including the nature strip along an Arterial Road requires consent for works which must be sought directly from VicRoads.

Works covered in this policy include those works not controlled by Council. This does not include works undertaken by other authorities (e.g. water, power, telecommunications) whose activities are governed by state or national legislation.

5. Policy statement
This policy recognises that while responsible for the management of the road reserve, Council will not always initiate or conduct works within the reserve. As the Coordinating Road Authority Council will establish and maintain systems and processes to ensure all works:

- Provide safe and efficient access to properties with minimum disruption to other road users, including pedestrians;
- Prevent unnecessary loss of on-street parking;
- Mitigate any impact on Council assets such as street and park trees, drainage and street furniture;
• Prevent (or minimise where applicable) any impact on protected vegetation and heritage values of private properties located within relevant planning scheme overlays; and

• Compliment Council’s urban design principals such as maintaining green space along Council’s streets; and maximizing opportunities for street tree planting, as per the Bayside Tree Strategy (2011).

Notwithstanding any other works in the road reserve initiated by residents, the policy recognises three common activities:

• Nature strip planting
• Vehicle crossover construction, and
• Discharge of pumped subterranean water.

This policy will set high level principles to govern each of these activities. The principles will also govern the development and maintenance of Guidelines which set out Council’s specific compliance requirements for each activity.

Nature Strip Planting
The policy acknowledges that well maintained nature strips add to the visual appeal of Bayside and its streetscapes. Nature strip planting and the use of indigenous ground covers, grasses and shrubs as alternatives to the “traditional grassed nature strip”, can achieve a range of environmental and social benefits. These include increased biodiversity, increased visual amenity, reduced maintenance and reduction in background noise levels from petrol mowers and line trimmers.

The policy acknowledges Council’s role in managing nature strip planting activities and will act to ensure:

• That appropriate approvals are obtained prior to nature strip modifications,
• That the underlying purposes of the nature strip can be maintained while ensuring the ongoing safety of the general public;
• That residents are informed of approved species to plant, and
• That the nature strip is landscaped and maintained appropriately to provide for the safe and unobstructed flow of pedestrian traffic, access for bus stops, postal deliveries and utility service providers, unimpeded access to fire hydrants, the safety of vehicles using the road, kerbide parking of vehicles and safe and practical conditions for waste collection.

The Nature Strip Planting Guideline is available on the Council Website.

Vehicle Crossover
The policy recognises Council’s legislative responsibility to provide consistent, transparent, equitable and efficient guidelines for the installation and alteration of vehicle crossings within the City of Bayside and to provide clarity for applicants during the vehicle crossing permit application process. Council will meet responsibility applying the following principles:

• Continuity of neighbourhood streetscape and character by minimising the number of crossings and restricting the width of crossings to the minimum required
• Provision of safe and efficient access to properties with minimum disruption to other road users, including pedestrians;
• Prevention of unnecessary loss of on-street parking;
• Mitigation of any impact on Council assets such as street and park trees, drainage and street furniture;
• Prevention (or minimising where applicable) any impact on protected vegetation and heritage values of private properties located within relevant planning scheme overlays; and
• Observation of Council’s Urban Design Principles, such as maintaining green space along Council streets; and maximising opportunities for street tree planting, as per the Bayside Tree Strategy.

The Vehicle Crossover Guideline is available on Council’s Website.

Subterranean Drainage
This policy acknowledges Council’s role in ensuring proper care, management and control of the storm water drainage system. The policy emerges in the context of increasing development in the municipality, construction of basement car parks and the ensuing applications to Council to receive subterranean water pumped from such structures into kerb and channel within the road reserve.

The policy upholds the following principles:

• The intent of the kerb and channel network is to receive stormwater. Council is under no legal obligation to accept any subterranean water discharge or flow into the Council’s storm water drainage system;

• Provision for disposal of subterranean water is the responsibility of the resident. This is broadly achieved by disposal to the nearest public underground drainage system. Construction of associated infrastructure will be at the resident’s cost and subject to approval by Council. Alternatively property owners can enter into a trade waste agreement with the sewage authority (South East Water) to discharge subterranean water to the sewage system; and

• Where Council agrees to receive subterranean water from any building or land, it must not, having regard to its quantity or nature, be dangerous to public health, safety or wellbeing and will not constitute a nuisance. Acceptance by the Council of any subterranean water from any building or land will not adversely impact on the quality of storm water within the City of Bayside. The subsequent discharge or flow of any subterranean water into Port Phillip Bay will not impact upon the natural environment or human activities.

The Discharge of Pumped Subterranean Water Guideline is available on the Council’s website.

Approval Process
The policy acknowledges the review processes associated with the issue of permits and approvals for works in the road reserve and the following components of the process.

Road Opening Permit: The Road Management Act 2004 requires that all works within the road reserve require a permit from the relevant Coordinating Road Authority (CRA). Where Bayside
City Council is the CRA a “Consent to work within the Road Reserve” is required. This process must be initiated by the resident or contractor prior to any works commencing within the road reserve.

Plans: All proposed works should be shown on a plan and submitted along with completed application documents. The plan will show the location of all existing infrastructure and underground services.

Safety and Liability: It is the responsibility of the resident or contractor as the “works manager” to undertake the works safely. Prior to works commencing on site this includes (but is not limited to) preparation and approval of a Traffic Management Plan and location of underground services.

During works, the resident has a Duty of Care to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

6. Monitoring, evaluation & review

This Policy, shall be monitored, evaluated and reviewed regularly by authorised Council Officers to assess the impacts and ensure the objectives of the Policy are met.

The effectiveness of the policy will be monitored through a number of performance indicators:

- Downloads of the policy over time and related guidelines from the website
- Number of complaints received regarding works within road reserve.
- Number of requests for information regarding works within road reserve.

The effectiveness of achieving the policy intent over time will be assessed in relation to the results of these performance indicators. The policy will be reviewed on a four year cycle to determine the impact of the Policy in achieving sustainable infrastructure outcomes.

7. Roles & Responsibilities

Manager Development Services:
- Oversees the customer service and administration components in this Policy.

The Director Environment, Recreation & Infrastructure:
- Responsible for the recommendation of changes to this policy to Council and to approve procedures in respect of this policy.

Building Surveying and Asset Protection Coordinator:
- Responsible for implementing this Policy and Procedure.
- Assessing Road Opening Permit & Vehicle Crossing Applications.

Local Laws:
Where works have occurred without a permit Local Laws to issue a Notice to Comply.

Any relevant internal officer input as part of the internal referral process will be overseen by the relevant departmental manager.
8. Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Road Management Act (2004)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bayside City Council – Consolidated Local Law No. 2</td>
</tr>
<tr>
<td>Policies</td>
<td>Service-Driven Asset Management Policy 2014</td>
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<td></td>
<td>Local Area Traffic Management Policy 2016</td>
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<td>Neighbourhood Amenity 2012</td>
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<td>Street and Park Tree Management Policy 2016</td>
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<tr>
<td>Strategies/Plans</td>
<td>Road Management Plan</td>
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<td></td>
<td>Bayside Tree Strategy</td>
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<td>Sustainability Strategy</td>
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<td>Drainage Asset Management Plan</td>
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<td>Road Asset Management Plan</td>
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<td>Open Space and Recreation Asset Management Plan</td>
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<tr>
<td>Procedures/Processes</td>
<td>Vehicle Crossing Permit Application Assessment Procedure</td>
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<td>Street Tree Assessment Procedure</td>
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<td>Nature Strip Planting Guideline</td>
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<td>Discharge of Pumped Subterranean Water Guideline</td>
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<td>Vehicle Crossing Guideline</td>
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<td></td>
<td>Road Opening Permit Application</td>
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<tr>
<td></td>
<td>Legal Point of Discharge Application</td>
</tr>
<tr>
<td>Other</td>
<td>Bayside Standard Drawing BCC401 AS4970-2009 Protection of Trees on Development Sites</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website [www.bayside.vic.gov.au](http://www.bayside.vic.gov.au) to ensure this is the latest version.
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. This item was deferred from Council’s 20 February 2018 Ordinary Meeting.

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 six 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.

At its 20 February 2018 Ordinary Meeting, Council resolved to defer this item until work is undertaken to determine the ownership of the property at 515 Bluff Road, Hampton.

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.

Application of Environmental Audit Overlay at 507-533 Bluff Road, Hampton

Following Council’s decision to defer Amendment C155 officers met with one of the land owners from this property.

Part of the site is used as a petrol station and under the amendment, the Environmental Audit Overlay (EAO) will apply to all units/ lots in the land parcel that share the common property.

The owner questioned the methodology of applying the EAO to all units/ lots within the strata subdivision and the large common property area.

The methodology used for determining properties to be covered by the EAO has been reviewed by both the Environment Protection Authority (EPA) and an independent Planning Panel and found to be appropriate. The issue of large land parcels containing a strata subdivision similar to the subject property was considered by Council officers in conjunction with the EPA prior to exhibition of the amendment. It was agreed that the parcel boundary should form the boundary of the EAO.

It is not planning practice to encourage different land use controls within one land parcel because multiple owners may be affected. Properties in Bayside already covered by an EAO include all land within the affected land parcel, even in cases where multiple ownership exists.

The strata title relating to the subject site indicates the buildings are in separate ownerships. However, most of the land, including the car park, access lanes, the land beneath the buildings and the space above the buildings is common property. It is noted that parts of the car park and the access lanes directly abut the petrol station facilities and they are the shared responsibility of all the owners according to the title.

Verbal advice from the EPA has indicated that they would not support removal of part of the land parcel from the EAO unless it was justified by soil tests supervised by a registered auditor.

Practice Note 30: Potentially Contaminated Land states that ‘an environmental audit should be required unless the proponent can demonstrate to the satisfaction of the responsible authority that the site has never been used for a potentially contaminating activity, or that other strategies or programs are in place to effectively manage any contamination.’
If land beyond the petrol station is to be redeveloped for a sensitive use, Amendment C155 provides the basis for Council to request a Preliminary Site Assessment from the applicant. If the preliminary site assessment determines that there is no risk of contamination in the portion of the site to be developed, no audit would be required. These matters could be addressed through the planning permit process. However, it is important to note that the application of the EAO on the land does not trigger any planning permit requirements if the land is not proposed to change to a sensitive use such as residential or childcare.

The impact on property values is not a planning consideration as property values are determined by many factors, including location, streetscape and amenity, the current economic conditions in addition to planning controls. It is therefore difficult to assign what affect, if any, the EAO may have on property values and this should not have any bearing on the application of the EAO.

The application of the EAO for this site is consistent with direction provided in Planning Practice Note 30, which provides guidance on:

- how to identify if land is potentially contaminated;
- the appropriate level of assessment of contamination for a planning scheme amendment or planning permit application;
- appropriate conditions on planning permits; and
- circumstances where the Environmental Audit Overlay should be applied or removed.

Council has confirmed its approach with the EPA who has advised that it would not support the alternative options, and that the application of the EAO as proposed is the preferred approach.

Council officers have indicated that the proposed boundary may be varied, however, more information is required from the land owner prior to Council and the EPA agreeing to modify the proposed EAO boundary.

The land owner has indicated that no additional information can be provided at this time.

In the Planning Panel report, an issue was raised as to the appropriateness of including properties where the potential for contamination was uncertain. The Panel stated that ‘(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.’

As the land owner has not provided sufficient evidence to indicate that the EAO should not be applied to all land at 507-533 Bluff Road, Hampton, it is proposed to apply the Environmental Audit Overlay to the entire site as outlined with the exhibited EAO map.

A future planning scheme amendment to remove the EAO applying to any site can proceed if it can be demonstrated that:

- the land is not potentially contaminated land; or
- the site is given a Certificate of Environmental Audit.

In some circumstances where a Statement of Environmental Audit is issued, it may also be possible to remove the EAO (for example, where there are minimum restrictions or conditions on the use of the site, or the conditions have been complied with).
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;
2. Split Amendment C155; or
3. 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 C155 Planning Panel Report
Considerations and implications of recommendation

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 childcare 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></td>
<td>If a preliminary site investigation is undertaken and confirms there is no contamination, the site can be removed from the Environmental Audit Overlay.</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>Split Amendment C155, and:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Adopt Amendment C155 in full, except as it applies to 507-533 Bluff Road, Hampton, and submit to the Minister for Planning for approval;</td>
</tr>
<tr>
<td></td>
<td>- Commence a new planning scheme amendment process to apply the EAO to 507-533 Bluff Road, Hampton;</td>
</tr>
<tr>
<td></td>
<td>- If submissions are received through the advertising process, request the Minister for Planning to appoint an independent Planning Panel to consider submissions received;</td>
</tr>
<tr>
<td></td>
<td>- Make a final decision on the Planning Panel’s recommendations in relation to 507-533 Bluff Road.</td>
</tr>
<tr>
<td>Benefits</td>
<td>If Council decides to start a new planning scheme amendment process, this would allow any owners of land at 507-533 Bluff Road, Hampton who have not yet made a submission to Council to have their concerns heard by an independent Planning Panel.</td>
</tr>
<tr>
<td>Issues</td>
<td>Given Council’s approach and methodology have been considered in detail through the Panel process, it is possible that the Panel will support Council's precautionary approach as this is encouraged by the relevant legislation and guiding documents.</td>
</tr>
<tr>
<td></td>
<td>Land owners at 507-533 Bluff Road, Hampton have been made aware of Amendment C155 throughout the amendment process. Opportunity has been provided for land owners to submit a written position on Amendment C155, however no written submissions have yet been received.</td>
</tr>
<tr>
<td></td>
<td>Reducing the extent of the EAO at this site is not consistent with the methodology applied to other sites within Amendment C155.</td>
</tr>
</tbody>
</table>
The EPA has indicated it does not support the modification of the EAO boundary at this site.

Splitting the amendment and starting a new planning scheme amendment process will result in additional costs to Council in terms of both statutory fees and Planning Panel costs.

### Option 3

<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>
</tr>
<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>
</tbody>
</table>
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
Contents

1 Introduction .......................................................................................................................... 1
   1.1 Amendment background .............................................................................................. 1
   1.2 Procedural issues ........................................................................................................ 1
   1.3 Issues dealt with in this Report .................................................................................. 2

2 Planning context .................................................................................................................. 3
   2.1 Policy framework ......................................................................................................... 3
   2.2 Planning scheme provisions ......................................................................................... 4
   2.3 Ministerial Directions and Practice Notes ................................................................. 5
   2.4 Discussion and conclusion .......................................................................................... 5

3 Methodology ....................................................................................................................... 6
   3.1 The issue ...................................................................................................................... 6
   3.2 Evidence and submissions ......................................................................................... 6
   3.3 Discussion and conclusions ....................................................................................... 6

4 Objections related to particular properties ...................................................................... 8
   4.1 The issue ...................................................................................................................... 8
   4.2 303 Hampton Street, Hampton ................................................................................. 8
   4.3 422 New Street, Brighton .......................................................................................... 8
   4.4 36 Bay Road, Sandringham ....................................................................................... 9

5 Suggested changes to local policy ................................................................................... 10
   5.1 The issue ..................................................................................................................... 10
   5.2 Submissions ................................................................................................................ 10
   5.3 Discussion and conclusions ....................................................................................... 11
   5.4 Recommendations ..................................................................................................... 12

Appendix A Submitters to the Amendment
Appendix B Parties to the Panel Hearing
Appendix C Document list
• **List of Abbreviations**

- EAO  ▪  Environmental Audit Overlay
- EPA  ▪  Environment Protection Authority
- LPPF ▪  Local Planning Policy Framework
- NEPM ▪  National Environment Protection Measure
- SEPP ▪  State Environment Protection Policy
- SPPF ▪  State Planning Policy Framework
Overview

### Amendment summary

<table>
<thead>
<tr>
<th>The Amendment</th>
<th>Bayside Planning Scheme Amendment C155</th>
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</thead>
<tbody>
<tr>
<td>Common name</td>
<td>Environmental Audit Overlay</td>
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</tbody>
</table>
| Brief description | The Amendment proposes to apply the Environmental Audit Overlay (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. Specifically, the Amendment proposes to:  
- Amend EAO maps 1-3 and insert EAO maps 4 and 5  
- Insert EAO maps 4 and 5 within the Schedule to clause 61.03  
- Provide Local policy support for use of the Overlay in clause 21.05-3 and clause 22.04-3. |

<table>
<thead>
<tr>
<th>Subject land</th>
<th>The Amendment generally applies to land in the following areas: Brighton, Brighton East, Hampton, Hampton East, Sandringham, Beaumaris, Black Rock, Cheltenham and Highett. Specific properties are identified in the Explanatory Report except two properties proposed to be added post-exhibition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Proponent</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Planning Authority</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Authorisation</td>
<td>Authorisation was provided on 9 May 2017 subject to Notice of the amendment being given to the EPA, and the full list of properties being provided within the Explanatory Report rather than as an attachment.</td>
</tr>
<tr>
<td>Exhibition</td>
<td>Between 6 June and 11 August 2017 via direct notice to affected properties and advertising.</td>
</tr>
<tr>
<td>Submissions</td>
<td>Number of Submissions: 7 Opposed: 6 (2 objections were later withdrawn)</td>
</tr>
</tbody>
</table>

### 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.

---

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.

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 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.\(^7\) 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>
<thead>
<tr>
<th>Submitter</th>
</tr>
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<tbody>
<tr>
<td>Paul Farrelly</td>
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<tr>
<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>
</tr>
<tr>
<td>Rendalle Pty Ltd</td>
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<tr>
<td>EPA Victoria</td>
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</table>
## Appendix B  Parties to the Panel Hearing

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

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<tbody>
<tr>
<td>1</td>
<td>16/11/17</td>
<td>Council Part A submission</td>
<td>Michelle Fleischer, Bayside City Council</td>
</tr>
<tr>
<td>2</td>
<td>24/11/17</td>
<td>EPA submission</td>
<td>Marleen Mathias, EPA Victoria</td>
</tr>
<tr>
<td>3</td>
<td>24/11/17</td>
<td>Council Part B submission</td>
<td>Michelle Fleischer, Bayside City Council</td>
</tr>
<tr>
<td>4</td>
<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>
</tbody>
</table>
Executive summary

Purpose and background
To provide Council with the high level findings of the Early Years service needs analysis and for Council to note the proposed community consultation that will underpin the development of an Early Years Infrastructure Plan.

Council has had a long standing interest in Early Years services through the provision of direct service delivery and/or provision of land and buildings. Community managed services in Council buildings include: 13 kindergartens; five playhouses/occasional care and one toy library. Council delivers maternal and child health services from six centres and an immunisation program from a range of buildings across the municipality.

At the 27 April 2017 Ordinary Meeting of Council, Council resolved to:

Undertake a broader scope of enquiry and develop a 10-year Early Years Infrastructure Plan inclusive of Maternal and Child Health and other Early Years services, as opposed to an exclusive Kindergarten Improvement plan.

At the 24 October 2017 Ordinary Meeting of Council, Council resolved to:

Receive a further report including a draft Early Years Infrastructure Plan at the March 2018 Council Meeting.

In October 2017, Council engaged ASR research consultants to undertake an Early Years service needs analysis. The project also requires the preparation of a draft Early Years Infrastructure Plan.

Key issues
The needs analysis has generated a significant amount of data and identified key uncertainties.

Kindergartens
Kindergartens operating from council facilities are valued by the Bayside community and the majority are located in safe and attractive settings with good outdoor play spaces. Kindergartens can address current demand with some spare capacity. There are potential future demand pressures that could trigger the need for the construction of an additional kindergarten and the expansion of existing ‘one room’ kindergartens to ‘two rooms’. However, there are also pressures that could reduce demand. Regardless of these future pressures, the majority of kindergartens require some on-site works to address functionality issues in support areas such as offices, storage, kitchen spaces, foyers and amenities.

The broad drivers of future kindergarten demand are:

- A recommendation being considered by the Council of Australian Governments to fund three year old kindergarten through a similar model (15 hours per week) to the current four year old kindergarten program. If this occurs, it would significantly increase demands on current kindergartens and warrant expansion of existing one room kindergartens to two rooms. Currently, nine of 13 kindergartens are one room facilities;
• Bayside kindergartens are licenced to enrol between 27 and 32 children per room. All kindergartens choose to operate well below their licenced capacity. There are a total of 1,034 licenced places available compared to 599 offered places. Kindergartens state they operate below their licenced capacity because there is not the current demand to fill all their four year old places, the smaller groups of 22 children provides an improved educational and learning program and it is not financially sustainable to operate with groups of 23-30 children. Financial sustainability becomes a factor as 23 – 30 children require three educators compared to 22 children requiring two educators. Based on the preferred 22 children per room model there are 599 places available and 536 places utilised leaving spare enrolment capacity of 73 children in 2018.

• Over the last 20 years, schools and long day child care centres have increased their involvement in the provision of kindergarten programs. While it is difficult to quantify their future expansion, it is expected that they would impact on council facility utilisation. These uncertainties and conflicting drivers suggest that scenario analysis and flexibility will need to underpin the Early Years Plan, as compared with ‘locking in’ assumptions and establishing a fixed 10 year program of works. Nevertheless, available capacity and associated local issues can be provided based on a scenario where three year old funding does not occur:

• Janet Mundy kindergarten in Fern St Black Rock closed in 2017 and with the planned closure of the nearby St John the Baptist kindergarten, the Black Rock kindergarten on Bluff Rd will be unable to meet anticipated local demand for the Black Rock and East Sandringham catchment. Fern St has been identified as a potential location for a new kindergarten, although collocation with a primary school can also be considered. The Janet Mundy kindergarten is now a vacant and derelict building. It is proposed that the building be demolished as soon as possible and turf laid as an interim measure to avoid vandalism on the site.

• The Brighton/Brighton East area has a low penetration of kindergartens operating from Council facilities, with only 18 percent of the population attending Council facilities. The four year old program is predominantly delivered in Church owned buildings, Long Day Care and Early Learning Centres. There is adequate capacity within the area and therefore additional infrastructure would only be needed if there was a philosophical driver for the Council services to be a stronger option.

• Livingston St kindergarten in Highett has a comparatively small play area and its setting is less attractive than other Early Years facilities. Consideration to relocate the Highett Maternal and Child Health Centre to the Highett Library proposal on the former CSIRO site would enable functionality issues to be addressed at the kindergarten.

Occasional Care and Playhouses

Occasional care services are a form of child care and operate from two Council owned facilities in Brighton and Sandringham. Parents can leave their children in these settings. The Brighton facility (collocated with North Brighton Kindergarten) has outgrown its facility and will be unable to service future demand.

Playhouses are well utilised, except for the Brighton South Playhouse which is significantly underutilised. Playhouses require parents to stay with their children. There is an opportunity for repurposing or land sale of the Brighton South Playhouse, including consideration to
relocate the Brighton Playroom to the Brighton South Playhouse. There are also opportunities to consider integrating playhouses with other council initiatives.

Toy Library
The toy library in Brighton is operated by volunteers. It is underutilised as the service needs analysis has identified that community awareness of the toy library is generally poor and its location in Brighton is inconvenient to many families. The toy library provides a valuable and sustainable service as it connects parents and recycles toys. It warrants Council’s support and a second library at the potential Fern St location should be considered.

Maternal and Child Health
Maternal and Child Health (MCH) Centres are well utilised, albeit that there is spare capacity at each facility. While each centre can deliver 20 sessions per week, the busiest centres deliver 15-16 sessions and the quietest delivers nine sessions. The Sandringham MCH centre land is to be sold and therefore the service needs to be relocated. There is insufficient demand to relocate the Sandringham MCH centre to the Black Rock area. Community feedback has indicated a preference for the centre to remain in the Sandringham village precinct.

The current locations provide adequate coverage across the municipality and centres are in good, functional condition. There are no demand drivers for closing or opening MCH centres, however, collocation should be considered in association with Council initiatives. This includes the Sandringham library and the Sandringham MCH centre, the Hampton Hub and the Hampton MCH centre and the Highett library proposal and the Highett MCH centre.

Community consultation
The original project scope proposed undertaking community consultation on the draft Infrastructure Plan in April 2018 and presenting a final report to Council in June 2018.

Given some of the complexities that have been identified, it is proposed to initially focus consultation on the high level findings from the needs analysis and key assumptions/uncertainties. This consultation will include facilitated and targeted workshops with community groups and key stakeholders, combined with opportunities for broader input through “Have Your Say” on Council’s website.

These insights will inform the development of a robust infrastructure plan that is underpinned by a shared understanding of the analysis and assumptions. Key stakeholders will be involved in the development of a final infrastructure plan through workshops and targeted face to face conversations. The proposed community consultation process will extend the timeframe by two months and project costs by approximately $10,000.

Recommendation
That Council:
1. receives and notes this report;
2. approves the immediate demolition of the Janet Mundy kindergarten;
3. notes the community consultation process; and
4. receives an Early Years Infrastructure Plan in August 2018.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
Early Years services play an important role in supporting children’s social and emotional development, and kindergartens are critical in providing a strong foundation for primary education.

Natural Environment
An Early Years Infrastructure Plan will demonstrate Council’s commitment to achieving positive environmental opportunities and outcomes by applying environmentally sustainable principles to infrastructure planning and development and by increasing the capacity of open spaces for children and the community.

Built Environment
Works continue to be undertaken in the short term. All kindergartens are compliant with regulation requirements and the performance of kindergarten facilities in supporting quality service provision, as well as providing an improved level of amenity for children and families.

Customer Service and Community Engagement
In 2017, families and committee members accessing kindergartens were consulted regarding future service needs. Wider consultation beyond community based kindergarten stakeholders has been undertaken to understand the broader Early Years service needs required to develop an Early Years Infrastructure Plan. Consultation through direct interviews and ‘Have Your Say’, has now engaged the additional targeted stakeholders including those who have used Maternal and Child Health, Long Day Care, Occasional Care, Playhouses and Toy Libraries.

Additionally, targeted and facilitated workshops with community groups and key stakeholders are proposed to discuss high level findings and assumptions. These insights will allow a more robust infrastructure plan to be developed that is underpinned by a shared understanding of the analysis and assumptions.

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 short-term works undertaken have assisted in supporting kindergarten access for children with additional needs.

Legal
There are no legal implications associated with this report.

Finance
There is an Early Years Reserve Fund of $5.5 million because of the sale of the Hampton and Sandringham Childcare Centre’s in 2014 and 2015 respectively. Council allocated expenditure from this fund of up to $500,000 for short-term renewal works at the 23 August 2016 Council meeting. To date, $174,000 has been expended.

The financial impact of the Early Years Infrastructure Plan will be undertaken as part of the preparation of the Plan.

Consultancy costs for preparing the Early Years Infrastructure Plan will be approximately $80,000 (including GST) inclusive of the proposed community consultation process which will
extend project costs by approximately $10,000. There is not a current budget allocation due to the project being initiated after the budget cycle was completed, however, costs will be offset through broader efficiencies.

**Links to Council policy and strategy**

Bayside City Council has existing policies guiding the planning of Early Years services and infrastructure including:

- **Council Plan 2017 – 2021**: Infrastructure – Provide fit for purpose, modern, multi-use facilities that are effectively utilised for our children’s Early Years.

- **Wellbeing for All Ages and Abilities (WAAA) Strategy 2017 – 2021**: The WAAA Strategy outlines the health and wellbeing priorities for Bayside City Council over the next four years and was developed in consultation with the community and collaboration with key agencies, partners and stakeholders.

- **Early Years Action Plan 2017-2021**: The Early Years Action Plan is part of a suite of actions that respond to the WAAA Strategy 2017-2021 and focuses on new or revised actions which have health and wellbeing benefits for Early Years.
Executive summary

Purpose and background
To present Council with the recommendations of the Planning Panel report in relation to Planning Scheme Amendment C153, which updates the boundaries of the Special Building Overlay (SBO) to reflect revised flood modelling undertaken by Melbourne Water. Amendment C153 also removes the Land Subject to Inundation Overlay (LSIO) from Elsternwick Park and associated Schedule and applies the SBO.

There are strong State and Local policy imperatives which identify the need to manage land potentially affected by flood events, in particular to maintain public health and safety, minimise environmental degradation and hazards, and managing natural resources.

Amendment C153 has been prepared at the request of Melbourne Water, in order to reflect revised flood modelling in the Bayside Planning Scheme. Maps in the Bayside Planning Scheme are being updated based on technical advice provided by Melbourne Water as the floodplain management authority.

The SBO is applied to land which is known to flood in a 1-in-100 year rain event. It is Melbourne Water’s responsibility as the floodplain management authority to provide flood mapping information to Council. Applying the SBO is based on Melbourne Water’s data and is therefore beyond Council’s role as a planning authority. Clause 44.05-5 (Special Building Overlay) of the Bayside Planning Scheme states that an application triggered by the SBO must be referred to the relevant floodplain management authority under Section 55 of the Planning and Environment Act 1987, which is Melbourne Water. This is reinforced by Clause 66 of the Bayside Planning Scheme which states that an application under the SBO within the waterway management district of Melbourne Water Corporation must be referred to Melbourne Water Corporation and that Melbourne Water is a Determining Referral Authority, i.e. Melbourne Water can approve or refuse a planning permit application and apply conditions to a planning permit.

Updating the SBO boundary in the Bayside Planning Scheme is therefore a necessary part of administering the provisions of the SBO. Amendment C153 does not change how development affected by the SBO will be considered when assessed against the Bayside Planning Scheme.

Following the exhibition of Amendment C153, Council received 66 submissions to the amendment, including nine late submissions. At its 25 April 2017 Ordinary Meeting, Council considered the submissions received, of which:

- 33 submissions opposed Amendment C153 (in full or part);
- 26 submissions supported Amendment C153 (in full or part); and
- Five submissions did not disclose a position.

At its 25 April 2017 Ordinary Meeting, Council resolved to request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C153, pursuant to the Planning and Environment Act 1987.

Independent of the SBO and the role of Melbourne Water, Council has taken the following measures to improve the long term capacity of the drainage network:
• Adopted a Drainage Upgrade Strategy in 2014 to deliver solutions to 40 critical drainage issues across the municipality;
• Adopted a Drainage Development Contribution Scheme, which requires multi-dwelling, new commercial and non-residential development to pay a levy toward the cost of upgrading Bayside’s municipal drainage network;
• Requires on-site detention systems to restrict the flow of runoff from new developments during periods of high rainfall, consistent with Clause 22.08 (Water Sensitive Urban Design – Stormwater Management) of the Bayside Planning Scheme; and
• Improved drainage design capacity to counter the effects of climate change.

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 noted there is overwhelming community benefit and interest in managing the risk of flooding on communities and considers the methodology employed by Melbourne Water is sound and fit for purpose.

Following the exhibition of Amendment C153, Melbourne Water undertook a survey of properties where submitters did not support the application of the SBO. Consequently, Melbourne Water determined that the following changes be made to the SBO:

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<thead>
<tr>
<th>Submitter number</th>
<th>SBO in Amendment</th>
<th>Address</th>
<th>Change following review</th>
</tr>
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<tbody>
<tr>
<td>3</td>
<td>Added to SBO for the first time</td>
<td>3 Bleazby Avenue, Brighton</td>
<td>Remove SBO from property</td>
</tr>
<tr>
<td>11</td>
<td>Added to SBO for the first time</td>
<td>5 Mary Street, Brighton</td>
<td>Remove SBO from property</td>
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<tr>
<td>14</td>
<td>No change in exhibited Amendment</td>
<td>4 Royal Avenue, Sandringham</td>
<td>Significantly reduce extent of SBO</td>
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<tr>
<td>22</td>
<td>Reduction in SBO area</td>
<td>196 Esplanade, Brighton</td>
<td>Remove SBO from property</td>
</tr>
<tr>
<td>38</td>
<td>Added to the SBO for the first time</td>
<td>334 North Road, Brighton East</td>
<td>Remove SBO from property</td>
</tr>
</tbody>
</table>

The Panel recommended no modifications to Council’s position and was in agreement with Melbourne Water’s approach and recommendations. As such, there are no changes required to be made in response to the Planning Panel’s report.

Panel’s response to submitter issues

The Panel made the following comments in response to the key issues raised by submitters:

Validating Melbourne Water’s methodology and mapping

The Panel concluded that Melbourne Water has produced maps that are sufficiently accurate for the purpose of applying the SBO. The Panel commented that Melbourne Water has ‘ground-proven’ modelling predictions on several sites referred to Melbourne Water by Council and that the available flood history data and information has been adequately considered by Council and Melbourne Water.

Climate change and coastal mapping comments

The Panel concluded that it remains premature to include the effects of climate change and sea level rise in Amendment C153 until a Coastal Hazard Vulnerability Assessment including
Port Phillip Bay, has been completed. Such an assessment would be necessary to developing a planning tool to address coastal hazards and inundation associated with sea level rise. Sea level rise is addressed when new developments within the SBO are referred by Council to Melbourne Water under section 55 of the Planning and Environment Act 1987.

**Key site specific issues**

Some submitters questioned the logic of the elevations and overland flow paths for specific properties and stated that flood levels should be considered to assess local storm water inundation. Others suggested that Melbourne Water was creating stormwater detention areas over properties and that drains are blocked or require upgrades.

The Panel considered that Melbourne Water and Council have appropriately responded to these concerns and concluded that no change should be made in response to these issues. The Panel suggested that Council should respond to requests to inspect key drains more frequently than the current schedule which is twice yearly. The Panel clarified that the SBO enables Melbourne Water to address drainage, flood management and environmental issues early in the permit application process.

The Panel’s suggestion that Council respond to requests to inspect key drains more than twice yearly would result in additional costs for Council. Council will need to consider the costs and benefits of the increased frequency of inspection of drains. As Council’s contract with CityWide is due for renewal in 2020, increased frequency of drain inspections could be considered as part of the contract renegotiation.

The current contract allows for more regular inspections of some key drains and pipes, where there are known factors that affect the capacity of the drainage system.

**Elsternwick Park and replacement of Land Subject to Inundation Overlay with Special Building Overlay**

These submissions were of the view that all of Elsternwick Park should be within the LSIO due to the presence of an open watercourse. They submitted that Amendment C153 did not consider Elwood’s flooding history, the amendment would reclassify the Elster Creek as a drain and that the impetus of Amendment C153 derived from Council’s desire to develop sporting facilities at Elsternwick Park.

Melbourne Water responded that the replacement of the LSIO with an updated SBO along the Elster Creek provides consistency of the flood overlays across municipal boundaries. The Panel supported this rationale and noted during its site inspection, that it was evident that the majority of the Elster Creek is not an open watercourse. The Panel also noted that the SBO is being updated across the municipality and is not instigated by any proposed development at Elsternwick Park, or any other site.

Undertaking works to mitigate flooding at Elsternwick Park and Elwood is beyond the scope of Amendment C153. However, there are forums for Council to advocate that such works be undertaken. According to Melbourne Water, the replacement of the LSIO with the SBO better reflects the type of flooding likely to occur in Elsternwick Park, which in this instance is stormwater flooding. The replacement also reflects Melbourne Water’s updated advanced methods of mapping and modelling to determine land susceptible to flooding.

**Impact on property values**

The Panel noted that any effects that the Amendment may or may not have on property values is not accepted as a valid planning consideration. The Panel agreed with previous Planning Panel findings that property values are determined by many different factors, including location, streetscape and amenity, the current economic conditions, as well as planning
controls. Given this, it would be difficult to determine whether property values would be impacted by being included in the SBO.

Further work – 6 Beach Road, Hampton and the Holyrood Street drain

This submission raised issues relating to the acquisition of property rights, inaccurate technical assumptions and VicTrack not taking its maintenance responsibilities seriously for land located along the Sandringham Railway Line. In response, Council proposed that it advocates to VicRoads regarding upgrading the Holyrood Street drain. The Panel recommended that Melbourne Water ground truths its flood modelling by undertaking a detailed survey and that this information be provided to Council for advocacy to upgrade the Holyrood Street drain. Council can advocate that Melbourne Water undertakes such modelling and undertakes works based on the findings.

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 C153:

1. Adopt Amendment C153, considering the Planning Panel’s recommendations;
2. Adopt Amendment C153, without the Panel’s changes; or
3. Abandon Amendment C153.

Recommendation

That Council:

1. Adopts Amendment C153;
2. Writes to the Minister for Planning requesting approval of Amendment C153; and
3. Writes to all submitters to inform them of Council’s decision.

Support Attachments

1. Planning Scheme Amendment C153 - Planning Panel Report ↓
Considerations and implications of recommendation

Liveable community

Social
Amendment C153 and the associated actions seek to manage the use and development of land, which is known to flood in a 1-in-100 year rain event, to protect the health and safety of residents and the broader community.

Natural Environment
Amendment C153 seeks to ensure that land which is known to flood in a 1-in-100 year rain event is identified in the Bayside Planning Scheme so that planning permit applications can be referred to Melbourne Water, pursuant to the Planning and Environment Act 1987 and Bayside Planning Scheme.

Built Environment
Amendment C153 assists in the protection of life, property and community infrastructure from flood hazards by enabling Melbourne Water to apply conditions on planning permits for new development and ensure that land in flood prone areas can be developed appropriately.

Customer Service and Community Engagement
All owners and occupiers of land affected by the SBO and LSIO were notified as part of the amendment process, in accordance with the requirements of the Planning and Environment Act 1987. This included owners and occupiers of land for which no change to the SBO or LSIO was proposed. A total of 10,200 letters were sent.

During the amendment exhibition process Council held three drop-in sessions for the public to attend, provided an interactive map on its website that illustrated the changes and shared social media posts. A total of 66 submissions were received.

The planning panel process allowed submitters to present and have issues considered by an independent party.

Human Rights

Legal
Owners and developers of land covered by the SBO will be required to apply for a planning permit. Applications may be eligible for an assessment under the State VicSmart process, which includes the ability for an application to lodge an Application for Review with VCAT if Council has not determined the application within 10 business days from lodgement.

Finance
Melbourne Water will bear all costs associated with the Planning Panel hearing. Melbourne Water has reimbursed Council for the costs associated with the consultation process including the development of the interactive map, printing of letters and brochures and associated postage. Council staff time will be required to administer the amendment which can be accommodated within Council’s 2017/18 Budget.
Links to Council policy and strategy

*Council Plan 2017-2021*

Implementation of Amendment C153 will assist in the protection of life, property and community infrastructure and ensure that land in flood prone areas can be developed appropriately to meet the following objectives of the *Council Plan 2017-2021*:

- **Goal 3 Housing and neighbourhoods**
  Strategy: Implement improvements to the service, quality, efficiency and communication of Council’s planning permit assessment service to enable prompt assessment of applications that comply with development controls.

- **Goal 5: Environment**
  Strategy: Reduce water consumption in Council’s operations and improve the management of stormwater and water quality.

*Bayside Housing Strategy 2012*

Amongst other things, the *Bayside Housing Strategy 2012* identifies the need for areas within the SBO to be extended to reflect the revised Melbourne Water flood levels (p. 28). The Strategy recommends the implementation of Melbourne Water’s updated flood mapping in the Bayside Planning Scheme, so it has statutory force and so that Council can consider this information when determining planning applications and when preparing and reviewing Structure Plans. Amendment C153 implements this recommendation and would result in the updated flood mapping having statutory force.
### Options considered

#### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the recommendations of the Panel and proceed with Amendment C153, 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 by managing land that is known to flood in a 1-in-100 year rain event. The Panel has considered submitter concerns and provided recommendations which do not change Council’s position. Amending the SBO will result in updated modelling being applied and ensuring Council is relying on up to date information when considering planning permit applications within the SBO.</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>Adopt Amendment C153 as exhibited, seeking Ministerial approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
<tr>
<td>Issues</td>
<td>Progressing Amendment C153 as exhibited will not incorporate changes made to the amendment by Melbourne Water in response to submissions received during exhibition of the amendment. These changes have been made following a detailed review of each site and are supported by the Panel.</td>
</tr>
</tbody>
</table>

#### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C153.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>There are no benefits associated with this option.</td>
</tr>
<tr>
<td>Issues</td>
<td>Updated flood mapping undertaken by Melbourne Water will not have statutory force in the Bayside Planning Scheme. Not including the updated flood mapping will compromise Council’s ability to protect life, property and community infrastructure from flood hazards.</td>
</tr>
</tbody>
</table>
Planning and Environment Act 1987
Panel Report

Bayside Planning Scheme Amendment C153
Special Building Overlay Update

12 January 2018
Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Bayside Planning Scheme Amendment C153
Special Building Overlay Update
12 January 2018

Nick Wimbush, Chair
Geoffrey Carruthers, Member
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1.1 The Amendment</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Summary of issues raised in submissions</td>
<td>2</td>
</tr>
<tr>
<td>1.3 Issues dealt with in this Report</td>
<td>2</td>
</tr>
<tr>
<td>2 Planning context</td>
<td>4</td>
</tr>
<tr>
<td>2.1 Policy framework</td>
<td>4</td>
</tr>
<tr>
<td>2.2 Planning scheme provisions</td>
<td>7</td>
</tr>
<tr>
<td>2.3 Ministerial Directions and Practice Notes</td>
<td>8</td>
</tr>
<tr>
<td>2.4 Discussion and conclusion</td>
<td>8</td>
</tr>
<tr>
<td>3 SBO mapping and methodology</td>
<td>10</td>
</tr>
<tr>
<td>3.1 The issues</td>
<td>10</td>
</tr>
<tr>
<td>3.2 Applied methodology</td>
<td>10</td>
</tr>
<tr>
<td>3.3 Historical flood data and information</td>
<td>11</td>
</tr>
<tr>
<td>3.4 Climate change and sea level rise</td>
<td>12</td>
</tr>
<tr>
<td>3.5 Conclusions</td>
<td>12</td>
</tr>
<tr>
<td>4 Individual site-specific mapping</td>
<td>13</td>
</tr>
<tr>
<td>4.1 The issue</td>
<td>13</td>
</tr>
<tr>
<td>4.2 Technical review of properties</td>
<td>13</td>
</tr>
<tr>
<td>4.3 1-3/6 Wright Street, Brighton and 1 &amp; 2/11 Lewis Street, Brighton</td>
<td>14</td>
</tr>
<tr>
<td>4.4 4 Royal Avenue, Sandringham</td>
<td>15</td>
</tr>
<tr>
<td>4.5 19 Agnes Street, Beaumaris</td>
<td>16</td>
</tr>
<tr>
<td>4.6 9 Holyrood Street, Hampton</td>
<td>17</td>
</tr>
<tr>
<td>4.7 2A Moore Street for owners and the Elwood Flood Action Group (EFLAG)</td>
<td>19</td>
</tr>
<tr>
<td>4.8 11A Holyrood Street, Hampton</td>
<td>21</td>
</tr>
<tr>
<td>4.9 6 Beach Road, Hampton</td>
<td>21</td>
</tr>
<tr>
<td>4.10 22 Coronation Street, Brighton East</td>
<td>23</td>
</tr>
<tr>
<td>4.11 5 Snooks Court, Brighton</td>
<td>24</td>
</tr>
<tr>
<td>4.12 3 Bleazby Avenue, Brighton</td>
<td>24</td>
</tr>
<tr>
<td>4.13 5 Mary Street, Brighton</td>
<td>25</td>
</tr>
<tr>
<td>4.14 196 Esplanade, Brighton</td>
<td>25</td>
</tr>
<tr>
<td>4.15 Recommendations</td>
<td>26</td>
</tr>
</tbody>
</table>

**Appendix A** Submitters to the Amendment

**Appendix B** Parties to the Panel Hearing

**Appendix C** Document list
List of Tables

Table 1: Melbourne Water survey of properties post exhibition ........................................ 2

Abbreviations

the Act Planning and Environment Act 1987
EFLAG Elwood Flood Action Group
LiDAR Light Detection and Ranging (which is a remote sensing method used to examine the surface of the Earth)
LSIO Land Subject to Inundation Overlay
SBO Special Building Overlay
## Overview

<table>
<thead>
<tr>
<th>Amendment summary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Amendment</td>
<td>Bayside Planning Scheme Amendment C153</td>
</tr>
<tr>
<td>Common name</td>
<td>Special Building Overlay Update</td>
</tr>
<tr>
<td>Brief description</td>
<td>The Amendment proposes to update the boundaries of the Special Building Overlay (SBO) in the Bayside Planning Scheme to reflect revised flood modelling. It also removes the Land Subject to Inundation Overlay (LSIO) from the scheme.</td>
</tr>
<tr>
<td>Subject land</td>
<td>Land within Bayside City Council which has been identified by Melbourne Water as being liable to inundation (flooding) by overland flows from the urban drainage system. The land affected by the Amendment is shown on the proposed planning scheme maps that form part of the Amendment.</td>
</tr>
<tr>
<td>The Proponent</td>
<td>Melbourne Water</td>
</tr>
<tr>
<td>Planning Authority</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Authorisation</td>
<td>Correspondence from Department of Environment, Land, Water and Planning dated 19 April 2016</td>
</tr>
<tr>
<td>Exhibition</td>
<td>Between 14 November 2016 and 16 January 2017</td>
</tr>
<tr>
<td>Submissions</td>
<td>Number of Submissions: 66 (including 9 late submissions). At its meeting on 25 April 2017, Council considered 64 of these submissions (two of the submissions were received too late for Council consideration). Of the submissions considered by Council: Opposed: 33 (in full or part) Supported: 26 (in full or part) Did not disclose a position: 5</td>
</tr>
</tbody>
</table>

### Panel process

| The Panel | David Merrett (Chair) and Geoffrey Carruthers were appointed on 4 September 2017. On 3 November 2017, due to timing and availability constraints, Mr Nick Wimbush (Chair) and Geoffrey Carruthers were appointed as the Panel. |
| Directions Hearing | Council Chambers, Civic Centre, Brighton, 15 November 2017 (Mr Wimbush only) |
| Panel Hearing | Council Chambers, Civic Centre, Brighton, 11 December 2017 |
| Site inspections | Unaccompanied inspections were undertaken prior to and during the Hearing process. |
| Date of this Report | 12 January 2018 |
Executive summary

(i) Summary

Bayside Planning Scheme Amendment C153 (the Amendment) seeks to update the Special Building Overlay (SBO) in the planning scheme based on contemporary modelling and rainfall and topography inputs. The SBO provides a permit trigger to ensure that the risk of flooding on development can be managed and similarly the effect of development on flooding can also be assessed.

The Amendment requires changes to the mapping affecting several thousand properties in Bayside, and exhibition attracted 66 submissions. The issues raised in submissions primarily went to methodology but also raised issues related to:

- Impacts on particular properties where flooding was said to not occur
- Drainage infrastructure improvements and maintenance
- Property values
- Development contributions
- Suggested alienation of property rights.

The Panel has considered the written submissions and submissions in the Hearing and inspected a number of the properties subject to submissions. Overall the Panel finds that the Amendment enjoys strong strategic policy support. There is an overwhelming community benefit and interest in managing the risk of flooding on communities.

The Panel also considers the methodology employed by Melbourne Water is sound and fit for purpose. It is not designed to produce a millimetre accurate picture of flooding at every property. It is designed to identify at a high level the likelihood of flooding at any given point to trigger a more detailed consideration via planning permit and when development is considered. For this purpose, the Panel considers the approach sound and the Amendment should be supported.

(ii) Recommendations

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

1. Adopt Bayside Planning Scheme Amendment C153 as exhibited subject to:
   - Removing the Special Building Overlay from:
     - 3 Bleazby Avenue, Brighton
     - 5 Mary Street, Brighton
     - 196 Esplanade, Brighton
     - 334 North Road, Brighton East.
   - Reducing the extent of the existing Special Building Overlay on 4 Royal Avenue, Sandringham in accordance with the map in the Melbourne Water letter to the property owner of 17 August 2017, such that the Special Building Overlay only applies to a small area fronting Royal Avenue.
The Panel makes the following additional recommendation which does not require a change to the Amendment:

2. Melbourne Water ground truth, through a detailed survey, the modelled flow path prediction at 6 Beach Road, Hampton.
1 Introduction

1.1 The Amendment

The current boundaries of the Special Building Overlay (SBO) contained in the Bayside Planning Scheme were introduced in February 2002 and development may not be incorporating adequate flood mitigation measures to respond to flood risks.

Melbourne Water as the floodplain management authority and referral authority is using updated floodplain boundaries when assessing SBO applications referred to them. As a result, varied data sets have created conflicting advice and applications are not being referred to Melbourne Water when they should be or are being unnecessarily referred.

The need for the SBO has been articulated in several recent Panel Reports, including Port Phillip Amendment C111 (2016) which implemented revised flood modelling for the City of Port Phillip and Yarra Amendment C210. Specifically, in Port Phillip Amendment C111, the Panel stated:

...a clear Victorian Government policy platform exists in relation to Special Building Overlays to address the flooding risk in a 100 year ARI rain event, and that [Port Phillip] Council’s and Melbourne Water’s response via the Amendment is appropriate.1

In summary, the Amendment proposes to:

- Remove the Land Subject to Inundation Overlay (LSIO) and associated Schedule from the Bayside Planning Scheme
- Delete reference to Map 1LSIO in Clause 61.03
- Amend the Special Building Overlay (SBO) maps to reflect the revised flood extent (land liable to inundation by overland flows from the urban drainage system in a 1 in 100 year flood event). This includes adding new properties to the SBO, removing properties from the SBO and changing the extent to which the SBO covers some properties.

Council proposes that the changes to the SBO and LSIO will result in:

- Approximately 755 properties being covered by the SBO for the first time
- Approximately 1070 properties no longer being covered by the SBO
- Approximately 4272 properties remaining in the SBO with a change to how much of the property is covered by the SBO
- Approximately 2770 properties remaining in the SBO with no change
- The LSIO being removed from the Bayside Planning Scheme. The one property (Elstonwick Park) currently partially covered by the LSIO will instead be partially covered by the SBO which better reflects the type of flooding likely to occur (stormwater flooding)

Bayside City Council noted that Panels for Moonee Valley C151, Banyule C101 and Greater Geelong C335 made similar conclusions, which led Council to state, “These conclusions

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1 Council Part B submission p6.
suggest that the application of the SBO is necessary to manage the development of land which is known to flood in a 1 in 100 year rain event and also necessary to deliver state and local policy objectives².

1.2 Summary of issues raised in submissions

The key issues raised in the submissions are briefly summarised as follows:

- The accuracy of the flood modelling and the approach taken by Melbourne Water in applying the SBO
- The inadequacy of existing drainage infrastructure and how this contributes to flooding (both Council and Melbourne Water infrastructure)
- Flooding issues are a direct result of or perceived to be a result of infill development in the catchment. As a result, developers should be required to contribute to the cost of new infrastructure
- Problems with blocked or poorly designed drains relating to specific properties/areas
- Negative impacts the SBO has on property values, increased insurance premiums, the ability to develop land and requests for compensation.

Several submitters requested that the extent of the overlay on their property be reviewed. Melbourne Water undertook a review of these properties, and as a result, determined that the following changes be made to the SBO.

Table 1: Melbourne Water survey of properties post exhibition

<table>
<thead>
<tr>
<th>Submitter number</th>
<th>SBO in Amendment</th>
<th>Address</th>
<th>Change following review</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Added to SBO for the first time</td>
<td>3 Bleazby Avenue, Brighton</td>
<td>Remove SBO from property</td>
</tr>
<tr>
<td>11</td>
<td>Added to SBO for the first time</td>
<td>5 Mary Street, Brighton</td>
<td>Remove SBO from property</td>
</tr>
<tr>
<td>14</td>
<td>No change in exhibited Amendment</td>
<td>4 Royal Avenue, Sandringham</td>
<td>Significantly reduce extent of SBO</td>
</tr>
<tr>
<td>22</td>
<td>Reduction in SBO area</td>
<td>196 Esplanade, Brighton</td>
<td>Remove SBO from property</td>
</tr>
<tr>
<td>38</td>
<td>Added to the SBO for the first time</td>
<td>334 North Road, Brighton East</td>
<td>Remove SBO from property</td>
</tr>
</tbody>
</table>

1.3 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

² Council Part B submission pt.
The Panel has reviewed a large volume of material and the Amendment applies to a very large number of properties. The Panel has focused on submissions and associated material in reaching its conclusions.

This Report deals with the issues under the following headings:

- Planning context
- SBO Mapping and methodology
- Individual site-specific mapping
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

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework:

Clause 11 (Settlement) – this clause provides strategic guidance for responding to the needs of communities through appropriately zoned and serviced land for housing, employment, commercial and community facilities. Council noted that the Amendment supports this clause “by updating maps identifying areas liable to flooding to assist with minimising the hazards and risk to life and property caused by flooding”.

Clause 13 (Environmental Risks) – this clause encourages the adoption of a best practice environmental management and risk management approach, to avoid or minimise environmental degradation and hazards.

Clause 13.02 (Floodplain) – this clause provides guidance for managing floodplains, including land that would be inundated by the 1 in 100 year flood event or as determined by the floodplain management authority. Clause 13.02-1 includes strategies to:

• Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps; and
• Avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Council noted that onus is placed on Councils to ensure that flooding and drainage information is clearly shown in planning schemes and taken into account as part of the planning process.

Council noted that the Amendment is consistent with these clauses as it assists with the protection of life, property and community infrastructure from flood hazards. The Amendment updates the flood data that informs the referral of development applications to the floodplain management authority, Melbourne Water, for comment.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.02 (Bayside Key Issues and Strategic Vision) – this clause sets out the key issues and strategic vision for the Bayside municipality, which include:
• Increasing development pressure and the impact this has on the urban environment; and
• Environmental risks associated with flooding, stormwater management and climate change.

The following issues set out in Clause 21.02-3 are relevant to the Amendment:
• Settlement and housing: The need to manage growth associated with population growth and its impacts;
• Environmental risks: The need to manage the flow of water from new or intensified development which can cause potential flooding; and
• Built form and heritage: The need to ensure that development is undertaken in an environmentally sustainable manner.

Council noted that the Amendment is consistent with these clauses because it requires planning permit applications on land located in the SBO be reviewed by Melbourne Water prior to the issuing of a planning permit.

Clause 21.03 (Settlement and Housing) – this clause seeks to direct population growth in appropriate locations and provide housing to meet community needs. Council noted that the Amendment seeks to increase the extent of the SBO in the Bay Street, Church Street, Hampton Street, Highett and Martin Street Activity Centres.

The Bayside Housing Strategy 2012 notes there is increased complexity associated with developing land in the SBO, however this does not mean an area cannot be developed. Proposals affected by the SBO will be referred to Melbourne Water, who will assess them in relation to their site characteristics. Permit conditions can be included to mitigate the potential impacts of inundation.

Clause 21.05-1 (Environmental Risks - Flooding and Stormwater) – this clause responds to the need for Council to manage impacts relating to flooding and stormwater. Council stated that the Amendment implements the strategies in this Clause as it enables Council and Melbourne Water to plan for future flood impacts. Through planning permit applications, it can reduce the impacts of flooding within the municipality.

Clause 22.08 Water Sensitive Urban Design (Stormwater Management) – this is a local policy that applies to applications for:
• Accommodation
• Construction of a building to be used for commercial, industrial or mixed use purposes
• A subdivision in a business zone.

One of the objectives of this policy is to reduce the impacts of peak stormwater flows. Council noted that the Amendment supports this objective by providing guidance to ensure that new development can be designed to allow reduce the impact of stormwater flows.

(iii) Other planning strategies or policies used in formulating the Amendment

Bayside Housing Strategy 2012

The Bayside Housing Strategy 2012 sets out a strategic framework for housing and residential development in Bayside over the next twenty years. It also provides direction
about where residential development will be focused and the type of residential development required in order to meet the changing needs of the Bayside community, whilst addressing the wide range of challenges that exist.

The Strategy identifies the need for areas within the SBO to be extended to reflect the revised Melbourne Water flood levels.

The Strategy states that issues associated with the SBO can be relatively easily dealt with on an individual property basis through increases in floor levels and underground pumping systems. However, concern exists with the cumulative impacts associated with increased site coverage within the SBO.

It states that increased site coverage may impede overland flows and potentially transfer flooding problems to areas outside the SBO. Accordingly, planning must address flood levels and rely on the most current information available.

The Strategy recommends that Melbourne Water’s updated flood mapping is implemented in the Bayside Planning Scheme, so it has statutory force and so that Council can consider this information when determining planning applications and when preparing and reviewing Structure Plans. Amendment C153 implements this recommendation and would result in the updated flood mapping having statutory force.

Plan Melbourne 2017-2050

Direction 6.3 of Plan Melbourne 2017-2050 is to “integrate urban development and water cycle management to support a resilient and liveable city”. Council stated that the Amendment is consistent with this Direction as it recognises Melbourne Water’s role as the determining referral authority responsible for the major drainage system and floodplain management. Accordingly, Melbourne Water can:

- assess development proposals affected by the SBO
- where appropriate, provide conditions that Council must include on a planning permit.

Drainage Upgrade Strategy 2015

Council’s program of drainage infrastructure works is outlined in the Drainage Upgrade Strategy 2015, which identifies the key areas Council is targeting for drainage upgrades.

Planning and Environment Act 1987

Council stated that the Amendment is consistent with the objectives of the Planning and Environment Act 1987 (the Act), “by assisting the protection of life, property and community infrastructure from flood hazards and ensuring that land in flood prone areas can be developed appropriately”.

Council noted section 6(2)(e) of the Act, which states that planning schemes can “regulate or prohibit any use or development in hazardous areas or in areas which are likely to become hazardous areas”.

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Page 6 of 31
2.2 Planning scheme provisions

(i) Overlays

Land Subject to Inundation Overlay Provisions (LSIO)

The LSIO identifies land subject to mainstream flooding. The purpose of the LSIO is “to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity”.

For properties in the LSIO, a planning permit is required to construct a building or carry out works and to subdivide land. This enables flooding issues to be addressed early in the development process. Council noted that the LSIO partially applies to 1 (one) property in the City of Bayside, Elsternwick Park. The Amendment proposes to remove the LSIO and replace it with the SBO.

Council stated that the replacement of the LSIO with the SBO is more reflective of the type of flooding likely to occur, which in this instance is stormwater flooding. It also takes into account Melbourne Water’s updated advanced methods of mapping and modelling to determine land susceptible to flooding.

Special Building Overlay (SBO)

The purpose of the SBO is:

- To implement the State and Local Planning Policy with regard to the use and development of land subject to flooding
- To identify land in urban areas liable to inundation by overland flows from the drainage system and ensure that development maintains the free passage and temporary storage of floodwaters, minimises damage and will not cause a significant rise in flood level or flow velocity
- To protect water quality.

Pursuant to Clause 44.05-1 of the Bayside Planning Scheme, a planning permit is required in the SBO to construct a building, construct or carry out works, including:

- A fence
- Roadworks
- Bicycle pathways and trails
- Public toilets
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level
- A non-domestic disabled access ramp.

A planning permit is required to subdivide land, pursuant to Clause 44.05-2.
Clause 44.05-5 states that an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority. Council submitted that the Amendment is consistent with the purpose of the SBO (Clause 44.05) which is:

To identify land in urban areas liable to inundation by overland flows from the drainage system and ensure that development maintains the free passage and temporary storage of floodwaters, minimises damage and will not cause a significant rise in flood level or flow velocity.

Council stated that implementing Melbourne Water’s flood mapping will ensure that Council can refer planning permit applications to Melbourne Water, which is consistent with Clause 44.05-5 and Clause 66 of the Bayside Planning Scheme.

(ii) General provisions

Clause 66 to the Bayside Planning Scheme states that an application under the SBO within the waterway management district of Melbourne Water Corporation must be referred to Melbourne Water Corporation and that they are a Determining Referral Authority.

The decision by a Determining Referral Authority to impose conditions or to object to an application referred to it is binding on the Responsible Authority.

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.

Planning Practice Notes

Planning Practice Note 12, Applying the flood provisions in planning schemes, is the most relevant practice note. The use of the SBO to identify areas susceptible to stormwater flooding and the removal of the LSIO is consistent with the practice note.

2.4 Discussion and conclusion

There were no substantive submissions objecting to the need for the Amendment or identifying a lack of strategic policy support as a reason for abandoning the Amendment. The main objecting submissions went to the general methodology and approach or the application of the SBO to particular properties. These issues are addressed later in this report.

The Panel considers that the approach to identifying areas susceptible to flooding and responding accordingly by introducing planning permit requirements as proposed in this Amendment is well established and should be supported. Many other municipalities in
Melbourne and regional areas take a comprehensive approach to flooding issues and Bayside’s approach is strongly supported in state and local policy and should be supported. Subject to issues discussed in later chapters and minor changes to mapping agreed to by Melbourne Water, the Panel considers the Amendment should be adopted generally as exhibited.
3 SBO mapping and methodology

3.1 The issues

A number of issues were raised by submitters in relation to methodology and mapping. These included:

- the accuracy of the flood modelling and the approach taken by Melbourne Water in applying the SBO
- the inadequacy of existing drainage infrastructure and how this contributes to flooding (both Council and Melbourne Water infrastructure).

3.2 Applied methodology

Melbourne Water’s method entails four stages to produce detailed flood mapping:

- Production of topographic information for the area being mapped
- Hydrologic analysis that estimates the magnitude of flows along a drainage path
- Hydraulic analysis that estimates the depths and velocities of the flows along its drainage lines
- Delineation of the flood extent and the determination of the properties subject to flooding.

Properties are not uniformly affected by flooding and Melbourne Water’s requirements for development and subdivision will depend upon the characteristics of the site and the particular development and subdivision proposed. Melbourne Water’s requirements can only be specified upon the submission of detailed design plans. In other locations within Melbourne Water’s jurisdiction where Land Subject to Inundation Overlays and Special Building Overlays are already in operation, Melbourne Water’s requirements generally relate to the raising of floor levels or changes to site layout.

The rainfall data is obtained from the current Australian Rainfall and Run-off data (compiled by Engineers Australia). This data is inputted into multiple computer models to estimate the peak flows run-off for several rain events. The models allow for the combined effects of rainfall distribution, land use, and the complex urban drainage system. The models divide the catchment into multiple sub-catchments, to represent the distributed nature of the run-off during the rain events. This also enables the estimation of flows at key points within each sub-catchment.

The topography mapping is based upon the current LiDAR data provided by the Department of Environment, Land, Water and Planning, that is based upon aerial laser measurements of the catchment. This method cannot accurately account for the terrain directly beneath buildings, but rather extrapolates between points alongside the buildings.

A “Snap to Boundary” approach is not applied by Melbourne Water when the fringe of the SBO is located in the vicinity of a property boundary.

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5 Light Detection and Ranging: a remote sensing method that uses light in the form of a pulsed laser to measure ranges and ground levels.
Any flood information points with a depth greater than 50mm are considered flooding by Melbourne Water. This approach is consistent with Melbourne Water’s mapping in the nearby Port Phillip and Western Port catchments.

Melbourne Water noted that:
- not all of the points data is used to create the flood extent. Points with shallower depth towards the edges (generally having a depth less than 50mm) are filtered out prior to exhibiting the Amendment
- notwithstanding point 1, a few shallow points are included in the final flood extent. Some of the points having depth of 50mm (or slightly more) may be excluded as part of the final smoothing of the flood extent. The relative number of these points is negligible compared to the total number of points data used.

A principal of flood mapping is that the drainage system is functioning as designed. Melbourne Water has a maintenance program for clearing debris and carries out inspections to ensure there are no collapsed structures in the drainage system.

Incremental developments throughout the catchment may contribute to increases in runoff, but this would only impact marginally upon what is an existing risk of inundation from the large storm events. High runoff co-efficients are chosen when calculating flows generated by a 1 in 100 year storm event. It is assumed that all areas will be contributing runoff. This is based upon the assumption that the pervious component of the catchment is saturated (or soon to be saturated). Buildings and hard surfaced areas act like an impervious component in terms of runoff. Any additional development that may have occurred is likely to have little effect on the risk of flooding from a high intensity low frequency event.

The impacts of redevelopment on increases in runoff may be more significant for smaller, more frequent storm events. To manage the generation of runoff throughout the entire catchment and mitigate its effects upon existing levels of infrastructure service, Councils and Melbourne Water utilise a variety of means. Existing planning scheme provisions such as subdivision controls are used to require retention or retardation measures or receive a contribution fee towards the cost of maintaining or upgrading of drains.

### 3.3 Historical flood data and information

The 1 in 100 year ARI flood levels estimates by this method are used to define the extent of the flood contour mapping. The extent of the estimated flood contours is regarded as an envelope of flood levels from a range of rain intensity events (or rain event durations).

The Melbourne Water consideration is confined to the urban drainage infrastructure, and excludes the local Council drains.

The risk of flooding from high intensity, low frequency events is not attributable to any recent increase in residential densities within the Bayside municipality. The occurrence of overland flows is due primarily to the limited capacity of the urban drainage infrastructure which was generally only required to be designed and constructed to the 1 in 5 year ARI standard.

The flood modelling method adopted by Melbourne Water is considered to be industry best practice. RORB software has been used to estimate flood discharges since the mid 1970’s. The TUFLOW modelling software is well established and internationally recognised as being
amongst the world’s most powerful hydrodynamic computational software. Melbourne Water submitted that it has a high level of confidence that the flood extents generated to inform the boundaries of the SBO are appropriate to identify, at a high level, flood prone areas that need to be taken into account when development occurs. The flood extents were determined using the best available Digital Terrain Modelling techniques.

3.4 Climate change and sea level rise

Melbourne Water’s practice is not to include any predicted increases in rainfall as a result of climate change for catchments.

Council noted that this was previously considered in the Port Phillip C111 Panel report in 2015. That Panel noted that the Draft Central Regional Coastal Plan (2015-2020) stated that there is a need to develop a Coastal Hazard Vulnerability Assessment for the central region (encompassing Port Phillip Bay). This assessment would be a necessary precursor to the development of a planning tool to deal with coastal hazards and inundation associated with sea level rise, and would inform the science underpinning the Melbourne Water modelling method.

This C153 Panel enquired of Mr Kearney during the Hearing whether there had been any change in Melbourne Water’s approach since 2015. Melbourne Water had informally completed some initial analysis (that is: a 32 per cent rainfall intensity increase to year 2100), but this has not been included in modelling for SBOs. Melbourne Water based this decision upon the premise that "there is not a whole of government approach to this part of climate change. Therefore any new planning scheme updates in the immediate future will not include a predicted increase." ⁴

Mr Kearney informed the Panel that Melbourne Water’s approach to SBO not including consideration of climate change and sea level rise remained. The C111 Report noted that sea level rise is addressed by Council and Melbourne Water when new developments within the SBO are referred to Melbourne Water under section 55 of the Act for comments that include a consideration of sea level rise.

3.5 Conclusions

The Panel concludes that:

- Melbourne Water has applied methodology that has produced overlay maps that are sufficiently accurate to apply the SBO’s, and ground-proven modelling predictions on several sites referred to it by Council.
- The available flood history data and information has been adequately considered by Council and Melbourne Water.
- It remains premature to include the effects of climate change and sea level rise in the current Amendment until a Coastal Hazard Vulnerability Assessment has been completed.

4 Individual site-specific mapping

4.1 The issue

Have the matters raised in submissions relating to the SBO mapping on individual sites been appropriately considered and addressed?

4.2 Technical review of properties

(i) Submissions

Council review

There are five minor changes to the Amendment as shown in Table 1. Several submitters requested that the extent of the SBO on their property be reviewed. Melbourne Water undertook a detailed review at these properties.

Council’s Part B submission noted that the onus is on Melbourne Water to justify the methodology used to inform the preparation of the Amendment. Council submitted that the Amendment is consistent with the purpose of the SBO in particular the purpose:

To identify land in urban areas liable to inundation by overland flows from the drainage system and ensure that development maintains the free passage and temporary storage of floodwaters, minimises damage and will not cause a significant rise in flood level or flow velocity.

Implementing Melbourne Water’s flood mapping would ensure that Council can refer planning permit applications to Melbourne Water, consistent with the provisions in Clause 44.05-5 and Clause 66 of the Bayside Planning Scheme, as outlined in paragraphs 59 to 63 of Council’s Part A submission.

Council referred the five site submissions to the Panel for specific consideration.

Melbourne Water review

Melbourne Water submitted that flood mitigation works for the entire metropolitan region, financed through the drainage rate, would cost the community billions of dollars. This can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development via raised floor levels of new buildings, in association with a capital works program.

Melbourne Water submitted that it allocates approximately $116 million each year to drainage improvement works. These works are identified through the drainage survey program and prioritised according to frequency and severity of flooding and maximum community benefit.

Priorities are determined initially on the basis of cost effectiveness and reducing the risk of both damage to property and danger to people. These factors are estimated using property location information combined with flood probability models. Where projects are at broadly similar cost effectiveness, priority is given to those with a recent history of flooding and where there is strong support from the community, local government and other stakeholders.
There are many catchments across the Melbourne region have a serious flood exposure, and have high cost of drainage upgrade works. It will take many years to deliver mitigation projects to the locations where it is feasible and cost effective. Melbourne Water submitted that delaying the updating of the SBO was therefore not prudent.

Following review Melbourne Water submitted that the properties in Table 1 should have changes made as shown in that table.

(ii) Discussion

The statutory role and method applied by Melbourne Water has been verified and endorsed in relevant Panel reports previously. The process used to set the boundary of each sub-catchment SBO is a practical approach. The Panel accepts that there are some anomalies at specific sites, and Melbourne Water has attempted to conduct further in situ assessments and ground truthing, in consultation with property owners.

The TUFLow modelling results in a prediction of the estimated extent of flooding in a 1 in 100 year ARI rain event, based upon the performance of the existing urban drainage infrastructure. Melbourne Water submitted that this infrastructure was originally designed for much smaller 1 in 5 year ARI rain events. With the evidently prohibitive costs involved to upgrade specific urban drainage infrastructure and the in-situ topography variations, each potential site anomaly should be reviewed.

Where specific properties mentioned in submissions are not discussed below, it indicates that the Panel accepts the methodology and approach leading to the application of the SBO as put forward by Melbourne Water.

(iii) Conclusion

The Panel concludes that the process of review has been appropriate for Melbourne Water to respond to the individual submissions.

4.3 1-14/8 Wright Street, Brighton and 1 & 2/11 Lewis Street, Brighton

(i) Submission

Mr Hammond questioned the logic of the elevations and overland flow path between 8 Wright Street and 11 Lewis Street. He also submitted that there had been a lack of appropriate consultation, information, and education provided by Bayside and Melbourne Water regarding the need for change.

Melbourne Water provided a detailed engineers report and had a meeting with the submitter to discuss flood characteristics in this area. It explained that the Meek Street Main Drain catchment was mapped in 2001/2 using RORB hydrology and Delft 1D/2D and SOBEK Flooding System and software. The resulting detailed flood mapping was provided to Mr Hammond in a letter dated 27 February 2017. It demonstrated the relative ground levels that predict the flow paths and the flood extent.

Mr Hammond submitted photographs of flooding at the December 2006 rain event, that he claimed showed that the modelling did not reflect what had actually occurred. He claimed
that he was not provided with the detailed mapping and data information until 27 November 2017.

Mr Kearney explained that the Explanatory Report for the Amendment included a section ‘Why is the Amendment required?’ He quoted an extract explaining the need to update the planning scheme:

*The boundaries of the SBO and LSIO are determined by Melbourne Water and were first introduced into the Bayside Planning Scheme in 2002 and 2000 respectively. Since that time, Melbourne Water has developed advanced methods of mapping and modelling to determine land susceptible to flooding that has resulted in changes to the SBO boundaries and the removal of the LSIO.*

*The update of the existing SBO boundaries will ensure that drainage issues are accurately identified at an early stage in the development process through the Bayside Planning.*

As part of the amendment documentation, a Frequently Asked Questions flyer was also included and drop in session were made available for concerned residents to meet with Council and Melbourne Water planners.

(ii) Discussion

Melbourne Water has reviewed the site and provided information to the submitter that is the basis for the SBO boundary recommendation. The Melbourne Water submission\(^5\) contains the letter to Mr Hammond dated 27 February 2017 that explains Melbourne Water’s conclusion in relation to this property.

The Panel has reviewed the letter and is satisfied that the detail provided in the previous engineers’ report supports the predicted extent of the flood mapping and SBO boundary.

(iii) Conclusion

No change be made to the proposed SBO at 1-14/8 Wright Street, Brighton and 1 & 2 /11 Lewis Street, Brighton.

4.4 4 Royal Avenue, Sandringham

(i) Submissions

Mr Blanksby questioned the logic of the straight line in the mapping of the north of Royal Avenue and the levels along Royal Avenue. He submitted that the properties on the south side of Royal Avenue are substantially above the road reserve and the footpath.

Melbourne Water reviewed the existing SBO at this location. Particularly, the properties to the south of Royal Avenue between 2 Royal Avenue to 2 Norwood Street using actual natural ground levels. Melbourne Water used this recent survey to review the flood shape at this location, with the following results.

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\(^5\) Document 7, Attachment 1.
The mapping showed that that the boundary had been reduced, but still results in some flooding along the "south" side of Royal Avenue.

The flood extent to the north side of Royal Avenue remained the same. The results indicated that the road would not carry the entire 1 per cent overland flow, and that some will "overtop" into the area to the north.

Melbourne Water conducted a site meeting with Mr Blanksby, responded to his submission in letters dated 3 March and 17 August 2017, and conducted detail survey of the flow path at this location.

Melbourne Water recommended to the Panel that changes be made to the SBO to reflect the updated model prediction. The SBO boundary would still apply to a small area of the frontage of 4 Royal Avenue, Sandringham.

(ii) Discussion

The Melbourne Water updated modelling has reduced the extent of the SBO boundary. The Panel relies upon Melbourne Water’s recommendation to amend the boundary as shown in the map of their correspondence to Mr Blanksby dated 17 August 2017.

Whilst this change was not an exhibited part of the Amendment, the Panel is satisfied that it does not transform the Amendment as it is removing, rather than applying, a control and the affected party is aware of the change.

(iii) Conclusion

The SBO should be modified at this property to reflect the Melbourne Water recommendation.

4.5 19 Agnes Street, Beaumaris

(i) Submissions

Mr Reynolds’s opposition to the SBO was based upon his observations and measurements during what he described as a rain storm on 29 December 2016 between 3:00 pm and 4:00 pm. He had recorded 22mm in his rain gauge at the property during a 15 to 25 minute interval. He described to the Panel how the resultant flooding affected the nearby streets. He also highlighted that water was impeded by blocked drain entries due to humus and debris. The overland flows were at a depth of 50mm over the weir at the South Beaumaris Concourse. He submitted that this was not a flood level, but local storm water inundation.

Melbourne Water and Council planners and engineers had a site meeting with Mr Reynolds and viewed a number of sites. Melbourne Water’s response to Mr Reynolds’s observation is contained in a letter dated 3 March 2017, and a follow up letter dated 27 November 2017.7

Melbourne Water has responded to Mr Reynolds’s assertions that his recorded rain intensity equated to a 1 in 40 year event. It agreed with his observation regarding overland flows.
Mr Reynolds presented a detailed statement to the Hearing principally questioning the hydraulic analysis. He highlighted that the dynamic flows over Balcombe Road and further south into Agnes and Herbert Streets would need sufficient dynamic head to push flow over the barriers on the road pavement.

Mr Jayasinghe (Melbourne Water Engineer) stated the TUFLOW modelling inputs had been updated to take in account natural features and road way barriers. He informed the Panel that the modelling includes consideration of dynamic head effects.

Melbourne Water stated that it would not be recommending any changes to the exhibited flood shape as a result of its in-situ investigations.

(ii) Discussion

Mr Reynolds’ submission was discussed at length during the Hearing. Although not submitting expert evidence, his Chartered Professional Engineer qualification was noted by the Panel in weighting his submission.

The Panel is satisfied that the explanations provided by Melbourne Water in its letter on 27 November 2017 constitute an appropriate response. Some features within the roadways could affect the surface dynamic flows and creation of a head of water, but this could not be proven or dismissed without detailed physical modelling of the sub catchment. Such analysis is beyond the remit and resources of this Amendment process.

The Panel is satisfied that Melbourne Water has reasonably responded to Mr Reynolds’ assertions that the method used by Melbourne Water is an invalid process. Mr Reynolds should make a request to Council if he is concerned that critical drains may be blocked and require clearing. Council should respond to such requests to inspect drains as required more frequently than the current twice yearly.

(iii) Conclusion

The SBO should not be modified in response to the submission.

4.6 9 Holyrood Street, Hampton

(i) Submissions

Mr Robinson objected to the inclusion of properties in the SBO as the update will create a stormwater detention area over some of the properties. Melbourne Water responded that updating the SBO in the Bayside Planning Scheme is not creating stormwater detention areas over properties. The main drains throughout the municipality of Bayside were generally designed to a 1 in 5 year storm capacity, in accordance with the standards of the time.

In the event of a storm in excess of the capacity of the main drains, the drainage system would not be able to convey the resulting runoff and overland flows will occur along the natural valleys. The SBO is based upon the overland flows which would result from a 1 in 100 year storm event and will enable Council and Melbourne Water to ensure that redevelopment meets current standards.

Mr Robinson also submitted the following points.
Property values

The inclusion of the property in the SBO may impact on the value of the property. Melbourne Water’s response was that the SBO has an important function to reflect the underlying condition of the land to current property owners and future purchasers of affected properties, so they may make informed decisions about the property and about planning for their own safety during storm events.

It submitted property values are determined by many different factors, including location, streetscape and amenity, the current economic conditions, as well as planning controls. It is therefore difficult to assign what affect, if any, the identification of land as liable to overland flows by the SBO may have on property values; it should not have any bearing on the application of the SBO.

Increased stormwater flows

It is probable that the stormwater flow will increase further from proposed property developments that have not yet been built. Melbourne Water responded that the risk of flooding from high intensity, low frequency events is not attributable to any recent increase in residential densities which may have occurred in Bayside. The occurrence of overland flows is due primarily to the limited capacity of the drainage infrastructure that was generally only required to be designed and constructed to the 1 in 5 year standard.

Although incremental developments throughout the catchment may contribute to increases in runoff, this would only impact marginally upon what is an existing risk of inundation from the large storm events. When calculating flows generated by a 1 in 100 year storm event the runoff coefficients chosen are quite high as it is assumed that all areas will be contributing runoff. This is based on the assumption that the pervious component of the catchment is saturated or soon to be saturated, and therefore behaving like the impervious component in terms of runoff, therefore any additional development that may have occurred is likely to have little effect on the risk of flooding from a high intensity low frequency event.

The impacts of redevelopment on increases in runoff may be more significant for smaller, more frequent storm events. To manage the generation of runoff throughout the entire catchment and mitigate its effects upon existing levels of infrastructure service, Councils and Melbourne Water utilise a variety of means. Existing planning scheme provisions such as subdivision controls are used to require retention or retardation measures or receive a contribution fee towards the cost of maintaining or upgrading of drains.

Infrastructure upgrades

Pipes should be upgraded along Holyrood Street and under the Sandringham Railway Line. Melbourne Water’s response was that flood mitigation works for the entire metropolitan region, financed through the drainage rate, would cost the community billions of dollars and can only be undertaken incrementally over a period of many years. The most practical and economical solution is to manage new development by raising floor levels of new buildings, in association with a capital works program.

Given the many catchments across the region have a serious flood exposure, and the high cost of works, it will take many years to deliver mitigation projects even just to the locations
where it is feasible and cost effective. Delaying the updating of the SBO for such an uncertain outcome is not prudent.

**Development contributions**

Council is collecting fees from developers and these fees should be used to upgrade the stormwater system. Compensation should be paid for loss of amenity and potential restriction on development opportunities.

Council responded that it is investing more than $20 million over 10 years to upgrade its local drainage infrastructure, and reduce the risk of flooding. A Drainage Development Contributions Plan was submitted to the Minister for Planning in April 2016 for consideration.

**(ii) Discussion**

Melbourne Water responded to Judy and David Robinson in writing dated 23 February 2017 detailing its reasons for not recommending any changes to the proposed SBO.⑤ Any effect that the Amendment may or may not have upon the property values is not accepted as a valid planning consideration.

The Panel has considered the responses of Melbourne Water and Council and is satisfied that they are appropriate.

The Panel notes that there are issues associated with the Holywood Street drain and comments on this piece of infrastructure further in Section 4.9.

**(iii) Conclusion**

The SBO should not be modified in response to the submission.

**4.7 2A Moore Street for owners and the Elwood Flood Action Group (EFLAG)**

Mr Hermann and Mr Love⑥ objected to the LSIO being removed from Elsternwick Park. The entire Park should be within the LSIO due to the presence of an open watercourse.

They submitted that the LSIO necessitates a greater degree of volume and velocity, has higher and safer minimum freeboard building requirements, and promotes greater downstream safeguards. It is the most appropriate and relevant planning overlay for the Park.

They submitted that the Amendment paid no heed to the flooding history in and around Elwood. A Memorandum of Understanding has been entered into by the four neighbouring municipal Councils to address the flood mitigation in Elwood. The Amendment will have a negative impact on the residents and businesses of Elwood.

They further submitted the impetus of this Amendment arises from Bayside Council’s desire to develop sporting facilities at Oval 1 in particular and Elsternwick Park North in general. The CSIRO and Port Phillip Council modelling suggests that Elsternwick Park could be more

⑤ Document 7, Attachment 2.

⑥ The submissions included Submission 66 from EFLAG which was a late submission not considered by Council.
vulnerable to flooding as a consequence of sea level rise and associated storm surges. This will affect the ability of Elster Creek to drain the sub catchment.

The proposed removal of LSIO and alteration of the existing SBO leaves some areas, including the tennis courts, completely unprotected by either the LSIO or an SBO.

Reclassifying Elster Creek as a drain and as part of the Elwood Canal is not only offensive to Elster Creek, but inaccurate as a canal is by definition a waterway that is navigable by craft.

The approach in their view is short term and piecemeal to enable a particular development which is detrimental to the community that Council and Melbourne Water have a duty of care for. Currently, an SBO has a base of 300mm and no restrictions about adding to flood water downstream. An LSIO has a base of 600mm and a requirement not to contribute to downstream flooding putting lives and property at risk.

Melbourne Water responded that the replacement of the LSIO with an updated SBO provides consistency of the flood overlays across municipal boundaries. The majority of Elster Creek through Elsternwick Park is a canal, not an open watercourse.

The SBO is a planning tool that requires Council to refer any new development in the overlay to Melbourne Water for any comments and permit conditions. This gives Melbourne Water the opportunity early in the planning process to address any drainage, flood management and environmental issues.

The issues of freeboard, flood flow, flood storage, site safety and access safety are addressed by Council and Melbourne Water at the permit stage of development and are not included in a Planning Scheme update.

(i) Discussion

Elwood and Elsternwick Park are evidently important considerations for EFLAG in relation to the Amendment. The SBO was first introduced into the Bayside Planning Scheme in 2002. Melbourne Water is the Proponent for the Amendment and is updating the SBO across the municipality. The SBO changes were not instigated by any proposed developments.

Melbourne Water confirmed that the tennis courts are not affected by the SBO changes.

Removing the LSIO and applying a modified SBO would provide consistency of the flood overlays along Elster Creek and across municipal boundaries. During the Panel’s site inspection, it was evident that the majority of the Creek is not an open watercourse.

Elster Creek is not being reclassified as a drain, and the SBO will ensure that drainage, floodplain management, and environment issues are addressed early in the planning process.

Any new development in the SBO or LSIO referred to Melbourne Water is accessed in accordance with its Guidelines for Development in Flood Prone Areas.

The issues of freeboard, flood flow, flood storage, site safety, and access safety are addressed by Council and Melbourne Water at the Planning Permit stage of development, and are not included in a Planning Scheme update. Melbourne Water noted that higher freeboards may be required where additional margins of safety are required and works or buildings must not affect floodwater flow capacity in both overland flow paths and
floodplains. These issues are addressed at the Planning Permit stage and are not part the SBO changes.

Melbourne Water has responded in writing to Mr Hermann (dated 31 March 2015 and 17 February 2017) and Mr Love (4 December 2017). The Panel is satisfied that Melbourne Water has detailed its method and reasons in recommending the SBO boundaries. In summary, Melbourne Water recommended no changes to the exhibited flood shape at this location.

The Panel accepts Melbourne Water’s recommendation.

(ii) Conclusion

The Amendment should not be modified in response to the submissions.

4.8 11A Holyrood Street, Hampton

This property relates to Submission 65, one of the late submissions not considered by Council.

(i) Submission

The submission raises some of the similar issues as that for 9 Holyrood Street addressed in section 4.6; particularly issues related to drainage under the rail line and increased development.

(ii) Discussion and conclusion

The issues raised in the submission are addressed in Section 4.6 and the Panel is satisfied that they provide no grounds for a review of the property.

The SBO should not be modified in response to the submission.

4.9 6 Beach Road, Hampton

(i) Submissions

The Crampton submission was that the Amendment constituted acquisition of rights over their property to effectively create an easement that would allow forecast flooding to be diverted through the property. They claimed it to be based on inaccurate technical assumptions.

Melbourne Water has previously advised that overland flow paths have enormous primary “value” as storage areas and flow routes for excess runoff of floodwaters. Melbourne Water considers that the cost of building engineered structures to otherwise accommodate excess runoff is excessive.

The flow model does not consider that the property has a rear fence with 1 metre deep foundations and 400mm high sleepers that act as a retaining wall before the fence palings commence. This fence has a 30-year life. The model also fails to consider the obstructions to the house itself which spans almost the entire width of the block.

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10 Document 7, Attachments 3.1 and 3.2.
Melbourne Water’s response was that the SBO is not acquiring any rights or creating easements over properties, it is a planning tool that requires Council to refer any new development in the overlay to Melbourne Water for comment and permit conditions. The SBO would provide Melbourne Water the preliminary opportunity in the planning process to address any drainage, flood management and environmental issues. There are also no requirements on existing buildings.

The methodology was considered in Chapter 3 and Melbourne Water reiterated that it had a high level of confidence in the approach.

Melbourne Water was unable to locate the existence of the “flow paths have enormous primary value as storage” reference.

The SBO recognises an existing condition of the land. It requires a planning permit for building and works, and the referral of applications to Melbourne Water. The overlay identifies for strategic any statutory purposes, an area of interest in which the existing drainage conditions of the site need to be considered as part of any responsible design and planning approvals process. Each site can be investigated further, and a detailed assessment be made through the permit application process.

Properties are not uniformly affected by overland flows and Melbourne Water’s requirements for development will depend upon the characteristics of the site, the predicted stormwater flow depths and velocities, and the particular development proposed.

The purpose of the flood modelling undertaken by Melbourne Water is to provide a high-level overview of locations that could be affected by a storm having a 1 per cent chance of occurring in any year, so that appropriate planning advice can be provided. Because the modelling is undertaken for the whole of a catchment, they submitted it is not practical to include details of every house and fence individually and nor is it required for the mapping to be fit for purpose. Residential areas are represented in these models by areas of increased roughness, which means that water will find it more difficult to travel through these areas, which is what happens in reality.

Fences and even dwellings are not permanent, and when they are replaced the flow conditions across the property could change. Melbourne Water submitted that modelling the residential areas with a high roughness means that when these local changes occur, the overall flood shape will usually still be applicable.

Melbourne Water restated that the Amendment updates the flood modelling that was first introduced into Bayside Planning Scheme around 2002. Water is not being diverted through properties and the mapping is of overland flow paths in a 1 in 100 storm event.

Council proposed that its City Assets and Projects Department advocate to VicRoads regarding upgrading the Holyrood Street drain.

(ii) Discussion

Melbourne Water responded to the issues raised by the Cramptons in a letter dated 9 March 2017. Mr Crampton’s submission at the Hearing again asserted his claim that Melbourne

\[\text{Document 7, Attachment 4.}\]
Water’s intention is to create a flow path over 6 Beach Road, Hampton. He had either not read the letter or refuted the explanations contained in it.

He claimed that the in-situ levels in the street demonstrate that there is no natural flooding issue at that location. Recent heavy rain events had not encumbered the property by flooding.

The Panel had inspected the site prior to the Hearing and went to some effort to clarify the SBO process and modelling to Mr Crampton during the Hearing. Melbourne Water Engineer Mr Jayasinghe also reiterated the contents of the letter. Melbourne Water had reviewed the property.

Mr Crampton asserted that VicTrack (which abuts the rear of the property) does not take its drain maintenance responsibilities seriously, by not clearing debris from flow paths. His submission contained photographs illustrating the level of debris beyond his rear fence.

The Panel again notes that the LiDAR levels do not provide absolute accuracy under buildings and structures, but rather extrapolates laser readings taken either side of walls. The TUFLOW modelling suggests that a flow path exists beneath the dwelling at 6 Beach Road, Hampton, recognising the previous comments above about the effect of buildings and structures. Notwithstanding the data levels map already provided to Mr Crampton this instance may be a modelling anomaly, that the Panel considers should be ground-truthed through a detailed survey by Melbourne Water.

The Panel supports Council’s proposal to advocate to VicRoads regarding upgrading the Holyrood Street drain. The Panel suggests that Council advocate to VicTrack to maintain the boundary of its property with respect to the predicted stormwater flow path.

While the Panel relies upon the recommendation of Melbourne Water that the property be included in the SBO, it finds it reasonable to prioritise this site for a remedial drain upgrade. This should not delay the Amendment.

Melbourne Water and Council should work collaboratively in the instance to determine the in-situ levels that prove the modelled flow path, and progress an upgrade of the Holyrood Street drain.

(iii) Conclusion

Melbourne Water should ground truth through a detailed survey the modelled flow path prediction, then provide this information to Council for advocacy to upgrade the Holyrood Street drain (or other remedial drainage outcomes that are reasonable for 6 Beach Road, Hampton).

The SBO should not be modified in response to the submission.

4.10 22 Coronation Street, Brighton East

(i) Submissions

Mr Aarons questioned how the flood shape was generated and was interested in the details about height/storm duration and volume flood. He also asked:
who will be accountable for the potential impact that the SBO would have on the value of the property and insurance premiums?
who would pay the costs associated with now requiring planning permits to undertake works?
what restrictions are now imposed in relation to building heights and basement carparking?

Melbourne Water supplied a copy of our Flood Modelling Methodologies document to Mr Aarons. It reiterated that the SBO is a planning tool that requires Council to refer any new development in the overlay to Melbourne Water for any comments and permit conditions. This gives Melbourne Water the opportunity early in the planning process to address any drainage, flood management and environmental issues. An overlay across the front of the property as in this case will ensure that if a new development includes basement car parking that appropriate conditions are applied.

Melbourne Water sent a letter to Mr Aarons dated 21 February 2017 addressing the issues raised by him.12

(ii) Discussion
The Panel is satisfied that Melbourne Water has responded reasonably to the submission and accepts its recommendation that the SBO not be modified.

(iii) Conclusion
The SBO should not be modified in response to the submission.

4.11 5 Snooks Court, Brighton

(i) Submissions
Melbourne Water responded to Mr Brooker’s request for further information.

(ii) Discussion
Mr Brooker supported that work of Melbourne Water and made further submission to the Hearing. He agreed that severe rain events created a risk of increased flooding, but requested that Melbourne Water and other statutory authorities provide less technical information to the affected community. His submission sought no change to the SBO.

4.12 3 Bleazby Avenue, Brighton

(i) Submissions
There is only one data point of 50mm water depth at 3 Bleazby Avenue and two data points at 1 Bleazby Avenue. Melbourne Water considers this very minor and recommended amending the exhibited SBO.

---

(ii) **Discussion**
The Panel accepts the recommendation of Melbourne Water that the extent of the SBO on the property is very minor.

(iii) **Conclusion**
The SBO should be modified to reflect the Melbourne Water recommendation.

**4.13 5 Mary Street, Brighton**

(i) **Submissions**
There is only one data point of 50mm water depth at 5 Mary Street, Brighton. Melbourne Water considers this every minor and recommended amending the exhibited SBO.

(ii) **Discussion**
The Panel relies upon the recommendation of Melbourne Water that the extent of the overlay on the property is very minor.

(iii) **Conclusion**
The SBO should be modified to reflect the Melbourne Water recommendation to remove the SBO.

**4.14 196 Esplanade, Brighton**

(i) **Submissions**
Melbourne Water considers the SBO coverage very minor and recommended amending the exhibited SBO to remove it.

(ii) **Discussion**
The Panel accepts the recommendation of Melbourne Water that the extent of the overlay upon the property is very minor.

(iii) **Conclusion**
The SBO should be modified to reflect the Melbourne Water recommendation to remove the SBO from the property.
4.15 Recommendations

The Panel recommends:

Remove the Special Building Overlay from:

3 Bleazby Avenue, Brighton
5 Mary Street, Brighton
196 Esplanade, Brighton
334 North Road, Brighton East

Reduce the extent of the existing Special Building Overlay on 4 Royal Avenue, Sandringham in accordance with the map in the Melbourne Water letter to the property owner of 17 August 2017, such that the Special Building Overlay only applies to a small area fronting Royal Avenue.

The Panel also recommends:

Melbourne Water ground truth, through a detailed survey, the modelled flow path prediction at 6 Beach Road, Hampton.
## Appendix A  Submitters to the Amendment

<table>
<thead>
<tr>
<th>No.</th>
<th>Submitter</th>
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<tbody>
<tr>
<td>1</td>
<td>Brian Walsh</td>
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<td>2</td>
<td>Andrew Dundo</td>
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<td>3</td>
<td>Peter and Julie Corke</td>
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<td>John David Shawyer</td>
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<td>5</td>
<td>Z Zhang and G F Yan</td>
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<td>6</td>
<td>Ian Pitt (First Jodrian Pty Ltd) and Helen Pitt</td>
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<td>7</td>
<td>Peter Mondy</td>
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<td>8</td>
<td>Albrecht Scholer</td>
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<td>9</td>
<td>Marion Dickson</td>
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<td>10</td>
<td>Mrs Patricia Lewin and Ms Rebecca Lewin</td>
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<td>11</td>
<td>John Hammer</td>
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<td>12</td>
<td>Dr Christopher Rosario</td>
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<td>13</td>
<td>Shane and Kerrianne Peters</td>
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<td>14</td>
<td>Donald Blanksby</td>
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<td>15</td>
<td>Adrian Simnett</td>
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<td>16</td>
<td>ID Hermann</td>
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<td>17</td>
<td>Sam Fitzpatrick</td>
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<td>David Rovley</td>
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<td>19</td>
<td>Philip Leeden</td>
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<td>Philip Tan</td>
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<td>21</td>
<td>Rob Mills</td>
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<td>22</td>
<td>Jeremy Trotman</td>
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<tr>
<td>23</td>
<td>Jennifer and Peter Lucas</td>
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<tr>
<td>24</td>
<td>Mrs Bernadette, Ms Anna and Mr Adam Barnes</td>
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<td>25</td>
<td>Pamela Webb</td>
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<td>26</td>
<td>Phil Aarrons</td>
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<td>27</td>
<td>Nodda Regos</td>
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<td>28</td>
<td>Pamela Summer</td>
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<td>29</td>
<td>Vittorio Valento</td>
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<td>30</td>
<td>Judy and David Robinson</td>
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<td>31</td>
<td>Shirley Walker</td>
</tr>
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</table>
32 Sandra Traviati
33 Colin Hammond Eight Wright Street P/L
34 Neil Stanford
35 P M O’Neill
36 Wayne Kell
37 City of Port Phillip
38 Georgina Pizey
39 Geoffrey Gronow
40 Nevan and Deb Wedeson
41 Michael and Bernadette Scarlata
42 Charmayne Rose
43 Grant & Ingrid Sabin
44 James Calder
45 George Reynolds
46 Jane Athanasiadis
47 Felix Bernsteeyn
48 Carla Jong
49 Claire Fitchett
50 S Weerakoon
51 Gwyneth Lock
52 Trish (last name not supplied)
53 Ludmila and Andrew Barnes
54 Peter Cotton
55 A Golding
56 Peter Krellfield (Power of Attorney) on behalf of Barbara Walker
57 Cameron (CG) and Marion (MM) Crampton
58 Barry E Brooker
59 Rod and Sandy Lewinsmith
60 Farideh Khanbashi
61 Ruth M Benjamin
62 Dawn M Scholes
63 Donna Jones
64 Phil Morecroft (Power of Attorney) on behalf of E J C Morecroft
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<tr>
<td>65</td>
<td>WA and Sandra Sanger</td>
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<tr>
<td>66</td>
<td>Elwood Flood Action Group</td>
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Appendix B  Parties to the Panel Hearing

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Represented by</th>
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<tbody>
<tr>
<td>Bayside City Council</td>
<td>Tom Vercoe and Matt Budahazy</td>
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<tr>
<td>Melbourne Water</td>
<td>Mike Kearney assisted by Ruwan Jayasinghe</td>
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<tr>
<td>David Robinson</td>
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<tr>
<td>Elwood Flood Action Group</td>
<td>Isaac Hermann and Geoff Love</td>
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<tr>
<td>Cameron Crampton</td>
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<td>Phillip Aarons</td>
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<td>Eight Wright Street Pty Ltd</td>
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<td>Colin Hammond</td>
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<td>George Reynolds</td>
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<td>Barry Brooker</td>
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### Appendix C  Document list

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<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>11/12/17</td>
<td>Council Part A Submission</td>
<td>Mr Budahazy</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Letter from Melbourne Water 27/11/17 to Mr Reynolds</td>
<td>Mr Kearney</td>
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<tr>
<td>3</td>
<td></td>
<td>Additional submission by Mr Reynolds 4/12/17</td>
<td>Mr Reynolds</td>
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<td>4</td>
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<td>Email from Mr Robinson</td>
<td>Mr Robinson</td>
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<tr>
<td>5</td>
<td></td>
<td>Email response from MWC to Mr Reynolds 7/12/17</td>
<td>Mr Kearney</td>
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<td>6</td>
<td></td>
<td>Council Part B Submission</td>
<td>Mr Varcoe</td>
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<td>7</td>
<td></td>
<td>Melbourne Water Corporation Part B</td>
<td>Mr Kearney</td>
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<td>8</td>
<td></td>
<td>Plan of weir effect in Balcombe Road</td>
<td>Mr Reynolds</td>
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<td>9</td>
<td></td>
<td>Subject Area Coronation Street</td>
<td>Mr Aarons</td>
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<td>10</td>
<td></td>
<td>Video presentation of Coronation Street flooding 4/2/17</td>
<td>Mr Aarons</td>
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<tr>
<td>11</td>
<td></td>
<td>Submission Love &amp; Hermann (EFLAG)</td>
<td>Messiers Love &amp; Hermann</td>
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<td>Initial submission EFLAG (via email)</td>
<td>Love &amp; Hermann</td>
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<td>Mr Crampton submission</td>
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<td>Mr Brooker submission</td>
<td>Mr Brooker</td>
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<td>15</td>
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<td>Mr Hammond photographs Wright Street</td>
<td>Mr Hammond</td>
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<td>16</td>
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<td>Flood Provisions in Planning Schemes PN#12</td>
<td>Mr Varcoe</td>
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</table>
Executive summary

Purpose and background
The purpose of this report is to advise Council on the implications for Council’s kerbside recycling collection service arising from changes affecting the Victorian recycling industry. The report also outlines future plans to establish advanced waste and resource recovery facilities to address Melbourne’s growing population and waste generation dilemma.

In Victoria, the collection of recyclable materials is a service delivered to residents by local governments that relies on the private sector to process the collected materials (i.e. sort, clean, cut, melt, consolidate). Some material is exported to countries that use the material as an input to manufacturing (predominately China).

The practice of recycling plastic, paper, cardboard and metals reduces the detrimental aspects of disposing waste to landfill (landfilling) such as:

- Inefficient use of resources: opportunities for waste materials to be recovered for re-use, recycling or conversion to energy are lost; and
- Increasing cost of landfilling: the Victorian State government’s approach of approving less airspace for new landfills and charging a levy to the material disposed in landfills has increased the cost of landfilling, which is borne directly by the community through the municipal waste charge.
- Identifying and reserving valuable land in large and expanding urban areas.

Council has a contract with one of the three main recyclers operating in Victoria. The contract with Polytrade was awarded on the basis that recyclable material collected from kerbside bins in Bayside would be purchased by Polytrade at the rate of $70 per tonne. This has resulted in a past annual revenue for Council in the order of $800,000. This contract commenced in 2013.

The residual waste collected from Bayside households (the garbage bin) is currently sent to landfill in the Western suburbs. This results in long transport distances for the collection trucks and increases the amount of traffic on roads. This material has potential as a resource, such as a fuel for waste to energy technologies. However, no such facilities are in large-scale commercial operation in Victoria.

Key issues
Recycling
Recycling collected in Victoria is separated into plastics, glass, paper/cardboard and metals. The below table represents the percentage of these materials exported to overseas markets:

<table>
<thead>
<tr>
<th>Materials Type</th>
<th>% Exported Overseas</th>
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<tbody>
<tr>
<td>Plastics</td>
<td>43%</td>
</tr>
<tr>
<td>Glass</td>
<td>43%</td>
</tr>
<tr>
<td>Paperboard</td>
<td>76%</td>
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<tr>
<td>Aluminium</td>
<td>66%</td>
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</tbody>
</table>

Figures from 2015/16 Australian Packaging Covenant
Demand from China for recyclable material has waned over recent years due to two factors:

a) An increase in affluence of the middle class in China and a cultural shift to consumerism occurring over the past 10 years, resulting in a large volume of recyclable material being available locally within China and other Asian countries; and

b) Persistent low global commodity prices that make virgin manufacturing materials more competitive than recyclables that need to be collected, sorted, processed and transported long distances.

This reduction in demand, and consequently price, has created cost pressures for local recyclers. Council accepted a reduced purchase rate of $50 per tonne in 2016/17 to support Polytrade financially to deal with these market difficulties.

On 1 January 2018, the Chinese government imposed restrictions on the import of recyclable materials by lowering the contamination levels that are accepted for imported recyclable materials and reducing the grant of import licences. At current processing standards, the quality of recyclable material generated in Australia does not meet the lower contamination requirement. Without the demand for recyclables from overseas countries with a high manufacturing output such as China, the local recycling industry has limited options for moving the material on for processing. This is a worldwide issue with North America and parts of Europe also impacted.

To increase the standard of processing required to export recycled material to China under the new restrictions, local recyclers such as Polytrade have thought to introduce fees to continue to receive and process domestic recyclables. At the reported $60 per tonne this represents a $1.4 million increase in cost for waste collection services in Bayside and Polytrade has sought a fee higher than this amount. Even with higher processing costs, the greater problem is that there is no certain end-use for the material, given global demand remains low.

With other local recyclers, Polytrade and Council are seeking urgent financial support from the State government financial reserves collected from landfill levies to support a sustainable resource recovery industry. Although not a short term solution, there is an opportunity to protect the local recycling industry from fluctuating overseas demand for recyclables by establishing the following local practices and measures (listed in order of priority):

1. A change in consumer behaviour to minimise the amount of packaging for products that are purchased.
2. Increased awareness of and opportunities for products to be re-used through online buy/swap and sell, garage sales, donations to op-shops and recovery/resale at tip shops; and
3. Recycling the recyclable material through local recyclable manufacturing markets, supported through investment from the sustainability fund generated from landfill levies. Furthermore, product stewardship schemes are required to ensure companies that manufacture and package products are required to collect used and unwanted products and packaging directly from their customers and for these materials to be reused in the manufacture of their products.

Until such changes are realised, the stockpiling or landfilling of domestic kerbside recyclable material is considered the only practical options to this crisis while the local recyclers work to improve their sorting process to make the material suitable for export or use in local markets. In terms of a coordinated inter-governmental response to this situation, the following actions are planned in the short, medium and long term by the Department of Environment, Land, Water and Planning, Sustainability Victoria, Metropolitan Waste and Resource Recycling Group (MWRGG) and councils:
Short term (next 6 months)
- Gather, analyse and provide industry data and information;
- Provide advice to Minister Energy, Environment and Climate Change The Hon Lily D’Ambrosio;
- Contingency planning for the event local recyclers cannot accept recyclable material;
- Meeting with industry in the sorting and processing sectors;
- Liaison between State government and councils (state-wide);
- Advice to councils on contract negotiations; and
- Effective communications to residents.

Medium (next 2 years)
- Collective procurement (for councils);
- Recycling education campaigns;
- Sustainable procurement;
- New end markets – domestic and international; and
- Better sorting equipment.

Long (next 5 years)
- Collective procurement (for council);
- Avoidance campaigns;
- Redesign of products, marketing and point of sale;
- Product stewardship schemes with manufacturers; and
- Ensure market sustainability.

It is imperative that the recyclables collected by Council are not sent to landfill. For the recyclables to continue to be processed, a short term variation to Council’s contract with Polytrade will need to be renegotiated. During the short term variation (to 30 June 2018) Council will work with the MWRRG to establish a longer term solution. It is recommended that the Chief Executive Officer be authorised to vary the contract with Polytrade for the processing of recyclables.

Residual Waste Processing
The Metropolitan Waste Resource Recovery Group (MWRRG) is facilitating a collective procurement process that will enable participating Councils to dispose of garbage at advanced residual waste processing facilities rather than to landfill. As a member of MWRRG, Council has an opportunity to participate in the procurement of such advanced treatment facilities. The figure below depicts the timeframes provided by the MWRRG in establishing such a facility.
The establishment of an advanced alternative waste treatment facility in the south east of greater metropolitan Melbourne would reduce transport distances and ultimately result in lower landfill volumes from the Bayside community. It is recommended that Council participates in the MWRRG’s development of a collaborative (multi Council) contract for the procurement of advanced alternative waste treatment processing.

**Recommendation**

That Council:

1. Authorises the Chief Executive Officer to negotiate a variation to the receipt of recyclables contract CON/12/69 for the 2017/18 financial year noting that the financial impact is likely to be up to $900,000; and

2. Confirms its commitment to developing procurement models for advanced waste treatment facilities in collaboration with the Metropolitan Waste and Resource Recovery Group (MWRRG).

**Support Attachments**

Nil

**Considerations and implications of recommendation**

**Liveable community**

**Social**

Domestic recycling and waste management services help residents to keep their property safe and hygienic through regular removal of waste. Greater efficiencies and income generated by increased resource recovery from the municipal waste stream can be invested into other services for the community.
Natural Environment
Appropriate recovery of resources and minimising disposal of waste to landfill assists to keep the natural environment, including our beaches and waterways, free of litter and waste. The Environmental Sustainability Framework sets waste reduction targets over the next ten years.

Built Environment
Appropriate waste management services contribute to the amenity of urban streetscapes by ensuring they remain free of waste are safe and tidy for the community.

Customer Service and Community Engagement
Maintaining a regular kerbside recycling waste collection service to the community is a core service of Council and any disruption would be highly undesirable. The current residential recycling and waste collection services are affected by the matters raised in this report, particularly from a financial perspective. The Municipal Association of Victoria has issued a number of state wide media releases and Bayside has also issued media releases and included material on the website to inform the community of this issue.

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

Legal
Current contracts exist for both collection and disposal of residential recycling, garden organics and domestic waste. Variations proposed to the current recycling processing contract will be reviewed by Council’s lawyers before proceeding. An exemption from the tendering requirements of Section 186 of the Local Government Act has been sought to facilitate the negotiation of a variation.

Finance
The transition from receiving a rebate for recyclables to having to pay for processing could have a net cost impact of more than $1.6 million annually, a cost which is borne directly to Bayside residents through the municipal waste charge.

The State government has announced a $13 million support package to assist Councils meet the additional costs of processing kerbside recyclables. Some details of this package have been released and it appears that support of $60 per tonne of recyclables will be provided to Council for recyclables processed from March to June 2018.

For the 2017/18 Budget the cost impact is expected to be around $900,000 consisting of lost revenue, payment for processing recyclables and government support payments.

Links to Council policy and strategy
The Council Plan 2017 - 2021 includes Goal 5 – Environment and includes a Strategy to reduce the Bayside community’s volume and percentage of waste that goes to landfill. Also, the Bayside Environmental Sustainability Framework highlights the responsible management of waste by Council.

The continuation of responsible resource recovery, collection of kerbside waste and landfill disposal will assist Council to achieve these strategies.
Options considered

This paper provides information on the current recycling and waste services provided by Council. A Strategic Service Review is underway to examine current practices and will inform the development of a new recycling and waste strategy to guide service options and the requisite contracts past 2022.
10.13 SYRINGE COLLECTION AND DISPOSAL CENTRE - BRIGHTON

City Planning & Community Services - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/53198

Executive summary

Purpose and background
To present a report to Council on the status of the installation of a new syringe collection receptacle on the exterior of the Brighton Chamber building.

At its meeting of 24 May 2016, Council adopted the report ‘Feasibility Study into a syringe collection and disposal centre’ and resolved that Council installs a new collection receptacle on the exterior of the Brighton Chamber building for the disposal of used sharps syringe containers.

Key issues
Since the resolution, Heritage Victoria has indicated its opposition to the proposal in terms of the location proposed. Significant discussion between Council and Heritage Victoria has followed. Written advice from Heritage Victoria is attached.

Council provides a sharps/syringe container collection and disposal service at the Bayside Corporate Centre, Sandringham during business hours. The current service offered at the Bayside Corporate Centre is well utilised. Approximately 60 containers are collected and dropped off by residents on a fortnightly basis (approximately 1560 per year).

In addition to Council services, the following seven local pharmacies offer a sharps/syringe collection and disposal service:

- Bayside Pharmacy, 602 Hampton Street, Brighton,
- Middle Brighton Pharmacy, 2 Church Street, Brighton,
- National Pharmacy Hampton, 379-381 Hampton Street, Hampton,
- Moorabbin Pharmacy, 908 Nepean Highway, Hampton East,
- Sandringham Amcal Pharmacy, 95 Station Street, Sandringham,
- Pharmacy 360, 16 Bluff Road, Black Rock and
- Seaview Pharmacy, 342 Balcombe Road, Beaumaris.

In the last 18 months, Council has received no complaints or negative feedback with regard to the syringe container collection and disposal service. There does not appear to be a strong community need for the installation of additional syringe disposal facilities within the municipality.

Council could consider alternative locations within the vicinity of the Brighton Council Chamber building, however, consideration would need to be given to more discreet locations (such as the carpark, footpaths and loading zones) which do not require heritage approval in this sensitive precinct.
Recommendation
That Council notes that a new syringe collection receptacle is no longer required to be installed on the exterior of the Brighton Chamber building on the basis that need appears to be satisfied by existing facilities.

Support Attachments
1. Letter regarding placement of sharps bin - Brighton Municipal Offices, 15 Boxshall Street Brighton (h1292) - Department of Environment Land Water & Planning ↓
Considerations and implications of recommendation

Liveable community

Social
The provision of safe sharps collection and disposal facilities contributes to maintaining a healthy and safe environment for the general community.

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

Built Environment
Heritage Victoria will restrict placement of a syringe disposal unit on the registered building as it may have a detrimental impact on the cultural heritage significance of this place.

Customer Service and Community Engagement
The current service offered at the Bayside Corporate Centre is well utilised. Approximately 60 containers are collected and dropped off by residents on a fortnightly basis (approximately 1560 per year), with Council Officers receiving no negative feedback with regard to accessibility of this service.

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

Legal
In accordance with The Public Health and Wellbeing Act 2008, Bayside City Council has a duty to seek to protect, improve and promote public health and wellbeing within its municipal district.

The safe disposal and removal of syringes and sharps helps to protect public health and wellbeing, by minimising the risk of exposure to blood product waste and infectious diseases.

Finance
The 2016/17 annual budget for the sharps/syringe collection and disposal service offered at the Bayside City Council Corporate Centre is $13,500.

Links to Council policy and strategy
The provision of syringe disposal is consistent with the following Council Plan strategies: Wellbeing for All Ages and Abilities (2017-2021): Objective 3.3 Improve community safety. The safe disposal and removal of syringes and sharps will improve community safety and minimise the risk of infectious diseases.
Mr Con Tsekouras
Environmental Health Coordinator,
Amenity Protection,
Bayside City Council
76 Royal Avenue
SANDRINGHAM VIC 3191

Dear Mr Tsekouras

RE: BRIGHTON MUNICIPAL OFFICES, 15 BOXSHALL STREET BRIGHTON (H1292)

Thank you for your email dated 31 July 2017 enquiring about what form of approval may apply to your proposal to install a community sharps bin at the above registered place. I understand that you have had a recent discussion with Senior Heritage Officer Michael Galimany in relation to this matter; before this I am aware you had correspondence with Heritage Officers Justin Francis and Martin Zweep of this office in relation to this proposal.

I am concerned that the placement of this facility in proximity (whether free standing, integrated or fixed) to this registered building will have a detrimental impact on the cultural heritage significance of this place. I would like to know why this location – the original main entry to the building but now solely used by councillors and council staff has been selected. I note that the entry is not conveniently located to the street, and there is no easy access for people with mobility issues to the facility.

The potential impacts of the placement of the community sharps bin in the location proposed are such that the matter could only be determined by way of a full permit application. Information about how to prepare your permit application is available on our website at www.heritage.vic.gov.au

However, I would ask that you reconsider the bin placement for one in easy reach of the at-grade footpath and not at this sensitive location. Approval for the placement of the sharps bin in this location may not be granted given the concerns consistently expressed by Heritage Victoria over the previous year, in relation to this proposal. More discreet locations could include: adjacent to the loading bay entry from Boxshall Street or closer to the Wilson Street footpath in the vicinity of the eastern entry to the building – now the Library.

A proposal to place the sharps bin at a more discreet location may be such that the matter could be determined by way of a permit exemption in accordance with Section 66 (3) of the Heritage Act 1995.
Please contact Michael Galimany, Senior Heritage Officer, on (03) 9938 6883 or by email at michael.galimany@delwp.vic.gov.au if you have further queries.

Yours sincerely,

Janet Sullivan
Principal Heritage Permits
Heritage Victoria

Page 2 of 2
10.14 JANUARY 2018 FINANCIAL REPORT

Corporate Services - Finance
File No: PSF/15/8759 – Doc No: DOC/18/44217

Executive summary

Purpose and background
This report provides a summary and analysis of Council’s financial performance for seven (7) months to 31 January 2018.

The report is designed to analyse actual results against the 2017/18 Adopted Budget to ensure consistency and compliance with the Budget, and to measure Council’s overall financial performance.

Please refer to the Detailed Financial Report attached for full analysis.

Key issues

2017/18 Year to date operating result
The January 2018 result is a surplus of $16.8M which is $5.5M favourable to budget.

2017/18 Forecast operating result
The current forecast for the year represents a surplus of $23.4 which is $1.398M favourable to Budget.

The underlying forecast remains favourable to budget by $1.113M and excludes the following one off or timing items totalling $285k:

- $1.25M increase in the Open Space levy due to increased development activity.
- ($269k) Operating Grant funding received in prior year for 2017/18 programs
- ($812k) 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).
- $116k net income for Aged & Disability Regional projects for which funding was received in 2016/17 offset by unbudgeted funding received in 2017/18.

It should be noted that Council budgets for a surplus in its operating budget each year so as to fund capital works and debt reduction. Any end of year surplus that is favourable to budget is also quarantined in Council’s infrastructure reserve which is used to fund capital works in future years.

Emerging risks associated with the cost of waste services

There are a number of risks emerging related to the cost of delivering waste services due to the global lack of demand for comingled recycling material. Council has a contract in place for the disposal of comingled recycling material from which it earns $50 a tonne. It is expected that this revenue stream will be lost for 2017/18 and it could cost $150 per tonne to dispose of recycling material from March 2018. The impact is currently being assessed and will be included in the February 2018 forecast results.
Cash and Investments
The cash position as at January 2018 is $82.2M
The YTD favourable variance to budget of $17.8M as at January 2018 is mainly due to:

- $19.2M greater opening cash balance than budgeted:
  - $11.6M Favourable capital works underspend including Rollover of 2016/17 capital projects of $11.1M (to be spent in 2017/18).
  - $7.6M Favourable cash underspend for operating activities including $3.1M transferred to the Infrastructure Reserve.

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

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

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

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

<table>
<thead>
<tr>
<th>$’000’s</th>
<th>Adjusted Budget</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2017/18 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Forecast Actual Variance</th>
<th>Forecast rollover to 2018/19</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditure</td>
<td>25,104</td>
<td>21,566</td>
<td>3,537</td>
<td>48,409</td>
<td>47,928</td>
<td>482</td>
<td>1,832</td>
<td>(1,350)</td>
</tr>
</tbody>
</table>

The forecast for capital expenditure to 30 June 2018 is favourable by $482k. Whilst the forecast at the end of January indicates that 99% of the 2017/18 adjusted budget will be spent by June 2018 there are a number of projects where delays are likely and a thorough review of the likely year end position will be undertaken and reported to Council in March 2018.

Taking into account the impact of one off timing issues the underlying capital program result for 2017/18 is expected to be under budget by $1.15M.

Recommendation
That Council notes the operating and capital financial report for seven months to 31 January 2018.

Support Attachments
1. January 2018 Finance Report ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
There are no impacts to customer service.

No community engagement has been undertaken in preparing this report.

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

Legal

Section 138 of the Local Government Act 1989 prescribes that, at least every three months, a financial report of revenue and expenditure be presented to Council.

Finance
The year-end forecast operating result is a surplus of $23.4M which is $1.398M favourable to budget. Taking into account one off and timing issues the underlying operating result is $1.113M favourable to budget.

The forecast for capital expenditure to 30 June 2018 is favourable by $482k and indicates that 99% of the 2017/18 adjusted budget will be spent by June 2018. Taking into account the impact of one off timing issues the capital program for 2017/18 is expected to be under budget by $1.15M.

Links to Council policy and strategy
The monthly financial report is identified within Goal 8 Governance in the Council Plan 2017-2021. We want an organisation that is financially stable and with decision making that is open, transparent, and informed by the community.
Bayside City Council Financial Report 31 January 2018

Operating Result

2017/18 Year to date operating result

The January 2018 result is a surplus of $16.8M which is $5.5M favourable to budget.

2017/18 Forecast operating result

The current forecast for the year is a surplus of $23.4M which is $1.398M favourable to Budget. The forecast result has improved by $743k compared to last month and includes:

- $750k increase in the Open Space levy due to increased development activity
- 200k reduction in Information Services salaries expected to be capitalised by June 2018
- $139k increase in state funding for the Regional Assessment Coordinator role to be extended to 2018/19.
- $101k increase in parking revenue due to increased patrols around beaches and school crossings
- $40k increase in asset protection permit revenue as a result of efficiency gains from process improvement
- ($509k) reduction in forecast funding for the Annual Road Reseal and Resheet Program

The underlying forecast remains favourable to budget by $1.113M and excludes the following one off or timing items totalling $285k:

- $1.25M increase in the Open Space levy due to increased development activity.
- ($269k) Operating Grant funding received in prior year for 2017/18 programs
- ($812k) 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).
- $116k net income for Aged & Disability Regional projects for which funding was received in 2016/17 offset by unbudgeted funding received in 2017/18.

Emerging risks associated with the cost of waste services

There are a number of risks emerging related to the cost of delivering waste services due to the global lack of demand for comingled recycling material. Council has a contract in place for the disposal of comingled recycling material from which it earns $50 a tonne. It is expected that this revenue stream will be lost for 2017/18 and it could cost $150 per tonne to dispose of recycling material from March 2018. The impact is currently being assessed and will be included in the February 2018 forecast results.
### Bayside City Council

#### Ordinary Council Meeting - 20 March 2018

**Attachment 1**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Services &amp; New Initiatives Budget</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and Charges</td>
<td>51,725</td>
<td>52,099</td>
<td>-374</td>
<td>88,707</td>
<td>89,001</td>
<td>294</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>3,710</td>
<td>4,447</td>
<td>-737</td>
<td>6,296</td>
<td>6,948</td>
<td>652</td>
</tr>
<tr>
<td>User Fees</td>
<td>4,471</td>
<td>4,885</td>
<td>-414</td>
<td>7,829</td>
<td>8,129</td>
<td>300</td>
</tr>
<tr>
<td>Rental Income</td>
<td>3,048</td>
<td>3,086</td>
<td>-38</td>
<td>4,099</td>
<td>4,015</td>
<td>(84)</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>6,039</td>
<td>6,428</td>
<td>-389</td>
<td>9,130</td>
<td>9,435</td>
<td>305</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>10</td>
<td>-10</td>
<td>(10)</td>
<td>2,280</td>
<td>1,918</td>
<td>(362)</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>58</td>
<td>10</td>
<td>(48)</td>
<td>100</td>
<td>109</td>
<td>-</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,166</td>
<td>2,630</td>
<td>1,464</td>
<td>5,380</td>
<td>6,185</td>
<td>805</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,120</td>
<td>1,465</td>
<td>-345</td>
<td>1,975</td>
<td>2,145</td>
<td>170</td>
</tr>
<tr>
<td>Other Income</td>
<td>583</td>
<td>759</td>
<td>170</td>
<td>1,616</td>
<td>1,803</td>
<td>187</td>
</tr>
<tr>
<td>Net Profit/(Loss) on Disposal of assets</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>71,930</td>
<td>75,778</td>
<td>3,849</td>
<td>127,421</td>
<td>129,657</td>
<td>2,236</td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>24,783</td>
<td>23,856</td>
<td>927</td>
<td>43,047</td>
<td>42,677</td>
<td>370</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>25,541</td>
<td>24,628</td>
<td>912</td>
<td>44,466</td>
<td>45,464</td>
<td>(998)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>0</td>
<td>170</td>
<td>170</td>
<td>170</td>
<td>(0)</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>10,017</td>
<td>10,174</td>
<td>(158)</td>
<td>17,178</td>
<td>17,362</td>
<td>(184)</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>203</td>
<td>241</td>
<td>(38)</td>
<td>452</td>
<td>459</td>
<td>(26)</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>102</td>
<td>99</td>
<td>2</td>
<td>112</td>
<td>111</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td>60,645</td>
<td>58,999</td>
<td>1,646</td>
<td>105,406</td>
<td>106,244</td>
<td>(838)</td>
</tr>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td>11,285</td>
<td>16,780</td>
<td>5,495</td>
<td>22,015</td>
<td>23,414</td>
<td>1,398</td>
</tr>
</tbody>
</table>
Operating Result by Division

<table>
<thead>
<tr>
<th>Division (in 000s)</th>
<th>YTD Budget</th>
<th>YTD Actuals</th>
<th>Budget variance</th>
<th>2016/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Variance to Current Forecast</th>
<th>2016/17 Adjusted Budget Percentage Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>5,087</td>
<td>4,697</td>
<td>390</td>
<td>9,103</td>
<td>8,805</td>
<td>239</td>
<td>2.6%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>4,587</td>
<td>4,380</td>
<td>198</td>
<td>8,620</td>
<td>8,546</td>
<td>74</td>
<td>0.9%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>19,114</td>
<td>18,099</td>
<td>1,015</td>
<td>33,084</td>
<td>33,082</td>
<td>32</td>
<td>0.1%</td>
</tr>
<tr>
<td>City Planning &amp; Community Services</td>
<td>4,431</td>
<td>3,166</td>
<td>1,265</td>
<td>8,767</td>
<td>8,054</td>
<td>113</td>
<td>1.3%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(1,549)</td>
<td>(2,482)</td>
<td>932</td>
<td>(2,235)</td>
<td>(2,627)</td>
<td>362</td>
<td>-17.5%</td>
</tr>
<tr>
<td>Underlying Operating</td>
<td>31,670</td>
<td>27,889</td>
<td>3,801</td>
<td>57,349</td>
<td>56,498</td>
<td>850</td>
<td>1.6%</td>
</tr>
<tr>
<td>Rates</td>
<td>(51,705)</td>
<td>(52,206)</td>
<td>413</td>
<td>(60,882)</td>
<td>(80,170)</td>
<td>294</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Capital Income</td>
<td>(1,178)</td>
<td>(2,915)</td>
<td>1,439</td>
<td>(7,660)</td>
<td>(8,008)</td>
<td>438</td>
<td>-5.7%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>10,017</td>
<td>10,174</td>
<td>(157)</td>
<td>17,179</td>
<td>17,302</td>
<td>(184)</td>
<td>-1.1%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>(11,285)</td>
<td>(16,780)</td>
<td>5,495</td>
<td>(22,015)</td>
<td>(23,414)</td>
<td>1,398</td>
<td>-6.4%</td>
</tr>
</tbody>
</table>

Executive forecast favourable $239k
- $228k favourable in salaries due to the timing of appointment for unfilled Innovation position, lower banding for secondment roles, as well as vacancies in Arts & Culture and Customer Experience.
- ($28k) additional resource for the Community Engagement projects, this is fully offset by savings in research and survey expenditure across divisions.
- $26k additional Library State grant funding received.

Corporate Services forecast favourable $74k
- $90k local government election failure to vote fine income higher than anticipated.
- $58k reduction in vehicle fringe benefits tax associated with a reduction in fleet vehicles.
- ($56k) reduction in lease income due to water harvesting for the Brighton Golf Course.
- ($58k) increase in software operating costs represents a transition to best of breed cloud solutions as an alternative to capital investment.

Environment, Recreation & Infrastructure forecast favourable $32k
- $50k decrease in water and sewage utilisation.
- $20k State Government has agreed to fund SES costs.
- ($38k) increase in waste management due to a temporary change in landfill site to Melbourne Regional Landfill (MRL) from unexpected delays in the development of Wyndham Council’s new landfill.
- ($20k) consulting fee for the HMVS Cerberus Heritage works permit, council resolution July 2017.

City Planning & Community Services forecast favourable $113k
- $278k increase in planning fee income due to the number of planning applications lodged.
- $35k increase in parking fees and fines issued around school crossing areas and beach car parks.
- $140k grant funding received in advance for 18/19 relating to Regional Assessment Program.
- $100k savings for planning officer role. Department utilising current staff.
- ($209k) School Crossing grant funding received in advance in 2016/17.
- ($155k) increase in a number of Urban Strategy projects including Southland Structure Plan, Highett Plan review & employee costs due to community and council expectations.
- ($24k) increase in Amenity Protection agency costs for Service Review implementation.
- ($80k) advertising of planning notifications due to increased activity, recouped through fee income.
- ($79k) decrease in the number of Bayside Business Networks (BBN) memberships and sponsorship.
- ($66k) for the development of Early Years Plan as requested from Councillors.
- ($46k) Family Services for additional staffing and purchasing of vaccines to rollout new immunisation program, grant funding received in 2016/17.
- ($24k) expenditure for Regional Projects for which funding was received in advance in 2016/17.
- ($30k) additional Arborist required to assist with the increase in planning applications and backfill staff on leave. This was identified in the Amenity Protection Service Review adopted by Council in August 2017.

**Corporate Finance forecast favourable $392k**
- $155k increase in interest from term deposits due mainly to a favourable opening cash position for the year.
- $129k savings in 2017/18 workcover premium due to improved claims history.
- $56k increase in Victorian Grants Commission funding.
Cash and Investments

The cash position as at January is $82.2M.

The cash position of $82.2M has decreased by $7.2M from the 2016/17 ending balance of $89.4M and is comprised of $17.7M net operating cash inflows and ($24.8M) net capital outflows.

The YTD favourable variance to budget of $17.8M as at January 2018 is mainly due to:
- $19.2M greater opening cash balance than budgeted:
  - $11.6M Favourable capital works underspend including Rollover of 2016/17 capital projects of $11.1M (to be spent in 2017/18).
  - $7.6M Favourable cash underspend for operating activities including $3.1M transferred to the Infrastructure Reserve.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30 Jun.17</th>
<th>31 Jan.18</th>
<th>Variance</th>
<th>Budget Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>30,437</td>
<td>31,147</td>
<td>27,426</td>
<td>3,719</td>
<td>26,938</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>58,974</td>
<td>51,922</td>
<td>36,958</td>
<td>14,064</td>
<td>33,636</td>
</tr>
<tr>
<td></td>
<td>89,411</td>
<td>82,169</td>
<td>64,384</td>
<td>17,783</td>
<td>60,574</td>
</tr>
</tbody>
</table>

Cash & Cash equivalents (including investments) consists of:
- Retail banks: 77,026
- Community Banks: 3,000
- Cash on hand and at bank: 9,365

Total cash and cash equivalents: 89,411

<table>
<thead>
<tr>
<th>Statutory Reserves</th>
<th>30 Jun.17</th>
<th>31 Jan.18</th>
<th>Variance</th>
<th>Budget Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>recreational land reserve</td>
<td>15,009</td>
<td>16,308</td>
<td>12,686</td>
<td>3,620</td>
<td>12,480</td>
</tr>
<tr>
<td>car parking reserve</td>
<td>308</td>
<td>308</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total statutory reserves</td>
<td>15,317</td>
<td>16,616</td>
<td>12,994</td>
<td>3,620</td>
<td>12,480</td>
</tr>
</tbody>
</table>

Funds Subject to Intended Allocation

| Infrastructure Reserve | 8,220 | 8,220 | 5,152 | 3,068 | 5,170 | 5,827 | 648 |
| Dendy Street Beach Improvement Reserve | 1,561 | 1,561 | 2,198 | (637) | 2,207 | 2,094 | (113) |
| Community Facilities Enhancement Reserve | 947 | 947 | 943 | 4 | 948 | 959 | 11 |
| Early Childhood Facilities Reserve | 5,522 | 5,494 | 5,451 | 13 | 5,361 | 5,524 | 163 |
| Defined Superannuation Shortfall | 2,000 | 2,000 | 2,292 | (292) | 2,500 | 2,500 | - |
| Unspent Conditional Grants Reserve | 5,902 | 5,902 | - | - | - | - |
| Capital Works Carried Forward Reserve | 14,764 | 6,949 | 3,325 | 2,724 | - | 5,624 | 5,624 |

Total Funds Subject to Intended Allocation: 39,003

Total Other Reserves: 54,500

Committed Funds

| Trust Funds and Deposits | 4,474 | 3,997 | 4,512 | (515) | 4,563 | 4,594 | 31 |

Total Committed Funds: 4,474

Total Restricted, Committed and Allocated funds: 58,974

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

<table>
<thead>
<tr>
<th>Indicator</th>
<th>VAGO Target (to maintain low risk)</th>
<th>Forecast Performance</th>
<th>Forecast Achievable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquidity (Current assets / Current liabilities)</td>
<td>&gt; 150%</td>
<td>510.45%</td>
<td>Yes</td>
</tr>
<tr>
<td>Self-financing (Net operating cash flow / Underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>29.02%</td>
<td>Yes</td>
</tr>
<tr>
<td>Capital Replacement (Total Capital spend : Depreciation)</td>
<td>&gt; 150%</td>
<td>276.04%</td>
<td>Yes</td>
</tr>
<tr>
<td>Indebtedness (Non-current liabilities/Own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.94%</td>
<td>Yes</td>
</tr>
<tr>
<td>Underlying result (Net surplus/Revenue)</td>
<td>&gt; 0%</td>
<td>17.10%</td>
<td>Yes</td>
</tr>
<tr>
<td>Renewal gap (Renewal capital spend:Depreciation)</td>
<td>&gt; 100%</td>
<td>223.58%</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Definitions:**
- **Liquidity** - the ability to pay liabilities within the next 12 months.
- **Self Financing** - the ability to replace assets using cash generated from day to day operations.
- **Capital Replacement** - to ensure sufficient spending on capital renewal and new capital works.
- **Indebtedness** - the ability to repay debt from own source revenue being revenue not tied to specific projects.
- **Underlying result** - sufficient operating income to cover operating expenses.
- **Renewal gap** - to ensure sufficient spending on existing capital assets.

Local Government Performance Reporting Framework Indicators

<table>
<thead>
<tr>
<th>LGPRF Performance Indicators</th>
<th>Expected Range</th>
<th>2016/17 Forecast</th>
<th>Within Range?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average residential rate per residential property assessment</td>
<td>$700 to $2,000</td>
<td>$1,988</td>
<td>✔</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,342</td>
<td>✔</td>
</tr>
<tr>
<td>Unrestricted cash compared to liabilities</td>
<td>10% to 300%</td>
<td>208.4%</td>
<td>✔</td>
</tr>
<tr>
<td>Loans and borrowings compared to rates</td>
<td>0% to 70%</td>
<td>0.0%</td>
<td>✔</td>
</tr>
<tr>
<td>Loans and borrowings repayments compared to rates</td>
<td>0% to 20%</td>
<td>2.5%</td>
<td>✔</td>
</tr>
<tr>
<td>Adjusted underlying surplus (or deficit)</td>
<td>-20% to 20%</td>
<td>13.0%</td>
<td>✔</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>72.7%</td>
<td>✔</td>
</tr>
<tr>
<td>Rates compared to property values</td>
<td>0.15% to 0.75%</td>
<td>0.15%</td>
<td>✔</td>
</tr>
</tbody>
</table>
Capital Results

<table>
<thead>
<tr>
<th>$’000’s</th>
<th>Adjusted Budget</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2017/18 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Forecast Actual</th>
<th>Forecast rollover to 2018/19</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditure</td>
<td>25,104</td>
<td>21,566</td>
<td>3,537</td>
<td>48,409</td>
<td>47,928</td>
<td>482</td>
<td>1,832</td>
<td>(1,350)</td>
</tr>
</tbody>
</table>

Capital Programs Status

June 2018 capital forecast expenditure - favourable to budget $482k includes:

Increases in forecast expenditure ($3.5M) which is fully funded
- ($1M) Stormwater Harvesting Brighton Golf Course overspend funded from savings in Sandringham Village Activity Centre Streetscaping.
- (2.5M) Purchase of the Sandringham Masonic Hall funded from the Infrastructure reserve.

Forecast savings in project delivery $2.2M
- $896k Dendy Park Soccer/Cricket Pavilion Redevelopment to be completed under budget in 17/18.
- $231k North Road Drain Brighton to be completed under budget in 17/18.
- $1M Sandringham Village Activity Centre Streetscaping delayed due to possible redesign.
- $292k Kindergarten upgrades

Forecast carry forward of projects $1.8M
- $533k Sandringham Library Redevelopment to be completed in 18/19.
- $1.298M Sandringham Village Activity Centre Streetscaping foreshadowed for 2019/20.

Including the impact of the forecast carry forward projects of $1.832M the underlying result for the program is $1.15M underspent.
## Detailed Schedules

### 1. Income Statement

<table>
<thead>
<tr>
<th>Line Item $'000s</th>
<th>2017/18 YTD Adjusted Budget</th>
<th>2017/18 YTD Actuals</th>
<th>2017/18 YTD Adjusted Budget Variance</th>
<th>2017/18 Adjusted Budget</th>
<th>Current Forecast 2017/18</th>
<th>Adjusted Budget less Forecast variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates and Charges</td>
<td>51,725</td>
<td>52,099</td>
<td>374</td>
<td>88,707</td>
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<td>294</td>
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<td>Statutory Fees and Fines</td>
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<td>737</td>
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<td>6,948</td>
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<td>9,435</td>
<td>305</td>
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<td>-</td>
<td>(10)</td>
<td>2,280</td>
<td>1,918</td>
<td>(362)</td>
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<td>Contributions - Cash - Operating</td>
<td>58</td>
<td>10</td>
<td>(48)</td>
<td>109</td>
<td>109</td>
<td>-</td>
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<td>Contributions - Cash - Capital</td>
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<td>5,380</td>
<td>6,165</td>
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<td>759</td>
<td>176</td>
<td>1,816</td>
<td>1,803</td>
<td>17</td>
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<td>Net Profit/(Loss) on Disposal of assets</td>
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<td>(31)</td>
<td>(31)</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
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<td><strong>127,421</strong></td>
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### Expenditure

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<tbody>
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<td>43,047</td>
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<td>24,628</td>
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<td>45,464</td>
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<td>Depreciation and Amortisation</td>
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<td>17,362</td>
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<td>241</td>
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<td>99</td>
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<td>112</td>
<td>111</td>
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<td><strong>Total Expenditure</strong></td>
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<td><strong>1,646</strong></td>
<td><strong>105,406</strong></td>
<td><strong>106,244</strong></td>
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### Operating Result - Surplus

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</thead>
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<td>Operating Result - Surplus</td>
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<td>16,780</td>
<td>5,495</td>
<td>22,015</td>
<td>23,414</td>
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### 2. Statement of Capital Works

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<th>CAPITAL in $'000's</th>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance</th>
<th>2016/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>2017/18 Adjusted Budget less Forecast variance</th>
<th>2017/18 Carry Forward Balance to 2018/19</th>
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</thead>
<tbody>
<tr>
<td><strong>Property Expenditure</strong></td>
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<td>Buildings</td>
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<td>756</td>
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<td>10,820</td>
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<td>780</td>
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<td>Heritage Buildings</td>
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<td>(250)</td>
<td>-</td>
<td>2,500</td>
<td>(2,500)</td>
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<td><strong>Plant &amp; Equipment Expenditure</strong></td>
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<td>Fixtures, Fittings and Furniture</td>
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<td>147</td>
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<td>891</td>
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<td>(17)</td>
<td>130</td>
<td>147</td>
<td>(17)</td>
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<td>IT Systems, Network, Servers and Communication</td>
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<td>1,625</td>
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<td>(16)</td>
<td>430</td>
<td>430</td>
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<tr>
<td><strong>Infrastructure Expenditure</strong></td>
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<td>Foreshore and Conservation</td>
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<td>135</td>
<td>764</td>
<td>789</td>
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<td>13,167</td>
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<td>166</td>
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<td>1,125</td>
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<td>27</td>
<td>5,273</td>
<td>5,811</td>
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<td>60</td>
<td>8,153</td>
<td>8,253</td>
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<tr>
<td><strong>Total Expense</strong></td>
<td>25,104</td>
<td>21,566</td>
<td>3,537</td>
<td>48,409</td>
<td>47,928</td>
<td>482</td>
<td>1,832</td>
</tr>
</tbody>
</table>

**Revenue**

- Grants - Capital: (10) - (10) (2,280) (1,918) (362) (500)
- Other Income: - (17) 17 - (17) 17
- Contributions - Cash - Capital: (1,166) (2,597) 1,431 (5,380) (5,163) 783

**Total Revenue**

- (1,176) (2,615) 1,439 (7,660) (8,098) 438 (500)

**Total**

- 23,927 18,951 4,976 40,749 39,830 920 1,332
### Cashflows Statement - period ended 31 January 2018

<table>
<thead>
<tr>
<th></th>
<th>30 Jun.17</th>
<th>31 Jan.18</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actual</strong></td>
<td></td>
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</tr>
<tr>
<td>Inflows</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Outflows</td>
<td>($’000)</td>
<td>($’000)</td>
<td>($’000)</td>
</tr>
<tr>
<td><strong>Budget</strong></td>
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<td></td>
</tr>
<tr>
<td>Inflows</td>
<td>$’000</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>Outflows</td>
<td>($’000)</td>
<td>($’000)</td>
<td>($’000)</td>
</tr>
<tr>
<td><strong>Percentage Variance</strong></td>
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<tr>
<td>Inflows</td>
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<td>88,613</td>
</tr>
<tr>
<td>Outflows</td>
<td>($95)</td>
<td>88,518</td>
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</tbody>
</table>

#### Cash flows from operating activities

**Receipts**
- Rates and charges: 85,358
- Statutory fees and fines: 6,399
- User charges: 7,074
- Rental income: 4,057
- Contributions - monetary: 3,818
- Grants - Operating: 12,192
- Grants - Capital: 4,903
- Interest: 2,254
- Trust funds and deposits: 153
- Other receipts: 1,221
- Net GST refund: 5,766
- Employee costs: (38,970)
- Payments to suppliers: (46,845)

**Net cash provided by (used in) operating activities**: 47,370

#### Cash flows from investing activities

- Payments for property, infrastructure, plant & equipment: (27,514)
- Proceeds from sale property, infrastructure, plant & equipment: (24,797)
- Proceeds from term deposit investments: (10,026)

**Net cash used in investing activities**: (37,540)

#### Cash flows from financing activities

- Finance costs: (437)
- Proceeds from borrowings: (85)
- Repayment of borrowings: (193)

**Net cash used in financing activities**: (5,630)

**Net increase(decrease) in cash and cash equivalents**: 4,200

**Cash and cash equivalents at the beginning of the period**: 5,185

**Cash and cash equivalents at the end of the period**: 9,385

**Term Deposits**: 80,026

**Total cash and cash equivalents at the end of the period**: 89,411

**Unallocated and unrestricted**: 30,437

**Restricted, committed and allocated funds**: 58,974

**Total**: 89,411

**Attachment 1**

---

Page 10
### 4. Balance Sheet

#### Balance Sheet as at 31 January 2018

<table>
<thead>
<tr>
<th></th>
<th>30. Jun. 17 Actual $'000</th>
<th></th>
<th>31. Jan. 18 Actual $'000</th>
<th></th>
<th>31. Jan. 18 Budget $'000</th>
<th></th>
<th>Variance $'000</th>
<th></th>
<th>Budget Forecast $'000</th>
<th></th>
<th>Variance $'000</th>
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<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
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</tr>
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<td>Cash and cash equivalents</td>
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<td>3,386</td>
<td>2,257</td>
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<td>5,443</td>
<td>2,869</td>
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<tr>
<td>Trade and other receivables</td>
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<td>10,800</td>
<td>3,416</td>
<td>6,718</td>
<td>9,434</td>
<td>2,716</td>
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<td>61,000</td>
<td>15,526</td>
<td>60,000</td>
<td>71,026</td>
<td>11,026</td>
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<td>106</td>
<td>31</td>
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<tr>
<td>Non current assets classified as held for sale</td>
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<td>-</td>
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<tr>
<td>Other assets</td>
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<td>87,552</td>
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<td>Trade and other receivables</td>
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</tr>
<tr>
<td>Income in Advance</td>
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<tr>
<td><strong>Total current liabilities</strong></td>
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<td>19,789</td>
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<td>22,487</td>
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<td>1,406</td>
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<td>210</td>
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<td>1,311</td>
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<td>210</td>
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<td>3,460,579</td>
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<td>2,988,964</td>
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<td><strong>Equity</strong></td>
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<td>482,273</td>
<td>2,988,964</td>
<td>3,467,215</td>
<td>478,251</td>
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Executive summary

Purpose and background
To advise Council of the Australian Local Government Association 2018 National General Assembly of Local government to be held in Canberra from 17-20 June 2018.

The Australian Local Government Association (ALGA) is the national peak advocacy body for local government. The ALGA’s work includes but is not limited to the establishment of national policy and extensive liaison and lobbying with departments, Ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local communities.

The Assembly is the major event on the annual local government events calendar and typically attracts more than 700 Mayors, Councillors and senior officers from Councils across Australia.

The Australian Government is increasingly looking at local government to play a role as a partner in tackling the major issues facing the nation and the Assembly is the opportunity to make sure that the views of local governments are represented.

The Annual General Assembly is also a great opportunity for Council to present various motions for consideration by the Assembly that have a national sector impact. Over the last few years Council has submitted motions to the National Assembly. All motions have been accepted and successfully carried by the Assembly.

It is proposed that Council submits the following motion to the 2018 National General Assembly.

 Recycling
That the National General Assembly calls on the Australian Government to:

• Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
• Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;
• Financially support regional waste management solutions for advanced alternative waste treatment and processing;
• Ensure government and industry procurement and tenders specify the use of products with recycled content, minimal packaging and repair;
• Develop a national Circular Economy Strategy to develop markets for recyclable products.
Rationale

The recycling sector in Australia is currently reliant on export markets for the processing and remanufacturing of recyclable materials. Recent changes in key export markets, primarily China, have had significant impacts on recycling in Australia. Australia needs a sustainable approach to dealing with recyclables using local and national solutions, minimising the reliance on global markets.

Key issues

Council has been represented at previous National General Assemblies in Canberra. All Councillors have been advised of the National Assembly and to date both Cr Castelli and Cr Long have expressed a desire to attend. The cost of registration is approximately $1,169 based on early bird registration per delegate and approximate cost for accommodation in the range of $945 for a total of three nights. Airfares to Canberra during this peak period is approximately $392 return.

Recommendation

That Council:

1. approves the attendance of Cr Castelli and Cr Long at the ALGA National Assembly to be held in Canberra from 17 – 20 June 2018; and
2. submits the following motion to the National General Assembly:

Recycling

That the National General Assembly calls on the Australian Government to:

- Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
- Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;
- Financially support regional waste management solutions for advanced alternative waste treatment and processing;
- Ensure government and industry procurement and tenders specify the use of products with recycled content, minimal packaging and repair;
- Develop a national Circular Economy Strategy to develop markets for recyclable products.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

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

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

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

Human Rights
The implications of this report have been accessed and not considered likely to breach or fringe upon the human rights contains in the Victorian Charter of the Human Rights and Responsibilities Act 2016.

Legal
There are no legal implications associated with this report.

Finance
The cost associated with the attendance of three councillors at the National Assembly is provided within the current 2017/18 budget.

Links to Council policy and strategy
In accordance with Council’s Reimbursement, Support, Resources, Reimbursement and Accountability Policy each Councillor is able to attend one interstate conference per annum. To date during the 2017/18 financial year no councillor has attended an interstate conference. The attendance of councillor presentation at the National Assembly is in accordance with Council’s policy.
10.16 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL - CALL FOR MOTIONS

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/57261

Executive summary

Purpose and background
To advise Council of the State Council Meeting of the Municipal Association of Victoria (MAV) and to propose motions to be put forward to the State Council Meeting.

The MAV will be convening its State Council Meeting on Friday 18 May 2018. The State Council is the body consisting of all the representatives of Councils which are financial members of the MAV, and the role of the State Council is to set high-level strategic directions for the MAV.

The State Council enables member Councils to put forward motions for consideration.

Only Council’s appointed representative is able to vote on its behalf at the State Council. Council’s MAV representative is the Mayor, Cr Alex del Porto and substitute representative is Cr Grinter. It should be noted that Cr del Porto will be on leave at the time of the State Council Meeting.

Key issues
It is proposed that the following motion be put forward to the State Council Meeting:

Motion 1. - Graffiti
That the MAV:

1. advocates to the State Government to increase the available police resources, penalties and programs to improve the enforcement of graffiti offences; and

2. advocates to the State Government to implement relevant changes to ensure organisations such as public utilities implement timely and effective graffiti clean-up as a matter of priority.

Rationale
Graffiti is a significant, ongoing concern for many within the community, since graffiti is seen to impact local aesthetics as well as resulting in a sense of low community safety. However, effectively addressing Graffiti is often challenging due to the number of stakeholders involved and the range of elements needed for a successful program.

Graffiti management programs typically involved elements of:

- Understanding the graffiti sub-cultures in different areas, which can range from youth ‘tagging’ through to graphical art involving more mature offenders;
• Eradication through rapid clean-up of Graffiti and/or painting murals in hot spots;
• Enforcement activities, including initiatives to identify and prosecute offenders;
• Education to divert offenders or potential offenders;
• Broad programs to address potential drivers for people to enter into graffiti offending.

In terms of stakeholders, Councils have an important role, but so do Victoria Police and the Department of Justice and Regulation for enforcement, private property owners and public utilities who need to clean up graffiti on their properties and assets. Public utilities can be particularly challenging to engage and to ensure timely clean-up of their assets.

**Motion 2 – Creating a sustainable recycling system in Victoria**

That the MAV, call upon upon the State Government to:

• Work with other States and the Federal government to create a sustainable system for recyclables in Australia to minimise the impacts of changes in global markets.
• Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
• Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;

**Rationale**

Recent changes in key export markets for recycled materials, primarily China, have had significant impacts on recycling in Victoria. The Victorian Government needs to partner with other States and the Federal government to implement and build upon existing national schemes and strategies to reduce the amount of material to recycle. This will minimise the reliance on global markets and develop a sustainable system for recycling in Victoria.

**Motion 3 - Providing alternatives to landfill in Victoria**

That the MAV, call upon the State Government to financially support regional waste management solutions for advanced alternative waste treatment and processing solutions that:

• Minimise waste to landfill
• Minimise transport distances for municipal residual wastes, particularly in the south eastern metropolitan region of greater Melbourne where transport distances to landfills are excessive.
Rationale

Transporting waste to landfill from the south eastern region of metropolitan Melbourne is increasingly expensive as landfill sites become further away. Disposal of waste to landfill is the least preferable method of treating waste, as the least amount of resources are recovered. Regional advanced alternative waste treatment and processing solutions need to be financially supported by the Victorian Government to minimise the costs of transporting and processing waste, which are paid for by ratepayers.

Recommendation

That Council submits the following motion to the MAV State Council meeting to be held on 18 May 2018:

Motion 1 - Graffiti

That the MAV:

1. advocates to the State Government to increase the available police resources, penalties and programs to improve the enforcement of graffiti offences; and

2. advocates to the State Government to implement relevant changes to ensure organisations such as public utilities implement timely and effective graffiti clean-up as a matter of priority.

Motion 2 – Creating a sustainable recycling system in Victoria

That the MAV, call upon the State Government to:

• Work with other States and the Federal government to create a sustainable system for recyclables in Australia to minimise the impacts of changes in global markets.
• Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
• Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;

Motion 3 – Providing alternatives to landfill in Victoria

That the MAV, call upon the State Government to financially support regional waste management solutions for advanced alternative waste treatment and processing solutions that:

• Minimise waste to landfill
• Minimise transport distances for municipal residual wastes, particularly in the south eastern metropolitan region of greater Melbourne where transport distances to landfills are excessive.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
It is intended that the proposed motions will be circulated amongst member Councils prior to the State Council Meeting, and Bayside will seek support from neighbouring Councils to support the proposed motion.

Councillors will be advised of the adopted motions following the MAV meeting.

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

Legal
There are no legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The proposed motions concerning
Executive summary

Purpose and background

The purpose of this report is to appoint a contractor to undertake the Redevelopment of Cheltenham Park Pavilion under Contract CON/17/106. This project includes total demolition of the existing sports pavilion, full construction of the proposed new sports pavilion, arrangement of all services, construction of garden beds, concrete pathways, concrete accessible car space and re-instatement of the existing gravel carpark.

Cheltenham Park Pavilion has been identified in the Accelerated Sportsground Pavilion Improvement Plan as a high priority for an upgrade to ensure it continues to meet the requirements of the tenant clubs for any ability, age or gender.

An initial assessment was conducted of the existing building to assess whether any elements could be retained. To ensure that the pavilion provides the most effective layout to meet the tenant club’s current and future needs and has a clean modern appearance with low maintenance, a demolition and reconstruction option was assessed as the most appropriate response to the identified needs.

This engagement is for a head contractor to construct the proposed new facility which will include the following stages:

Stage 1: Early works to include provision of temporary services, change rooms and toilets as well as builder site facilities.

Stage 2: Works to include demolition of the existing pavilion.

Stage 3: Works to include everything necessary for the construction of the proposed new pavilion including all services upgrades for future requirements as documented.

Key issues

Seven companies were invited to tender for the works through a selective tender process utilising the State Government Construction Supplier Register. All invited tenderers had the experience and resources to undertake the project. The following companies submitted a tender:

(1) Alchemy Construct Pty Ltd;
(2) Harris HMC Pty Ltd;
(3) Ireland Brown Constructions Pty Ltd;
(4) Simbuilt Pty Ltd;
(5) Stokes Rousseau Pty Ltd; and
(6) Total Construction Pty Ltd.

Each submission was reviewed at a Tender Evaluation Panel Meeting. Input was received from the appointed Quantity Surveyor and Architect.
From the initial evaluation, Alchemy Construct, Total Construction and Stokes Rousseau Pty Ltd were shortlisted based on the evaluation criteria and invited for an interview.

At interview, Stokes Rousseau Pty Ltd (Stokes) demonstrated its understanding of the technical requirements of the works, experience, subcontractors and resources to deliver the demolition of the existing and construction of the new pavilion.

Stokes have completed a number of successful sportsground pavilion construction projects of similar size, value and complexity for a range of Victorian Local Councils. Over the last five years it has displayed a proven track record in delivery of sporting ground type projects with clients including Banyule, Macedon Ranges, Stonnington and Boroondara Councils. Reference checks with previous clients were positive.

As shown in Confidential Attachment 1 – Evaluation Matrix, the Tender Evaluation Panel concluded that Stokes offered the best value for money. After post tender clarifications were confirmed and with the inclusion of all the non-financial evaluation criteria, Stokes with its extensive past pavilion construction history is best placed to undertake the works and the Tender Evaluation Panel recommends the contract be awarded to Stokes Rousseau Pty Ltd.

**Recommendation**

That Council:

1. Awards Contract CON/17/106 Redevelopment of Cheltenham Park Pavilion to Stokes Rousseau Pty Ltd for the lump sum price of $2,263,976.00 (excl. GST) and $2,490,373.60 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/17/106 Cheltenham Park Pavilion Redevelopment; and
3. Advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - Contract CON/17/106 Redevelopment Cheltenham Park Pavilion Tender Evaluation Matrix (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The facilities at the Cheltenham Park Pavilion support a range of community programs and service provisions, predominantly junior soccer and junior/senior cricket and the Southside Dog Obedience School. This project is aimed at reinvigorating these facilities to provide better community access to sporting and recreational opportunities for the local community.

**Natural Environment**

The new building has the following Environmental Sensitive Design (ESD) characteristics:

- Rainwater is harvested and re-used;
- Mechanical ventilation is aided by use of high level fixed ventilation louvres;
- Artificial lighting is minimised by the use of highlight windows providing natural light so lights need to be turned on less frequently, and by the use of motion sensor lights that will not stay on when rooms are not in use;
• The building is well insulated minimising the need for artificial heating or cooling;
• Building materials have high recycled content and low emissions; and
• Building materials from the demolished pavilion will be recycled.

Built Environment
The Cheltenham Park Pavilion was constructed in the early 90's and has been identified in the Accelerated Sportsground Pavilion Improvement Plan as a high priority for renewal to ensure the pavilion provides the most effective and functional layout to meet the tenant clubs’ (junior soccer and junior/senior cricket) current and future needs, and to allow a clean modern appearance with low maintenance.

Customer Service and Community Engagement
The Soccer and Cricket Clubs that are based at Cheltenham Park Pavilion have been involved in the project from inception and the proposal has received their endorsement.

Information regarding the works and disruptions at the reserve will be communicated to tenant clubs and park users with site signs throughout construction.

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 2017-20 has an allocation of $3,079,682.00 (ex GST) for this project. The following table summarises the project budget. Note prices are excluding GST.

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<tr>
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<th>Amount</th>
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<tr>
<td>Contract cost</td>
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<td>Project Cost (ex GST)</td>
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The expected project cost is $2,490,373.60 (ex GST), which is within the allocated budget. 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

Options considered
Not applicable to this report.
10.18 CONTRACT CON/18/18 PLAYGROUND IMPROVEMENT PROGRAM 2017/18 CONSTRUCTION

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/22885

Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake construction works as part of the Playground Improvement Program 2017/18 under Contract CON/18/18. This project includes the renewal of the following three playgrounds in the City of Bayside:

- North Road Foreshore Playground;
- Dendy Park South Playground; and
- F L Yott Reserve Playground.

Key issues
A public tender was advertised in The Age and released through TenderSearch on Saturday 3 February 2018 and closed on Wednesday 28 February 2018 with the following submissions received:

1. UDL Group Pty Ltd; and
2. Evergreen Civil Pty Ltd.

From the initial evaluation, UDL Group was shortlisted and invited for interview.

UDL Group demonstrated a good understanding of the scope of the project and explained its methodology well. UDL Group also identified risks involved in the project and identified risk control measures in detail. It has completed many projects of a similar nature in the past and is committed to complete the work within the specified timeframe. Reference checks with previous clients were undertaken.

As shown in Confidential Attachment 1 – Evaluation Matrix, the tender evaluation panel concluded that UDL Group offer the best value for money and recommends that the contract be awarded to UDL Group.

Recommendation

That Council:

1. Awards Contract CON/18/18 Construction of the Playground Improvement Program 2017/18 to UDL Group Pty Ltd for the lump sum price of $1,142,200 (excl. GST) and $1,256,420 (incl GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/18 Construction of the Playground Improvement Program 2017/18; and

3. Advises the unsuccessful tenderers accordingly.
Support Attachments
1. Confidential Attachment 1 - Contract CON/18/18 Playground Improvement Program 2017/18 Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social
These playground improvement works at North Road foreshore, Dendy Park South and FL Yott Reserve are aimed at providing playgrounds that offer something for everyone and encourage play experiences that promote independence for people of all abilities.

Natural Environment
The design of playgrounds include a significant landscaping component and features to maintain the natural beauty of the precincts. Natural materials will be used where appropriate and the playgrounds will fit within the overall landscape.

Built Environment
These works are aimed at ensuring residents can find a range of play and recreation opportunities that suit their needs within a reasonable distance from home.

Customer Service and Community Engagement
Playgrounds are planned with input from the successful Playground Testers program.

The Brighton North Rotary Club were involved in the development of the previous playground at North Road and, as such are very interested in the proposed improvements to the North Road Foreshore playground. Ongoing discussions have been held with the Rotary Club and they are very supportive of the new playground design.

Together with the contractor, Council will provide further advice to stakeholders prior to commencement of the work and will maintain contact with key stakeholders throughout the construction period.

The works have been planned in consultation with relevant nearby residents.

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 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 $1,060,000.00 (ex GST) for this project. The following table summarises the project budget. Note prices are excluding GST.
The expected project cost of $1,349,161 (ex GST), is slightly above the allocated budget for 2017/18. This project however will be completed in July/August 2018 and therefore this project will be partially funded from the 2018/19 allocation for playground renewal.

Links to Council policy and strategy
This project is listed in Council’s Playground Improvement Plan 2015-2025.

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<th>Description</th>
<th>Amount</th>
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Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake the construction of four raised humps / pedestrian crossings at the Male and Church Streets Roundabout, Brighton under Contract CON/18/8. This project includes drainage works, concrete and blue stone kerb and channel, concrete traffic islands, concrete raised pedestrian crossings, concrete footpath works, partial new pavement construction, asphalt overlay, line marking and signs.

Key issues
A public tender was advertised in The Age and released through Tendersearch on Saturday 3 February 2018 and closed on Wednesday 28 February 2018 with the following submissions:

Tenderers
(1) Blue Peak Constructions Pty Ltd;
(2) CDN Constructors Pty Ltd;
(3) Kaizen Civil Pty Ltd;
(4) Metroplant and Civil Services;
(5) Parkinson Group Pty Ltd; and
(6) Evergreen Civil Pty Ltd.

The result of the analysis can be found in Confidential Attachment 1: Evaluation Matrix.

From the initial evaluation, Metroplant and Civil Services were shortlisted and invited for interview.

At interview, the tender panel was satisfied with Metroplant and Civil Services’ knowledge of the site. It demonstrated a good understanding of the project and was able to present an appropriate methodology. Metroplant and Civil Services also has identified the risks involved in the project and addressed its risk control measures comprehensively. It has completed projects of a similar nature in Bayside in the past and is committed to complete the work within the specified timeframe.

A financial assessment was also requested and Metroplant and Civil Services was deemed financially capable of completing the works.

As shown in Confidential Attachment 1 – Evaluation Matrix, the tender evaluation panel concluded that Metroplant and Civil Services offer the best value for money and recommends that the contract be awarded to Metroplant and Civil Services.
Recommendation

That Council:

1. Awards Contract CON/18/8 Construction of Four Raised Humps / Pedestrian Crossings at the Male and Church Streets Roundabout, Brighton to Metroplant and Civil Services for the lump sum price of $349,814.00 (excl. GST) and $384,795.40 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/8 Construction of Four Raised Humps / Pedestrian Crossings at the Male and Church Streets Roundabout, Brighton; and

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - Contract CON/18/8 Construction of Four Raised Humps/ Pedestrian Crossing Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social

The design of roundabouts and the road rules governing their use currently prioritises the flow of traffic for the safe cross street movement of pedestrians. The provision of pedestrian crossings at roundabouts, particularly at locations with high volumes of pedestrians such as Major Activity Centres, will improve pedestrian safety, prioritise pedestrian movement and establish a streetscape that is supportive of pedestrian activity.

Natural Environment

The works under this contract have taken into consideration the minimisation of the effects of its construction to the trees and other authorities’ assets.

Built Environment

The provision of a pedestrian crossing at a roundabout will improve pedestrian priority and establish a streetscape more conducive to walking. The work under this contract will provide access for all with the implementation of directional Tactile Ground Surface Indicators to provide orientation to the new kerb ramp location at every corner of the roundabout.

Customer Service and Community Engagement

Feedback received as part of the development of the Bayside Walking Strategy in 2015 identified concerns from respondents that it was unclear if pedestrians or vehicles have priority at roundabouts. This project will address this concern.

Council has informed the traders that are directly affected by the works and together Council with the contractor will provide further advice prior to commencement of the work and will maintain contact with key stakeholders during the construction period.

Four Variable Mounted Signs (VMS) will be erected one week prior to works starting to inform motorist, pedestrians, traders and residents. Additionally four signboards will be installed by the contractor on site with a plan and information about the project for
pedestrians and traders to be informed and have a point of contact with Council and the contractor.

**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 $170,000.00 (ex GST) for this project and there are advanced negotiations in place with VicRoads to fund $192,407.00 of the cost of this project. This will provide total funding for the project of $362,407. Note prices are excluding GST.

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<td>Contingencies, Design &amp; Project Management Costs</td>
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<td><strong>Project Cost (ex GST)</strong></td>
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</tbody>
</table>

The expected project cost is $384,814.00 (ex GST), which is greater than the allocated funding. It is currently anticipated that VicRoads will fund the shortfall of $214,814. If this is not successful, savings in the current capital program will be used to offset this cost. The current end of year forecast for the capital works program is $267,000 favourable to budget when this project is included.

**Links to Council policy and strategy**

This project is consistent with the 2017/2021 Council Plan as identified under Goal 1 – 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.

A key objective of this goal is to have a Bayside where infrastructure is fit for purpose for today and into the future.
Executive summary

Purpose and background
To report on the results of the Procurement Australia (PA) Tender No. 1912/0618 and seek Council’s endorsement to appoint providers of Recruitment Services to Council for one (1) year with two (2) by one (1) year options to extend at Council’s discretion.

Key issues
Since 1985, Procurement Australia (PA) has facilitated public tenders and established contracts for members providing measurable savings and procurement expertise on a multitude of common use goods and services, including fuel, electricity, gas, stationery and recruitment.

Bayside City Council has accessed a previous PA panel arrangement for the provision of Recruitment Service which was appointed as the result of a tender run by PA through a publicly tendered process. Sixteen recruitment suppliers provided this service under the previous contract. This contract has now expired.

A request from PA to participate in a new tender process for the supply of Recruitment, Training and Associated Services saw twenty eight Councils respond, including Bayside. This new process provided a group procurement opportunity offering value to participating Councils in both cost and efficiency.

PA identified twelve categories of services for the tender. The tender process opened in April 2016 and the submissions were assessed by PA using a weighted scoring system. Whilst PA sourced responses across twelve categories of services, Recruitment Services is the only service that Bayside City Council required through this tender.

Thirty six suppliers who responded to Recruitment Services (Categories 1, 2 and 3) have been recommended by PA. The annual value of recruitment services can vary substantially from year to year depending upon staff turnover. This contract also relates to the recruitment of temporary staff whilst it is difficult to predict, it is possible that that the accumulated spend with one or more of the providers may exceed the CEO’s delegation.

Through participation in this panel arrangement Council can access competitive rates without having to go through a new publicly advertised procurement process for each individual recruitment.

Recommendation
That Council accepts the recommendation from Procurement Australia in relation to tender 1912/0618 and authorises the use of the following suppliers:

- Permanent Recruitment – Entry/Middle/Senior (Category 2)
- Permanent Recruitment – Executive (Category 1)
- Temporary Recruitment – All (Category 3)
until 31 December 2018 including the possibility of two (2) one (1) year extensions at the schedule of rates submitted to Procurement Australia.

Support Attachments
1. Procurement Australia panel of suppliers who have been approved for Recruitment Services ⇩
Considerations and implications of recommendation

Liveable community

Social
There are no direct social implications of this report

Natural Environment
There are no direct environmental implications of this report

Built Environment
There are no built environmental implications of this report.

Customer Service and Community Engagement
This Panel arrangement supports prompt access to recruitment services to ensure that interruptions to customer service delivery due to staff turnover are minimised.

Human Rights
There are no Human Rights implications of this report.

Legal
The Local Government Act 1989 requires Council to go through a publicly advertised procurement process for works and services above set limits. The use of a Procurement Australia panel as recommended in this report satisfies the requirements of the Act.

Finance
Council has an annual budget for recruitment service of $105,000 not including temporary staff. The use of the PA panel ensures that competitive rates can be accessed in a cost efficient manner.
11 – Recommendations

Following the evaluation of all tenders submitted for 1912/0618 Recruitment, Training and Associated Services tender, Procurement Australia recommends that Members consider the contents of this report, and engage contractors from the following list consistent with their business requirements.

**Category 1: Permanent Recruitment – Executive**

<table>
<thead>
<tr>
<th>Contractor</th>
<th>States Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Allstaff Australia Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>2. Anzuk Education Services Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>3. Catalyst Consulting and Events Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>4. Charterhouse Recruitment Pty Ltd</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>5. CK Recruitment Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>6. Davidson Recruitment Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>7. Denovo Consulting Group Pty Ltd</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>8. Design and Build Recruitment Trust Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>9. Drake Australia Pty Ltd trading as Drake</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>International</td>
<td></td>
</tr>
<tr>
<td>10. GBS Recruitment Pty Ltd</td>
<td>VIC</td>
</tr>
<tr>
<td>11. Gorce Corporate and Finance Pty Ltd trading as</td>
<td>VIC</td>
</tr>
<tr>
<td>People at Work</td>
<td></td>
</tr>
<tr>
<td>12. Hays Specialist Recruitment (Australia) Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>13. Hoban Recruitment Pty Ltd as trustee for Hoban</td>
<td>VIC, NSW, SA, QLD</td>
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<tr>
<td>Recruitment Unit Trust trading as Hoban Recruitment</td>
<td></td>
</tr>
<tr>
<td>14. Homer Recruitment</td>
<td>VIC</td>
</tr>
<tr>
<td>15. McArthur (VIC) Pty Ltd</td>
<td>VIC, SA</td>
</tr>
<tr>
<td>16. Michael Page International (Australia) Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>17. Morgan Consulting Australia Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>18. ProQuest Pty Ltd</td>
<td>VIC, NSW</td>
</tr>
<tr>
<td>19. Randstad Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>20. Recruitment Solutions Group Pty Ltd as the trustee</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>of the Recruitment Solutions Group Trust trading as</td>
<td></td>
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<tr>
<td>Extrastaff Talent Options Apprenticeship Careers</td>
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<tr>
<td>Australia Belmore Community Care ACT Nursing</td>
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<tr>
<td>Belmore Nurses Bureau and RNS Nursing</td>
<td></td>
</tr>
<tr>
<td>21. RNTT Pty Ltd trading as Excel Recruitment</td>
<td>VIC, NSW, SA, QLD</td>
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<tr>
<td>and Rexco People</td>
<td></td>
</tr>
<tr>
<td>22. Slade Group Pty Ltd as Trustee for Slade Group</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>Unit Trust</td>
<td></td>
</tr>
<tr>
<td>23. SACS Consulting Pty Ltd</td>
<td>VIC, NSW, TAS</td>
</tr>
</tbody>
</table>

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## Category 2: Permanent Recruitment – Entry/Middle/Senior Staff

<table>
<thead>
<tr>
<th>Contractor</th>
<th>States Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Alistaf Australia Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>2  Antzuk Education Services Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>3  Astrum Recruitment Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>4  Catalyst Consulting and Events Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>5  Charterhouse Recruitment Pty Ltd</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>6  CK Recruitment Pty Ltd</td>
<td>VIC, NSW</td>
</tr>
<tr>
<td>7  Davidson Recruitment Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
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<tr>
<td>8  Denovo Consulting Group Pty Ltd</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>9  Design and Build Recruitment Trust Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>10 Direct Recruitment Pty Ltd AFT Croft Family Trust</td>
<td>VIC</td>
</tr>
<tr>
<td>11 Drake Australia Pty Ltd trading as Drake International</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>12 GBS Recruitment Pty Ltd</td>
<td>VIC</td>
</tr>
<tr>
<td>13 Gforce Corporate and Finance Pty Ltd trading as People at Work</td>
<td>VIC</td>
</tr>
<tr>
<td>14 Hays Specialist Recruitment (Australia) Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>15 Hoban Recruitment Pty Ltd as trustee for Hoban Recruitment Unit Trust trading as Hoban Recruitment</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>16 Homer Recruitment</td>
<td>VIC</td>
</tr>
<tr>
<td>17 Inner Northern Group Training Ltd- IntoWork Australia</td>
<td>VIC</td>
</tr>
<tr>
<td>18 Inspired Management Pty Ltd trading as Inspired Staffing</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
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<tr>
<td>19 McArthur (VIC) Pty Ltd</td>
<td>VIC, SA</td>
</tr>
<tr>
<td>20 Michael Page International (Australia) Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>21 Morgan Consulting Australia Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
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<tr>
<td>22 ProQuest Pty Ltd</td>
<td>VIC, NSW</td>
</tr>
<tr>
<td>23 Randstad Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>24 Recruitment Solutions Group Pty Ltd as the trustee of the Recruitment Solutions Group Trust trading as ExtraStaff Talent Options Apprenticeship Careers Australia Belmore Community Care ACT Nursing Belmore Nurses Bureau and RNS Nursing</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>25 RNTT Pty Ltd trading as Excel Recruitment and Rexco People</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>26 Slade Group Pty Ltd as Trustee for Slade Group Unit Trust</td>
<td>VIC, NSW</td>
</tr>
<tr>
<td>27 Programmed Skilled Workforce Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>28 Talent International Holdings Pty Ltd</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>29 SACS Consulting Pty Ltd</td>
<td>VIC, NSW, TAS</td>
</tr>
<tr>
<td>30 Tradewind Australia Pty Ltd</td>
<td>VIC</td>
</tr>
<tr>
<td>31 Work Solutions (Melb) Pty Ltd</td>
<td>VIC</td>
</tr>
</tbody>
</table>

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### Category 3: Temporary Recruitment

<table>
<thead>
<tr>
<th>Contractor</th>
<th>States Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A Plus Labour Solutions Pty Ltd</td>
<td>VIC</td>
</tr>
<tr>
<td>2. All Best Care Pty Ltd trading as ABC Child Care Workers Agency</td>
<td>VIC</td>
</tr>
<tr>
<td>3. AllStaff Australia Pty Ltd</td>
<td>VIC, NSW, QLD</td>
</tr>
<tr>
<td>4. Anzuk Education Services Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>5. Astrum Recruitment Pty Ltd</td>
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</tr>
<tr>
<td>6. Catalyst Consulting and Events Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>7. Charterhouse Recruitment Pty Ltd</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>8. CK Recruitment Pty Ltd</td>
<td>VIC, NSW</td>
</tr>
<tr>
<td>9. Ciarus Group Limited trading as Alliance Recruitment</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>10. Design and Build Recruitment Trust Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>11. Direct Recruitment Pty Ltd AFT Croft Family Trust</td>
<td>VIC</td>
</tr>
<tr>
<td>12. Drake Australia Pty Ltd trading as Drake International</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>13. Enphatic Support Services Pty Ltd as Trustee for The Riddell Family Trust</td>
<td>VIC</td>
</tr>
<tr>
<td>14. Finite Group APAC Pty Ltd trading as Finite IT Recruitment Solutions</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>15. GBS Recruitment Pty Ltd</td>
<td>VIC</td>
</tr>
<tr>
<td>16. Gilmore Corporate and Finance Pty Ltd trading as People at Work</td>
<td>VIC</td>
</tr>
<tr>
<td>17. Hays Specialist Recruitment (Australia) Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>18. Hoban Recruitment Pty Ltd as trustee for Hoban</td>
<td>VIC, NSW, SA, QLD</td>
</tr>
<tr>
<td>19. Homer Recruitment</td>
<td>VIC</td>
</tr>
<tr>
<td>20. Hunter Valley Training Company Pty Ltd trading as HVTIC</td>
<td>NSW</td>
</tr>
<tr>
<td>21. Inner Northern Group Training Ltd- Intowork Australia</td>
<td>VIC, SA, QLD, TAS</td>
</tr>
<tr>
<td>22. Inspired Management Pty Ltd trading as Inspired Staffing</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>23. Mandy Nolan trading as Rec Relief</td>
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<tr>
<td>24. McArthur (VIC) Pty Ltd</td>
<td>VIC, SA</td>
</tr>
<tr>
<td>25. Michael Page International (Australia) Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
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<tr>
<td>26. Morgan Consulting Australia Pty Ltd</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
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<tr>
<td>27. Powerdata Group Consulting Pty Ltd</td>
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<tr>
<td>28. ProQuest Pty Ltd</td>
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<tr>
<td>29. Randstad Pty Ltd</td>
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</tr>
<tr>
<td>30. Recruitment Solutions Group Pty Ltd as the trustee of the</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>31. Recruitment Solutions Group Trust trading as Extrastaff Talent</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>32. Options Apprenticeship Careers</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>33. Australia Belmore Community Care ACT Nursing</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
</tr>
<tr>
<td>34. Belmore Nurses Bureau and RNS Nursing</td>
<td>VIC, NSW, QLD, SA, WA, TAS, NT &amp; ACT</td>
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<td>#</td>
<td>Organisation</td>
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<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>31</td>
<td>RNTT Pty Ltd trading as Excel Recruitment and Rexco People</td>
</tr>
<tr>
<td>32</td>
<td>Slade Group Pty Ltd as Trustee for Slade Group Unit Trust</td>
</tr>
<tr>
<td>33</td>
<td>Programmed Skilled Workforce Ltd</td>
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<tr>
<td>34</td>
<td>Talent International Holdings Pty Ltd</td>
</tr>
<tr>
<td>35</td>
<td>Tradewind Australia Pty Ltd</td>
</tr>
<tr>
<td>36</td>
<td>Work Solutions (Melb) Pty Ltd</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 20 March 2018.

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
<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>&lt;br&gt;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>&lt;br&gt;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>&lt;br&gt;That Council:&lt;br&gt;1. notes the typical elements of a suburban sensory garden;&lt;br&gt;2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;&lt;br&gt;3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and&lt;br&gt;4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
<td>DERI</td>
<td>A further report will be provided to a future Council meeting.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
</tr>
<tr>
<td>-----------------</td>
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<td>-----------------</td>
</tr>
<tr>
<td>21/06/16</td>
<td><strong>Bayside Public Transport Advocacy Statement</strong>&lt;br&gt;That Council:&lt;br&gt;2. receives further updates of the Bayside Public Transport Advocacy Statement as part of the annual Integrated Transport Strategy (ITS) update report required as part of Council’s resolution for adopting the ITS to seek the endorsement of any new advocacy issues and positions that are evolved.</td>
<td>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>
</tr>
<tr>
<td>28/02/17</td>
<td><strong>Potential Land Purchase</strong>&lt;br&gt;1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and&lt;br&gt;2. receives a further report on the outcomes of these negotiations</td>
<td>DCorp</td>
<td>A further report will be submitted to Council following the negotiations.</td>
</tr>
<tr>
<td>25/7/17</td>
<td><strong>Response to petition - Reclaim the historic name ‘Pennydale’ for the neighbourhood bounded by Bay Road, Frankston railway line, Park Road and the residential zone on both sides of Jack Road.</strong>&lt;br&gt;That Council considers a further report on the matter following the completion of the community consultation process, and to further address the strong link with the locality and sense of place.</td>
<td>DCS</td>
<td>A report on this matter is included in the March Ordinary Meeting Agenda.</td>
</tr>
<tr>
<td>25/7/17</td>
<td><strong>Bayside Environmental Sustainability Framework 2016-2025 Annual Progress Report</strong>&lt;br&gt;That Council receives a further report in the first quarter of the 2018/19 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
<td>DERI</td>
<td>A report will be submitted to the August 2018 Council meeting.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
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</tr>
<tr>
<td>22/8/17</td>
<td>10.1</td>
<td><strong>Future Provision of Netball Facilities - Site Assessment Outcomes</strong></td>
<td>DERI</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council receive a report before or at the April 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range;</td>
<td></td>
</tr>
<tr>
<td>22/8/17</td>
<td>10.3</td>
<td><strong>Brighton Secondary College Synthetic Hockey facility - Management Committee Financials Update</strong></td>
<td>DERI</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council receives a further report no later than July 2018 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td></td>
</tr>
<tr>
<td>22/8/17</td>
<td>10.4</td>
<td><strong>Integrated Transport Strategy 2013 - Implementation Progress During 2016/17</strong></td>
<td>DERI</td>
</tr>
<tr>
<td>19/9/17</td>
<td>10.5</td>
<td><strong>Amendment C126 – Small Activity Centres Strategy 2014</strong></td>
<td>DCPCS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That Council:</td>
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<tr>
<td></td>
<td></td>
<td>1. Considers the submissions to Amendment C126 at a future Council meeting.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Receives a briefing on the outcome of the review at its 5 December 2017 Councillor briefing.</td>
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<tr>
<td></td>
<td></td>
<td>3. Writes to submitters and advises of its decision.</td>
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</tr>
</tbody>
</table>

- Work is progressing to finalise the material for the Council Briefing report to be presented on 5 December 2017.
- Notification of decision was mailed out and emailed to submitters on 2 October 2017.
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<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>
<td>• A meeting with the Pennydale Action Group is to be organised following the Council Briefing on 5 December 2017.</td>
</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>
<td></td>
<td></td>
</tr>
<tr>
<td>24/10/17</td>
<td>24/10/17 10.5 Early Years Infrastructure Plan</td>
<td>DCPCS</td>
<td>A report on this matter is included on the March Ordinary Meeting of Council Agenda.</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>
<tr>
<td>24/10/17</td>
<td>24/10/17 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 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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</tr>
<tr>
<td></td>
<td>That Council 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>
<tr>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
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</tr>
<tr>
<td>21/11/17</td>
<td>10.3 Statutory Planning Service and Delegations</td>
<td>DCPCS</td>
<td>That Council consider a report at the June 2018 Council meeting.</td>
</tr>
<tr>
<td>19/12/17</td>
<td>10.15 Bayside Film Festival</td>
<td>DCCCS</td>
<td>A report will be submitted to Council at the October meeting</td>
</tr>
<tr>
<td>20/2/18</td>
<td>10.5 Planning Scheme Amendment C155 – Environmental Audit Overlay</td>
<td>DCPCS</td>
<td>A report on this matter is included on the March Ordinary Meeting of Council Agenda.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background

The purpose of this report is to provide Council with the outcomes of a review of three policies currently used by Council to manage use of open space in Bayside. The reviewed policies include:

- Sportsground Allocation Policy (2012) Attachment 1;
- Use of Council Reserves for Commercial Purposes Policy (2012) Attachment 2; and

It is proposed that the Sportsground Allocation Policy and the Use of Council Reserves for Commercial Purposes Policy be rescinded and a revised Events in Public Places Policy be adopted.

Key issues
Policy intent
The intent of these three current policies is to provide responsible, consistent, transparent, sustainable and equitable processes for the relevant stakeholder. The purposes are consistent in their intent relevant to the unique stakeholders and are quite procedural in nature.

The Bayside Open Space Strategy (2012) details the primary purpose of all open space and provides guidance on what type of activities will be supported in each reserve.

The Recreation Strategy 2013-2022 includes the following key principles:

1. The provision of recreational opportunities for all;
2. Working in partnership with the community in the planning and delivery of recreation services, programs and facilities;
3. Providing great places for people to recreate in, and to be socially connected;
4. Responding to identified recreational needs of the community; and
5. Building the health and wellbeing of the Bayside community.

The Open Space Strategy and Recreation Strategy were adopted by Council after the adoption of the Sportsground Allocation Policy and the Use of Council Reserves for Commercial Purposes Policy and it is now recognised that the strategies achieve the intent of the two policies. In addition, guidance for staff on the intent of the above mentioned policies is available in a number of other existing Council strategies, policies and masterplans.

Sportsground Allocation Policy (2012)

The Sportsground Allocation Policy (2012) articulates the hierarchy for prioritising access and the assessment criteria for seasonal allocations. These two elements of the policy are procedural in nature and this guidance has been included in the Sport Facility Users Guide (2018), developed to support sports clubs using Council sportsgrounds and pavilions.

**Use of Council Reserves for Commercial Purposes Policy (2012)**

The Use of Council Reserves for Commercial Purposes Policy (2012) aligns Council’s process with provisions of the *Crown Lands Acts Amendment (Lease and Licence Terms) Act (2009)* and *Crown Land (Reserves) (Tour Operator Licence Fees) Regulations (2011)* and is therefore considered unnecessary. The intent of this policy is carried through foreshore masterplans that prohibit commercial operators to ensure preservation of the natural environment and any heritage garden areas.


**Events in Public Places Policy (2016)**

The (2016) was also considered for rescission through this process, however it outlines the maximum number of road closures in the calendar year to balance the interest of community members and event organisers.

The Events in Public Places Policy (2016) states that there will be a maximum of six road closures along Beach Road in a calendar year and two closures on other roads between November and March and April and October with no events three weeks prior to Christmas. This policy position is considered an important element to communicate Council's position and therefore not considered for rescission.

The 2016 Events in Public Places Policy has been updated to reflect the current policy format only and no other changes have been made.

It is recommended the Events in Public Places Policy (2018) as set out in Attachment 4 be adopted by Council.

**Future approach**

Decisions regarding allocations and commercial permits in Bayside’s open space network will be made by considering the intent of the Bayside Recreation Strategy 2013-2022 and Bayside Open Space Strategy (2013). The procedures and processes outlined in the policies recommended to be rescinded have been added into operational documents to ensure clear communication is maintained with the relevant stakeholders.

In addition to the above mentioned strategies, foreshore and park masterplans have been developed to provide a clear and consistent approach to the management of active and passive open spaces. The development of any masterplan requires comprehensive community consultation to be undertaken that includes addressing the current and future needs of sports clubs and any potential impacts on local residents.

It is recommended that the current Sportsground Allocation Policy (2012) and Use of Council Reserves for Commercial Purposes Policy (2012) be rescinded as their purpose in providing guidance on decisions relating to sportsground allocations and commercial permits is more appropriately described in other Council strategies, procedures and masterplans.

It is also recommended that the Events in Public Places Policy (2018) as set out in Attachment 3 be adopted by Council and implemented to guide the approval of events requiring the closure of Beach Road.
Recommendation
That Council:
1. Rescinds the Sportsground Allocation Policy (2012) Attachment 1;
2. Rescinds the Use of Council Reserves for Commercial Purposes Policy (2012) Attachment 2; and
3. Amends the 2016 Events in Public Places Policy with the 2018 version referred to as Attachment 4 in the report.

Support Attachments
3. Attachment 3 - Events in Public Places Policy 2016

Considerations and implications of proposition

Liveable community

Social

The Events in Public Places Policy (2018) outlines Council’s requirements in limiting the number of events that have an impact on the Bayside community.

Natural Environment
Strengthening the obligations for stakeholders through operational documents will protect and better manage the natural environment.

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

Customer Service and Community Engagement
The Sport Facility Users Guide (2018) has been developed as a two way communication tool for sports clubs. This document will improve the understanding of responsibilities by all stakeholders’ delivering better customer service outcomes.

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

The recommendations meet the goals and objectives of Council’s Open Space Strategy (2012) and Recreation Strategy 2013 – 2022 and are aligned to aspirations included in relevant open space and foreshore master plans.
1. Policy intent
The Sportsground Allocation Policy (the Policy) provides the guiding principles for the use of Council owned or managed sportsgrounds and associated facilities for organised sport and activities.

This Policy will supersede the Sports Facility Policy 2006.

2. Purpose/ Objective
- To provide a responsible, consistent, transparent and equitable process for the use of Council sportsgrounds and associated facilities.
- To manage the sustainable use of sportsgrounds and associated facilities.
- To provide agreed principles to prioritise use and management of the sportsgrounds and associated facilities to preserve the natural and built assets for current and future use.
- To provide a Policy that is consistent with Council’s policies, Local Law and other relevant legislation, including the Charter of Human Rights and Responsibilities Act 2006.

3. Scope
The Policy is applicable to the allocation of all Council managed sportsgrounds and associated facilities including; Council owned and managed land and school land managed through joint usage agreements. While the Policy will largely be applicable to seasonal sporting clubs and schools, it will also apply to other community groups, private and commercial organisations who wish to apply for allocated use of a sportsground and/or associated facilities.

It does not apply to informal and unstructured recreational use by individual community members at sporting reserves.

Separate policies apply to the following and are not included in the scope of this Policy:
- tenants of sport and recreational facilities that occupy Council premises through a leasing arrangement;
- use of Council sportsgrounds for commercial health and fitness training;
- helicopter landings on Council sportsgrounds;
- booking of other open spaces that are not sportsgrounds.
4. Roles and responsibilities
This Policy is approved by Council. The Manager Recreation, Events and Social Development (the Responsible Manager) is responsible for ensuring Policy implementation, compliance, monitoring, evaluation and review. The Manager Recreation, Events and Social Development is responsible for providing advice with regard to this Policy.

5. Monitoring, evaluation and review
Compliance with the Policy is monitored through Council’s risk management audits, assessment of applications, Council’s financial reconciliation processes and community and sportsground users’ feedback.

Effectiveness of the Policy is monitored and evaluated through the seasonal sportsground users’ feedback forums and other community engagement platforms.

6. Policy statement
Bayside City Council recognises that the allocation of sportsgrounds is balanced with other users as part of the public open space network. The provision of sportsgrounds enables community sports clubs, schools and other organisations to provide opportunities to encourage healthy and active lifestyles.

6.1 Priority of user group allocation
To protect community access and sustain the life of its assets, Council must regulate the type and frequency of use at sportsgrounds. To achieve this, Council will apply a hierarchy that considers users’ access to other sport facilities, the reliance on access to Council sportsgrounds for the users’ ongoing viability and Council’s level of responsibility in providing facilities for community sporting and recreational activities.

Further, the use of sportsgrounds and/or associated facilities may be removed or restricted for either: risk management reasons; works and maintenance; managing the sustainable use of the sportsground/s; environmental factors; or other reasons as Council may determine. Where a sportsground is unavailable, Council will endeavour to relocate the allocated user/s to another sportsground/s, which may require modification of allocated use for both the displaced user/s and the incumbent sportsground user/s.

In the event that there is a need to prioritise contested use of sportsgrounds, Council will allocate use in the following order of priority:

<table>
<thead>
<tr>
<th>Hierarchy Listing</th>
<th>Guiding Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Council endorsed major events</td>
<td>• These major events, which occur from time to time, have been assessed as providing a net benefit to the City of Bayside. • These major events may only be conducted on large open spaces or at specialist sports venues.</td>
</tr>
<tr>
<td>2. Bayside community club sport matches - 'in season' matches affiliated by peak body ('home and away' and finals matches)</td>
<td>• Community sporting clubs are highly reliant on access to Council managed sportsgrounds for their viability. • Council recognises that the responsibility for the provision of core sporting facilities to provide opportunities to play local club sport largely resides with local government.</td>
</tr>
<tr>
<td>3. Bayside community club sport training - 'in season'</td>
<td></td>
</tr>
<tr>
<td>4. Bayside primary school competition - during school hours</td>
<td>• While funding the provision of school sports facilities is not the responsibility of local government, Council is supportive of reasonable school sports use of Council sportsgrounds. • As evidence based research indicates that lifelong patterns of being physically active is often learnt and established in the pre and primary school years, preference of allocation will be given to primary schools over secondary schools.</td>
</tr>
<tr>
<td>5. Bayside secondary school competition - during school hours</td>
<td></td>
</tr>
</tbody>
</table>
6. Bayside community club matches and training - pre-season

- While recognising clubs’ desire to undertake ‘pre-season’ training, other options exist to facilitate pre-season training activities – e.g. indoor centres, gymnasiaums, swim centres, running tracks.

7. Bayside primary school training - during school hours

- School training/ physical education etc does not require the coordination or standard of sportsground facilities that are required for inter/school matches and competition.
- School training/ physical education etc can be conducted at non Council sportsgrounds and facilities – e.g. school facilities.
- Schools that have capacity on their own sportsgrounds, which the school elects not to use, will not be allocated use of Council sportsgrounds for non-competition purposes (eg ‘training/ physical education etc).
- Peak community/club demand of Council allocated sportsgrounds occurs outside of schools hours. School allocation of Council sportsgrounds will be limited to during school hours.

8. Bayside secondary school training - during school hours

9. Other Bayside community organisations

- Sportsgrounds form an important part of Bayside’s public open space network.
- Council acknowledges the importance of volunteers and the public good served by Bayside’s not-for-profit community sector.
- Council will give preference of allocation to Bayside’s community organisations over commercial interests and non-Bayside organisations.

10. All other

6.2 Assessment of applications for seasonal allocation for sports clubs

- Where two or more sports clubs have applied for an available sportsground and officers are unable to facilitate shared use, the following assessment criteria shall be used, with the highest scoring club/s given priority allocation.
- An application will not be considered for allocation where a club’s application receives a ‘no allocation’ score.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Score</th>
<th>Assessment guide</th>
<th>Guiding principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historical use of facilities</td>
<td>10</td>
<td>Home ground of a Bayside home based club</td>
<td>Council recognises the social and cultural importance of a club’s historical connection with a home ground and will give a priority to a home ground application over a non- home ground application.</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>Bayside home based club for more than five years</td>
<td>Council will give preference to Bayside home based clubs over non-Bayside home based clubs.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Bayside home based club for less than five years</td>
<td>The length of club’s past tenure of a sportsground will be considered when assessing an application.</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Non-home Bayside based clubs for over five years</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>Other clubs</td>
<td></td>
</tr>
<tr>
<td>Tenancy record</td>
<td>5</td>
<td>Good record</td>
<td>Council recognises and supports the importance of clubs having good relationships with Council, co-tenants and the local community.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Fair record</td>
<td>Council will take into account the pattern, number and severity of tenancy breaches and upheld complaints over the previous five years when assessing seasonal allocation applications.</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>Poor record (Responsible Manager to determine allocation status – i.e. restricted or no allocation)</td>
<td>Council will provide the club with written advice of upheld complaints and tenancy breaches.</td>
</tr>
<tr>
<td>Financial status</td>
<td>5</td>
<td>No outstanding debt with Council</td>
<td>Clubs will not be considered for allocation if they have outstanding debts to Council and do not have a Council approved repayment plan in place.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Outstanding debt with a Council approved repayment plan</td>
<td>Where Council has provided the club with a loan guarantee, the club must provide evidence that loan repayments are current prior to Council considering their application for allocation.</td>
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<tbody>
<tr>
<td></td>
<td>0</td>
<td>Outstanding debt with Council with no repayment plan</td>
</tr>
</tbody>
</table>
| Division of sports seasons | 5 | In season application | • Council recognises that differences can arise when sporting clubs wish to use sportsgrounds outside of the traditional sporting season (i.e. ‘in season’).
• Using the State Government’s determination for the division of sporting seasons as a basis for Council allocations, Council will allocate according to the traditional sporting seasons.
• In the absence of an application from an ‘in season’ club, Council may consider an ‘out of season’ application where there is sufficient sportsground capacity. (Also subject to clause 6.1). |
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<tbody>
<tr>
<td>3</td>
<td>Out of season application with no in season club contesting allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No allocation</td>
<td>Out of season application with an in season club contesting allocation</td>
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</tbody>
</table>

| Governance | 5 | Mandatory documentation provided | • Council requires that clubs practice good governance and provide evidence of mandatory documentation. Clubs will not be considered for allocation unless the clubs provide the following:
1. Evidence the club is an Incorporated Association;
2. Certificate of currency for public liability insurance as stipulated by Council;
3. Financial statements (previous financial year’s profit and loss statement and balance sheet) and;
4. Other documentation as stipulated by Council (e.g. food registration, liquor licence). |
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<tbody>
<tr>
<td>No allocation</td>
<td>Mandatory documentation not provided</td>
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</table>

| Hierarchy of sportsgrounds | 5 | Allocation consistent with sportsground classification | • Council sportsgrounds are classified as local, district or regional which provide different standards of sports facilities (e.g. pavilions, sportsgrounds, parking etc).
• Preference will be given to a club’s allocation (based on club size or level of competition) where the allocations are consistent with the sportsground’s classification. (See Appendix 1) |
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<tbody>
<tr>
<td>3</td>
<td>Allocation one level above or below sportsground allocation</td>
<td></td>
<td></td>
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<tr>
<td>0</td>
<td>Allocation two levels above or below sportsground classification</td>
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</table>

| Ground capacity | 5 | Optimal use | • To maximise opportunities for participation, Council aims to achieve optimal and sustainable use of sportsgrounds (i.e. achieving full capacity of use while preserving satisfactory sportsground conditions).
• Council will evaluate a club’s capacity to achieve optimal and sustainable sportsground use by assessing the application against what Council determines to be capacity usage of the sportsground.
• Note: Council will ‘cap’ use of sportsgrounds by allocated users where appropriate. |
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<tbody>
<tr>
<td>3</td>
<td>Minor over use or under use</td>
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<tr>
<td>1</td>
<td>Moderate over use or under use</td>
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</tr>
<tr>
<td>0</td>
<td>High over use or under use</td>
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</table>

| Capital works investment | 10 | Capital investment over $50,001 | • Council recognises the positive community benefits when sporting facilities have been developed, renewed or upgraded.
• Council acknowledges the significance of a club choosing to invest monies into community/Council infrastructure.
• Priority of allocation will be given to clubs that have made significant financial contributions to Council sporting facilities at the allocated sportsground within the past five years. |
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<tbody>
<tr>
<td>6</td>
<td>Capital investment between $30,001 and $50,000</td>
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<tr>
<td>2</td>
<td>Capital investment between $10,001 and $30,000</td>
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<tr>
<td>1</td>
<td>Capital investment under $10,000</td>
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| Under-represented target group participation | 5 | 3 or more target group teams | • Council recognises the social and physical wellbeing benefits that come from participating in community sport. Council encourages clubs to provide welcoming and supportive environments for all people.
• Preference will be given to clubs that demonstrate providing participation opportunities for under-represented target groups (e.g. females, people with disabilities, older adults) |
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<tbody>
<tr>
<td>3</td>
<td>2 target group teams</td>
<td></td>
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</tr>
<tr>
<td>1</td>
<td>1 target group teams</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>No target group teams</td>
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</tbody>
</table>
6.3 Occupancy agreements
- All organisations/entities/persons must apply for and have received Council’s written approval prior to undertaking formal or organised use on Council owned or managed sportsgrounds.
- Applicants must provide all relevant information to Council.
- Occupancy agreements, whether lease, licence or permit, will be in accordance with Council’s Leasing Policy and/or Local Law.
- Resolution of matters related to infringements notices issued under a Local Law will be processed in accordance with the Local Law.
- The Responsible Manager or delegated officer will be authorised to approve sportsground allocations.
- The Responsible Manager will be authorised to modify or revoke sportsground allocations.
- In the event of a dispute or difference arising in the interpretation of this Policy, the club can appeal in writing to the Director of Community Services within seven days of the club receiving notification of its allocation. The Director of Community Services, or a delegated officer, will have final determination on the matter.

6.4 Conditions of occupancy
- Allocated users must have insurance cover as recommended by Council’s insurance broker.
- Allocated users will abide with the applicable terms and conditions of occupancy including complying with all legislative requirements, Council policies and Local Law.
- The conditions of occupancy state the roles and responsibilities of Council and the allocated user.
- Council is committed to improving environmental outcomes and encourages allocated users to sustainably manage the use of sportsground facilities, including waste minimisation and recycling.
- Severe breaches of the conditions of occupancy may be subject to penalties imposed by Council, and/or modification or termination of the occupancy agreement.
- The permit for use must be held by the user and shown upon request at all times.

6.5 Fees and charges
- Fees and charges for the use of sportsgrounds and associated facilities will be in accordance with Council’s Fees and Charges Schedule as determined through Council’s annual budget process.
- Fees and charges aim to balance the community health and wellbeing benefits for the equitable use of the sportsgrounds and associated facilities with the recovery of costs to Council for the provision of the sportsgrounds and associated facilities.

7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
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<tbody>
<tr>
<td>- Leasing Policy 2008</td>
</tr>
<tr>
<td>- Use of Council Reserves by Commercial Health and Fitness Trainers Policy 2009</td>
</tr>
<tr>
<td>- Helicopter Landings on Council-owned and Controlled Property Policy 2007</td>
</tr>
<tr>
<td>- Booking of Council Open Space and Outdoor Recreation Facilities Policy 1999</td>
</tr>
<tr>
<td>- Risk Management Policy 2011</td>
</tr>
<tr>
<td>- Temporary Advertising Signage on Recreation Reserves Policy 2005</td>
</tr>
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<td>- Food Safety Policy 2007</td>
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<thead>
<tr>
<th>Strategies</th>
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<tbody>
<tr>
<td>- Long Term Financial Plan 2009-2019</td>
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<tr>
<td>- Open Space Strategy 2011 (draft)</td>
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<td>- Health and Wellbeing Plan 2009-2013</td>
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<tr>
<td>- Disability Strategy and Action Plan 2010-2013</td>
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<tr>
<td>Guidelines</td>
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<tr>
<td>Procedures</td>
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### 8. Definitions and abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td><strong>Sportsground</strong></td>
<td>Open space that can provide sports use function, and will include one or more playing fields, often with associated facilities. (See Appendix 1 for list of sportsgrounds.)</td>
</tr>
<tr>
<td><strong>Sports facility</strong></td>
<td>Sportgrounds and associated infrastructure with the primary function of supporting the allocated sporting use of the sportground.</td>
</tr>
<tr>
<td><strong>Allocation</strong></td>
<td>The application process and granting of a Council: permit or; licence or; written approval; to occupy a specified area within specified times and dates and in accordance with specific conditions. Permission to occupy is not to be construed as tenancy.</td>
</tr>
<tr>
<td><strong>Local law</strong></td>
<td>The Council’s authority given under the Local Government Act 1989 to make laws that apply to the municipal district of Bayside City Council. Provides the authority to both permit occupancy and to enforce compliance of the occupancy permit.</td>
</tr>
<tr>
<td><strong>Joint usage</strong></td>
<td>A formal agreement between a school/Department of Education and Early Childhood Development and Council where Council will generally provide resources to help maintain a school sportground in return for the school sportground being made available to Council to allocate to local sports clubs outside of school hours.</td>
</tr>
<tr>
<td><strong>Seasonal</strong></td>
<td>Refers to the ‘summer season’ being from 1 October to 31 March and ‘winter season’ being from 1 April to 30 September. Sports finals will not be included in the sport club’s seasonal allocation, but rather will be allocated as a separate agreement between Council and the applicable sport associations. The sports allocated to seasonal sportgrounds will be those played in traditional ‘seasons’ – e.g. football codes in winter; cricket, baseball, etc in summer.</td>
</tr>
<tr>
<td><strong>Lease</strong></td>
<td>A lease is a right granted by Council (landlord) to a club (tenant) to have exclusive possession of defined facility (e.g. pavilion) for a fixed duration and specified terms for a rental payment. Council may grant a lease where the premises will be occupied exclusively by the one user and Council considers that granting a lease is in the best interests of the community.</td>
</tr>
<tr>
<td><strong>Licence</strong></td>
<td>A licence permits a person (licensee) to occupy land (or part thereof) on particular conditions. A licence does not permit exclusive occupancy of the land and does not create any interest in the land.</td>
</tr>
<tr>
<td><strong>Permit</strong></td>
<td>A permit issued by Council under a Local Law.</td>
</tr>
<tr>
<td><strong>Open space</strong></td>
<td>Council managed parks, reserves (including the foreshore) and community areas.</td>
</tr>
<tr>
<td><strong>Capacity usage</strong></td>
<td>Generally the maximum number of hours (given type of use) that can occur on a sportground while maintaining a satisfactory playing surface as determined by sports turf specialists and other industry (including LGA) standards of the day.</td>
</tr>
<tr>
<td><strong>School hours</strong></td>
<td>During school hours refers to the hours that coincide with students’ education and class time (e.g. between 8.30am and 3.30pm, Monday to Friday during gazetted school terms)</td>
</tr>
<tr>
<td><strong>Home ground</strong></td>
<td>The sportground that is connected to a club's main clubrooms.</td>
</tr>
<tr>
<td><strong>Sportsground classification</strong></td>
<td>Describes the classification of sportground/s (local, district or regional) which considers catchment, standard of sport, size, ancillary facilities, residential impact, parking etc.</td>
</tr>
</tbody>
</table>
Please note: This Policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
### Sportgrounds

<table>
<thead>
<tr>
<th>Item</th>
<th>Sportgrounds</th>
<th>Suburb</th>
<th>Melway Reference</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AW Oliver</td>
<td>Hampton East</td>
<td>77 B6</td>
<td>District</td>
</tr>
<tr>
<td>2</td>
<td>Balcombe Park</td>
<td>Beaumaris</td>
<td>86 C4</td>
<td>Local</td>
</tr>
<tr>
<td>3</td>
<td>Banksia Reserve</td>
<td>Beaumaris</td>
<td>86 F7</td>
<td>District</td>
</tr>
<tr>
<td>4</td>
<td>Beaumaris Reserve - North</td>
<td>Beaumaris</td>
<td>86 D6</td>
<td>District</td>
</tr>
<tr>
<td>5</td>
<td>Beaumaris Reserve - South</td>
<td>Beaumaris</td>
<td>86 D6</td>
<td>District</td>
</tr>
<tr>
<td>6</td>
<td>Black Rock Primary</td>
<td>Black Rock</td>
<td>86 A2</td>
<td>Local</td>
</tr>
<tr>
<td>7</td>
<td>Boss James Reserve</td>
<td>Hampton</td>
<td>77 A7</td>
<td>District</td>
</tr>
<tr>
<td>8</td>
<td>Brighton Beach Oval</td>
<td>Brighton</td>
<td>76 D3</td>
<td>District</td>
</tr>
<tr>
<td>9</td>
<td>Castlefield Reserve</td>
<td>Hampton</td>
<td>76 H5</td>
<td>Local</td>
</tr>
<tr>
<td>10</td>
<td>Cheltenham Park – East</td>
<td>Cheltenham</td>
<td>86 G1</td>
<td>District</td>
</tr>
<tr>
<td>11</td>
<td>Cheltenham Park – West</td>
<td>Cheltenham</td>
<td>86 G1</td>
<td>District</td>
</tr>
<tr>
<td>12</td>
<td>Cheltenham Recreation Reserve</td>
<td>Cheltenham</td>
<td>86 G3</td>
<td>District</td>
</tr>
<tr>
<td>13</td>
<td>Chisholm (RG) Reserve</td>
<td>Sandringham</td>
<td>76 K8</td>
<td>Local</td>
</tr>
<tr>
<td>14</td>
<td>Dendy Park – North</td>
<td>Brighton East</td>
<td>77 A2</td>
<td>District</td>
</tr>
<tr>
<td>15</td>
<td>Dendy Park – Lower (multiple grounds)</td>
<td>Brighton East</td>
<td>77 A2</td>
<td>District</td>
</tr>
<tr>
<td>16</td>
<td>Donald MacDonald Reserve</td>
<td>Beaumaris</td>
<td>86 B6</td>
<td>Local</td>
</tr>
<tr>
<td>17</td>
<td>Elsternwick Park - Oval 1</td>
<td>Brighton</td>
<td>67 E3</td>
<td>Regional</td>
</tr>
<tr>
<td>18</td>
<td>Elsternwick Park - Oval 2</td>
<td>Brighton</td>
<td>67 D3</td>
<td>District</td>
</tr>
<tr>
<td>19</td>
<td>Elsternwick Park - Oval 3</td>
<td>Brighton</td>
<td>67 E5</td>
<td>Local</td>
</tr>
<tr>
<td>20</td>
<td>Elsternwick Park - Oval 4</td>
<td>Brighton</td>
<td>67 D5</td>
<td>Local</td>
</tr>
<tr>
<td>21</td>
<td>Hurlingham Park - Oval 1</td>
<td>Brighton East</td>
<td>67 J10</td>
<td>District</td>
</tr>
<tr>
<td>22</td>
<td>Hurlingham Park - Oval 2</td>
<td>Brighton East</td>
<td>67 J10</td>
<td>District</td>
</tr>
<tr>
<td>23</td>
<td>Moorabbin West Reserve</td>
<td>Hampton East</td>
<td>77 C6</td>
<td>Local</td>
</tr>
<tr>
<td>24</td>
<td>Peterson Reserve – East</td>
<td>Highett</td>
<td>77 B8</td>
<td>District</td>
</tr>
<tr>
<td>25</td>
<td>Peterson Reserve – West</td>
<td>Highett</td>
<td>77 B8</td>
<td>District</td>
</tr>
<tr>
<td>26</td>
<td>Sandringham College – Beaumaris (multiple sportsgrounds)</td>
<td>Beaumaris</td>
<td>86 C5</td>
<td>District</td>
</tr>
<tr>
<td>27</td>
<td>Sandringham College – Hightett (multiple sportsgrounds)</td>
<td>Hightett</td>
<td>77 A10</td>
<td>District</td>
</tr>
<tr>
<td>28</td>
<td>Sandringham College – Holloway Road (multiple sportsgrounds)</td>
<td>Sandringham</td>
<td>77 A11</td>
<td>Local</td>
</tr>
<tr>
<td>29</td>
<td>Shipston Reserve – East</td>
<td>Cheltenham</td>
<td>86 G2</td>
<td>Local</td>
</tr>
<tr>
<td>30</td>
<td>Shipston Reserve - West</td>
<td>Cheltenham</td>
<td>86 G2</td>
<td>Local</td>
</tr>
<tr>
<td>31</td>
<td>Sillitoe (RJ) Reserve</td>
<td>Hampton</td>
<td>77 A5</td>
<td>Local</td>
</tr>
<tr>
<td>32</td>
<td>Simpson (WL) Reserve - East</td>
<td>Hampton</td>
<td>77 A6</td>
<td>Local</td>
</tr>
<tr>
<td>33</td>
<td>Simpson (WL) Reserve - West</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Tjilatjirrin Reserve – Destructor Oval</td>
<td>Sandringham</td>
<td>77 A12</td>
<td>District</td>
</tr>
<tr>
<td>35</td>
<td>Tjilatjirrin Reserve – Spring Street Oval</td>
<td>Sandringham</td>
<td>77 A12</td>
<td>District</td>
</tr>
<tr>
<td>36</td>
<td>Tjilatjirrin Reserve – Tulip Street</td>
<td>Sandringham</td>
<td>77 A12</td>
<td>District</td>
</tr>
<tr>
<td>37</td>
<td>Trey Bit Reserve</td>
<td>Sandringham</td>
<td>76 F8</td>
<td>Local</td>
</tr>
<tr>
<td>38</td>
<td>Whyte Street Reserve</td>
<td>Brighton</td>
<td>76 F1</td>
<td>Local</td>
</tr>
<tr>
<td>39</td>
<td>William Street Reserve</td>
<td>Brighton</td>
<td>67 G11</td>
<td>Local</td>
</tr>
<tr>
<td>40</td>
<td>Wilson Recreation Reserve</td>
<td>Brighton</td>
<td>67 E10</td>
<td>Local</td>
</tr>
<tr>
<td>41</td>
<td>Wishart Reserve</td>
<td>Hampton East</td>
<td>77 B5</td>
<td>Local</td>
</tr>
</tbody>
</table>

**Note: Leased sportgrounds not allocated by Council**
- Elsternwick Park Oval No 1 (during winter)
- Trevor Barker Beach Oval
- Sandringham Athletics Club
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Use of Council Reserves for Commercial Purposes Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy ref no:</td>
<td>C/POL/CMS/015</td>
</tr>
<tr>
<td>Council policy owner:</td>
<td>Director Community Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>8 May 2012</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>2016</td>
</tr>
</tbody>
</table>

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

1. Policy intent

To apply a consistent and equitable approach to the management of commercial recreation activity providers and tour operators using Council owned and/or managed reserves.

2. Purpose/Objective

- To manage access to Council reserves by commercial operators with primary consideration given to the: social, cultural and environmental impacts; preservation of community access and amenity; protection of Council’s natural and built assets.
- To align the use of Council owned and/or managed reserves with the provisions of the Crown Land Acts Amendment (Lease and Licence Terms) Act 2009 (Act) and the related Crown Land (Reserves) (Tour Operator Licence Fees) Regulations 2011 (Regulations).
- To provide for the effective administration, management and compliance of commercial operators using Council owned and/or managed reserves consistent with the Act, the related Regulations and Council’s Local Law.
- To provide a transparent, consistent and equitable approach to the management of commercial operators using Council owned and/or managed reserves.
- The Policy is consistent with the Charter of Human Rights and Responsibilities Act 2006

3. Scope

The Policy applies to the following persons and activities on Council owned and/or managed reserves:

- a person or business who conducts a guided tour or recreation activity for profit where the activity is carried out regularly (including commercial health and fitness providers);
- higher education providers, including TAFEs and universities that conduct guided tours or recreation activities for significant commercial purpose;
- commercial tour operators and recreation activity providers that are engaged as a third party by another entity to conduct an activity.
The Policy does not apply to the following on Council owned and/or managed reserves:

- non-commercial recreation use by community members;
- not-for-profit organisations that provide a service to their members and do not receive a financial reward beyond their direct costs to conduct the activity;
- primary or secondary school activities conducted as part of the school curriculum;
- activities that are conducted on an irregular or one-off basis, such as markets, events, races or festivals which are covered by other Council policies;
- tenants where the commercial activities are covered under the terms of an occupancy agreement, such as a lease. Where Council is the lessor then Council's Leasing Policy will apply; and
- individuals or groups that hire equipment, vehicles or vessels where a guided tour is not a promoted element of the service. These types of commercial operations may be covered by Council's Leasing Policy.

4. Roles & Responsibilities

The Policy is approved by Council. The Manager Recreation, Events and Social Development is responsible for ensuring Policy implementation, providing advice on this Policy and will provide a determination in the event that a dispute or difference arises in the interpretation of this Policy. A final written appeal may be made to the Chief Executive Officer.

As land manager, Council approves commercial licences on all Council owned and/or managed reserves. If the activities of the commercial operator licence are undertaken on Crown land, the licence will also require Ministerial attestation, which has been delegated to the Department of Sustainability and Environment (DSE).

5. Monitoring, evaluation & review

Compliance with the Policy and the Regulations will be undertaken by authorised Council Local Law officers on Council owned and/or managed reserves and authorised officers from DSE on Crown land. Effectiveness of the Policy will be monitored by the number of commercial operator licences granted and reports of non-compliance occurring on Council owned and/or managed reserves. DSE will be responsible for the review and evaluation of the Regulations, which inform the Policy.

6. Policy statement

- Council recognises that commercial operators offer activities that may provide economic, social and physical wellbeing benefits to the Bayside community.
- Council will manage access to Council reserves by the commercial operators and assess the suitability of the proposed activities, giving primary consideration to the:
  - social, cultural and environmental impacts;
  - protection of the natural and built assets;
  - preservation of community access and amenity.
Following consideration of the community values and existing and future uses of the Council owned and/or managed reserves, Council will determine whether a commercial operator licence is to be granted and the terms and conditions of any such licence.

Council will strive to achieve a transparent, consistent and equitable approach to the management of commercial operators using Council owned and/or managed reserves.

Council will observe and apply the Act and related Regulations for the management of commercial tours and recreation activities being undertaken on Council owned and/or managed reserves, including Crown land where Council acts as the Committee of Management.

Fees charged by Council will be aligned to the Regulations and indexed annually as determined by the State Treasurer and will be incorporated into Council's annual fees and charges schedule.

7. Related documents

| Policies                          | - Leasing Policy 2008
|                                 | - Risk Management Policy 2011
|                                 | - Temporary Advertising Signage on Recreation Reserves Policy 2005
|                                 | - Events Policy 2012 (draft)
|                                 | - Road Race Events Policy 2004
|                                 | - Sportsground Allocation Policy 2012
|                                 | - Booking of Reserves and Outdoor Recreation Facilities Policy 1999
| Strategies                      | - Coastal Management Strategy 1997
|                                 | - Open Space Strategy 2010-2020
|                                 | - Health and Wellbeing Plan 2009-2013
|                                 | - Long Term Financial Plan 2009-2019
| Legislation                     | - Crown Lands (Reserves) Act 1978
|                                 | - Crown Lands Acts Amendment (Lease and Licence terms) Act 2009
|                                 | - Crown Land (Reserves) (Tour Operator Licence Fee) Regulations 2011
| Other                           | - Council Reserves – Commercial Health and Fitness Providers – Terms and Conditions
|                                 | - Bayside City Council Local Law
|                                 | - Bayside City Council Fees and Charges Schedule
8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council reserves</td>
<td>Public space that is owned and/or managed by Council (e.g. parks, reserves, foreshore, sportgrounds, pedestrian and cycling paths, bushland reserves etc)</td>
</tr>
<tr>
<td>Commercial operator licence</td>
<td>A permit granted by the public land manager for non-exclusive use of a specified area within specified times and dates and in accordance with specific conditions. Permission to use is not to be construed as tenancy. Commercial operator licences can be issued under the Local Law and the Act.</td>
</tr>
<tr>
<td>Local law</td>
<td>The Council’s authority given under the Local Government Act 1989 to make laws that apply to the City of Bayside. Provides the authority to both permit occupancy and/or use and to enforce compliance of any such permit/licence.</td>
</tr>
<tr>
<td>Licence</td>
<td>Council (licensor) permits a person/business (licensee) to occupy land (or part thereof) on particular conditions. A licence does not permit exclusive occupancy of the land and does not create any interest in the land.</td>
</tr>
<tr>
<td>Lease</td>
<td>A lease is a right granted by Council (lessor/landlord) to a legal entity (lessee/tenant) to have exclusive possession of a defined area/building for a fixed duration and specified terms for a rental payment.</td>
</tr>
<tr>
<td>Permit</td>
<td>A permit issued by Council under a Local Law</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
1. Policy intent

The intent of the Events in Public Places Policy (the Policy) is to:

- Establish Council's role in facilitating and supporting community events;
- Achieve a balance between the rights of event participants and the rights of residents to enjoy their local amenity;
- Establish the management framework for the conduct of events on Council owned or managed public open space; and
- Ensure compliance with relevant legislation, Local Laws and guidance material.

The Policy supersedes:

- Events in Public Places Policy 2012

2. Purpose/Objective

This Policy:

- Supports the conduct of celebrations, festivals and events that benefit the community;
- Ensures there is a consistent, transparent, simple and equitable process for the approval of events and issue of event permits; and
- Encourages high quality, safe and sustainable events.

3. Scope

3.1 The Policy applies to all event owners and/or organisers including events organised by commercial, community and charitable organisations, Council itself or individuals.

3.2 Event types

The Policy applies to events as described below:

- Festivals;
- Markets;
- Health, fitness and sports (but not seasonal sports bookings);
- Commercial triathlons and marathons;
- Charity events;
- Fireworks and pyrotechnics; and
3.3 The Policy applies to events conducted in the following locations:
- Council owned and/or managed open space where a particular space is booked and reserved;
- Public roadways; and
- Private land where public space (roadway, footpath, nature strip or park) is to be used for parking of vehicles, storage of equipment or any other purpose.

The Policy does not apply to events on private land or events in Council buildings.

3.4 Other – The Policy applies to events:
- where a road must be closed;
- with 100 or more attendees;
- a significant structure erected; or
- a space reserved.

The Policy does not apply to family/community gatherings where none of the above applies and attendance is less than 50 people (e.g. a family picnic).

4. Roles & Responsibilities

The Manager Recreation, Events and Community Partnerships is responsible to the relevant Director for:
- Provision of high quality information and support to event organisers;
- Ensuring compliance with this Policy and other legislative requirements; and
- Advice to senior management in relation to events and the impact of this Policy.

Departments that issue other permits that may be needed to stage an event are responsible for:
- Supporting the Recreation, Events and Community Partnership department to enable high quality customer service to event organisers; and
- Issuing of permits in a timely manner.
5. Monitoring, evaluation & review

The Events Officer will review quarterly:

- The number of event applications;
- The number and type of events conducted;
- Compliance with this Policy;
- Revenue from events; and
- Event Permits issued within required time frames.

6. Policy statement

Events play an important role in community life. Communities come together to celebrate annual events, enjoy festivals and conduct sporting activities. Events play a significant role in building community identity and cohesion.

As Council owns many public spaces where events take place it has a role in facilitating events while also managing and mitigating risks and minimising any adverse impacts on residents, businesses, visitors and open space.

The following policy statement is designed to recognise Council’s complex role in balancing the rights and responsibilities of event organisers, participants and community members.

Council:

- Welcomes and actively encourages appropriate events that:
  - Build strong communities;
  - Support community health and wellbeing;
  - Contribute to economic development;
  - Strengthen participation in inclusive activities;
  - Build the image of the municipality; and
  - Incorporate access and inclusion.

Council also:

- Strives to make it easy to stage events;
- Acknowledges it has a role to support events of benefit to greater Melbourne; and
- Balances its support for events with protection of resident and public amenity.

6.1 Road Race Events

Cycling and running/walking are popular activities in Melbourne, and Beach Road is a favoured venue for these events. However, this is a major access route both for people living in the area and for visitors not participating in race events. In order to achieve a balance between the opportunity to participate in these events and the preservation of
local amenity, a limit has been placed on the number of events that can be conducted at different times of the year.

A maximum of six (6) road race events will be permitted along Beach Road and St Kilda Street each calendar year.

Applications for community road race events using other roads (not Beach Road) will be assessed on application but will not exceed two (2) road race events occurring between November and March each year and two (2) road race events occurring between April and October each year.

Road race events will not be staged or permitted to occur at the same location on consecutive weekends.

No road race events will be approved for the 3 weeks prior to Christmas.

Events on Beach Road are to commence no later than 8.00am. The road is to be open and ready for public use by 11.30am. Events on other roads will be assessed on application.

6.2 Payment of fees

Event fees will be determined annually as part of the Council budget process.

All fees payable in relation to events must be paid prior to issue of a permit. No fees will be waived prior to an event.
6.3 Fireworks and Pyrotechnics

Permission for use of fireworks and pyrotechnics will only be issued to licensed pyrotechnicians.

6.4 Indemnity

The event organiser conducts an event at their own risk and must indemnify and hold harmless the Council against all claims resulting from any damage, loss, death or injury in connection with the open space used and the use and occupation of the open space by the casual user.

6.5 Compliance with conditions

The event organiser must comply with all conditions of the permit issued for the event.

7. Related documents

7.1 Victorian legislation:
- Crown Land (Reserves) Act 1978
- Local Government Act 1989
- Building Act 1993
- Food Act 1984
- Road Management Act 2004
- Planning and Environment Act 1987
- Major Sporting Events Act 2009
- Occupational Health and Safety Act 2004
- Liquor Control Reform Act 1998
- Working with Children Act 2005
- Fundraising Act 1998

7.2 Bayside Local Laws

7.3 Other Bayside Policies and guidance material
- Schedule of fees and charges
8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event</td>
<td>Occasions that fit the Scope described in Section 3</td>
</tr>
<tr>
<td>Road race event</td>
<td>Walking, cycling and/or running events that occur on roads within the municipality</td>
</tr>
</tbody>
</table>

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

The intent of the Events in Public Places Policy (the Policy) is to:

- Establish Council’s role in facilitating and supporting community events;
- Achieve a balance between the rights of event participants and the rights of residents to enjoy their local amenity;
- Establish the management framework for the conduct of events on Council owned or managed public open space; and
- Ensure compliance with relevant legislation, Local Laws and guidance material.

The Policy supersedes:

- Events in Public Places Policy 2016

2. Purpose/Objective

This Policy:

- Supports the conduct of celebrations, festivals and events that benefit the community;
- Ensures there is a consistent, transparent, simple and equitable process for the approval of events and issue of event permits; and
- Encourages high quality, safe and sustainable events.

3. Scope

3.1 The Policy applies to all event owners and/or organisers including events organised by commercial, community and charitable organisations, Council itself or individuals.

3.2 Event types

The Policy applies to events as described below:

- Festivals;
- Markets;
- Health, fitness and sports (but not seasonal sports bookings);
- Commercial triathlons and marathons;
- Charity events; and
- Other large scale social events.
3.3 The Policy applies to events conducted in the following locations:
- Council owned and/or managed open space where a particular space is booked and reserved;
- Public roadways; and
- Private land where public space (roadway, footpath, nature strip or park) is to be used for parking of vehicles, storage of equipment or any other purpose.

The Policy does not apply to events on private land or events in Council buildings.

3.4 Other – The Policy applies to events:
- where a road must be closed;
- with 100 or more attendees;
- a significant structure erected; or
- a space reserved.

The Policy does not apply to family/community gatherings where none of the above applies and attendance is less than 50 people (e.g. a family picnic).

4. Roles & Responsibilities

The Manager Open Space, Recreation and Wellbeing is responsible to the relevant Director for:
- Provision of high quality information and support to event organisers;
- Ensuring compliance with this Policy and other legislative requirements; and
- Advice to senior management in relation to events and the impact of this Policy.

Departments that issue other permits that may be needed to stage an event are responsible for:
- Supporting the Open Space, Recreation and Wellbeing department to enable high quality customer service to event organisers; and
- Issuing of permits in a timely manner.
5. Monitoring, evaluation & review

The Events Officer will review quarterly:
- The number of event applications;
- The number and type of events conducted;
- Compliance with this Policy;
- Revenue from events; and
- Event Permits issued within required time frames.

6. Policy statement

Events play an important role in community life. Communities come together to celebrate annual events, enjoy festivals and conduct sporting activities. Events play a significant role in building community identity and cohesion.

As Council owns many public spaces where events take place it has a role in facilitating events while also managing and mitigating risks and minimising any adverse impacts on residents, businesses, visitors and open space.

The following policy statement is designed to recognise Council’s complex role in balancing the rights and responsibilities of event organisers, participants and community members.

Council:
- Welcomes and actively encourages appropriate events that:
  - Build strong communities;
  - Support community health and wellbeing;
  - Contribute to economic development;
  - Strengthen participation in inclusive activities;
  - Build the image of the municipality; and
  - Incorporate access and inclusion.

Council also:
- Strives to make it easy to stage events;
- Acknowledges it has a role to support events of benefit to greater Melbourne; and
- Balances its support for events with protection of resident and public amenity.

6.1 Road Race Events

Cycling and running/walking are popular activities in Melbourne, and Beach Road is a favoured venue for these events. However, this is a major access route both for people living in the area and for visitors not participating in race events. In order to achieve a balance between the opportunity to participate in these events and the preservation of
local amenity, a limit has been placed on the number of events that can be conducted at different times of the year.

A maximum of six (6) road race events will be permitted along Beach Road and St Kilda Street each calendar year.

Applications for community road race events using other roads (not Beach Road) will be assessed on application but will not exceed two (2) road race events occurring between November and March each year and two (2) road race events occurring between April and October each year.

Road race events will not be staged or permitted to occur at the same location on consecutive weekends.

No road race events will be approved for the 3 weeks prior to Christmas.

Events on Beach Road are to commence no later than 8.00am. The road is to be open and ready for public use by 11.30am. Events on other roads will be assessed on application.

6.2 Payment of fees

Event fees will be determined annually as part of the Council budget process.

All fees payable in relation to events must be paid prior to issue of a permit. No fees will be waived prior to an event.
6.3 Indemnity

The event organiser conducts an event at their own risk and must indemnify and hold harmless the Council against all claims resulting from any damage, loss, death or injury in connection with the open space used and the use and occupation of the open space by the casual user.

6.4 Compliance with conditions

The event organiser must comply with all conditions of the permit issued for the event.

7. Related documents

7.1 Victorian legislation:
- Crown Land (Reserves) Act 1978
- Local Government Act 1989
- Building Act 1993
- Food Act 1984
- Road Management Act 2004
- Planning and Environment Act 1987
- Major Sporting Events Act 2009
- Occupational Health and Safety Act 2004
- Liquor Control Reform Act 1998
- Working with Children Act 2005
- Fundraising Act 1998

7.2 Bayside Local Laws

7.3 Other Bayside Policies and guidance material
- Schedule of fees and charges
8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Event</td>
<td>Occasions that fit the Scope described in Section 3</td>
</tr>
<tr>
<td>Road race event</td>
<td>Walking, cycling and/or running events that occur on roads within the municipality</td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
10.23 RESCISSION OF BAYSIDE GAMING MACHINES POLICY 2010

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/41435

Executive summary

Purpose and background
The purpose of this report is to rescind the current Bayside Gaming Machines Policy 2010 (‘the Policy’), as appropriate guidance can be found within Clauses 22.09 (Gaming Policy), 52.28 (Gaming) and the schedule to Clause 52.28 (Gaming) of the Bayside Planning Scheme.

Key issues

State Planning Policy Framework
Electronic gaming machines (EGMs) are a lawful form of recreation for adult members of the community. The use of EGMs can have significant impacts on the health and wellbeing of individuals, families, communities and strength of local economies.

There are State standard requirements to ensure that gaming premises are regulated in the planning system. This is achieved primarily through Clause 52.28 (Gaming), which applies to all planning schemes in Victoria, and seeks to:

- Ensure that gaming machines are situated in appropriate locations and premises;
- Ensure the social and economic impacts of the location of gaming machines are considered; and
- Prohibit gaming machines in specified shopping complexes and strip shopping centres.

The schedule to Clause 52.28 allows Councils to specify particular shopping complexes and strip shopping centres where gaming machines are prohibited.

Local Planning Policy Framework
Council introduced a Local Planning Policy into the Bayside Planning Scheme to provide further guidance on applications for EGMs in Bayside. Through Amendment C39, gazetted on 13 May 2013, Council introduced Clause 22.09 ‘Gaming Policy’ to the Scheme and specified a list of centres where EGMs are prohibited. Council also adopted a policy which is referenced at Clause 22.09 called the Bayside Gaming Machines Policy 2010.

The Gaming Policy at Clause 22.09 guides Council’s application requirements for EGM applications, outlines guidelines for what constitutes an appropriate gaming venue and decision guidelines.

Bayside Gaming Machines Policy 2010
The intent of the adopted Bayside Gaming Machines Policy 2010 was to guide Council’s decision making in relation to the location of gaming machines and venues in Bayside. This however sees the content of Clause 22.09 duplicated into a Council policy.

The Bayside Gaming Machines Policy sets out specific information in relation to:

- The location of gaming machines, including appropriate sites and appropriate venues;
- The information to be submitted with a planning permit application;
- Providing a social, economic and environmental impact assessment; and
- Community consultation and response.
The policy currently exists as a reference document within the Bayside Planning Scheme. Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. Reference documents have only a limited role in decision making, as they are not considered part of the Planning Scheme. They do not have the status of an Incorporated Document and do not carry the same weight.

Much of the information within the *Bayside Gaming Machines Policy* is duplicated content which exists within the Planning Scheme at Clause 22.09.

**Future approach to applications for electronic gaming machines**

In addition to the State standard provisions, Clause 22.09 will continue to apply to all planning permit applications to install or use EGMs in Bayside. Consistent with the *Bayside Gaming Machines Policy*, Clause 22.09 sets out the policy objectives, application requirements and decision guidelines for applications to install or use a gaming machine or use land for the purpose of a gaming premises in Bayside.

The rescission of the policy does not compromise Council’s ability to consider applications for EGMs and does not impact the information requirements for applicants or the public consultation process for each application.

If rescinded, the Policy can be removed from being a reference document as part of the implementation of the future Bayside Planning Scheme Review 2018.

**Recommendation**

That Council rescinds the Bayside Gaming Machines Policy 2010.

**Support Attachments**

1. Bayside Gaming Machine Policy 2010 ↩
2. Clause 22.09 (Gaming Policy) - Bayside Planning Scheme ↩
3. Clause 52.28 (Gaming) - Bayside Planning Scheme ↩
4. Schedule to Clause 52.28 (Gaming) - Bayside Planning Scheme ↩
Considerations and implications of recommendation

Liveable community

Social
Both the Bayside Gaming Machines Policy 2010 and Clause 22.09 (Gaming) to the Bayside Planning Scheme acknowledge that a proportion of the community is susceptible to problem gambling, which can have significant adverse impacts on the health and wellbeing of individuals, families, communities and strength of local economies. A Social and Economic Impact Assessment of each future application for gaming machines will be required, consistent with the provisions of Clause 22.09 (Gaming) of the Bayside Planning Scheme.

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

Built Environment
Clause 22.09 (Gaming), Clause 52.28 (Gaming) and the schedule to Clause 52.28 of the Bayside Planning Scheme provide guidance in relation to the installation, use and location of gaming machines in Bayside. These statutory provisions seek to minimise convenience gambling by prohibiting gaming machines within strip shopping centres and restrict gaming machines near other high convenience destinations, socially disadvantaged areas and within the Bayside Business District. As the requirements for gaming venues are included elsewhere within the Planning Scheme, there are no built environment implications of rescinding the policy.

Customer Service and Community Engagement
Applications to use and install gaming machines would remain subject to the notice and consultation requirements of the Planning and Environment Act 1987. Council would also be provided an opportunity to submit to the Victorian Commission for Gaming and Liquor Regulation when applications relating to gaming premises are considered.

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
Maintaining statutory provisions in the Bayside Planning Scheme relating to the use and installation of a gaming machine or the use of land for the purpose of a gaming premises meets the following objective of the *Council Plan 2017-2021*:

- Goal 7: Community health and participation:
  - Improve public health and wellbeing in the areas of: an engaged and supportive community; a healthy active community; and a safe and healthy environment where people can live, work and play.

The rescission of the policy will not compromise Council's ability to regulate gaming venues.
1. Policy intent

To guide Bayside City Council’s decision making in relation to the location of gaming machines and gaming venues in Bayside.

2. Purpose/Objective

Bayside City Council recognises that there are many forms of gambling currently available to members of the community. This policy is concerned with one form of gambling, the playing of electronic gaming machines (‘gaming machines’).

The policy outlines Council’s position in relation to:

- the location of gaming machines and venues within the City of Bayside;
- the information to be submitted to Council in relation to an application for gaming machines or a gaming venue;
- consultation with the community about gaming machines and venues.

Gambling is recognised as a lawful form of recreation for adult members of the community. However, research demonstrates that a proportion of the community is susceptible to problem gambling, which can have significant adverse impacts on the health and wellbeing of individuals, families, communities and strength of local economies.

While all forms of gambling may have adverse impacts and an array of risk factors may contribute to problem gambling, research by the Productivity Commission (2009) shows that there is a causal relationship between problem gambling and the degree to which the community has access to gambling, particularly gambling on gaming machines.

Council is also concerned to ensure that gaming venues do not compromise its strategic objectives for the economic sustainability and viability of activity centres, or undermine the amenity and character of residential areas.
In recognition of the harmful effects of gaming machine gambling on individuals and communities, amendments have been made to the Gaming Regulation Act 2003 and the provisions within the Planning Scheme that relate to gaming. As a result of these changes a planning permit is now required to install or use a gaming machine anywhere in the City of Bayside. This requirement does not apply to venues approved prior to the introduction of the new provisions; or in locations where gaming machines are specifically prohibited. In Bayside gaming machines are prohibited in Dendy Plaza, Brighton, and in all strip shopping centres.

These planning provisions enable local government to have a greater input into the location of gaming machines and gaming venues and the implementation of harm minimisation measures, and to give due consideration to the environmental, social and economic impacts of gaming machine gambling.

Objectives

- To guide Council’s decision making in relation to planning applications for gaming machines, new gaming venues or the expansion of existing gaming venues.
- To minimise opportunities for convenience gaming and the incidence of problem gambling.
- To reduce adverse health, social and economic impacts of gaming machines.
- To ensure that gaming venues achieve a net community benefit.
- To protect the amenity of existing uses surrounding venues containing gaming machines.

3. Scope

The policy will apply to planning permit applications for new gaming premises and expansion of existing gaming premises in Bayside.

4. Roles & Responsibilities

Planning applications for new gaming machines within new or existing gaming venues will be processed by the Council’s Statutory Planning Department. Input from the Recreation and Social Development Department will be sought in relation to assessing the applicant’s social, economic and environmental impact assessment. If required, the Recreation and Social Development Department will prepare a social, economic and environmental impact assessment on Council’s behalf.

5. Monitoring, evaluation & review

The effectiveness of the policy will be monitored by Council’s Urban Strategy Department.
6. Policy statement

Location of Gaming Machines

Appropriate sites
Gaming machines should be located on sites that are more than 800 metres from:

- An Australian Bureau of Statistics collection district that is within the most socio-economically disadvantaged 20 per cent in Victoria as defined by the SEIFA index of relative disadvantage.
- Sensitive community facilities, including schools, kindergartens, child care centres, libraries, medical centres, churches, the offices of public and private welfare agencies and hospitals.
- A railway station or transport interchange.
- Another venue which operates gaming machines.

Gaming machines should not be located:

- In Neighbourhood Activity Centres.
- In the Bayside Business Employment Area.
- In suburbs where the density of gaming machines per 1,000 resident adults, including the proposed machines, is greater than the metropolitan Melbourne average.

Gaming machines are prohibited in:

- Dendy Plaza, Brighton.
- All strip shopping centres within the City of Bayside (refer to the schedule to Bayside Planning Scheme, Clause 52.28-4 'Gaming').

Appropriate venues
Gaming machines should be located in venues that:

- Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. Alternative non-gaming social, leisure and recreational facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.
- Incorporate effective management and mitigation measures to minimise the risk of harms associated with problem gambling.
- Have a gaming floor area less than 25 per cent of the total floor area of the venue.
- Have access to natural light and allow patron surveillance of outdoor areas.
- Have clear directional signs to all non-gaming amenities, including toilets and dining areas, lounges, recreational facilities.
- Physically and visually separate the venue’s non-gaming activities from gaming activities.
- Are designed so that amenities for the venue’s non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area.
- Do not operate for more than 16 hours per day.
- Do not have automatic teller machines.

Gaming machines should not be located in venues that will have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.

**Applications for Gaming Machines and Gaming Venues**

Information to be submitted with a planning permit application

In addition to the information and material supplied with a standard planning permit application, the applicant should also provide the following information:

- A summary of the application with details of the proposed hours of operation, patron numbers, the number of staff positions (equivalent full time), proposed security measures, non-gaming facilities to be provided and the number of gaming machines to be installed.
- A report addressing:
  - The probable social, economic, environmental and amenity impacts of the proposal.
  - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
  - Details of any existing gaming expenditure at the premises (over a three year period prior to the application) and a forecast of the anticipated expenditure at the premises if the proposal were approved.
- For applications to increase to the number of gaming machines in an existing gaming premise, the report must address the above matters in relation to both the existing and proposed gaming machines.

Council will use this information to assess whether the proposal achieves a net community benefit.

Further details about the information and analysis to be provided in the report are outlined below (social, economic and environmental impact assessment).

**Social, economic and environmental impact assessment**

In respect to probable the social and economic impacts arising from an application, Council will take into account the material provided by the applicant, which should include social research that specifically addresses the following:

- The specific and overall incremental social and economic impacts.
- The immediate and longer-term social and economic impacts.
- The direct and indirect social and economic impacts.
- Projected changes in per capita gaming expenditure, gaming machine density and gaming premises density resulting from the proposal.
- Social and economic indicators of residents living within 2km of the proposed premises. These indicators include:
  - The Socio Economic Index for Areas, the Index of Relative Disadvantage and the Index of Economic Resources.
  - Household and family composition.
  - Proportion of households experiencing rental and mortgage stress.
  - Location of public housing.
  - Proportion of residents receiving income support.
  - Retained retail spending.
  - Proximity of the proposed premises to areas of disadvantage.
- Location aspects of the premises in terms of the accessibility of gaming opportunities.
- Measures that have been proposed by the applicant to restrict the access of minors to the gaming area.
- Responsible gaming measures proposed by the applicant.
- Design measures to minimise exposure to gaming facilities by other patrons of the venue.
- Non-gaming activities, facilities and opportunities at the premises.
- The amount of gaming revenue proposed by the applicant to be provided for the benefit of community in the City of Bayside (such as through sponsorships and donations), and the procedures by and purposes to which these monies will be allocated.
- The management structure of a gaming premises, including the costs and terms of lease and any management fees, and the effects of such on the amount of revenue available for direct community benefit.
- Any other relevant probable social and economic impacts on the local and wider communities.

Community Consultation and Response
Council will consult with the community about applications for gaming machines and venues, and about gambling generally, in accordance with the Community Engagement Framework 2009.
Council will continue to encourage community participation in the identification and evaluation of the individual and community impacts from gaming activities. Council will actively consult with the community and other key stakeholders on any proposed changes to Council’s policy position in respect to gaming machines and gaming premises.
7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
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</thead>
<tbody>
<tr>
<td>Strategies</td>
</tr>
<tr>
<td>Procedures</td>
</tr>
<tr>
<td>Guidelines</td>
</tr>
</tbody>
</table>

8. Definitions & Abbreviations

The following key terms are used in this policy.

**Business Employment Area** means land included in the Business 3 and Mixed Use Zones in Sandringham East and Cheltenham as shown on the map to Clause 22.05 of the Bayside Planning Scheme.

**Convenience gaming** means exposure to gaming opportunities as part of day-to-day activities such that a decision to gamble may be spontaneous rather than predetermined.

**Destination gaming** means a reconfiguration of supply towards fewer, but larger gaming venues that encourage predetermined decisions to travel and gamble and participate in a range of services and facilities.¹

**Gaming** means the playing of a gaming machine.²

**Gaming machine** includes electronic gaming machines, poker machines or pokies.³

**Gaming premises** means land used for gambling by gaming, and where there is the ability to receive a monetary reward.⁴

**Problem gambling** means gambling in a manner that leads to adverse consequences for the gambler, others or for the community due to the money and/or time spent.

**SEIFA index** means a measure of the relative socio-economic disadvantage in terms of a community’s access to material and social resources and ability to participate in society.⁵

**Strip shopping centre** means an area that meets all of the following requirements:

- it is zoned for business use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally.⁶

¹ Department of Justice (2008) Destination Gaming. Evaluating the benefits for Victoria p1
² As defined by the Gaming Regulation Act 2003.
³ As defined by the Gambling Regulation Act 2003.
⁴ Bayside Planning Scheme. Clause 74.
⁵ ABS Information Paper 2039.0: An introduction to Socio-Economic Indexes for Areas (SEIFA)
⁶ Bayside Planning Scheme, Clause 52.26-4.
22.09 GAMING POLICY

This policy applies to all applications to install or use a gaming machine or use land for the purpose of a gaming premises.

22.09.1 Policy Basis

This policy acknowledges that gaming machine gambling is a legal form of recreation for adult members of the community. It also acknowledges that a proportion of the community is susceptible to problem gambling which can have significant adverse impacts on the health and wellbeing of communities and seeks a planning outcome of net community benefit.

Clause 52.28 of the Bayside Planning Scheme requires a permit to install or use a gaming machine. This policy seeks to guide Council’s decision making in relation to planning applications for gaming machines by implementing the findings of the Bayside Gaming Policy Review 2010 and the objectives of Clause 21.07 of the Municipal Strategic Statement.

22.09.2 Objectives

- To ensure the location, design and operation of venues containing gaming machines, including gaming premises, minimises opportunities for convenience gaming.
- To guide the location, design and operation of venues containing gaming machines, including gaming premises, to reduce the risk of social and economic harm and protect vulnerable communities.
- To minimise harm from gaming and the incidence of problem gambling.
- To ensure the net social and economic impact of gaming machines will not be detrimental to the wellbeing of the community.
- To respect the amenity of existing uses surrounding gaming premises.
- To ensure that gaming premises do not compromise the social and economic role of activity centres.

22.09.3 Policy

It is policy that applications to install or use a gaming machine or use land for the purpose of a gaming premises comply with the following criteria.

Appropriate sites

Gaming machines should be located on sites that are more than 500 metres along the road network from:
- An Australian Bureau of Statistics collection district that is within the most socio-economically disadvantaged 20 percent within Victoria as defined by the Socio Economic Indexes for Areas (SEIFA) Index of Relative Disadvantage;
- Another venue which operates gaming machines;
- Sensitive community facilities;
- The offices of public and private welfare agencies; and
- A railway station or transport interchange.

Gaming machines should not be located:
- In Neighbourhood Activity Centres.
- In the Mixed Use and Business 1 zones of the Bayside Business Employment Area as shown in Figure 1 to Clause 22.04.
- In suburbs where the density of gaming machines per 1,000 resident adults, including the proposed machines, is greater than the metropolitan Melbourne average.
(The average gaming machine density for metropolitan Melbourne will be based on the most recent statistical data for the Melbourne metropolitan region released by the Victorian Commission for Gambling Regulation, the Australian Bureau of Statistics or other government source).

Appropriate venues

Gaming machines should be located in venues that:

- Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. Alternative non-gaming social, leisure and recreational facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.
- Have a gaming floor area less than 25 per cent of the total floor area of the venue.
- Have access to natural light and allow patron surveillance of outdoor areas.
- Have clear directional signs to all non-gaming amenities, including toilets and dining areas, lounges, recreational facilities.
- Physically and visually separate the venue’s non-gaming activities from gaming activities.
- Are designed so that amenities for the venue’s non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area.
- Do not operate for more than 16 hours per day.
- Will not have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.

22.09.4 Application Requirements

It is policy that an application for the installation or use of gaming machines or the use of land for a gaming premises be accompanied by the following information:

- A summary of the application with details of:
  - the proposed hours of operation;
  - patron numbers;
  - the number of staff positions (equivalent full time);
  - proposed security measures;
  - non-gaming facilities to be provided; and
  - the number of gaming machines to be installed.
- A report addressing:
  - How the proposal addresses the objectives and location criteria of this policy;
  - The probable social, economic, environmental and amenity impacts of the proposal;
  - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community; and
  - Details of any existing gaming expenditure at the premises (over a three year period prior to the application) and a forecast of the anticipated gaming expenditure at the premises if the proposal were approved.

For applications to increase the number of gaming machines in an existing gaming premises, the report must address these matters in relation to both the existing and proposed gaming machines.

22.09.5 Decision Guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 52.28-5 ‘Gaming’ and Clause 65, the responsible authority will consider, as appropriate:
BAYSIDE PLANNING SCHEME

- The specific and overall incremental social and economic impacts.
- The immediate and longer-term social and economic impacts.
- The direct and indirect social and economic impacts.
- Projected changes in per capita gaming expenditure, gaming machine density and gaming premises density resulting from the proposal.
- Social and economic indicators of residents living within a two kilometre radius of the proposed premises.

These indicators include:
- The Socio Economic Indexes for Areas (SEIFA), in particular the Index of Relative Socio-Economic Disadvantage and the Index of Economic Resources.
- Household and family composition.
- Proportion of households experiencing rental and/or mortgage stress.
- Location of public housing.
- Proportion of residents receiving income support.
- Retained retail spending.
- Proximity of the proposed premises to areas of disadvantage.

- Location aspects of the premises in terms of the accessibility of gaming opportunities.
- Whether the location design and operation of the venue is likely to minimise harm from gaming and avoid a detrimental net social and economic impact to the community.
- Measures that have been proposed by the applicant to restrict the access of minors to the gaming area.
- Measures proposed by the applicant to minimise the risk of harm associated with problem gambling.
- Design measures to minimise exposure to gaming facilities by other patrons of the venue.
- Non-gaming activities, facilities and opportunities at the premises.
- The amount of gaming revenue proposed by the applicant to be provided for the benefit of the community in the City of Bayside (such as through sponsorships and donations), and the procedures by and purposes to which these funds will be allocated.
- Any other relevant probable social and economic impacts on the local and wider communities.

22.09-6 Definitions

"convenience gaming" – exposure to gaming opportunities as part of day to day activities such that a decision to gamble may be spontaneous rather than predetermined.

22.09-7 References

Bayside Gaming Machines Policy 2010
Bayside Gaming Policy: Review and Implementation Report 2010
52.28 GAMING

52.28-1 Purpose

To ensure that gaming machines are situated in appropriate locations and premises.
To ensure the social and economic impacts of the location of gaming machines are considered.
To prohibit gaming machines in specified shopping complexes and strip shopping centres.

52.28-2 Permit requirement

A permit is required to install or use a gaming machine.
This does not apply in either of the following circumstances:

- Clause 52.28-3 or Clause 52.28-4 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

52.28-3 Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.
This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

52.28-4 Prohibition of a gaming machine in a strip shopping centre

Installation or use of a gaming machine is prohibited in a strip shopping centre if:

- the strip shopping centre is specified in the schedule to this clause.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.
This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.
A strip shopping centre is an area that meets all of the following requirements:

- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally;
but it does not include the Capital City Zone in the Melbourne Planning Scheme.

52.28-5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:
• The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
• The compatibility of the proposal with adjoining and nearby land uses.
• The capability of the site to accommodate the proposal.
• Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
## SCHEDULE TO CLAUSE 52.28 GAMING

### 1.0 Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine as specified in Clause 52.28.3 is prohibited on land described in Table 1 below.

<table>
<thead>
<tr>
<th>Name of shopping complex and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dendy Plaza, Brighton</td>
<td>26-34 Church St, Brighton</td>
</tr>
</tbody>
</table>

### 2.0 Prohibition of a gaming machine in a strip shopping centre

A gaming machine as specified in Clause 52.28.4 is prohibited in a strip shopping centre specified in Table 2 below.

<table>
<thead>
<tr>
<th>Name of strip shopping centre and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Brighton Shopping Centre, Brighton East</td>
<td>758-778 Hawthorn Road &amp; 763-765D Hawthorn Road, East Brighton</td>
</tr>
<tr>
<td>Dendy Village, Brighton East</td>
<td>757-767 Hampton Street, Brighton &amp; 736-770 Hampton Street, Brighton East</td>
</tr>
<tr>
<td>Brighton Beach (Wore Street) Centre, Brighton</td>
<td>108-122 Wore Street, 117-135 Wore Street &amp; 5 Dave Lane, Brighton</td>
</tr>
<tr>
<td>Bluff Road and Highett Road Centre, Hampton</td>
<td>249-361 Bluff Road, Hampton, 404-424 Bluff Road &amp; 95-97 Highett Road, Highett</td>
</tr>
<tr>
<td>Seaview Shopping Centre, Beaumaris</td>
<td>326-350 Balcombe Road, 333-359 Balcombe Road &amp; 121 Cromer Road, Beaumaris</td>
</tr>
<tr>
<td>Balcombe Road and Charman Road, Beaumaris</td>
<td>99-115 Charman Road &amp; 268 Balcombe Road, Beaumaris</td>
</tr>
<tr>
<td>Thomas and Egan Street, East Brighton</td>
<td>123-135 Thomas Street, East Brighton</td>
</tr>
<tr>
<td>South Road Plaza, Hampton</td>
<td>507-533 Bluff Road, Hampton</td>
</tr>
<tr>
<td>Highett Village Shopping Centre, Highett</td>
<td>487-501 Highett Road, 260-286 Highett Road &amp; 72-82 Graham Road, Highett</td>
</tr>
<tr>
<td>Little Highett Village, Highett</td>
<td>1-23 Spring Street, Highett</td>
</tr>
<tr>
<td>Bluff Road and Bay Road, Sandringham/Highett</td>
<td>257-267 Bluff Road, Sandringham &amp; 302-320C Bluff Road, Highett</td>
</tr>
<tr>
<td>Bay Road and Jack Road, Cheltenham</td>
<td>340-362 Bay Road, Cheltenham</td>
</tr>
<tr>
<td>Ludstone Street, Hampton</td>
<td>75-87 Ludstone Street, Hampton</td>
</tr>
<tr>
<td>Bluff Road and Edward Street, Sandringham</td>
<td>177-180 Bluff Road, Sandringham</td>
</tr>
<tr>
<td>New Street and Martin Street, Brighton</td>
<td>410-432 New Street &amp; 50 Martin Street, Brighton</td>
</tr>
<tr>
<td>South Road and Esplanade Avenue, Brighton</td>
<td>1 Esplanade Avenue, 2-10 Station Walk &amp; 5-13 South Road, Brighton</td>
</tr>
<tr>
<td>Hawthorn Road Shopping Centre, Brighton East</td>
<td>600-624 Hawthorn Road, 601-629 Hawthorn Road, East Brighton</td>
</tr>
<tr>
<td>Name of strip shopping centre and locality</td>
<td>Land description</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Bay Road and Avoca Street, Highett</td>
<td>257-277 Bay Road, Highett</td>
</tr>
<tr>
<td>Moorabbin Major Activity Centre, Nepean Highway and South Road, Hampton East</td>
<td>324-354 South Road, 18-20 Kalomirna Street, 16-20 Keiffer Street &amp; 844-934 Nepean Highway, Hampton East</td>
</tr>
<tr>
<td>Black Rock Neighbourhood Activity Centre, Black Rock</td>
<td>1-41 Bluff Road, 2-42 Bluff Road, 588-609 Balcombe Road, 581-613 Balcombe Road &amp; 297-307 Beach Road, Black Rock</td>
</tr>
<tr>
<td>Beaumaris Neighbourhood Activity Centre, Beaumaris</td>
<td>1-31A North Concourse, 2-22 North Concourse, 1-23 South Concourse, 2-36 South Concourse, 1-5 East Concourse &amp; 2-62 East Concourse, Beaumaris</td>
</tr>
<tr>
<td>Martin Street, Gardenvale Neighbourhood Activity Centre, Gardenvale</td>
<td>112-172 Martin Street, 115-175 Martin Street, 2A &amp; 2B Hamilton Street, 75-81 Asling Street, 90 Asling Street, 1A Rose Street &amp; 2-20 Skink Street, Gardenvale</td>
</tr>
<tr>
<td>Sandringham Major Activity Centre, Sandringham</td>
<td>1-15 Wallham Street, 2-34 Wallham Street, 18-24 Abbott Street, 18-98 Station Street, 67-69 Station Street, 1-39 Melrose Street, 12-16 Melrose Street, 116-118 Beach Road, 7-31 Bay Road &amp; 10-76 Bay Road, Sandringham</td>
</tr>
<tr>
<td>Church Street Major Activity Centre, Brighton</td>
<td>2-154 Church Street, 3-147 Church Street, 3-5, 8 St Andrews Street, 196-208 New Street, 10-31-29, 36 Carpenter Street, 21-37 Wel Street, 1-15 Male Street &amp; 1-4 Railway Walk, Brighton</td>
</tr>
<tr>
<td>Bay Street Major Activity Centre, Brighton</td>
<td>181-447 Bay Street, 198-385 Bay Street, 8 Cochrane Street, 26 Outer Crescent, 10-14 Warleigh Grove &amp; 103 Male Street, Brighton</td>
</tr>
<tr>
<td>Hampton Major Activity Centre, Hampton</td>
<td>600-630 Hampton Street Brighton East, 601-633 Hampton Street Brighton, 100 South Road, 240-509 Hampton Street, 350-570 Hampton Street, 1 Mills Street, 26-22, 36 Mills Street, 33-35 Mills Street, 1, 2 Grants Lane, 1, 2 Mills Lane, 2-6 Railway Walk, 7-31 Small Street, 2-14 Small Street, 7-15, 24 Railway Crescent, 1 Crisp Street &amp; 1 Service Street, Hampton</td>
</tr>
</tbody>
</table>

Note: Unless specified, property addresses include all unit numbers and letters of land zoned business.
10.24 REVIEW OF THE AUDIT COMMITTEE CHARTER AND RENAMING OF THE COMMITTEE.

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/55217

Executive summary

Purpose and background
The purpose of this report is for Council to adopt the proposed changes to the Audit Committee Charter and rename the Committee as recommended by the Audit Committee at its meeting 14 February 2018.

As part of the Audit Committee Charter it is a requirement to review the Charter annually. A review of the Charter was undertaken to ensure the existing Charter encapsulates the current responsibilities of the Audit Committee and include some additional administrative requirements within the Charter.

In addition the State Government has released the Exposure Draft on the Local Government Bill, and within the Bill – Division 8 specifically relates to an Audit and Risk Committee. These proposed provisions would potentially come into effect from 1 January 2019 to be implemented within 6 months

Key issues
Renaming of the Committee

One of the significant proposed changes identified within the Local Government Bill is the requirement for Council’s to appoint an Audit and Risk Committee. Accordingly, it is appropriate to rename the existing Audit Committee to reflect this proposed change given the Audit Committee currently considers risk within its Charter.

Proposed changes to the Charter

Set out in the table below highlights the significant changes to the Charter as recommended by the Audit Committee:

<table>
<thead>
<tr>
<th>Section</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>Enhancement of the existing responsibilities to better reflect its current activities.</td>
</tr>
<tr>
<td>Section 2</td>
<td>No changes</td>
</tr>
<tr>
<td>Section 3</td>
<td>No changes to content only a separate section on its own</td>
</tr>
<tr>
<td>Section 4</td>
<td>Independent Members including an additional criteria to ensure members have the capacity to undertake the role.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>5</td>
<td>New Section specifically relating the Chairperson and the responsibilities. Includes reference to section 139(2) of the Local Government Act. Include an amended process for the appointment of Chairperson of the Committee to reflect that the Chairperson shall be appointed annually by Council at its Annual Meeting of Council from the independent members. Includes that the Chairperson may require any report by the Audit Committee be listed on the agenda for the next Ordinary Meeting of Council which is currently provided for in the existing Act and in the proposed Bill. New sub-section on the Role of the Chairperson which includes the duties of the Chairperson and their participation in the recruitment process for external members and short listed tenderers for Internal Audit Services.</td>
</tr>
<tr>
<td>6</td>
<td>New Section specifically relating to remuneration of external members and the payment processes. Previously this section was lost amongst other administrative matters within the Charter.</td>
</tr>
<tr>
<td>7</td>
<td>Include reference to the quorum under this heading noting that at least two independent members and one councillor must be present for a quorum. Slight change of words to ensure other Councillors may attend meetings of the Audit Meeting in an observation capacity but are not entitled to vote.</td>
</tr>
<tr>
<td>8</td>
<td>New Section specifically relating to the Internal Auditor, and picks up some of the activities required within the annual work plan of the Audit Committee.</td>
</tr>
<tr>
<td>9</td>
<td>No changes recommended at this stage. However it should be noted that the proposed Bill recommends that Audit and Risk Committees undertake an annual assessment of its performance against the Charter. However it goes one step further and provides that the Chief Executive Officer table a copy of the annual assessment at a Council Meeting.</td>
</tr>
<tr>
<td>10</td>
<td>No changes</td>
</tr>
<tr>
<td>11</td>
<td>No Changes</td>
</tr>
<tr>
<td>12</td>
<td>Minor enhancements to wording.</td>
</tr>
<tr>
<td>13</td>
<td>No changes</td>
</tr>
<tr>
<td>Section 14</td>
<td>This section relates to the Annual Work Plan of the Audit Committee. In some instances some activities were duplicated and some could be combined into one activity.</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Section 15</td>
<td>No changes</td>
</tr>
</tbody>
</table>

A copy of the Charter is attached to this report for Councillors’ information.

The Audit Committee at its meeting held on 14 February 2018 recommended that Council adopts the proposed changes to the Charter as indicated above, and to rename the Committee as the Audit and Risk Committee in readiness for the implementation of the Local Government Bill.

**Recommendation**

That Council:

1. renames the Audit Committee to the Audit and risk Committee; and
2. adopts the changes to the Charter as recommended by the Audit Committee at its meeting on 14 February 2018.

**Support Attachments**

1. Audit Committee Charter Review- For Council Adoption - February 2018
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

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

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

Customer Service and Community Engagement
The Audit Committee have been consulted with the proposed changes to the Charter and have been advised of the impacts to the Committee as a result of the proposed Local Government Bill.

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

Legal
Council is required to appoint an Audit Committee in accordance with Section 130 of the Local Government Act 1989.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
There are no links to Council policy or strategy as this is a legislative requirement.
Audit and Risk Committee Charter

Audit and Risk Committee Charter

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted by Audit Committee 11 February 2016</td>
<td>Adopted by Council 22 March 2016</td>
</tr>
<tr>
<td>Adopted by Audit Committee 12 May 2016</td>
<td>Adopted by Council 21 June 2016</td>
</tr>
<tr>
<td>Review by Audit Committee 14 February 2018</td>
<td>Adopted by Council 20 March 2018</td>
</tr>
</tbody>
</table>

Bayside City Council
Audit and Risk Committee Charter 2018

Table of Content

1. Background ................................................................. 3
2. Authority ........................................................................ 4
3. Membership ................................................................. 4
4. Terms of Appointment ...................................................... 5
   Independent Members .................................................... 5
   Councillor Members ..................................................... 5
4. Chairperson .................................................................. 6
5. Remuneration .............................................................. 7
6. Meetings ........................................................................ 7
7. Internal Auditor ............................................................ 8
6. Performance ............................................................... 9
7. Insurance ....................................................................... 9
8. Conflict of Interest ........................................................ 9
9. Reporting ...................................................................... 10
10. Confidentiality ............................................................. 10
11. Duties and Responsibilities ............................................. 10
   A. External Audit .......................................................... 11
   B. Internal Audit .......................................................... 12
   C. Financial Reporting .................................................. 13
   D. Ethical and Statutory Compliance ............................... 13
   E. Risk Management ..................................................... 14
   F. Fraud Control and Compliance .................................... 14
   G. Other Responsibilities ................................................. 15
12. Review of the Audit and Risk Committee Charter ............... 15
Audit and Risk Committee Charter

1. Background

The Bayside City Council (Council) Audit and Risk Committee is an independent Advisory Committee to Council appointed by Council pursuant to Section 139 of the Local Government Act 1989.

The Audit and Risk Committee Charter has been developed having regard to ‘Audit and Risk Committee – A Guide to Good Practice for Local Government’, January 2011 issued by the Minister of Local Government.

This Charter sets out the Audit and Risk Committee’s objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

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

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

As part of Council’s governance obligations to its community, Council has constituted an Audit and Risk Committee. Its role is to monitor and report on the systems and activities of Council in regard to:

- Reliable internal and external financial reporting
- Review of the application of appropriate accounting policies and procedures including Management’s judgements, estimates and disclosures.
- Compliance with applicable laws and regulations.
- Risk management including fraud prevention strategies
- Effective and efficient internal and external audit functions
- Measures to provide early warning of any issues affecting Council’s financial well-being
- Maintenance and fostering of an ethical environment
- Information and Communications Technology (ICT) governance
- Internal control framework including policies and procedures as they apply to financial management

The internal, external auditors and other assurance providers support the Audit and Risk Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.

An Audit and Risk Committee Work Plan is established and reviewed annually to ensure the Committee effectively discharges its responsibilities.
Audit and Risk Committee Charter 2018

2. Authority

The Audit and Risk Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 86 of the Local Government Act 1989 as amended. Council authorises the Committee within its scope of responsibilities to:

- Perform activities within the scope of its Charter;
- Require the attendance of senior Council officers at meetings as appropriate;
- Have unrestricted access to members of the management team, employees and relevant information;
- Monitor matters reported to Council pursuant to the Protected Disclosure Act 2013 (recognising that there are strict confidentiality requirements under that legislation);
- Oversee the performance of the external auditor and appointment and performance of the internal auditor;
- Meet in private without the attendance of management; and
- Request necessary financial resources to be provided to enable the Committee to receive any necessary legal, accounting or other professional advice.

3. Membership

The Audit and Risk Committee will be comprised of the following members:

- Up to Four (4) Independent members; and
- Two (2) Councillors and the Mayor of the Day as a Councillor substitute representative

A quorum of any meeting will be at least two independent members and at least one Councillor member. In this instance a quorum is three (3) members.

All members have full and equal voting rights on all matters considered by the Committee unless a member is unable to vote due to a conflict of interest. Resolutions shall pass on a simple majority vote.
Audit and Risk Committee Charter 2018

4. Terms of Appointment

Independent Members
The appointment of external independent members shall be made by Council following a public advertisement process through statewide and local newspapers, Council website, and through the Australian Institute of Company Directors.

The applications for membership will be assessed against appropriate criteria. The criteria will fall within the areas of:

- Level and breadth of senior business, management, finance and accounting and/or audit experience and qualifications;
- Level of familiarity in relation to local government operations, financial reporting and auditing requirements, risk management and corporate governance;
- Previous Audit and Risk Committee experience.
- Capacity to undertake the role

The selection Panel for appointment to the Audit and Risk Committee will consist of the Mayor, Chief Executive Officer and the Chairperson of the Committee. The Panel will take into account the experience of the candidates and their likely ability to apply appropriate analytical and strategic management skills. A recommendation for appointment will be put before Council for resolution.

Independent members shall be appointed for a term of three years. The term of each member should be arranged so that there is an orderly rotation of membership and avoidance of more than one member retiring at the same time.

At the conclusion of the independent members first three year term, existing members will be eligible to apply to be reappointed at the discretion of Council for a second three year term. Independent members can only serve for two consecutive terms.

The terms of each member should be arranged so that there is an orderly rotation of membership and avoidance of more than one member retiring at the same time.

In the event of an independent member resigning/retiring before the expiry of their term then this vacancy will either be filled for the remainder of that term or if the vacancy occurs within 12 months of the expiry of the term then Council may choose not to fill the vacancy. Further should the resignation/retirement of the members coincide then Council may extend the remaining members term by one year to ensure continuity.

In the event the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.

Councillor members
The Councillor members of the Audit and Risk Committee shall be appointed annually by Council at its Annual Meeting.

The term of the Councillor member to the Audit and Risk Committee shall be for a two year term, and may be appointed by Council for a further two year term.
5. **Chairperson**

In accordance with Section 139 (2) of the Local Government Act the Chairperson must not be a Councillor or a member of Council staff and must be suitably qualified.

The Chairperson of the Audit and Risk Committee shall be appointed annually by Council at its Annual Meeting of Council from the independent members.

The Chairperson of the Audit and Risk Committee shall have a casting vote on occasions where there is an equal number of votes on a matter. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the independent members present.

The Chairperson may require any report prepared by the Audit and Risk Committee to be listed on the agenda for the next Ordinary Meeting of the Council in accordance with Section 139(6A).

**Role of the Chairperson**

The role of the Audit and Risk Committee Chairperson includes, but is not limited to:

- Chairing of meetings of the Audit and Risk Committee in accordance with the formal meeting agenda distributed by Governance.
- Conducting meetings in a manner that promotes full participation, communications, involvement, consensus, mutual respect and listening.
- Providing time during meetings for any Committee member to raise any issue they believe relevant.

The Chairperson will be part of interview panel for the recruitment of external independent members of the Audit and Risk Committee and shall be part of the interview panel for short listed Internal Auditors as part of a procurement process.

Whilst the Chairperson has no executive authority on behalf of Council, the Chairperson may be used as required as a sounding board by the Chief Executive Officer or Director Corporate Services on matters that arise regarding Audit, Risk Management or Governance related issues.
6. Remuneration

The remuneration of the Audit and Risk Committee external members is set annually at the Annual meeting of Council held in November. The remuneration for the 2017/18 financial year is set at $1,545.00 per meeting for external members and $1,961.00 per meeting for the Chairperson. The remuneration will be indexed each year to the relevant most recently released movements in the consumer Price Index (CPI) and adjusted annually in November of each year.

Payments will be made on receipt of independent members’ invoices after each Audit and Risk Committee meeting.

7. Meetings

Conduct of meetings shall be consistent with Council’s Governance Local Law, and at the discretion of the Chairperson.

The Committee shall meet as required but must meet a minimum of four times per year with an additional meeting to consider the Annual Financial and Performance Statements.

A schedule of meetings and an annual work plan will be developed and agreed to by the members. Meetings will be arranged as much as possible to coincide with relevant Council reporting deadlines, in particular the finalisation of the financial and performance statements and the draft annual report to the Minister for Local Government.

Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Audit and Risk Committee, internal or external auditor.

Members of the Committee are expected to attend every meeting of the Committee.

A quorum of any meeting will be at least two independent members and at least one Councillor member. In this instance a quorum is three (3) members.

The agenda and supporting documentation will be circulated to members of the Audit and Risk Committee at least 5 days in advance of each meeting.

Minutes of the meetings will be prepared within one week of the meeting for approval by the Chairperson of the Committee.

The Chairperson at the subsequent meeting will sign the minutes of the previous meeting.

The approved minutes will be presented to the Council at a subsequent Council meeting following the Audit and Risk Committee meeting.

Through the Corporate Services Division, Council shall provide secretarial and administrative support to the Audit and Risk Committee.
Audit and Risk Committee Charter 2018

Support staff shall develop and maintain an Audit and Risk Committee member induction pack for newly appointed members.

The following requirements shall apply to all meetings of the Committee:

- Only Audit and Risk Committee members are entitled to vote;
- Other Councillors may attend meetings in an observation capacity;
- The Committee may invite, or require any persons to attend meetings, as it deems necessary;
- The Chief Executive Officer, Director Corporate Services, Manager Finance and Governance Manager will represent the organisation and attend all meetings;
- Other Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required;
- Council staff and Councillors who are not members of the Committee will not have a right to vote and may be excluded from meetings when votes are taken;
- The Internal Auditor (as appointed by Council) should attend all meetings, where internal audit reports are presented or as requested by the committee, except when the Committee chooses to meet in camera;
- The External Auditor (as appointed by the Victorian Auditor General (VAGO)) should attend the meeting when the annual financial accounts and performance statements and external audit management reports are considered and at other meetings as appropriate;
- The External Auditor shall be offered the opportunity to meet in camera to discuss any aspects of the external audit;
- The external and internal auditors should be invited to make presentations to the Committee as appropriate; and
- The Committee will meet at least once annually with the external and internal auditors (separately) without management present.

8. Internal Auditor

The Internal Auditor is ultimately accountable to Council and has access to the Chief Executive Officer, the Chairperson and Members of the Audit and Risk Committee.

The Internal Auditor reports to the Audit and Risk Committee for functional purposes and to the Director Corporate Services for administrative purposes in carrying out all internal Audit activity.

The Audit and Risk Committee shall meet separately with the Internal Auditor at least annually to discuss any matters raised by the Audit and Risk Committee or the Internal Auditor.

At each Audit and Risk Committee meeting the meeting Agenda will provide the opportunity for the Internal auditor to raise any issues or matters pertaining to their obligations as required.
9. Performance

The Audit and Risk Committee will evaluate their own performance, both of individual members and collectively and against the Charter on an annual basis using a self-assessment tool which will be reviewed, adopted and completed by the Audit and Risk Committee.

10. Insurance

Members of the Audit and Risk Committee are covered by Council’s insurance policies.

11. Conflict of Interest

In accordance with Section 79 of the Local Government Act 1989 (the Act), members of the Audit and Risk Committee will be required to disclose all conflicts of interest and will not be eligible to vote on a matter or attend the part of the meeting at which the subject of the conflict will be considered.

Members of the Audit and Risk Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper disclosure of any conflicts of interest as and when they may arise.

Members of the Audit and Risk Committee must be fully aware of the statutory definitions of direct and interest interests which may give rise to a conflict of interest. These are specifically set out in sections 77A, 77B, 78, 78A, 78C and 78D of the Act.

Each independent member of the Committee is required to lodge a declaration of interest form on a bi-annual basis and declare any interest at the commencement of each meeting and prior to the consideration of the item at the meeting.

Failure to comply with the provisions of the Act with regard to conflicts of interest may result in the member’s appointment being terminated.
Audit and Risk Committee Charter 2018

12. Reporting

The Audit and Risk Committee shall after every meeting forward the minutes of that meeting to the next Ordinary Meeting of Council (on the approval of the Chairperson) including a summary report explaining any specific tasks, recommendations and key outcomes.

The Audit and Risk Committee shall present a written report annually to the Council summarising the activities of the Audit and Risk Committee during the previous financial year.

The Annual Report will contain information on Audit and Risk Committee members, number of meetings held, attendance record, audit processes and results of works completed by the Internal and External Auditor, and a summary of the performance measures and achievements of the Audit and Risk Committee during the reporting year.

The Annual Report of the Audit and Risk Committee will be incorporated into Bayside City Council’s Annual Report.

The Audit and Risk Committee shall report to Council on any matters of significance as determined by the Audit and Risk Committee.

The Audit and Risk Committee Chairperson shall attend an annual Assembly of Councillors meeting to:

- Inform of the Internal Audit Program for the coming year and
- Summarise the activities of the Audit and Risk Committee during the previous financial year.

The Audit and Risk Committee Charter and details of its members will be published on Council’s website.

13. Confidentiality

All Committee members are expected to be aware of their responsibilities with regard to the confidentiality of information about Council’s affairs pursuant to Section 77 of the Act. Failure to comply with the provisions of the Act with regard to confidentiality may result in the member’s appointment being terminated.

14. Duties and Responsibilities

The primary responsibility of the Audit and Risk Committee is to assist Council to fulfil its responsibilities in relation to the Council’s accounting policies, governance, risk management, internal control systems, internal audit function and financial and performance reporting practices.
Audit and Risk Committee Charter 2018

The Annual Work Program of the Audit and Risk Committee

A. External Audit

The Audit and Risk Committee will:

1. Review the External Auditor’s proposed audit scope and approach to be applied each year in light of Council’s present circumstances and changes in regulatory and other requirements.

2. Review with the External Auditor Council’s draft annual financial statements focusing on:
   - Accounting policies and Approved Accounting Standards;
   - Changes to accounting policies and Approved Accounting Standards;
   - Significant adjustments to the financial statements (if any) arising from the audit process;
   - Compliance with accounting standards and other reporting requirements of financial and non-financial information; and
   - Significant variances with explanations from prior years.

3. Review with the External Auditor Council’s draft Performance Statement and consider the results in the context of the quarterly reports received throughout the year challenging any unusual or unexpected results;

4. Discuss and review with the external auditor issues arising from the audit including all Management Letters issued by the auditor for completeness and appropriateness;

5. Ensure findings and recommendations made by the external auditor and management’s proposed responses are received, discussed and appropriately acted upon;

6. Meet separately with the external auditor to discuss any matters that the Committee or auditor believe should be discussed privately. Ensure the auditor has access to the Committee Chairperson when required;

7. Consider the independence of the external auditor in the context of any other services provided to Council. It is proposed that the external auditors would not provide services other than external audit functions.

8. Review on an annual basis the performance of the external auditor.
B. Internal Audit

The Audit and Risk Committee will

1. Review the strategic three year and annual plan of the Internal Auditor to ensure that it takes into consideration the risk profile of Council.

2. Review the scope of the internal audit plan and the effectiveness of the function, evaluating whether the plan addresses the following issues:
   - Effectiveness of internal controls over significant areas of risk, including non-financial management control systems;
   - Effectiveness of internal controls over key processes relating to revenue, expenditure, assets and liabilities;
   - Efficiency and effectiveness of significant Council programmes; and
   - Compliance with legislation, policies, best practice guidelines and contractual arrangements.

3. Receive, review and provide advice on the scope of work for each proposed audit prior to the audit being undertaken via email exchange with Audit and Risk Committee Members;

4. Ensure the significant findings and recommendations made by the Internal Auditor, and management’s proposed responses are received, discussed and appropriately acted upon;

5. Review the appropriateness of special internal audit assignments by internal audit at the request of Council or Chief Executive Officer;

6. Consider the independence of the Internal Auditor in the context of any other services provided to Council;

7. Monitor the effectiveness of the internal audit function on an ongoing basis;

8. Ensure there are no unjustified restrictions or limitations placed on the Internal Auditor;

9. Meet with the Internal Auditor annually or as required to consider any matters that the Audit and Risk Committee or Internal Auditor should discuss privately; and

10. Review on an annual basis the performance of the Internal Auditor, and where performance is not considered satisfactory, discuss with Council and management any proposal to undertake a tender process for the appointment of a new Internal Auditor.
Audit and Risk Committee Charter 2018

C. Financial and Performance Reporting

The Audit and Risk Committee will:

1. Review Council's financial position, via the receipt of Council's Quarterly Financial Management reports or the monthly financial report whichever is more current and report to Council on any material issues which may require action;

2. Review and consider quarterly performance reports based on Local Government Victoria's Performance Reporting Framework;

3. Review significant accounting and reporting issues including complex or unusual transactions and highly judgemental areas, and recent professional and regulatory pronouncements and understand their impact on financial reports;

4. Review any litigation, claim or contingency which could have a material effect on Council's financial position or operating result; and

5. Recommend to Council the adoption of the Annual Financial Statements incorporating the Annual Performance Statements to Council. Review any significant changes and the reasons for the changes that may arise subsequent to such recommendation but before the Statements are signed.

6. Review the annual performance statement prior to their approval by Council and determine whether they are complete and consistent with the information known to Committee members through the consideration of Quarterly Performance report, and recommend to Council the adoption of the Performance Statement.

D. Statutory Compliance

The Audit and Risk Committee will:

1. Consider the effectiveness of the systems and processes for monitoring compliance with legislation and regulations;

2. Obtain regular updates from management about significant changes in the regulatory environment that may impact Council, compliance and non-compliance matters of material significance pertaining to ethical, statutory, related party and legal issues; and

3. Keep informed of the findings of any examination by regulatory agencies and monitor management’s response to such findings.
E. Risk Management

The Audit and Risk Committee will:

1. Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems;
2. Review Council’s Risk Management Policy and Framework and risk profile;
3. Monitor the process of review of Council’s risk profile to ensure that material risks are dealt with appropriately and receive status reports on a regular basis of the risk register and actions being taken to manage identified risks;
4. Monitor the progress of any significant lawsuits facing the Council; and
5. Monitor the effectiveness of Council’s business continuity processes and practices.

F. Fraud Control and Compliance

The Audit and Risk Committee will:

1. Monitor the effectiveness of fraud prevention policies throughout the organisation;
2. Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the Internal Auditor and the Council;
3. Consider any subsequent investigation, including the investigation of any suspected cases of fraud.
4. Review internal controls over significant areas of risk including financial and non-financial management control systems;
5. Receive status reports of occurrences of fraud (if any).
Audit and Risk Committee Charter 2018

G. Other Responsibilities

The Audit and Risk Committee will:

1. Consider the findings and recommendations of relevant audits undertaken by the Victorian Auditor General’s Office (VAGO), the Victorian Ombudsman, Independent Broad-based Anti-corruption Commission (IBAC) and other agencies and to ensure Council considers the relevant recommendations.

2. Perform other activities related to this Charter as requested by Council; and

3. Undertake a self-assessment of its performance against the Charter on an annual basis;

15. Review of the Audit and Risk Committee Charter

The Audit and Risk Committee will review the Audit and Risk Committee Charter at least once every two years and recommend changes to Council for approval.

Approved by Council on 20 March 2018.
Executive summary

Purpose and background
The purpose of the report is for Council to adopt the proposed changes to the Gallery@BACC Board Charter and rename the Board as recommended by the Gallery@BACC Board at its meeting on 28 February 2018.

Key issues
Renaming of the Board
The role of the Gallery@BACC Board has expanded to include public art and given the recommendation that the Arts and Cultural Advisory Committee be dissolved and the role of the Board be expanded to include arts activities outside of the gallery space it is appropriate to rename the existing Gallery@BACC Board the Bayside Arts Board to reflect these proposed changes.

Proposed changes to the Charter and Instrument of Delegation

<table>
<thead>
<tr>
<th>Section</th>
<th>Change Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>Inclusion of a purpose for the Board which better reflects the current activities</td>
</tr>
<tr>
<td>Section 2</td>
<td>No changes</td>
</tr>
<tr>
<td>Section 3</td>
<td>No change to content only reference to correct attachment</td>
</tr>
<tr>
<td>Section 4</td>
<td>Outlines the scope of the Board’s power and areas outside the scope of the Board’s roles and responsibilities.</td>
</tr>
<tr>
<td>Section 5</td>
<td>No changes</td>
</tr>
<tr>
<td>Section 6</td>
<td>No changes</td>
</tr>
</tbody>
</table>
| Section 7 | Include reference to the quorum under this heading noting that at least one Councillor must be present for a quorum.  
New section specifically relating to the Chairperson and their responsibilities.  
Include a process for the appointment of Chairperson of the Board to reflect that the Chairperson shall be appointed annually by Council at its Annual Meeting of Council from the independent members for a maximum of two years.  
New sub-section on the Role of the Chairperson which includes the duties of the Chairperson and their participation in the recruitment process for external members and presentation of annual report to Council. |
The number of ordinary members be increased from 8 to 10 members.

Addition of two eligible skills, experience and capabilities to reflect broader scope of the Board.

Slight change of wording to relation to the volunteer nature of the Board members positions and increase scope of the Board.

Ordinary members when appointed will be for a full three year term.

| Section 8 | Minor change to the length of the strategic plan which should be four years not three. |
| Section 9 | Council adopted decisions and not the Chief Executive Officer. Change in notice of meeting requirement from 48 hours to 5 days. |
| Section 10 | No changes |
| Section 11 | No changes |
| Section 12 | No changes |
| Attachment 1 | No changes |

**Instrument of Delegation Schedule**

1. Rewording to reflect the broader strategic role of the Board in arts and culture.

2. Original wording deleted and replaced with role of Board in relation to public art.

3. Now articulates the role of Board in the acquisition and de-accession process.

4. Now articulates the role of Board in regard to potential donations to the collection.

5. Now articulates the role of the Board in regard to the care and maintenance of the collection.

6. No changes

7. No changes
A copy of the Charter and Instrument of Delegation is attached to this report for Councillor’s information.

The Gallery@BACC Board at its meeting held on 28 February 2018 recommended that Council adopts the proposed changes to the Charter and Instrument of Delegation as indicated above, and to rename the Gallery@BACC Board, the Bayside Arts Board to reflect the broader scope of the Board.

**Recommendation**

That Council:

1. renames the Gallery@BACC Board, to the Bayside Arts Board;

2. adopts the changes to the Charter and Instrument of Delegation as recommended by the Gallery@BACC Board at its meeting on 28 February 2018; and

3. dissolves the Arts and Culture Advisory Committee as at 1 July 2018 noting the expanded role and responsibilities are included in the Charter of the Board, and Council acknowledges the commitment and achievement of the Arts and Culture Advisory Committee of the past two years.

**Support Attachments**

1. Bayside Arts Board Charter and Instrument of Delegation review by Council March 2018
Considerations and implications of recommendation

Liveable community

Social
The proposed broader scope of the Bayside Arts Board will monitor and support the achievement of high standards of service delivery that meets the needs and expectations of the community.

Natural Environment
There are no natural environment implications with this report.

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

Customer Service and Community Engagement
The Gallery@BACC Board have been consulted about the proposed changes to the Charter and have been advised of the impacts to the Board's current roles and responsibilities.

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 Arts and Culture Board is a Section 86 Committee of Council in accordance with the Local Government Act 1989.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The Gallery@BACC Board Strategic Plan 2017 – 2021 will continued to be implemented according to the new revised Charter and reported against annually.
Bayside Arts Board
Charter and
Instrument of Delegation

Adopted by Council on 23 August 2016
Reviewed by the Gallery@BACC Board 28 February 2018
Adopted by Council on 20 March 2018
# Bayside Arts Board - Charter

## Table of Content

1. Purpose ............................................................................................................. 3
2. Background ....................................................................................................... 3
3. Extent of Authority .......................................................................................... 3
4. Powers, Discretions and Functions .................................................................. 4
5. Board Conduct and Behaviours ........................................................................ 4
6. Performance and Reporting ............................................................................. 4
7. Membership ...................................................................................................... 5
   Composition of the Board .................................................................................. 5
   Chairperson ....................................................................................................... 5
   Role of the Chairperson .................................................................................... 5
   Selection of Ordinary Members ........................................................................ 6
   Selection of Councillor Members ........................................................................ 6
   Term – Ordinary Members .............................................................................. 7
   Attendance ......................................................................................................... 7
8. Meetings ............................................................................................................ 7
9. Meeting Protocols ............................................................................................ 8-9
10. Insurance ......................................................................................................... 10
11. Conflict of Interest ......................................................................................... 10
12. Confidentiality ............................................................................................... 10

Attachment 1 – Instrument of Delegation ......................................................... 11-12
1. **Purpose**

The purpose of the Bayside Arts Board (Section 86 of the Local Government Act 1989 Committee) is to support Council in the development and presentation of an innovative and creative arts program for the City of Bayside.

The Board will achieve this through:
- Providing strategic direction and advice on arts programming including the delivery of the Gallery@BACC Strategic Plan 2017-2021;
- Supporting the development of public art across the municipality;
- Overseeing the care and management of the Bayside Arts and Heritage Collection;
- Increasing financial support for the arts;
- Governing effectively in accordance with the Charter and adhering to the principles of good governance as outlined in the Board’s Code of Conduct.

2. **Background**

The Bayside Arts Board is an independent Advisory Board of Council, formally appointed by Council pursuant to Section 86 of the Local Government Act (1989) as amended.

The purpose of this Charter is to set out the Board's powers, discretions and functions, extent of authority, membership, reporting and administrative arrangements.

The Board is accountable for effectively discharging the powers, discretions and functions delegated to it by Council. These powers, discretions and functions are documented in Section 4 of this Charter.

To ensure its continuing relevance, the Board will review this Charter at least once every two years and recommend changes to Council for approval where necessary.

3. **Extent of Authority**

The powers, discretions and functions of the Bayside Arts Board are documented in attachment 1 Section-4 of this Charter. In discharging these powers, discretions and functions, Council authorises the Board to:
- Perform activities within the scope of its Charter;
- Request the Chief Executive Officer to provide the attendance of senior Council officers at meetings as appropriate;
- Have access to information relevant to the roles and responsibilities placed upon the Board by the Instrument of Delegation;
- Meet in private without the attendance of management as required; and
- Receive financial resources to be provided within budget allocations to enable the Board to receive any necessary professional advice.
4. Powers, Discretions, and Functions

The powers of the Board functions are referenced in the Instrument of Delegation to the Bayside Arts Board which is included as an attachment to this Charter (refer Attachment 1).

The Board contributes, supports and evaluates arts programming developed for the community in addition to the Gallery exhibitions and public programs.

Scope includes:

<table>
<thead>
<tr>
<th>Scope</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gallery exhibitions</td>
<td>Approve the annual exhibition program.</td>
</tr>
<tr>
<td>Public Programs</td>
<td>Approve the annual public program.</td>
</tr>
<tr>
<td>Artist Studio program at Billilla</td>
<td>Approve the artists for inclusion in the annual program at Billilla.</td>
</tr>
<tr>
<td>Public Art program</td>
<td>Contribute to the outcome of the public art program.</td>
</tr>
<tr>
<td>Art and Heritage Collection</td>
<td>Evaluates and recommend item for acquisition and de-accession to the collection. Advise on the care and preservation of the collection for future generations.</td>
</tr>
<tr>
<td>Strategic Direction of Arts programming</td>
<td>Provide input and guidance into Council's Strategic Plan for Arts programming.</td>
</tr>
<tr>
<td>Partnerships</td>
<td>Contribute to the establishment of mutual beneficial partnerships.</td>
</tr>
<tr>
<td>Marketing and Strategy</td>
<td>Contribute, assist and evaluate the marketing strategy for Arts programming.</td>
</tr>
<tr>
<td>Sponsorship and philanthropic opportunities</td>
<td>Identify opportunities and solicit potential funds and/or donations to the collection.</td>
</tr>
</tbody>
</table>

Scope excludes:

<table>
<thead>
<tr>
<th>Scope</th>
<th>Management, marketing and programming of activities conducted by the Friends of Black Rock House.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Rock House</td>
<td>Management, marketing and programming of activities conducted by the Friends of Black Rock House.</td>
</tr>
<tr>
<td>Council's contracted major cultural events</td>
<td>The Board has no involvement in the Christmas Carols or Bright n Sandy events.</td>
</tr>
<tr>
<td>Bayside Built Environment Awards</td>
<td>The Board has no involvement in this event.</td>
</tr>
<tr>
<td>Indigenous heritage and culture</td>
<td>The Board has no involvement in indigenous matters other than exhibitions and programming.</td>
</tr>
</tbody>
</table>
5. **Board Conduct and Behaviours**

Council will adopt a Board member Code of Conduct recommendation from the Board. Upon appointment Board members will be consulted in the preparation of this Code and will be required to sign the Code within one month of it being adopted by Council.

6. **Performance and Reporting**

The Bayside Arts Board’s performance will be assessed through an annual written report to Council regarding the implementation of the Gallery’s Four-Year Strategic Plan.

The annual report of the Board will be incorporated into Bayside City Council’s Annual Report.

The performance of individual members and performance of the Board as a whole will be assessed annually using a questionnaire to be completed by all members, which will be endorsed by the Board.

After each meeting the Board will forward the minutes of that meeting to the next Ordinary Meeting of Council (on the approval of the Chairperson).

In addition to the above, the Board shall report to Council on any matters of significance as determined by the Board.

7. **Membership**

**Composition of the Board**

The Bayside Arts Board will be comprised of the following members:
- Two Councillors;
- Up to ten eight ordinary members selected on the basis of their skills and experience relevant to the functions listed below.

The quorum for any meeting of the Committee is a majority of members of the committee, plus one, with one of whom must be an appointed Councillor.

All members have full and equal rights on matters before the Board.

Officers in regular attendance will include the Curator and the Department Coordinator.
Chairperson

The Chairperson of the Board must not be a Councillor or a member of Council staff.

The Chairperson of the Board shall be appointed annually by Council at its Annual Meeting to be held in November from the Ordinary members of the Board.

The Chairperson term is for a maximum of two years.

The Chairperson of the Board shall have a casting vote on occasions where there is an equal number of votes on a matter. In the absence of the appointed Chairperson from a meeting, the Deputy Chairperson will undertake the duties of the Chairperson.

Role of the Chairperson

The role of the Bayside Arts Board Chairperson includes, but is not limited to:

- Chairing of meetings of the Gallery Board in accordance with the formal meeting agenda distributed to Board Members.
- Conducting meetings in a manner that promotes full participation, communications, involvement, consensus, mutual respect and listening.
- Providing time during meetings for any Board Member to raise any issue they believe is relevant.

The Chairperson will be part of the interview panel for the recruitment of new ordinary members of the Board.

The Chairperson will present annually to the Council on the progress against the Strategic Plan and present the Annual Report of the Bayside Arts Board to Council.

Selection of Ordinary Members

The following functions identify the range of eligible skills, experience and capabilities for the Bayside Arts Board to discharge its responsibilities:

1. Governance and strategy;
2. Marketing and brand positioning;
3. Arts management;
4. Fundraising, sponsorship, and philanthropy;
5. Arts participation and community engagement;
6. Finance;
7. Property (including intellectual property) law;
8. Public Art; and
9. Arts programming.
Ordinary members are selected for their skills and experience in relation to the above functions.

Members appointed to the Board is on a voluntary basis and no remuneration is provided.

In recognition of the public value provided by the Gallery@BACC and Council’s art & heritage collections, Board memberships are voluntary positions.

While it is not necessary for Board members to live or work in Bayside, Council recognises the benefits of local community participation and diversity in the skills, experience and attributes of the Board’s membership. The Board’s activities and delegations are intended to maximise the contribution of the Bayside community to the arts. the Gallery@BACC.

Vacant positions on the Board will be publicly advertised through local and state newspapers, the Council website, and other avenues as necessary.

The selection panel for appointment to the Board will consist of the Mayor, Chief Executive Officer and the Chairperson of the Board (where appointed). The selection panel will recommend appointments to Council.

Selection of Councillor Members
The Councillor members of the Board will be appointed by Council at its Annual Meeting in November each year.

Term – Ordinary Members
Ordinary members of the Board will be appointed for a term of three years. At the conclusion of their first three-year term, existing members will be eligible to apply to be reappointed at the discretion of Council for a second term of three years duration. Members can serve for two consecutive terms.

Where a new member is appointed to the Board there three year term shall commence from the date of appointment by Council.

Should a member resign before the expiry of their term, the vacancy will either be filled for the remainder of that term, or if the vacancy occurs within 12 months of the expiry of the term then Council may choose not to fill the vacancy.

In the event the Council proposes to remove a member of the Board, it must give written notice to the member of its reason and intention to do so and provide that member with the opportunity to be heard if so requested.
Attendance
Members of the Board are expected to attend all meetings of the Board. Any member who is absent for more than one meeting without having submitted a prior apology will be considered to have resigned from the Board.

This requirement can be waived at the discretion of the Chairperson in the case of special circumstances such as an extended illness.

8. Meetings
Conduct of meetings shall be conducted in accordance with agreed meeting protocols as determined by Council. Refer to point 6.9 below for the meeting protocols.

The Bayside Arts Board shall meet as required, for a minimum of four times per year. A schedule of meetings and an annual work plan will be developed in accordance with the four three-year strategic plan and agreed to by the Board.

The agenda and supporting documentation will be circulated to members of the Board at least 5 days in advance of each meeting.

Minutes of the meetings will be prepared within one week of the meeting for approval by the Chairperson of the Board.

The Chairperson at the subsequent meeting will sign the minutes of the previous meeting. The approved minutes will be presented to Council.

Only Board members are entitled to attend meetings. Other Councillors may, however, attend meetings in an observer capacity. The Board may invite any persons to attend meetings as it deems necessary.

Officers in attendance will include the Curator, the Department Coordinator and Governance Manager. Other Council staff may be invited to attend at the discretion of the Board to advise and provide information when required.

Council staff and Councillors who are not members of the Board will not have a right to vote and may be excluded from the meeting when votes are taken.

Secretarial and administrative support will be provided to the Board under the oversight of the responsible Senior Executive member. Support staff will develop and maintain an induction pack for newly appointed members.
9. Meeting Protocols

Notice of Committee Meetings
The Council’s Chief Executive Officer or his or her delegate must give members of the Committee public reasonable notice of meetings of the Committee.

Public Presence at Committee Meetings
1. If the Committee wishes to close a meeting or part of a meeting to members of the public, it must make a Resolution to do so.

2. A Resolution to close a meeting or part of a meeting to members of the public can only be made if the meeting is discussing any of the following:
   (a) personnel matters;
   (b) the personal hardship of any resident or ratepayer;
   (c) industrial matters;
   (d) contractual matters;
   (e) proposed developments;
   (f) legal advice;
   (g) matters affecting the security of Council property;
   (h) any other matter which the Committee considers would prejudice the Council or any person;
   (i) a resolution to close the meeting to members of the public.

Conduct at Meetings
1. A member of the public who is present at a meeting of the Committee must not interject or address the meeting, unless invited to do so.

2. If any member of the public who is present at a meeting of the Committee is called to order by the Chairperson and then again engages in an act of disorder, the Chairperson may order him or her to be removed from the meeting.

Notice of Meetings and Agendas
The Chief Executive Officer or his/her delegate will ensure that:
1. notice of; and
2. the agenda for any meeting of the Committee is delivered to each member of the Committee at least 48 hours 5 days prior to the commencement of the meeting.

The Chief Executive Officer or her/his delegate will discuss the proposed agenda with the Chairperson prior to its circulation.
Proceedings of the Committee
Subject to these Protocols, the procedure for meetings of the Committee is at the
discretion of the Chairperson.

Quorum
The quorum for any meeting of the Committee is a majority of members of the
Committee plus one, of which one of the appointed Councillors must be present.

Failure to Raise a Quorum
If a quorum is not present within 30 minutes of the time appointed for the
commencement of the meeting of the Committee:
1. the meeting may be adjourned for not more than seven days by:
   (a) a majority of the members of the Committee then present; or
   (b) any Senior Officer or other member of Council staff present at the
       meeting, if no members of the Committee are present; and
2. all members of the Committee must be given notice of the adjourned meeting.

Lapsed Meetings
1. If a quorum fails after a meeting of the Committee has commenced, the
   meeting lapses.
2. If a meeting of the Committee lapses, any undisposed item must, unless it has
   already been disposed of in the interim, be included in the agenda for the
   meeting of the Committee.

Decision-Making
1. Any decision of the Committee must be evidenced by a Resolution made by the
   Committee.
2. A Resolution is made if:
   (a) a member of the Committee moves a motion;
   (b) that motion is seconded; and
   (c) the motion is carried by a majority of members of the Committee present
       at the meeting.
3. Any Resolution must be clear in its intention and effect.
4. Any Resolution made by the Committee must be recorded in the minutes of the
   meeting of the Committee.

Implementation of Board Decisions
1. Council's Chief Executive Officer is responsible for ensuring the timely
   implementation of all Board decisions.
   Following Council's adoption of the minutes of the Board meetings, the Chief
Executive Officer or his/her delegate is responsible for ensuring the timely
implementation of the Council adopted decisions. (This is to reflect the Local
government Act requirements of the Chief Executive Officer).
10. **Insurance**

Members of the Bayside Arts Board are covered by Council’s professional indemnity insurance policy.

11. **Conflict of Interest**

In accordance with Section 79 of the Local Government Act 1989 (the Act), members of the Bayside Arts Board will be required to disclose all conflicts of interest and will not be eligible to vote on a matter or attend the part of the meeting at which the subject of the conflict will be considered.

Members of the Board must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Board. Management of interests includes the proper disclosure of any conflicts of interest as and when they may arise.

Members of the Board must be fully aware of the statutory definitions of direct and indirect interests which may give rise to a conflict of interest. These are specifically set out in sections 77A, 77B, 78, 78A, 78C and 78D of the Act.

Each independent member of the Board is required to lodge a declaration of interest form on a bi-annual basis and declare any interest at the commencement of each meeting and prior to the consideration of the item at the meeting.

Failure to comply with the provisions of the Act with regard to conflicts of interest may result in the member’s appointment being terminated.

12. **Confidentiality**

All Bayside Arts Board members are expected to be aware of their responsibilities with regard to the confidentiality of information about Council’s affairs pursuant to Section 77 of the Act.

Failure to comply with the provisions of the Act with regard to confidentiality may result in the member’s appointment being terminated.
Bayside City Council
Instrument of Delegation

Bayside Arts Board

In exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (“the Act”), Bayside City Council (“Council”) delegates to the Board established by resolution of Council made on 20 March 2018 and known as the “Bayside Arts Board” all the powers, discretions and functions as outlined in the Bayside Arts Board Charter and set out in the schedule, and declares that:-

1. This Instrument of Delegation is authorised by a resolution of Council made on 20 March 2018; and

2. The delegation:-

2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

2.2 remains in force until Council resolves to vary or revoke it; and

2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts.

Dated this 21st Day of March 2018

The Common Seal of Bayside City Council
Was affixed this…….. Day of March 2018

In the presence of:

................................. Mayor

................................. Chief Executive Officer
Schedule

Powers, Discretions, and Functions

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

1. To advise Council on the strategic direction of arts programming including public art and recommend a four year Strategic Plan for The Bayside Arts, to be presented to Council for adoption, including adjustments and alterations as determined by Council. The Strategic Plan will be in accordance with the Council-adopted purpose that has been established for The Gallery@BACC.

2. Approve acquisitions, de-accessions, and the ongoing management of Council’s art & heritage collection on recommendation from the Council Executive Team member with management responsibility for the Arts & Culture programs in accordance with Council’s Art & Heritage Collection Policy, the approved Four-Year strategic plan and Council’s annual budget.

3. Advise Council on potential locations for display of collection or installation of art in the public domain.

4. To recommend acquisition proposals submitted by the Curator within the budget allocation and consider proposals for de-accession from the collection.

5. Provide advice and assistance to Council Officers in proposing potential donors or bequests for the Collection in accordance with Council’s Art and Heritage Collection Policy.

6. Receive reports and make recommendations regarding the care and maintenance of the collection.

7. Approve The Gallery@BACC exhibition and public program schedule with regard to the Four Year Strategic Plan.

8. Monitor performance against the Four Year Strategic Plan and provide strategic advice to Council as necessary.

9. Support staff in building relationships and partnerships with artists, arts sector organisations, business and government agencies.

10. Approve marketing and promotion strategies as outlined in the Strategic Plan. The Gallery@BACC’s exhibition program, public programs, and its positive artistic, social, and economic impacts. and foster an appreciation of the arts by all sections of the community.

11. Provide advice and guidance on the pursuit of sponsorship, fundraising, and philanthropic opportunities, and investigate the feasibility of establishing a Gallery@BACC Foundation to facilitate the receipt of donations, bequests, and proceeds of fundraising activities. Seek funding from external sources through the pursuit of donations, sponsorship, fundraising, bequests and philanthropic opportunities to achieve or exceed income target as determined in Council’s annual budget.
**Executive summary**

**Purpose and background**

A tree replacement project is planned for St Kilda Street, Brighton. It is being implemented in accordance with Council’s Street and Park Tree Management Policy. Decisions relating to this type of project are usually made by Council’s arborists in accordance with the Policy. In this instance Councillors have requested the matter be report to Council.

Council undertakes large scale tree replacement projects each year and Council’s arborist has prioritised the replacement of 97 problematic trees along St Kilda Street, Brighton between Head Street and Grosvenor Street with 145 more appropriate trees.

Currently there are 149 trees along this section of St Kilda Street with 52 being retained. The 97 trees to be replaced have been identified as either obstructing site lines for vehicles and cyclists or are in poor form and declining health as assessed by Council’s arborist.

Residents were notified of the planned tree replacement project in a letter dated 22 November 2017 (set out as Attachment 1). This letter was sent to 270 owners and occupiers along this section of St Kilda Street. A copy of this notification was also provided to North Ward Councillors.

To date Council has received feedback from two residents asking Council not to proceed or to stage the project over a number of years. This feedback represents 0.75% of the 270 notifications sent out to owners and occupiers.

In response to enquiries from some residents, a landscape architect was engaged to develop a plan (Attachment 2) that provides details of the tree replacement project, including which trees are being removed and where the replacement trees are to be planted. This plan will be sent to residents by the end of March, prior to works commencing in mid-April.

**Key issues**

**Scope of project**

The tree replacement project is planned to create a boulevard style canopy that will improve the visual appearance of the street and create more shade. The project has been developed in accordance with Council’s adopted Street and Park Tree Management Policy.

The existing Plane trees will be retained while 97 Melaleuca and other mixed species will be replaced with 145 new trees. On the east side of St Kilda Street the replacement species is Brush Box (Lophostemon confertus) and on the west side is Plane trees (Platanus spp.)

These tree species have been selected as they will grow in a manner that does not obstruct vehicle site lines. They respond well to pruning around powerlines. These trees have less invasive root types to the existing trees so this will reduce the impact on Council infrastructure and adjacent private properties.

**Staged approach to tree replacement**

A staged approach to removal and replacement of the trees was considered during the planning phase of the project. Due to the difficulty of establishing new trees among existing trees and the complexity of removal and replacement in some sections, it was considered...
appropriate to complete the entire project in a single stage. There are significant traffic management arrangements required for the work and a single disruption period, rather than an annual occurrence over, say, three years is preferred.

A single tree planting event will also mean the trees will mature at the same rate, presenting a uniform streetscape and establishment of a new tree canopy at an earlier time.

**Costs associated with project**

In line with Council’s Street and Park Tree Management Policy (2016) (Attachment 3), all fees collected as compensation for street or park tree removals are used in the management, maintenance and improvement of Bayside’s urban forest.

The planned St Kilda Street tree replacement project is fully funded by the tree removal fees collected by Council during the 2017/18 financial year. The cost of the project is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree removal costs</td>
<td>$50,000</td>
</tr>
<tr>
<td>Replacement tree planting and establishment</td>
<td>$43,500</td>
</tr>
<tr>
<td>Traffic management</td>
<td>$1,000 per day (up to 15 days)</td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td><strong>$108,500</strong></td>
</tr>
</tbody>
</table>

**Staging the project over three years**

A minimal number of complaints were received following Council’s correspondence with residents in November 2017. As a result, detailed planning for the project has been completed including the development of a comprehensive traffic management plan approved by VicRoads. The 145 replacement trees have been purchased and Council’s contractor has scheduled its resources to complete this significant street tree project.

Changing the project timing by using a staged approach will have a number of impacts including:

- Requirement for more detailed and costly traffic management arrangements;
- Further community consultation to advise that the project will not be proceeding in one stage as planned, and then advising which trees will be removed during any stage of the project;
- The 100 trees unable to be planted in year one would need to be repurchased in subsequent years at an additional cost (Note: Council does not have capacity to house these trees at the Bayside Community Nursery); and
- Increasing the cost by $40,000 - $50,000.

This project has been developed in accordance with Council’s adopted Street and Park Tree Management Policy. Council has received two complaints from the 270 notifications sent to abutting residents. It is recommended that Council proceeds with the planned tree replacement project.

**Recommendation**

That Council proceeds with the planned street tree replacement project along St Kilda Street, Brighton between Head and Grosvenor Streets, Brighton as a single stage as set out in Attachment 2.
Support Attachments

1. Attachment 1 - St Kilda Street Tree Replacement Project - Notification to Residents - 22 November 2017
2. Attachment 2 - St Kilda Street Tree Replacement Plan
3. Attachment 3 - Street and Park Tree Management Policy (2016)

Considerations and implications of recommendation

Liveable community

Social
Street trees are highly valued for their aesthetic appeal, provision of shade and noise reduction, particularly along busy roadways such as St Kilda Street, Brighton. Undertaking the tree removal and replanting as a single stage will result in a uniform streetscape at an earlier time and have a single disruption for the work.

Natural Environment
The planned St Kilda Street tree replacement project will provide a 32% increase in the total number of trees between Head Street and Grosvenor Street Brighton. The project will achieve a boulevard style canopy that will improve the visual appearance of the street and create more shade.

Built Environment
Trees have been selected that will grow in manner that does not obstruct vehicle site lines and respond well to pruning around powerlines. These trees also have less invasive root types that will reduce the impact on Council infrastructure and adjacent private properties.

Customer Service and Community Engagement
Community engagement regarding the communication of maintenance, removals and planting of trees and parks is carried out in accordance with the Community Engagement for Park and Street Tree Works Procedure.

Notifications were sent on 22 November 2017 to 270 owners and occupiers of residences along St Kilda Street Brighton between Head street and Grosvenor Street. As at 13 March 2018, Council has received two complaints about the planned tree replacement project.

Further information is planned to be provided to properties along St Kilda Street towards the end of March 2018 providing details of how the project will be implemented in April 2018. Signs will also be established to inform passing traffic and pedestrians of the project.

Given the timing of this report, no notification has been sent to properties to advise of Council’s consideration of this matter.

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 trees are protected under Consolidated Local Law (s70 (2)) and the Summary Offences Act 1966 s9 (1).
Finance
The total cost of the St Kilda Street tree replacement project is $108,500, funded by tree removal fees collected by Council during the 2017/18 financial year.

There would be additional costs of $40,000 - $50,000 if Council was to stage this project over three years.

Links to Council policy and strategy
The St Kilda Street tree replacement project meets Goal 5 of the Council Plan (2017 – 2021) to protect and enhance Bayside’s tree canopy and vegetation on public land.

The Street and Park Tree Management Policy (2012) identifies that removal of trees may be required to facilitate renewal of a streetscape. The Large Scale Street Tree Replacement Procedure guides the streetscape renewal process.

Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Implement the St Kilda Street tree replacement project as planned.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>• Complete project as previously communicated to 270 owner/occupiers along St Kilda Street;</td>
</tr>
<tr>
<td></td>
<td>• All new trees will mature at the same rate to provide a uniform streetscape;</td>
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<td></td>
<td>• Implement traffic management plan already approved by VicRoads;</td>
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<td></td>
<td>• Plant all 145 pre-purchased trees; and</td>
</tr>
<tr>
<td></td>
<td>• The trees will reach a mature state earlier.</td>
</tr>
<tr>
<td>Issues</td>
<td>Does not meet the staged approach requested by two owner/occupiers.</td>
</tr>
</tbody>
</table>

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Stage the St Kilda Street tree replacement project over three years (2018, 2019 and 2020)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Meets the staged approach preferred by two owner/occupiers along St Kilda Street.</td>
</tr>
<tr>
<td>Issues</td>
<td>• The boulevard of trees will mature at different rates;</td>
</tr>
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<td></td>
<td>• Traffic management costs would triple as the same traffic management will be required three times;</td>
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<td></td>
<td>• The remaining 100 trees unable to be planted in year one (2019) would need to be repurchased in subsequent years at an additional cost of $30,000 (Note: Council does not have capacity to house these remaining trees at the Bayside Community Nursery);</td>
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<tr>
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<td>• The increase in cost to stage this project would be $40,000 - $50,000; and</td>
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<tr>
<td></td>
<td>• Further community consultation will be required to first advise the project will not be proceeding and then advising which trees will be removed as part of any year of the project.</td>
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</tbody>
</table>
PSF/17/228

22 November 2017

«Owner_Name»
«Owner_Address1»
«Owner_Address2»

Dear «Owner_Name»

Re: Removal of trees along St Kilda Street from Head Street to Grosvenor Street, Brighton

This letter is to notify you that a number of trees have been identified as suitable for removal under the Large Scale Tree Removal program.

The proposal is to remove 85% of the current trees on both the east and west side of St Kilda Street. Of the trees proposed to be removed, 80% are Melaleuca trees (Melaleuca linariifolia) and 20% are a mixture of the various other species present. The remaining 15% are Plane trees planted on both sides of the street, which will not be removed.

The proposal to remove the Melaleuca and mixed species is due to their branching nature which can cause visibility issues for vehicles exiting properties and side streets along St Kilda Street.

These trees will be replaced with Brush Box (Lophostemon confertus) on the east side (the power line side of the street) and Plane trees (Platanus spp.) on the west side of St Kilda Street. The Brush Box is a medium size tree that responds well to pruning around power lines. The Plane trees on the west side of the street will require minimal pruning for power lines and will therefore develop a significant canopy providing shade and amenity to the street.

Both the Brush Box and the Plane trees have a single trunk that can be formatively pruned to ensure a clean trunk allowing good visibility for exiting traffic. Bayside City Council Open Space arborists will consult with Bayside City Council Traffic Engineers regarding the locations of the replacement trees.

These works are proposed to commence in March 2018 and will be undertaken in sections commencing at Head Street and working southwards. If you would like to discuss this matter further please contact me on 9599 4738 or via email to mmarkowski@bayside.vic.gov.au

Yours faithfully

M. Markowski
Open Space Arborist
Item 10.26 – Reports by the Organisation
Item 10.26 – Reports by the Organisation
## Council Policy

**Council policy title:** Street and Park Tree Management  
**Council policy ref no:** C/POL/CST/001  
**Council policy owner:** Director Environment and Infrastructure  
**Adopted by:** Bayside City Council  
**Date adopted:** 13 September 2016  
**Scheduled review:** September 2019  
**Trim document reference no:** DOC/18/154490

(Council Policy is a public statement formally resolved by Council, which clearly states Council’s requirements in relation to a particular matter or issue. For Council policy approval process see Section 19 and Appendix 1 of the Policy Handbook.)

1. **Policy Intent**

The intent of this policy is to contribute to Bayside’s liveability by protecting and enhancing Bayside’s urban forest. This will be achieved by establishing service levels regarding the selection, maintenance, protection and removal of Council owned and managed trees.

2. **Purpose/Objective**

The objectives of this policy are to:

- provide guidance for the selection of street tree species and planting sites to preserve Bayside’s leafy street character.
- minimise risks to the community by maintaining healthy street and park tree populations.
- protect public trees from damage during works and activities.
- minimise conflict between public tree roots and public and private infrastructure.
- define the circumstances by which public trees may be removed or pruned.
- recognise the value and importance of public trees within Bayside and to provide adequate protection for those trees.

3. **Scope**

This policy is applicable to all Council owned and managed trees.

4. **Roles & Responsibilities**

The Manager, Environmental Sustainability and Open Space is responsible for approving, implementing, complying with, monitoring, evaluating and reviewing and providing advice on this policy.

Version 1  
June 2016
5. Monitoring, evaluation & review
This policy will be monitored, evaluated and reviewed by the Manager, Environmental Sustainability and Open Space, at a minimum, every three years.
Public tree planting and removal statistics are published annually in Council’s Annual Report.
Public tree health statistics and maintenance data are contained in Council’s tree database.

6. Policy statement
6.1 Selection of tree species and planting sites in streets and parks.
Council aims to have 100% of suitable sites in Bayside planted with a tree. Most property frontages in Bayside will be able to accommodate at least one tree within the naturestrip. Where possible, additional tree(s) may be planted where there is appropriate space and site conditions. Therefore some residences may have more than one street tree adjacent their property. Although site specific, trees are generally planted at a spacing of approximately 12 metres.
Council will determine the suitability of a site for planting. Appropriate tree species for the site will be selected in accordance with the Street and Park Tree Selection Guide 2016. The Guide provides a list of species that are suitable for each nature strip type, based on an assessment of the existing streetscape, constraints and urban character. Wherever possible indigenous species will be of local provenance.

6.1.2 Tree Selection within Vegetation Protection Overlay 3 (VPO3)
Tree planting on Council owned and managed land within Vegetation Protection Overlay 3 will consist of a minimum 80% of trees indigenous to Bayside.

6.1.3 Tree Selection between VPO3 and south of Highett Road
Street and Park tree planting between VPO3 and south of Highett Road will consist of a minimum 25% of trees indigenous to Bayside.

6.1.4 Tree Planting near Conservation Reserves
To minimise the risk of weed trees invading Council’s Conservation Reserves (PCRZ), no street or park tree that could become a weed in a conservation reserve will be planted within 150 metres of that reserve. Naturestrips immediately adjacent to conservation reserves must be planted with indigenous species of local provenance.

6.1.5 Resident planting on Nature Strips
Consistent with Council’s Naturestrip Planting Policy (2015) residents are not permitted to plant trees in the nature strip. Council may require a tree planted by a resident to be removed by the resident or arrange the removal of any trees not planted by Council.

6.2 Tree Maintenance Service Levels
All Council tree maintenance services are delivered through the contract for Management and Maintenance of Open Space Services (Contract No. 080926). This contract complies with Electric Line Clearance Regulations and defines the service levels and standards to be met including those determined by national and state legislation and industry best practice.

Tree maintenance services are delivered by Council’s Open Space Services contractor by the following methods:

i. Scheduled Maintenance and Inspection Services; and/or

ii. Customer-initiated Maintenance and/or Inspection Service Requests

6.2(i) Scheduled Maintenance and Inspection Services
Scheduled Maintenance and Inspection services are carried out by the Open Space Contractor in accordance with the contract for Management and Maintenance of Open Space Services (Contract No. 080926); which includes:

a) Periodic tree health inspections (12 month and two yearly);

b) Power line clearance inspections and pruning to ensure compliance with the Electric Line Clearance Regulations;

c) Canopy clearance inspections over driveways, roads and footpaths in compliance with VicRoads Road Management Plan and Manuals;

d) Deadwood removal;

e) Watering of significant trees or those in two year establishment period;

f) Structural and formative pruning; and

g) Tree risk assessment.

6.2(ii) Customer-initiated Maintenance and/or Inspection Requests
Residents may contact Council and request maintenance and inspection of a particular tree that they believe requires attention. Upon receipt of a customer enquiry, the tree will be inspected by a qualified Arborist and works scheduled if and as required. The customer will be notified of the outcome of the inspection.

Note: The seasonal dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees is considered normal and does not provide the basis for Council to prune or remove a tree.

6.2.2 Bayside Tree Database
The Open Space Tree Database records all council owned and managed trees. All trees are given an individual identifying number against which all inspection details and works undertaken are recorded.

6.3 Protection of Council’s Trees
Council trees are valued assets by the community and are protected under Consolidated Local Law (s70 (2)) and the Summary Offences Act 1966 s9 (1).
6.3.1 Working Near Council Trees
Conditions for the protection of Council trees are issued to developers of land via Asset Protection, Hoarding, Planning and/or Vehicle Crossing Permits obtained prior to commencing works near Council trees.

Any other works, such as routine road openings by authorities or utilities installers that require excavation within three metres of a tree must comply with the Working Near Council Trees Guideline.

Failure to comply with tree protection conditions will result in the permit holder being liable for penalties under the Local Law.

6.3.2 Tree Vandalism
Any pruning, lopping, removal of branches, or poisoning of a Council tree by a member of the community is considered vandalism and is subject to prosecution under Consolidated Local Law (s70 (2)) and the Summary Offences Act 1995 s9 (1).

6.4 Tree root interactions with public and private infrastructure
Council will manage tree root interaction with public and private infrastructure in the following ways:

6.4.1 Consideration of street trees and their root systems during design
To preserve Bayside’s leafy street character, Council requires all new developments to make allowances for the protection of Council-owned or managed trees on nature strips and parks during the design and planning process.

Council assesses planning and building permit applications to ensure new developments have considered and incorporated street/park tree(s) and their underground root systems into the design process.

All developments should be designed and built to accommodate one or more large mature trees in the naturestrip (depending on the property’s frontage) regardless of the presence of a tree at the time of design and planning.

6.4.2 Tree Roots Causing Infrastructure Damage
When tree roots are reported to be interfering with private infrastructure, Council’s Open Space Arborist will respond to the matter in accordance with the Council’s Tree Root Investigation Procedure.

If mitigation measures such as root pruning are considered to be ineffective to manage the situation, an assessment of the tree will be undertaken using the Tree Removal Guideline (G/ESO/003) to determine whether the tree meets the criteria for removal.

6.4.3 Root Barriers
Root barriers have been trialled in Bayside with limited success. This is due to Bayside’s soil profile consisting mainly of deep sandy soils with little water holding capacity. Root barriers can also be rendered ineffective where holes
are made for the installation of utilities such as water, gas and telecommunications. Therefore, installation of root barriers in Bayside naturestrips will only be considered in exceptional circumstances.

6.4.4 Raised tree roots in Naturestrips
Street trees sometimes develop raised tree roots within the naturestrip for anchorage and to absorb water and minerals from the soil. Raised tree roots are considered normal and will not be considered for pruning or removal unless it is causing an obstruction for pedestrian access where there is no alternative pedestrian access, e.g. in a street with no footpath.
Where Council does not provide a footpath for pedestrian access and it is reported that tree roots are obstructing pedestrian access, the Open Space Arborist will inspect the tree roots and determine the level of management required to maintain safe pedestrian access.

6.4.5 Tree roots entering pipes or drains
Cracked pipes or drains leak moisture and provide an ideal entry point and growing environment for any plant roots in the area. It is the responsibility of the asset owner to maintain pipes so they are fully sealed and do not leak.

6.5 Requests for tree removal to facilitate development
Council receives requests from developers to remove street/park trees in order to facilitate development on an adjacent site. Approval for removal of a tree is granted subject to the request meeting the criteria for removal under Council’s Removal of Public Trees to Facilitate Development Procedure.

6.5.1 Criteria for removal of a tree to facilitate development
A street or park tree will be considered for removal following a developer’s request, provided it meets the following criteria:

1. The tree has a Safe Useful Life Expectancy (SULE) of less than 10 years; and
2. The tree has a value of less than $30,000 calculated using the Tree Amenity Valuation Procedure (PR/ESOS/TM/001); and
3. The tree cannot reasonably be expected to be implemented into the design of the development; and
4. The applicant agrees to pay for the cost of removing the tree/s; and
5. The applicant agrees to pay planting costs for 2 replacement trees; and
6. The applicant agrees to pay compensation for loss of amenity in the amount of the current value of the tree.

6.5.2 Waiving of the tree amenity valuation fee
The Director Environment and Infrastructure has delegated authority to waive the tree amenity valuation fee for special cases where applicants satisfy the following criteria:
1. The tree removal is required to provide access for a person residing at the property with a permanent disability that cannot be met without removal of the tree; and
2. the need is certified by a medical practitioner; and
3. the applicant holds a Centrelink or Department of Veterans Affairs Pensioner Concession card or can otherwise demonstrate that the financial impact of the full cost is unreasonable, having regard to the particular circumstances.

All fees collected as compensation for street or park tree removals will be used in the management, maintenance and improvement of Bayside’s urban forest.

6.6 Periodic removal of street and park trees

Council will consider the periodic removal of individual street and park trees in the following circumstances:

i. When removal is the only option to mitigate a high or extreme risk identified by a Council Arborist qualified to use the International Society of Arboriculture Basic Tree Risk Assessment;

ii. The tree is dead or in decline with 80% or greater canopy loss (may be retained for habitat if it is safe to do so);

iii. The tree is causing damage to utilities such as water mains and there is no other option to resolve the issue and maintain the supply of essential services;

iv. The tree is causing damage to public infrastructure or private property and there is no reasonable option to otherwise resolve the issue (e.g. the cost of repairs outweighs the amenity benefits provided by the tree as valued using the ‘Tree amenity valuation’ method);

v. Where a medical certificate is provided from a specialist in the relevant field to certify that a specific tree is creating a specific allergenic problem for a resident that significantly diminishes the quality of life that person enjoys and there is no other way of managing the problem;

vi. The tree is affected by private development and has met all the criteria outlined in the Street and Park Tree Removal for Development Procedure.

vii. Where the tree/s are identified by a Council Arborist as in decline or unable to be maintained to meet road clearance and power line clearance regulations.

viii. The removal of trees may be required to facilitate renewal of the streetscape. The Large Scale Street Tree Replacement Procedure guides the streetscape renewal process.

6.7 Community Engagement regarding Tree Management

Community engagement regarding the communication of maintenance, removals and planting of trees and parks is carried out through the Community Engagement for Park and Street Tree Works Procedure (PR/ESOS/TM/002).
The Community Engagement Policy sets out goals and objectives for engaging with the community for all other matters regarding Council’s public trees.

6.8 Appeal process

Should there be a disagreement with the application of this Policy an appeal can be lodged with the Director Environment and Infrastructure for review. If appropriate the Director Environment and Infrastructure may refer the matter to Council for decision.

7 Related documents

<table>
<thead>
<tr>
<th>State and local laws</th>
<th>Bayside Planning Scheme</th>
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<tbody>
<tr>
<td></td>
<td>Vegetation Protection Overlays 2 &amp; 3</td>
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<tr>
<td></td>
<td>Tree Protection Local Law No 2</td>
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<td></td>
<td>Electric Line Clearance Regulations</td>
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<td>Open Space Strategy 2015</td>
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<td>Electric Line Clearance Management Plan</td>
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<td></td>
<td>Tree Strategy 2004, reviewed 2011</td>
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<tr>
<td>Policies</td>
<td>Tree Vandalism Reward Policy</td>
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<td></td>
<td>Vehicle Crossing Policy</td>
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<td>Asset Protection Policy</td>
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<td>Naturestrip Planting Policy 2014 (C/POL/CST/038)</td>
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<tr>
<td>Guidelines</td>
<td>Street and Park Tree Selection Guide 2016</td>
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<td></td>
<td>Tree Planting Guideline G/EES/004</td>
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<td></td>
<td>Tree Pruning Guideline G/EES/005</td>
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<tr>
<td></td>
<td>Tree Removal Guideline G/EES/003</td>
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<tr>
<td></td>
<td>Naturestrip Planting Guideline (public brochure)</td>
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<td>Working near Council Trees Guideline (public brochure)</td>
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<tr>
<td>Procedures</td>
<td>Street Tree Selection Procedure</td>
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<td></td>
<td>Tree Amenity Valuation Procedure (PR/ESOS/TM/001)</td>
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<td></td>
<td>Community Engagement Regarding Tree Management Procedure (PR/ESOS/TM/002)</td>
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<td></td>
<td>Large Scale Street Tree Replacement Procedure (C/POL/CST/003)</td>
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<td></td>
<td>Street and Park Tree Replacement in Response to Development of Adjacent Land Procedure (PR/ESOS/TM/004)</td>
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</tbody>
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8 Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lopping</td>
<td>The indiscriminate cutting of branches or stems between branch unions or internodes resulting in decay and structurally weak branch development</td>
</tr>
<tr>
<td>Scheduled maintenance</td>
<td>The periodic inspection and pruning (when required) of every street and park tree in Bayside</td>
</tr>
<tr>
<td>Power line clearance</td>
<td>To pruning of branches away from powerlines to a distance specified by the Electric Line Clearance Regulations.</td>
</tr>
<tr>
<td>Local provenance</td>
<td>Bayside is part of the ‘Sandbelt’ region of south-eastern Melbourne. This region has similar soil types, associated climate and drainage characteristics that influence the vegetation communities that naturally occur (Indigenous plants of the Sandbelt – R Scott, N Blake, J Campbell, D Evans, N Williams, 2005). The ‘Sandbelt’ region extends from Melbourne to Frankston bounded by the Princes and South Gippsland Highways.</td>
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</tbody>
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(www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version. Please note: This policy is current as at the date of approval. Refer to Council’s website.
11. Reports by Delegates

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

12. Urgent Business
13. Notices of Motion

13.1 NOTICE OF MOTION - 269 - FLASHING LIGHTS AT NEW STREET AND BENT AVENUE ROUNDABOUT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/55310

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 20 March 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

“That Council consider installing flashing light pedestrian crossing at the New Street and Bent Avenue roundabout to improve the safety of pedestrians.”

Cr Alex del Porto

**Support Attachments**

Nil
I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 20 March 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

**Motion**

“That Council only remove and replace trees in St Kilda Street that cause a visual obstruction to drivers exiting their property or are of very poor health.”

Cr Alex del Porto

**Support Attachments**

Nil
14. Confidential Business

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayers;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 19 FEBRUARY 2018
(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

14.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 15 MARCH 2018
(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Adrian Robb
Chief Executive Officer