Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 23 May, 2017 at 7.00pm

Cr: Cr Alex del Porto (Mayor)

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

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

Section 92 The Chair's Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer

2. Acknowledgement of Original Inhabitants

3. Apologies

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1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

   We acknowledge that the original inhabitants of this land that we call Bayside were the Boon wurrung people of the Kulin nation.  
   They loved this land, they cared for it and considered themselves to be part of it.  
   We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 27 April 2017.

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

7.1 PETITION: BEAUMARIS CONCOURSE GREEN

Petition from residents requesting Bayside City Council to not make any changes to the Beaumaris Concourse Green. (861 signatories).

“We the undersigned hereby petition Bayside City Council not to make any changes to the Concourse Green. The Green represents an iconic, natural, and uncluttered patch of Beaumaris that should remain uncompromised. We welcome council investment, but only where necessary and for the right use. In this instance (except for maintenance or upgrade of furniture and bins) it would be destructive.”

Petition Requirements
The submitted petition containing 861 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 dealt with in conjunction with Item 10.4 on this agenda.

Support Attachments
Nil
7.2 PETITION: ELSTERNWICK PARK NORTH - ONLY TWO SPORTING OVALS TO BE INCLUDED IN MASTERPLAN

Petition from residents requesting Bayside City Council to protect the environmental resources and the associated social and educational benefits of Elsternwick Park by including only two sporting ovals in the Elsternwick Park North Masterplan. (6 signatories).

“We the undersigned hereby petition Bayside City Council to optimise such benefits in balance with other community needs by ensuring that two, and only two, sporting ovals are included in the Elsternwick Park North Masterplan.”

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

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

Support Attachments
Nil
8. Minutes of Advisory Committees

8.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 1 MAY 2017 AND CEO PERFORMANCE PLAN 2017/18

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

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

Executive summary

Purpose and background

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

The responsibilities of the Committee are to:

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

The membership of the Committee consists of 1 suitably qualified externally appointed Chairperson, Ms Paula Giles and four Councillors comprising of the Mayor Cr del Porto and Councillors Grinter, Martin and Heffernan.
Key issues

Items discussed at the Chief Executive Officer’s Employment Matters Committee on 1 May 2017 related to the third quarter of the Chief Executive Officer’s Performance Plan for 2016/17.

The Chief Executive Officer tabled the performance report for the period and highlighted some of the activities undertaken to date.

The meeting also discussed the Chief Executive Officer’s draft Performance Plan 2017/18. Further modifications were made to the plan following the discussion with Committee Members. Attached to this report for adoption by Council is the Performance Plan for the Chief Executive Officer for 2017/18.

Recommendation

That Council:

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

2. adopts the following recommendation of the Chief Executive Officer’s Employment Matters Committee meeting of 1 May 2017:

   Item 6.3 – Chief Executive Officer’s Draft Performance Plan for 2017/18

   That the Chief Executive Officer’s Employment Matters Committee notes the draft performance plan for 2017/18 with the inclusion of additional customer service performance measures relating to the organisation and the planning service delivery, and recommends to Council that the Draft CEO Performance Plan for 2017/18, reported against the Better Place Approach as submitted to this report dated May 2017 be adopted, and Council receive quarterly performance reports based on the activities as outlined in the plans.

Support Attachments

1. Minutes - CEO Employment Matters Committee - 1 May 2017 (separately enclosed) ⇒

2. Chief Executive Officer Performance Plan for 2017/18 (separately enclosed) ⇒
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are financial implications associated with this report.

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

Purpose and background
To present the minutes of the Gallery@BACC Board meeting held on 3 May 2017 to Council for noting.

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

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

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

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

The Gallery Board membership consists of two Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting the Gallery Board was held on 3 May 2017 to consider the following matters:

- Adoption of the Gallery Board’s Strategic Plan for 2017-2021
- Artists Brief Martin Street Public Art
- External signage for Gallery Building
- 2017-18 Exhibition and Public Program
- Bayside Council Art and Heritage Collection Acquisition Proposals

A copy of the 3 May 2017 minutes of the Gallery@BACC Board meeting is attached for Council’s information.

Recommendation
That Council:

1. notes the minutes of the Gallery@BACC Board meeting held on 3 May 2017; and

2. adopts the following recommendations of the Gallery@BACC Board meeting of 3 May March 2017:
   
   Item 6.2 Adoption of the Strategic Plan 2017-2021 (noting that this is the subject of a separate report to Council on this agenda).

Support Attachments
1. Minutes - 03 May 2017 - Gallery@BACC Board (LGA Section 86 Committee) for Council
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

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

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

held in the Mayor's Room
Council Chambers, Boxshall Street Brighton

on Wednesday 3 May 2017

The Meeting commenced at 6.00pm

External Members
Ms Angelina Beninati - Chairperson
Ms Tiziana Borghese
Mr Roger Boyce
Mr Partick Christian
Ms Charlotte Christie

Councillors
Cr Sonia Castelli
Cr Alex del Porto (Mayor)

In attendance
Paulina Xerri            Executive Manager
Communications, Customer and
Cultural Services
Giacomina Pradolin       Arts and Culture Program
Coordinator
Michael Brennan          Gallery Curator
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   6.5 2017 - 2018 Exhibition and Public Program
   6.6 Bayside Council Art & Heritage Collection Acquisition Proposals
7. General Business
8. Confirmation of date of future meetings
1. **Welcome and opening of the meeting**

   The Chairperson Ms Angelina Beninati welcomed members of the Board to the meeting, and also welcomed to the meeting Michael Brennan, and acknowledged that Michael will be the gallery Curator whilst Joanna Bosse is on maternity leave.

2. **Present**

   All members

3. **Apologies**

   There were no apologies submitted to the meeting.

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

   It is recorded that Board Member Ms Christie declared an indirect interest by conflicting duties in relation to Item 6.6, part 2 third dot point.

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

   5.1 Confirmation of the Minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 15 March 2017.

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

   That the minutes of the Gallery@BACC Board (LGA Section 86 Committee) Meeting held on 15 March 2017, as previously circulated, be confirmed as an accurate record of proceedings.

   **CARRIED**
6. Reports

6.1 CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING OF THE GALLERY BOARD HELD ON 15 MARCH 2017

Corporate Services - Governance
File No: PSF/17/72 – Doc No: DOC/17/80759

Moved: Cr del Porto (Mayor)  Seconded: Cr Castelli
That the minutes of the Gallery Board meeting held on 15 March 2017 be received and noted.

CARRIED

6.2 ADOPTION OF STRATEGIC PLAN 2017-2021

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/70876

The Arts and Culture Program Coordinator presented the Strategic Plan 2017-21 for the Board’s approval prior to the consideration of the Strategic Plan by Council.

The Mayor expressed a desire to amend one of the Strategic Indicators in Goal 1 to reflect up to 3 new acquisitions including one new public art commission every year.

The Board also suggested a number of additional target be included concerning the number of volunteers, and the number of donations. It was agreed to include these in the Strategic Plan.

Moved: Ms Borghese  Seconded: Mr Christian
That the Gallery Board:

1. approves the Strategic Plan 2017-2021 subject to the following amendments:
   
    • Goal 1 – Strategic Indicator target to read: Up to three new acquisitions, including one new public art commission every year;

    • Goal 3 – Strategic Indicator target to read: Number of volunteers for arts and culture registered in Council’s volunteer management system increase to 8 volunteers in year 1.

    • Goal 3 – Strategic Indicator target to read: Number of donations to the collection be increased from 2 to 4 in year 1; and

2. recommends to Council that the Strategic Plan 2017-2021 be adopted.

CARRIED
6.3 ARTISTS BRIEF MARTIN STREET PUBLIC ART

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/71017

The Arts and Culture Coordinator presented the Artists Brief for the Martin Street Public Art, and briefly outlined the proposed timelines and suggested that the Board meet on Wednesday 2 August 2017 at 6.00pm to consider the shortlisted artists.

Moved: Mr Boyce               Seconded: Ms Borghese
That the Gallery Board:
1. notes the progression of the EOI Martin Street public art commission process;
2. confirms the date of Wednesday 2 August 2017 for a Special Meeting of the Gallery Board where the 3 finalists for the Martin Street works be presented to the Board.

CARRIED

6.4 EXTERNAL SIGNAGE FOR GALLERY BUILDING

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/78933

The Arts and Culture Coordinator briefly outlined the intent of the proposed signage and the process to be undertaken.

Moved: Ms Borghese             Seconded: Ms Christie
That the Gallery Board:
1. approves the installation of external window and wayfinding signage to increase community awareness of the Gallery@BACC in accordance with local laws; and
2. approves the final graphics / advertising prior to the installation.

CARRIED
6.5 2017 - 2018 EXHIBITION AND PUBLIC PROGRAM

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/17/72837

The Arts and Culture Coordinator presented the proposed Exhibition and Public Program for 2017-18.

Moved: Mr Christian  Seconded: Ms Borghese

That the Gallery Board:

1. approves the following 2017/2018 exhibition and public programs;
   - Exhibition Program at the Gallery at Bayside Arts and Cultural Centre
   - Brighton and Beaumaris Art Societies
     17 Jan to 4 March (6 weeks)
   - Target: Bayside Art & Design Graduates
     17 Jan to 4 March (6 weeks)
   - Celeste Chandler: Hubris and folly (working title)
     17 March - 6 May (7 weeks)
   - Deborah Kelly: No human being is illegal - in all our glory
     10 March - 6 May (7 weeks)
   - Bayside Acquisitive Art Prize (BAAP) 2018
     17 May to 8 July (8 weeks)
   - Freshwater/Saltwater Partnership with Shepparton Art Museum
     21 July to 9 September (7 weeks)
   - Rob McHaffie
     19 Sep - 11 Nov (9 weeks)
   - Craft show (Title TBC)
     guest curated by Debbie Pryor and Hannah Priestly

2. congratulates Joanna Bosse for her recommendations for the 2018 program acknowledging that the program meets Goal 1 of the Board’s Strategic Plan.

   CARRIED

Moved Mr Boyce  Seconded Ms Borghese

That the Gallery Boards endorses the planning of the 2018/19 exhibition program.

   CARRIED
6.6 BAYSIDE COUNCIL ART & HERITAGE COLLECTION ACQUISITION PROPOSALS

Communications, Customer & Cultural Services - Cultural services
File No: FOL/18/1934 – Doc No: DOC/17/70894

It is recorded that Board Member Mc Christie declared an indirect interest by conflicting duties in the proposed acquisition of works by artist Lisa Waup given Ms Christie has a conflicting duty with her place of employment.

It is further recorded that Ms Christie vacated the Chamber when discussion took place concerning the specific Lisa Waup collection however was present for the remainder of the discussion.

The Arts and Culture Coordinator presented the proposed for the acquisition and de-accession of works.

Moved: Cr Castelli Seconded: Ms Christie

That the Gallery Board:

1. Acquires the following items through donation from the personal documents of Arthur Morton Hand (1907-1997):
   - Item 12 Three page typed history of Sandringham, 16 July 1941
   - Item 13 Thirty six page booklet and original decorative envelope City of Sandringham, 1917-1934: most favored of Melbourne's seaside resorts: sea, sand, sunshine, 1934
   - Item 14 Six paged notice paper for Special Meeting of Council to commemorate the 50th Anniversary of the Proclamation of Sandringham as a City (1923-1973), 21 March 1973

2. Acquires the following works through purchasing:
   - Garry Bish Vessels: the world within 2014-16 stoneware $4,000
   - Rob McHaffie A little more foliage should block out the Empire State bastard next door 2016 oil on linen $9,500
   - Gerry Wedd, Wayne Lynch Pot, 2015, ceramic $4,585

3. Resolves to acquire a work of art valued at no more than $21,930 by 30 June 2017. The Acquisition Proposal will be circulated to the Board and formal approval will be sought via email which will be ratified at the Board meeting on 16 August 2017; and
4. De-accession the following items as identified in Attachment 10, Proposed Deaccession List:

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**CARRIED**

It is recorded that Ms Christie vacated the Chamber prior to any discussion of the matter relating to the Lisa Waup collection and prior to any voting being taken.

**Moved Cr del Porto**
**Seconded Ms Borghese**

That the Gallery Board resolves to acquire the following works through purchasing:

- Five works by Lisa Waup: Chosen before birth; Custom; Ties to Country; Nature 2016 and Mourning basket 2015 woven sculptures, made from different materials including emu, parrot, ostrich and peacock feathers, silk thread, tapa cloth, fibre, crow feet, pine needles, job seeds, and cotton $8,985

**CARRIED**

It is recorded that Ms Christie was not present in the Chamber whilst the vote was taken on this item.
7. General Business

There were no items of General Business submitted to the meeting.

8. Confirmation of date of future meetings

The next meeting of the Board will be held on:

- 2 August 2017 – Special Meeting
- 16 August 2017 – Ordinary Meeting

The Chairperson declared the meeting closed at 7.15pm.

CONFIRMED THIS INSERT 2 DAY OF AUGUST 2017

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

10.1 EXPLORATION OF OPPORTUNITIES FOR ADDITIONAL CHRISTMAS DECORATIONS

Executive summary

Purpose and background

To present Council with options for additional Christmas Decorations at neighbourhood activity centres and specified locations across Bayside, in response to Council’s request for a further report at its 28 February 2017 Ordinary Meeting.

In 2016 Council installed decorations at the four Major Activity Centres (Church St, Bay Street, Sandringham and Hampton St), Martin Street Gardenvale, Beaumaris Concourse and the Black Rock Clock Tower. Complementary activities including the “Shops on Show” Christmas window competition and a range of celebratory events involving local community groups also formed part of the 2016 program.

At its ordinary meeting of 28 February 2017 Council in part resolved:

“Receives a further report on the feasibility of installing additional Christmas decorations in appropriate Neighbourhood Activity Centres (NACs) along with Highett, Hampton East and Cheltenham areas.”

In considering the feasibility of installing Christmas decorations in Neighbourhood Activity Centres (NACs) it is appropriate to reflect on the objective of the Christmas decorations program which is to:

- Activate retail centres over the Christmas season;
- Encourage footfall; and
- Generate an increased Christmas spirit across Bayside.

The community has provided Council with strong feedback that it is seeks decorations that have a strong visual impact and must be of high quality. In addition, the partnership with community groups, traders and service clubs proved to be a successful model in leveraging Council’s investment in decorations with numerous events conducted across the municipality in 2016.

Key issues

Feasibility Assessment

To undertake decorations in NACs the following criteria were established to determine the appropriateness of centres in achieving the objectives of the program:

- Should have a good mix of hospitality and convenience retailing that facilitates an existing degree of footfall from local residents. An existing footfall assists with increased activation with Council sponsored Christmas events;
- Appropriate Council infrastructure available for the placement of decorations such as Council owned light poles and wide footpaths. It should be noted that Council does not hang decorations on electricity poles due to the significant public liability issues and the level of indemnities and waivers required by the power companies; and
• Have good exposure so that the decorations have high impact and are highly visible to pedestrians and vehicular traffic. The degree of visibility, quality and exposure essentially represents a return on Council’s investment and hence the local community’s investment in Christmas decorations. Suggestions that token decorations be placed in some centres is not supported as it would be counterproductive and contrary to the criteria of high visibility, impact and quality.

This criteria was used to assess the feasibility of installing decorations in the locations and NACs specified by Council:

1. Bay Road East Shopping Centre - Bay Road, Cheltenham
2. Hightett Road, Hightett

As required by Council additional NACs were investigated. For planning purposes, Bayside has 4 NACs and 33 Small Neighbourhood Activity Centres (SNACs). Three of the existing NACs (Martin Street, Black Rock Village and Beaumaris Concourse) have decorations, while Hightett currently does not. The majority of SNACs do not satisfy the criteria for Christmas decorations either by not having appropriate infrastructure to facilitate installation or not having sufficient footfall. Site inspections of the following NACs and other appropriate locations were undertaken as they warranted further detailed consideration:

4. Seaview Village – Balcombe Road, Beaumaris
5. Hawthorn Road South, Brighton East
6. Martin Street, Gardenvale
7. Dendy Village – Hampton Street, Brighton
8. Little Hightett Village – Spring Road, Hightett
9. Sandringham Railway Station
10. Hampton Street, Hampton
11. Black Rock Clock Tower

Assessed Neighbourhood Activity Centres

The investigation into the feasibility was undertaken separately with the two existing suppliers of Christmas decorations. Advice from the investigation confirmed the following:

1. Bay Road East Shopping Centre - Bay Road, Cheltenham
   Within the Bayside part of Cheltenham also known locally as Pennydale, there are very limited locations to appropriately accommodate decorations. Much of the suburb is either residential or industrial with no key high exposure sites with high footfall. The Bay Road East centre is the key commercial strip and has a very low footfall and limited convenience retail. It is considered difficult to activate with no appropriate infrastructure for installation of decorations such as wreaths. The only space available for the installation of a Christmas tree would be largely covered from view by street trees.
   Not recommended

2. Hightett Shopping Centre - Hightett
   Bayside’s part of the Hightett Shopping Centre has narrow footpaths and limited infrastructure to support decoration placement. The centre was included in the original 2014 decoration program, and despite the lower quality of decorations, it was extremely difficult to achieve a visual impact in this centre. The centre also currently has a number of building projects underway making the current overall amenity of the centre poor and does not currently lend itself to decorations. A streetscape masterplan for the area is being completed with capital works delivery proposed for the financial year 2017/18 which may offer the opportunity for the placement of decorations in the future.
   Not currently recommended
3. **Hampton East Shopping Centre - Nepean Highway**

   The centre has limited opportunity for a Christmas tree given the level of kerbside trading, limited infrastructure and narrowness of footpaths. Another limitation is the separation from Nepean Highway caused by the service road and the 80km speed limit which would restrict visibility to vehicular traffic.

   The intersection however, is one of the busiest in Bayside with an estimated 200,000 vehicles passing through daily. The grassed area adjacent to the left turn lane heading west along South Road does offer a prominent high exposure opportunity for a statement piece. The difficulty with a location of such high exposure would mean that a statement piece would need to be of a high quality and sufficiently robust to withstand the windy conditions. Two options are available with the first a standard tree and a second with a heavier steel framed option. The latter option due to the heavier frame is wider and can carry more decorations and lights. Prices for a suitable statement tree range from $23,000 - $36,000.

   Advice has been sought from VicRoads, as the responsible authority for these two arterial roads, with this site being within the road reserve under its management and control. VicRoads advised that it does not support the installation of a Christmas tree within the road reserve, as it could be a road safety hazard and could dazzle drivers due to its size and luminescence. Particular driver attention is required at this intersection and a Christmas tree with lights could confuse drivers with traffic signals. Further, VicRoads is concerned with the safety of observers gathering around the tree within close proximity to the arterial road. An alternative approach could be investigated and discussed with VicRoads, for a Christmas tree without lighting that is less conspicuous. However, this option would not achieve evening activation as it would be less visible.

   Not currently recommended

4. **Seaview Village – Balcombe Road, Beaumaris**

   The centre is active with relatively heavy footfall generated by the mix of convenience retail and numerous cafes and an ideal location is available at 346 Balcombe Road. The position on open lawn is of high visibility and a 4 metre Christmas tree would have substantial visual impact, particularly to vehicles entering the municipality from the east. A statement piece at this prominent location would announce Christmas in Bayside. The nature of the centre also lends itself to activation with a traders group currently working with Beaumaris Rotary. A number of primary schools are in close proximity to the Village and with the large open area around the proposed tree a number of primary school events could be safely conducted.

   The placement of the tree would also add to decorations being placed in the southern part of the municipality. A 4 metre tree similar to Council’s current suite can be purchased from between $12,500 to $15,000.

   Recommended

5. **Hawthorn Road South – Brighton East**

   The centre has low footfall, narrow footpaths and a substantial levels of overhanging wires. Overall amenity was considered poor and not lending itself to the conducting of celebratory events. Some footpath space may be available on the west side of the street however, permission would be required from the immediate property owners as some their land will be required to permit safe access for pedestrians. Streetscape works are to be undertaken in 2017/18 that could potentially offer more feasible opportunities for the placement of decorations.

   In the interim however, the centre does have three Council owned light poles and the possibility exists to have 600mm wreaths installed. It is proposed to install doubled sided
wreaths with bud lighting. Being double sided and lit would give the wreaths a strong visual presence and be of high quality. With the supply of electricity included 6 x 600mm bud lit wreaths would cost between $7,000 and $8,000.

Recommended

6. **Martin Street, Brighton**  
Council installed 17 X 600mm wreaths in the street and then approved in February this year a further 7 wreaths to be installed on Council light poles within the activity centre (24 x 600mm installed for 2017). Feedback from the traders is that combined with the wreaths, a Christmas tree would provide for a stronger visual impact and complete the street with a full suite of decorations. The intersection of Asling and Martin Streets is considered the most suitable location for a 4 metre tree. Better locations are available near the Gardenvale Railway Station however, advice is the decorations in this location may be more susceptible to vandalism, with less passive surveillance.

The activity centre, after a difficult period appears to be activating with a number of new businesses opening in the street. A new group of operators are seeking to re-establish the traders’ association and Brighton Rotary have indicated a preparedness to assist with conducting related Christmas events. The area also has a number of schools in close proximity that could be encouraged to undertake celebratory events during the Christmas period.

A 4 metre tree similar to Council’s current suite can be purchase from between $12,500 to $15,000.

Recommended

7. **Dendy Village - Hampton**  
Streetscape works have recently been completed in Dendy Village, however limited infrastructure exists to support Christmas decorations of the standard Council currently installs. The centre also has little convenience retail and cafes limiting the level of footfall from local residents.

Not recommended

8. **Little Highett Village – Spring Road, Highett**  
The centre is small with limited retail and one active café. Due to this, footfall in the shopping centre is low. Visibility of decorations as well in a small centre such as this will be limited.

Not recommended

9. **Sandringham Railway Station**  
Apart from the feasibility of installing decorations in NACs and given their location in activity centres, railway stations offer an opportunity for bud lighting that could enhance Council’s decorations. After investigating options the only station that has the appropriate and prominent street orientation is Sandringham Railway Station. The station currently has the remnants of redundant lights on the façade that have not be functional for many years. The Sandringham Village Traders Association have sought to have lights on the station reinstated for a number of years and are highly supportive of such an initiative. The lighting of the Station accompanied with the existing large Christmas tree and wreaths would reinforce the public plaza area in the activity centre.

Discussion is currently underway with Metro Trains to understand the approvals process.

The estimated cost of the lights and installation is $3,000.

Recommended, subject to approval by Metro Trains.
10. **Hampton Street, Hampton**

After two years of having 3 x 4metre Christmas trees spread across its 1.4Km length, the feedback from the Hampton Street Treaders Association is that the decorations do not have a sufficiently strong visual impact. Given the narrow footpath and limited street infrastructure, the opportunities for additional trees or wreaths is limited so the opportunity was taken to investigate the feasibility of bud lighting street trees. Subject to owner’s approval and availability of power three street trees (Ornamental Pears) at 335, 339 and 440 Hampton Street (in between the railway line and Willis Street) could potentially be bud lit. As has proven the case with Bay Street, Brighton where Council has five bud lit trees, once installed the ongoing maintenance of the lights are low and is a cost effective way of gaining a strong, high quality visual impact.

The estimated costs of installation and access to power for three trees is $13,000.

Recommended subject to power availability and adjoining property owner approval.

11. **Black Rock Clock Tower**

The Clock Tower attracts a significant number of positive community comments and stands out as the iconic piece in Council’s Christmas decorations suite. Option to enhance and vary the decorations will be explored within the existing contract with the supplier. If this does not prove possible they may be some budgetary implications.

**Conclusion**

The recommended locations and decorations would complete the suite of decorations and achieve the objectives of the program of having decorations of high quality and strong visual impact.

The recommendations from the exploration for additional Christmas decorations are outlined in the table below and Option 1 of the recommendations.

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seaview Village – Beaumaris - 4metre tree (Based on average price ex GST)</td>
<td>$12,500</td>
</tr>
<tr>
<td>Hawthorn Road South – Brighton East 6 X 600mm wreaths including electricity supply</td>
<td>$8,000</td>
</tr>
<tr>
<td>Martin Street – Brighton 4metre tree (Based on average price ex GST)</td>
<td>$12,500</td>
</tr>
<tr>
<td>Bud lighting of Sandringham Railway Station</td>
<td>$3,000</td>
</tr>
<tr>
<td>Bud lighting of 3 street trees in Hampton Street</td>
<td>$13 000</td>
</tr>
<tr>
<td><strong>Total (ex GST)</strong></td>
<td><strong>$49,000</strong></td>
</tr>
</tbody>
</table>
Recommendation
That Council:

1. adopts Option 1 of this report to provide for the:

   a) purchase and installation of 2 x 4mt Christmas trees for placement in Martin Street, Brighton and Seaview Village, Beaumaris;

   b) purchase and installation of 6 x 600mm bud lit Christmas wreaths on Council owned light poles in Hawthorn Road, Brighton East;

   c) installation of bud lighting on the Sandringham Village Railway Station subject to approvals; and

   d) installation of bud lighting to 3 street trees at 335, 339 and 440 Hampton Street. subject to securing electricity supply agreements.

2. Funds the $49,000 capital costs for the decorations through savings in the 2016/17 Capital Budget.

Support Attachments
1. Additional Christmas Decoration proposed for 2017 - Christmas Report ↓
Considerations and implications of recommendation

Liveable community

Social
The Christmas decorations have facilitated community participation during the Christmas period, contributing to the ongoing viability of the local retail industry and bringing a festive ambience to the area.

Natural Environment
The Christmas Decorations program does not pose any detrimental impact on Bayside’s Natural Environment. The lights used in the decorations are low voltage using minimal electricity.

Built Environment
Christmas Decorations contribute to the built environment of activity centres showcasing them as a place of destination and fostering a sense of place.

Customer Service and Community Engagement
Council communicated widely with the community and businesses in activity centres about the Christmas decorations. A meeting of traders and service groups held in early February 2017 provided overwhelming positive feedback to Council on the 2016 Christmas program with comprehensive planning underway for expanded Christmas celebrations in 2017.

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 tendering process to acquire the decorations were undertaken in accordance with Council’s Procurement Policy, Procurement Procedures and in accordance with section 186 of the Local Government Act 1989. As part of the contractor selection process issues of legal liability and public safety are considered.

Finance
The 2017/18 budget provides for $106,825.45 (ex GST) for the installation of the decorations as per final year of the existing contract. Council approved additional decorations and enhancements for the 2017 Christmas decorations program at a cost of approximately $30,000 at its Ordinary Meeting of 28 February 2017. Following the exploration for further decorations an additional $49,000 is recommended to complete the suite. It is proposed to fund the additional decorations through savings in the 2016/17 Capital Budget.
Links to Council policy and strategy

*Bayside 2025 Community Plan*

The Christmas decorations program’s objective is to drive footfall to local activity centres to increase their vibrancy during this important retail trading period. Council’s leadership in the support of the local economy was strongly identified in the Bayside 2025 Community Plan.

*Council Plan 2013 - 2017*

The encouragement of increased footfall in activity centres addresses the Council Plan’s Goal Six: ‘A thriving local economy’

*Bayside Economic Development Strategy 2010*

The installation of Christmas decorations is also consistent with Council’s 2010 Economic Development Strategy. The installation of Christmas decorations is in particular covered by: “Action item – 5.4.3.3 Implement regular themes and coordinated events at selected activity centres.”
Additional Christmas decorations proposed for 2017

Figure 1: Martin Street - Asling Street, Gardenvale

Figure 2: Seaview Village, Balcombe Road, Beaumaris
Figure 3: Nepean Highway - South Road, Hampton East
Figure 4: Sandringham Railway Station, Sandringham
Figure 5: 335 Hampton Street, Hampton (proposed tree for bud lighting)

Figure 6: 339 Hampton Street, Hampton (proposed tree for bud lighting)
Figure 7: 440 Hampton Street, Hampton (proposed tree for bud lighting)
Figure 8: Hampton Train Station

Figure 9: Middle Brighton Train Station
Figure 10: North Brighton Train Station
Executive summary

Purpose and background
To present Council with the submissions received in response to Bayside Planning Scheme Amendment C126, which implements Council’s adopted Small Activity Centres Strategy 2014. The amendment proposes to:

- Introduce new Design and Development Overlays to 33 small activity centres (a list of centres is provided in Attachment 1);
- Rezone specific sites within some centres to better reflect their role and correct zoning anomalies;
- Apply the Environmental Audit Overlay to part of the North Road and Nepean Highway Centre in Brighton East; and
- Make a range of other changes to the Bayside Planning Scheme to give effect to the Strategy.

Amendment C126 was publicly exhibited between 16 March 2017 and 24 April 2017. A summary of the exhibition process and engagement outcomes is provided in the Customer Service and Community Engagement section of this report. In total, 88 submissions were received (including five late submissions) which supported, opposed and suggested changes to the amendment.

Key issues

Summary of Amendment C126
The Small Activity Centres Strategy seeks to guide future development of 33 of Bayside’s smaller order shopping centres. The Amendment seeks to implement the Strategy primarily through:

- Applying new Design and Development Overlay Schedules to the centres to guide intended built form outcomes for each centre;
- 13 of the centres are proposed to be rezoned in some way (whether the entire centre or part);
- 3 centres are to be included in the Schedule to Clause 52.28-4 within which electronic gaming machines are prohibited (most of Bayside’s small activity centres are already included within this clause). The New and Martin Street centre in Brighton is proposed to be removed from this Schedule as it no longer complies with the policy for inclusion.
- An Environmental Audit Overlay is to be applied to the North Road and Nepean Highway centre in Brighton East which is operated as a petrol station and zoned residential. This overlay will ensure that potential contamination issues are addressed if the land was to ever be used for a sensitive use in the future.

A range of other changes are proposed to give effect to other aspects of the Strategy.
Outcomes of Public Exhibition

The key issues and feedback raised in submissions relate to:

- Most were supportive of the amendment as it addresses a policy gap within the Planning Scheme and provides greater certainty for business owners and residents about the future for these small activity centres;

- Conflicting views on the proposed height controls to be introduced (some submitters supported greater height than proposed, others supported the height controls as proposed);

- A number of buildings across the centres already exceed the height controls proposed, therefore the height controls nominated should be reviewed;

- Of those submissions seeking greater height, it was often also recommended that discretionary height controls should be provided;

- Some submitters identified that with land use change in some centres since the adoption of the Strategy, the hierarchy of centres outlined in the Strategy has been undermined;

- Some submitters raised concerns that the controls proposed would encourage minimal growth in some commercial centres, contrary to State policy and the Bayside Planning Scheme;

- Conflicting views on some of the proposed site specific rezonings proposed in the amendment, as submitters indicated the current zones were more appropriate; and

- Changes should be made to wording within the DDOs to provide greater certainty for residential interfaces. This primarily related to the setbacks to residential areas, and how these could be strengthened to prioritise residential amenity.

A response to the submissions received is included at Attachment 2.

Pursuant to Section 22(2) of the Planning and Environment Act 1987 (‘the Act’), the planning authority may consider a late submission at its discretion. Given that the acceptance of a late submission is not automatic, Council must formally agree to accept late submissions under the Act. Officers recommend acceptance of these submissions.

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

- Change the amendment in the manner requested by submitters;

- Refer the submissions to an independent Planning Panel; or

- Abandon the amendment.

Recommended next steps

Given the changes to Plan Melbourne which has resulted in the reference to providing mandatory height controls in small activity centres has been removed, the strategic justification of the amendment may be compromised.

The land use changes in the centres have resulted in some implications across centres where milk bars/grocers have been established or removed since the Strategy was adopted. As a result, this has undermined the centre hierarchy referred to in the Strategy and compromised the differentiation between centre types.
Further, the built form changes in some centres has resulted in existing buildings in several centres exceeding the height controls proposed by Amendment C126. As a result, this severely compromises Council’s ability to obtain the mandatory height controls in those centre for the heights proposed by Amendment C126. A consequence of this is that it also undermines the methodology that underpins the nomination of the height controls proposed in other centres.

Given the level of changes proposed by some submitters, as well as the built form changes in the centres and the changes to Plan Melbourne since the Strategy was prepared, additional time is required to consider possibly changing the amendment beyond the 40 business days afforded within Ministerial Direction 15.

It is recommended that before proceeding to a Planning Panel process, Council takes an opportunity to review the Small Activity Centres Strategy and Amendment C126. This will assist Council to ensure that the changes proposed by the amendment are robust, align with current policy and have the best chance of being supported at a planning panel.

It is expected that a review of the Strategy may result in some changes to the centre classifications and built form controls proposed, which may result in increased heights than currently proposed. This may impact some centres where no submissions have been received.

If this is to occur, further exhibition of the amendment will be required to inform affected parties of any changes.

Ministerial Direction 15 sets out the time for completing the steps of the planning scheme amendment process. If Council resolves to undertake further work, Council will need to seek an exemption from the Department of Environment, Land, Water and Planning from the requirements of Ministerial Direction 15.

**Recommendation**

That Council:

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

**Support Attachments**

1. Attachment 1 - List of Centres
2. C126 Attachment 2 Response to Submissions
Considerations and implications of recommendation

Liveable community

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

Natural Environment
Amendment C126 seeks to reduce car dependency and sustainable public transport use by increasing the number and diversity of dwellings within the centres. This will ensure dwellings are constructed close to shops and services reducing reliance on private transport.

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

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

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

Overall, 88 submissions were received to the amendment with 78 phone calls and front counter visits made to discuss the amendment.

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 exhibition process that has been undertaken complies with the provisions of Section 223 of the Local Government Act 1989 and the prescribed consultation process of the Planning and Environment Act 1987.
Legal

Pursuant to the Planning and Environment Act 1987, Council must consider all submissions made during the exhibition period. In considering submissions which request a change to the amendment, Council must either change the amendment in the manner requested; refer the submissions to a Panel; or abandon the amendment. There are no legal implications from deferring consideration of the amendment until a review of the Strategy is undertaken.

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

Finance

Resources to progress Amendment C126 have been allocated in Council’s 2016/2017 and 2017/18 Budget.

Links to Council policy and strategy

Bayside City Council Plan 2013-2017

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

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

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

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

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

Bayside Housing Strategy 2012

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

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

### Option 1

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Defer consideration of the submissions received to Amendment C126 and undertake a review of the <em>Small Activity Centres Strategy 2014</em> and Amendment C126.</th>
</tr>
</thead>
</table>
| **Benefits** | Will allow the Strategy and amendment documents to be reviewed and gaps identified and addressed prior to any Panel hearing occurring.  
Will allow the issues raised by submitters to be thoroughly considered within the Strategy and urban design concept plans updated. |
| **Issues**   | Any changes to the amendment documents will likely require the amendment to be re-reported to Council and exhibited a second time.  
Will result in delays to the planning scheme process and prolong the lack of policy guidance for these centres.  
May require additional costs associated with the re-exhibition of the amendment to those affected. |

### Option 2

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Request that the Minister for Planning appoint an independent Planning Panel to consider the submissions received for Amendment C126 as presented.</th>
</tr>
</thead>
</table>
| **Benefits** | Will provide the opportunity for all submitters to have their issues and concerns considered by an independent body.  
Will allow the merits of the amendment as it currently stands to be considered and Council will have the benefit of understanding the recommendations of the Planning Panel. |
| **Issues**   | Given the number of centres where buildings exceed the height controls proposed, and how this undermines Council’s approach to classifying the activity centres, it is highly unlikely that a Planning Panel will support Amendment C126 in its current form.  
The likelihood of a successful outcome is undermined by the issues raised in relation to the strategic basis of the amendment, the suitability of the height controls proposed and the use of mandatory controls where buildings presently exceed the mandatory heights proposed. |

### Option 3

<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th>Split the amendment and proceed only with those centres which have not received submissions.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>This would allow the centres without submissions or issues to proceed to the Minister for Planning for a decision.</td>
</tr>
<tr>
<td>Issues</td>
<td>There is no guarantee that the Minister for Planning would approve the amendment in its split form. Any planning Panel appointed to consider the balance of the centres will be critical of Council’s approach, as the overall strategic basis of the Amendment cannot be considered in its entirety.</td>
</tr>
</tbody>
</table>
## Attachment 1 | List of Centres and number of submissions received

<table>
<thead>
<tr>
<th>Enquiries per centre</th>
<th># of 1:1 Meetings</th>
<th># of submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balcombe Park, Beaumaris</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Balcombe Road and Charman Road, Beaumaris</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Road and Avoca Street, Cheltenham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Road and Jack Road, Cheltenham</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Beach Road and Georgiana Street, Sandringham</td>
<td>2</td>
<td>41</td>
</tr>
<tr>
<td>Bluff Road &amp; Arranmore Avenue, Black Rock</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Bluff Road &amp; Bay Road, Sandringham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bluff Road &amp; Edward Street, Black Rock/Sandringham</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Bluff Road &amp; Highett Road Centre, Hampton</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Bluff Road and Love Street, Black Rock</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Bluff Road and Spring Street, Sandringham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brighton Beach (Were Street) Centre, Brighton</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Denby Village, Brighton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Brighton Shopping Centre, Brighton East</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Esplanade &amp; Grosvenor Street, Middle Brighton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hampton Street &amp; Durrant Street, Brighton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawthorn Road Shopping Centre, Brighton East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highett &amp; Spring Road (Little Highett Village), Highett</td>
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<td></td>
</tr>
<tr>
<td>Keith Street &amp; Widdop Crescent, Hampton East</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Keys Street Shopping Centre, Beaumaris</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Ludstone Street, Hampton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nepean Highway and Centre Road, Brighton East</td>
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<td>Nepean Highway and Milroy Street, Brighton East</td>
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<td>4</td>
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<tr>
<td>Nepean Highway and North Road, Brighton</td>
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<td>Nepean Highway and Union Street, Brighton East</td>
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<tr>
<td>New Street &amp; Bay Street, Brighton</td>
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<tr>
<td>New Street &amp; Martin Street, Brighton</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Seaview Shopping Centre, Beaumaris</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>South Road &amp; Esplanade Avenue, Brighton</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>South Road Plaza, Hampton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas and Egan Street, Brighton East</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Weatherall Road &amp; Morey Road, Beaumaris</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weatherall Road Shopping Centre, Cheltenham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General submissions</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>88</strong></td>
</tr>
</tbody>
</table>
### Attachment 2 | Amendment C126 | Preliminary Response to Submissions

<table>
<thead>
<tr>
<th>No.</th>
<th>Comments/Summary</th>
<th>Response to Submission</th>
<th>Proposed Changes</th>
</tr>
</thead>
</table>
| 1   | Keys Street centre, Beaumaris  
Opposes the amendment, proposes changes:  
1. The amendment has not included pedestrian safety including connectivity from Keys Street to the park opposite (across Beach Road) as there is no pedestrian refuge.  
2. The existing power poles in Keys Street and fronting Beach Road (commercial area) are unsightly and should be put underground in particular with further development up to two storeys on Keys Street.  
3. Extend the car park reserve from near the car park in Beach Road (Keys Street) to the lookout (Bodley Street) for new residents in apartments.  
4. Enforce shop activation rather than people living in shopfronts opposite Council car park.  
1. The amendment relates specifically to the buildings within the Keys Street centre and does not propose to undertake physical works to Beach Road. The possible installation of a pedestrian refuge has been referred to Council’s Sustainability and Transport departments for investigation as part of its active transport/pedestrian refuge installation program.  
2. The undergrounding of power lines is beyond the scope of the amendment and also outside Council’s control. United Energy owns the electricity infrastructure however given the significant cost associated with undergrounding power, it is unlikely that this activity centre area will receive priority attention.  
3. Changes to the foreshore area are beyond the scope of Amendment C126. This feedback has been provided to Council’s Open Space, Recreation and Wellbeing department for consideration as part of foreshore management and any future works in this area.  
4. The DDO17 encourages active ground floor uses for shopfronts. As the centre is within the Commercial 1 Zone, a planning permit is required to use land at the ground floor for a residential use, where the use has a frontage of greater than 2 metres. Council cannot compel existing occupiers to change the use operating at a site unless there is a compliance problem. By including a framework where active ground floor commercial uses are encouraged, and stimulating greater activity in the centre, this may assist owners to ensure that ground floor uses are contributing to the vitality and viability of the centres.  
Refer to Sustainability and Transport department for consideration.  
The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |
| 2   | Seaview Shopping Centre, Beaumaris  
Opposes the amendment, due to:  
1. Development should be four storeys in this centre. Imposing a two storey height limit is missing an opportunity, as shopping areas are the ideal locations for infill development. This keeps development out of residential  
1. The Bayside Housing Strategy 2012 identifies the Seaview Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to |
### Attachment 2 | Amendment C126 | Preliminary Response to Submissions

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<td>areas and helps businesses by having more residents in the catchment.</td>
<td>the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. The proposed two storey height limit is considered appropriate as this is consistent with the surrounding residential area and achieves Council’s objectives relating to the level of growth to be encouraged within the centre.</td>
<td>consider. The controls proposed for this centre should be reviewed.</td>
</tr>
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<td>3.</td>
<td>Nepean Highway and Centre Road Centre, Brighton East</td>
<td>Support for the amendment is noted. These comments have been referred to Council’s Sustainability and Transport department for noting. Traffic and parking conditions in the centre can be monitored by Sustainability and Transport with appropriate action taken as required.</td>
<td>Refer to Sustainability and Transport department for consideration.</td>
</tr>
<tr>
<td></td>
<td>1. Supportive of the amendment and the two storey height restriction.</td>
<td></td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td></td>
<td>2. Concerned about traffic control and parking, and access to residential driveways in narrow street.</td>
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<td>4.</td>
<td>Keys Street Centre, Beaumaris</td>
<td>Support for the amendment is noted. 1. The changes outlined for the road network have been referred to Council’s Sustainability and Transport department for consideration. Any changes to traffic flows in the area are beyond the scope of the amendment and will be subject to separate processes outside of the Planning Scheme Amendment process.</td>
<td>No changes proposed. 1. Refer to Sustainability and Transport department for consideration.</td>
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<tr>
<td></td>
<td>Supportive of the amendment due to the consideration of small businesses in the area, however provides the following comments for consideration: 1. Suggests that Keys Street should be made one way, accessible only from Beach Road. The visibility is poor at this location for traffic turning into Beach Road, particularly in low/small vehicles. Sight distance is better from</td>
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<td>Bodley and Sparks Streets and though it might be inconvenient for some, the safety improvements would justify any inconvenience. 2. The laneways in the neighbouring blocks should be made one way to move traffic away from Keys Street. This change will offer the opportunity to increase parking in Keys Street and as a result, increase local business clientele and revenue.</td>
<td>1. Support for the amendment is noted.</td>
<td>No proposed changes.</td>
</tr>
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<td></td>
<td><strong>5. Brighton Beach (Were Street) Centre, Brighton</strong> 1. Supports Amendment C126 as submitter believes C126 will stop overdevelopments in the area and hence avoid putting even more pressure on the road traffic in Were Street.</td>
<td>1. As the SNAC Strategy considered this property was residential, it was intended to be rezoned so as to no longer form part of the centre. Following discussions with the current owner, it is intended that the site will remain a commercial site once redevelopment occurs. It is recommended that this site remain within the Commercial 1 Zone however stronger wording may be provided within the DDO17 to ensure that any future development at this site is designed to address the railway station walkway, rather than fronting Esplanade Avenue. 2. The South Road and Esplanade Avenue centre is identified in the Bayside Housing Strategy 2012 as being a strategic redevelopment site as the centre is: a. In or beside a centre served by public transport;</td>
<td>Retain 1A Esplanade Avenue within the Commercial 1 Zone. Provide greater guidance that future development at this site should address the railway station rather than Esplanade Ave. An</td>
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<td>unlike the other commercially zoned properties in the centre. The property should remain in the Commercial 1 Zone.</td>
<td>b. Abutting a train line that is part of the Principal Public Transport Network; c. Able to provide ten or more dwelling units, close to activity centres and well served by public transport. The centre is classified in the Housing Strategy as a minimal residential growth area where the predominant low density scale is to be maintained. The site is identified as being outside the study area boundary and is not considered to play a valued role in the future operations of the centre. A home office will still be permitted within the NR2 and it is recommended that this zone more closely aligns with the role this property will play in relation to the centre.</td>
<td>approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider.</td>
</tr>
<tr>
<td>7.</td>
<td><strong>Beach Road and Georgiana Street Centre, Sandringham</strong> Supports the proposed amendment however recommends some changes be made to the amendment. 1. Considers that 72 Beach Road (the petrol station) should not be rezoned to Commercial 1 Zone in order to ensure that residential amenity can be retained for residents to the north of this section of the property. 2. Currently, the commercial property at the rear of 4 Arthur Street is set back 7 metres from its rear boundary. The submitter proposes to change the wording to retain the existing setback or provide the setbacks nominated in the DDO17, whichever is the greater. 3. Considers the DDO17 should be amended to ensure that no plant,</td>
<td>Support for the amendment is noted. 1. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NR2) and the Commercial 1 Zone (C12). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council’s approach for encouraging limited growth at the centre. Council has applied the NR2 to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the <em>Bayside Housing Strategy 2012</em>, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. 2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. It is noted that other adjoining buildings in the centre have a reduced setback to the properties in Arthur Street. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>8.</td>
<td><strong>New Street and Martin Street centre, Brighton</strong>&lt;br&gt;Opposes the amendment and considers Council should abandon C126. 1. It is a consistent theme through both State and Local policy to encourage higher density residential development within activity centres. The imposition of an inflexible and inappropriate 2 storey mandatory height on this centre does not enable the centre to be developed to its fullest potential and does not align with policy. 2. The amendment is not consistent with Plan Melbourne as the amendment restricts the ability for the New Street and Martin Street activity centre to grow.</td>
<td>1. The future role of the New Street and Martin Street centre was determined through the development of the Small Activity Centre Strategy. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of a 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction. 2. The classification of the New Street and Martin Street within the proposed activity centre hierarchy is consistent with Plan Melbourne. Centres designated for growth are outlined within the framework, of which the New St and Martin St Centre is one with limited recommended growth. 3. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the</td>
<td>Amend the DDO13 to clarify that any design features or plant equipment above the first floor must be appropriately sited. An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed</td>
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<td>3.</td>
<td>Discretionary controls should be favoured over mandatory controls, as this allows for unforeseen circumstances to be accommodated. There is no justification to warrant the inclusion of mandatory controls.</td>
<td>Future growth of Bayside’s small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre.</td>
<td>For this centre should be reviewed.</td>
</tr>
<tr>
<td>4.</td>
<td>The existing DDO2, whilst outdated and no longer relevant, triggers the need for a planning permit exceeding two storeys. This does not specify that 2 storeys should be a maximum nor mandatory control and allows for taller buildings to exceed this height where the massing and design are appropriate.</td>
<td>The design objective and decision guidelines within the DDO2 provide for a preferred height control of 2 storeys. Whilst written differently to the other DDOs prescribing height controls, the intent of the discretionary 2 storey control is clear within the DDO2.</td>
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<td>5.</td>
<td>There are recently constructed buildings in the centre which exceed 2 storeys on smaller lots than the submitters site. Therefore, the centre is capable of accommodating greater than 2 storeys.</td>
<td>It is noted that there are existing buildings within the centre which exceed the height control proposed.</td>
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<td>6.</td>
<td>Given the amended heights allowed for the Neighbourhood Residential Zone and the General Residential Zone, the imposition of a 2 storey/9 metre height in this mixed use centre is not appropriate.</td>
<td>The objectives for Small Commercial Activity Centres — Mixed Use relate to ensuring that development of shop top housing is in keeping with the surrounding residential context. In relation to the New St and Martin St centre, the height control proposed is consistent with the surrounding Neighbourhood Residential Zoned land.</td>
<td></td>
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<tr>
<td>7.</td>
<td>Classifying the centre as a ‘minimal change’ centre whilst retaining the centre within the Commercial 1 Zone appear to contradict each other,</td>
<td>The application of the Commercial 1 Zone will allow Council to have greater weight to enforce active commercial frontages beyond the control afforded by the Mixed Use Zone, a residential zone. Analysis of centres zoned Mixed Use sees a greater level of residential uses at the ground floor than those centres zoned Commercial 1. It is considered that the use of the DDO13 will provide clarity on how Council intends on achieving its objectives from growth in this centre.</td>
<td></td>
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<tr>
<td>8.</td>
<td></td>
<td>The Retail, Commercial and Employment Strategy 2016 was developed to guide the future commercial growth of Bayside’s activity centres. Whilst catchments and floor areas were projected for Bayside’s larger activity centres, centres identified within the SAC Strategy were excluded. Further work will be undertaken to guide the future commercial growth of these centres however given the classification as a SCAMC, additional growth of the centre is unlikely to be supported beyond the current centre boundaries.</td>
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<td>9.</td>
<td></td>
<td>It is considered that the wording of these two objectives is complementary rather than conflicting, as both outcomes are sought.</td>
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<td>8.</td>
<td>Council should consider the future floorspace requirements for the centres as part of the Retail, Commercial and Employment Strategy and the imposition of mandatory height controls is premature until the forecasts have been completed.</td>
<td>Development should respect the local built form context (predominantly 2 storeys) whilst ensuring that development is in keeping with the adjoining residential context, through the use of setbacks and mandatory height controls.</td>
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<td>9.</td>
<td>There is a wording conflict between Clauses 21.02-4 and 21.11-10 as one seeks to ensure shop top housing respects the local built form context, the other seeks to ensure development has is in keeping with the adjoining residential context.</td>
<td>10. It is agreed that the wording should be clarified to ensure this is clearly articulated.</td>
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<td>10.</td>
<td>Proposes a wording clarification to the DDO13 which should be corrected to refer to plant / equipment and architectural features above the first floor must not be visually intrusive. The current wording implies this wording indicates second storey. This should be clarified.</td>
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| 9.  | **Bay Road and Jack Road centre, Cheltenham**  
Opposes the amendment as submitter believes that the Planning Scheme can be simplified by making the following changes: | 1. The controls proposed for the Bay Road and Jack Road centre were developed through the preparation of the Small Activity Centre Strategy. As such, any changes for the broader Pennylane area are beyond the scope of this amendment. The SAC Strategy provides the vision for the shopping precinct only and informs how this part of the suburb will accommodate housing growth. The future planning controls for the Pennylane area of Cheltenham are to be developed through the Southland Structure Plan process, currently | The recommended review of the Strategy and amendment documents may result in potential changes to the |
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<td>1.</td>
<td>Believes the DDO2 should be removed from all of the Cheltenham/Pennyle area and not just the shopping centre.</td>
<td>Underway. It is expected that the final Structure Plan will inform the future planning controls for remainder of the precinct.</td>
<td>Controls proposed for this centre.</td>
</tr>
<tr>
<td>2.</td>
<td>Considers that the General Residential Zone should be used to enforce height controls and not the DDO2 for the Pennyle area.</td>
<td>The General Residential Zone provides a mandatory three storey height control, consistent with the height within the DDO14 proposed for the centre. The DDO2 provides a discretionary height control of 2 storeys, less than the mandatory height control of 3 storeys in the GRZ. It is likely that this difference between the two controls will be addressed through the Southland Structure Plan process and is outside the scope of this amendment.</td>
<td></td>
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<tr>
<td>10</td>
<td>Beach Road and Georgiana Street Centre, Sandringham</td>
<td>Nine identical but separately signed submissions were received in support of C126 with changes.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<tr>
<td>18</td>
<td></td>
<td>1. Supports the two storey mandatory height limit.</td>
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<tr>
<td>18</td>
<td></td>
<td>2. Council should not rezone 72 Beach Road and the site should remain within two zones.</td>
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<td>18</td>
<td></td>
<td>3. Rear building setbacks should be changed to be mandatory at 3.5m/S.5m, or if currently larger, the existing setback should be retained.</td>
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<td>18</td>
<td></td>
<td>4. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in these areas.</td>
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<tr>
<td>18</td>
<td></td>
<td>5. Greater control should be provided to prevent overlooking into residential properties.</td>
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<td>19</td>
<td>Beach Road and Georgiana Street Centre, Sandringham</td>
<td>1. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C1Z). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council’s approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the Bayside Housing Strategy 2012, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td></td>
<td></td>
<td>2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.</td>
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<td>4. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17.</td>
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<td></td>
<td>5. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily.</td>
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<td>20</td>
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<td>Seven identical but separately signed submissions were received in support of C126 with changes.</td>
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<tr>
<td>21</td>
<td></td>
<td>1. Council should rezone 72 Beach Road and the site should remain within two zones.</td>
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<tr>
<td>22</td>
<td></td>
<td>2. Rear building setbacks should be changed to be mandatory at 3.5m/5.5m, or if currently larger, the existing setback should be retained.</td>
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<td>23</td>
<td></td>
<td>3. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in those areas.</td>
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<td>4. Greater control should be provided to prevent overlooking into residential properties.</td>
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<td>26.</td>
<td><strong>Thomas Street and Egan Street Centre, Brighton East</strong>&lt;br&gt;Opposes the amendment for the following reasons:&lt;br&gt;1. Of the seven properties in the centre, two already exceed two storeys with permits granted for taller buildings on other sites. A mandatory two storey control unfairly inhibits the remaining property owners ability to develop their sites in keeping with adjoining properties.&lt;br&gt;2. The height should be increased to three storeys for this centre as this height better achieves Council’s strategic planning objectives and is consistent with the existing built form of the centre.</td>
<td>3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17.&lt;br&gt;4. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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27. | Bay Road and Jack Road centre, Cheltenham Supports the amendment subject to recommended changes: 1. Proper setbacks are required for shop top housing to protect the village feel of the centre. 2. Shop awnings should not extend beyond the pavement. 3. Current car parking for shops (along Bay Road) should be retained. 4. Any additional resident parking should be provided from the rear laneway. | 1. The setbacks proposed in the DDO14 will provide sufficient setbacks to ensure that future development within the centre provides an acceptable interface to residential properties in Jack Road and Mernda Avenue. 2. The DDO14 does not presently include guidance on this matter. It is considered reasonable to allow this level of detail to be considered as part of any future planning permit application. 3. There is no proposal to alter the current car parking configuration for the on-street car parking supply. 4. Resident parking accessed from rear laneways is encouraged within the DDO14. | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.
28. | East Brighton Shopping Centre, Brighton East Supports the amendment but recommends changes be made: 1. Supportive of the two storey mandatory height control. 2. Changes to the DDO16 should be made to provide greater protection for the heritage building at 1 Clive Street. 3. The setbacks to adjoining residential areas should not be allowed include the laneway widths. These should be mandatory setbacks measured from title boundaries. | 1. Support for the proposed height control is noted. 2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. 3. The intention of the wording through the development of the Small Activity Centres Strategy is that laneway widths could form part of the setbacks between commercial buildings and residential areas. It is considered that there is insufficient justification to increase this setback requirement in this location. | Amend the DDO16 wording to provide greater emphasis on 1 Clive Street, Brighton. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.
29. | East Brighton Shopping Centre, Brighton East Supports the amendment but recommends changes be made: | 1. Support for the proposed height control is noted. 2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will | Amend the DDO16 wording to provide greater emphasis
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<td>1.</td>
<td>Supports the two storey mandatory height control. The DDO16 should be amended to include greater protection of the heritage building at 1 Clive Street.</td>
<td>ensure that any development does not detract from the significance of the property.</td>
<td>on 1 Clive Street, Brighton. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>30.</td>
<td><strong>Nepean Highway and Centre Road centre, Brighton East</strong> Opposes the amendment for the following reasons: 1. The owner presently has a planning permit for a three level mixed use development at this site. There are also a number of buildings within the centre which also contain three storey buildings. 2. The Nepean Highway is robust enough to accommodate higher built form. 3. A two storey height limit undermines the ability to achieve the objectives of the Commercial 1 Zone, restricts the commercial viability for the use of the site and does not achieve affordable housing objectives.</td>
<td>1. As the owner presently has planning permission for a taller building, C126 does impact the land owners rights to act on that permit and develop the site in accordance with his planning permit. 2. It is noted that there are existing buildings within the centre which exceed the height control proposed. It may be suitable to amend the height control to three storeys for this centre given the extent of three storey buildings. However, this may require the amendment to be split with this change re-exhibited in order for this change to occur. 3. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed. 4. Notice was provided to the owners and occupiers listed at the time that public exhibition of the amendment was undertaken. No return to sender notices were received in relation to the owner/occupiers of the two subject properties.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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<td>31.</td>
<td><strong>Parks Victoria Submission</strong>&lt;br&gt;Supports the amendment without specific comments provided.</td>
<td>1. Support for the amendment is noted.</td>
<td></td>
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<td>32.</td>
<td><strong>Seaview Shopping Centre, Beaumaris</strong>&lt;br&gt;Opposes the amendment for the following reasons:&lt;br&gt;1. Council has previously determined that 3 storeys is appropriate in this centre and the imposition of a 2 storey height control should be changed.&lt;br&gt;2. The amendment is not consistent with State Government planning policies to encourage higher density housing into activity centres, ensuring the density and scale is appropriate for the centre.</td>
<td>1. The <em>Bayside Housing Strategy 2012</em> identifies the Seaview Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas.&lt;br&gt;2. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. This is consistent with State and Local Planning Policy.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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<td>33.</td>
<td><strong>Nepean Highway and Centre Road centre, Brighton East</strong>&lt;br&gt;Opposes the amendment for the following reasons:&lt;br&gt;1. The centre is realistically divided into two halves. The centre should be broken up with the northern half classified as a Small Neighbourhood Activity Centre (or at least Mixed Use) given the level of residential development already experienced in this part of the centre.</td>
<td>1. It is noted that there are existing buildings within the centre which exceed the height control proposed. It is proposed to retain the centre as one centre.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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### Attachment 2 | Amendment C126 | Preliminary Response to Submissions

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<td>34.</td>
<td><strong>New Street and Bay Street centre, Brighton</strong>&lt;br&gt;Opposes the amendment for the following reasons:&lt;br&gt;1. Supports the need for Council to strategically plan for the centre and remove the inappropriate DDO2 from the centre.&lt;br&gt;2. The role of activity centres are to encourage higher density residential development with a range of commercial and other uses. Given the strategic context of the site and the ever growing imperative to ensure opportunities for urban consolidation are not unnecessarily squandered, the imposition of a 2 storey mandatory building height does not allow the site to be developed to its fullest potential, nor is it consistent with State policies.&lt;br&gt;3. The boundaries of the centre should be redrawn to encompass those parcels of land surrounding the commercial core and which presently form part of the centre.&lt;br&gt;4. The controls should be performance based and not mandatory provisions. There are no exceptional</td>
<td>1. Support for the process and removal of the DDO2 is noted.&lt;br&gt;2. The future role of the New Street and Bay Street centre was determined through the development of the Small Activity Centre Strategy. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of a 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction.&lt;br&gt;3. Given the classification of the centre in relation to Council’s activity centre hierarchy, the boundaries of the centre relating only to the commercially zoned land is considered appropriate.&lt;br&gt;4. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside’s small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre.&lt;br&gt;5. The design objective and decision guidelines within the DDO2 provide for a preferred height control of 2 stores. Whilst written differently to the other DDOs prescribing height controls, the intent of the discretionary 2 storey control is clear within the DDO2.&lt;br&gt;6. It is understood that there is a current planning permit application before the Tribunal for a six storey mixed use development. As demonstrated</td>
<td>Amend the DDO13 to clarify that any design features or plant equipment above the first floor must be appropriately sited.&lt;br&gt;An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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<td>5.</td>
<td>The existing DDO2, whilst outdated and no longer relevant, triggers the need for a planning permit exceeding two storeys. This does not specify that 2 storeys should be a maximum nor mandatory control and allows for taller buildings to exceed this height where the massing and design are appropriate.</td>
<td>Through Council's opposition to this application, Council considers that a lower scale of development is appropriate for this centre.</td>
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<td>6.</td>
<td>There are a range of strategic, contextual and design circumstances associated with the site which warrant building heights in excess of 2 storeys.</td>
<td>Comment noted. Council does not intend to alter its approach to the classification of the centres at this time. Whilst the subject site is presently vacant, it is intended that future development will accord with Council's strategic framework for the precinct, which nominates this site as an area for low residential growth.</td>
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<td>7.</td>
<td>Disagrees with the 'one size fits all' approach to the Small Commercial Activity Centres – Mixed Use. This centre is different to the other centres with this classification as there is not an existing fine-grained local character to be protected.</td>
<td>The encouragement of offices and residential developments are facilitated by the Mixed Use Zone. The key changes relate to the consideration of residential character, which is a lesser focus within the Commercial 1 Zone.</td>
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<td>8.</td>
<td>The rezoning of the centre from Commercial 1 Zone to the Mixed Use Zone is not in keeping with the outcomes sought for the centre.</td>
<td>The comments made in relation to the suitability of the Mixed Use Zone are noted. Council is encouraging office development in the western end of the Bay Street activity centre, which does not include the Bay Street/New Street centre. The policy intent for this centre is of a much lower order than what is encouraged within Council's Major Activity Centres. The height control has been determined to have regard to the intended role of the centre however given there are already buildings which exceed the proposed height control, this may be reviewed.</td>
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<td>9.</td>
<td>The Mixed Use Zone is the highest order of the residential zones and greater height should be</td>
<td>The Retail, Commercial and Employment Strategy 2016 was developed to guide the future commercial growth of Bayside's activity centres. Whilst catchments and floor areas were projected for Bayside's larger activity centres, centres identified within the SAC Strategy were excluded. Further work will be undertaken to guide the future commercial growth of these centres however given the classification as a SCAMCU, additional growth of the centre is unlikely to be supported beyond the current centre boundaries.</td>
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<td>10.</td>
<td></td>
<td>It is considered that the wording of these two objectives is complementary rather than conflicting, as both outcomes are sought. Development should respect the local built form context (predominantly 2 storeys) whilst ensuring that development is in keeping with the adjoining</td>
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<td>10</td>
<td>Council should consider the future floorspace requirements for the centres as part of the Retail, Commercial and Employment Strategy and the imposition of mandatory height controls is premature until the forecasts have been completed.</td>
<td>residential context, through the use of setbacks and mandatory height controls.</td>
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<td>11</td>
<td>There is a wording conflict between Clauses 21.02-4 and 21.11-10 as one seeks to ensure shop top housing respects the local built form context, the other seeks to ensure development has is in keeping with the adjoining residential context.</td>
<td>It is agreed that the wording should be clarified to ensure this is clearly articulated.</td>
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<td>12</td>
<td>Proposes a wording clarification to the DDO13 which should be corrected to refer to plant / equipment and architectural features above the first floor must not be visually intrusive. The current wording implies this wording indicates second storey. This should be clarified.</td>
<td>Council has considered the wording in partnership with the Department of Land, Environment, Water and Planning and considers the wording is sufficiently clear.</td>
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<td>13</td>
<td>Requests Council obtain legal advice in relation to the exemption provided in the DDO13 about land within the Special Building Overlay. Requests that the advice be obtained to ensure that an exemption is appropriately worded.</td>
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<td>36.</td>
<td>East Brighton Shopping Centre, Brighton East</td>
<td>1. Support for the amendment and proposed height control are noted. 2. These comments have been referred to Council’s Sustainability and Transport department for noting. Traffic and parking conditions in the centre can be monitored by Sustainability and Transport with appropriate action taken as required. 3. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property.</td>
<td>Amend the DDO16 wording to provide greater emphasis on 1 Clive Street, Brighton. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>37</td>
<td>Beach Road and Georgiana Street centre, Sandringham</td>
<td>1. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C12). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council’s approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the Bayside Housing Strategy 2012, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. 2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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### 10.2 - Reports by the Organisation

#### Greater control should be provided to prevent overlooking into residential properties.

1. The setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.
2. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17.
3. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily.

#### Bluff Road and Highett Road Centre, Hampton

Supports the amendment but seeks changes:

1. Landowner has been exploring redeveloping the existing supermarket on the site with a mixed use development, which is supported by the Small Neighbourhood Activity Centre classification proposed.
2. Concerned that a three storey development on the property will not be able to be achieved within the 11 metre height proposed, given the headroom and services requirements for modern supermarkets which require 5-6 metres. Considers that a 4

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<td>52.</td>
<td>Greater control should be provided to prevent overlooking into residential properties.</td>
<td>that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. 3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. 4. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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### Item 10.2 – Reports by the Organisation

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| 53. | East Brighton Shopping Centre, Brighton East  
Supports the amendment but seeks changes:  
1. Supports the 2 storey/9 metre height proposed as this will allow a small level of growth whilst preserving the village character of the centre and protecting residential amenity.  
2. Greater protection should be provided to the heritage listed property at 1 Clive Street, Brighton East. | 1. Support for the proposed height control is noted.  
2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. | Amend the DDO16 wording to provide greater emphasis on 1 Clive Street, Brighton.  
The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |
| 54. | Nepean Highway and Milroy Street centre, Brighton East  
Supports the amendment but seeks changes:  
1. The subject property is a residential property, separately titled with a street frontage to Cambridge Street. Whilst within a Commercial 1 Zone, the site is entirely residential and should be | 1. VCAT has commonly found that residents of activity centres cannot expect the same level of amenity as residents of other residential areas. In this circumstance, the site is oriented to address Cambridge Street, appears as a standalone dwelling and is located behind an existing commercial building forming part of the centre. Removing this property from the centre would require an amendment to the centre boundary and rezoning the site from Commercial 1 to be part of the surrounding Neighbourhood Residential Zone. It is not proposed to amend the centre boundaries at this time. | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |
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<td>afforded the protection the DDO15 provides other residential properties.</td>
<td>2. It is noted that the DDO15 does not provide any specified setbacks from this property. Given the narrow shape of the lots immediately adjoining this site, it is recommended that future development of these lots be performance based rather than specifying setbacks, as setbacks on these narrow lots can substantially impact the development potential of these sites.</td>
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<td>The DDO15 does not require any setbacks to be provided from new development of the commercially zoned land in the centre. This would potentially result in two 4 storey walls being constructed immediately adjacent to the submitters courtyard, resulting in a substantial decrease of amenity from light, shadow and ventilation reductions.</td>
<td>3. The dead end laneway behind the three narrow commercial properties may be accessed from the rear laneway however given the constraints of these properties, it is likely that any traffic numbers will be able to be absorbed by the existing road network without substantial impact. Any potential redevelopment of the BMW building will likely require a traffic report to be provided and access will be from the service road given there is limited access to the laneway at the rear. This will result in minimal impacts on the subject property from additional traffic.</td>
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<td>A four storey development would result in considerable additional traffic at the site.</td>
<td>4. It is recommended that future development of these lots be performance based rather than specifying setbacks, as setbacks on these narrow lots can substantially impact the development potential of these sites.</td>
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<td>A potential solution for new development could be imposing the setbacks to the property as mandatory controls to provide some protection.</td>
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<td>55.</td>
<td>Thomas Street and Egan Street centre, Brighton East</td>
<td>1. It is noted that there are existing buildings within the centre which exceed the height control proposed.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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<td>Opposes the amendment for the following reasons:</td>
<td>2. It is acknowledged that there has been change in the centre since the development of the strategy commenced.</td>
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<td>1. Opposes the imposition of a two storey height given the number of three storey buildings which exist and have been approved for the centre.</td>
<td>3. Active frontages are a key element of shopping centres to ensure safe and vibrant streetscapes and create safety for pedestrians and users of the centre. Any application to obscure frontages will likely require planning permission to be obtained and will be considered on its merits.</td>
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<td>2. The information relied upon for the planning controls is now too old to be useful, as there has been substantial change in the centre.</td>
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<td>3.</td>
<td>Objects to the need for shopfronts to provide an active frontage as this should be left to the users to determine. For example, a medical office or similar should be allowed to use obscure glazing or signage to prevent views into the premises.</td>
<td>1. It is considered that the site is correctly zoned as Neighbourhood Residential Zone given that the controls or the centre are focused around preserving the residential setback and providing a sensitive transition to the adjoining residential properties. The subject land is operating in accordance with its existing planning permit which does not necessitate any need to change the zone of the property. If this site were to be redeveloped in the future, it is likely that the site would transition back to a residential use as it is easily separated from the buildings on the western side of the centre. 2. A comprehensive community consultation program was undertaken in the past through the development of the Small Activity Centres Strategy, which initially commenced in 2005. In addition to direct mail, council undertook notification through the Bayside Leader and Let's Talk Bayside publications. As a submission has now been received for this property, the submitter will be kept up to date as C126 progresses through the Planning Panel process. The submitter will be given an opportunity to present its case before an independent Planning Panel to consider whether the changes proposed should be implemented. 3. Whilst nominated as being within the centre boundaries, the subject site represents a site independent of the rest of the centre and warrants controls which differ to the rest of the centre. The proposed two storey mandatory height control is consistent with the surrounding Neighbourhood Residential Zoned land and achieves the residential interface and transition objectives sought within the DDO13.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>56.</td>
<td><strong>Bluff Road and Edward Street, Black Rock/Sandringham</strong>  Opposes the amendment for the following reasons: 1. The site is incorrectly zoned Neighbourhood Residential Zone and should be rezoned to a Commercial 1 Zone to address this anomaly. 2. There has been no previous consultation with the land owner about the urban design concept plan underpinning the controls for the centre. 3. The site is a corner location and should be amended to provide greater development opportunity, given the limited constraints of this site when compared with the rest of the centre.</td>
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| 57. | Beach Road and Georgiana Street centre, Sandringham  
Supports the amendment but seeks changes:  
1. Greater guidance should be provided in the DDO17 in respect to overlooking and overshadowing.  
2. Rear setbacks should be restricted to no less than the current setback adjacent to the property.  
3. Noise sources, plant and equipment should not be located at the rear of the commercial properties to protect residential amenity.  
4. Expects that impacts on parking need to be considered with any new development.  
5. New development within the centre should ensure a high standard of architecture, and embrace the unique character of the area. | 1. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking and overshadowing from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking and overshadowing satisfactorily.  
2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. It is noted that other adjoining buildings in the centre have a reduced setback to the properties in Arthur Street. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.  
3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17.  
4. Any parking impacts associated with new development will be considered at the time application is made.  
5. All new development on land within the Commercial 1 Zone will require the need for a planning permit to be obtained. Council will have an opportunity to consider the quality of new development and ensure it meets the objectives of the Planning Scheme. | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.                                                                                                                                                                                                                                                                                                                                                     |
| 58. | South East Water submission  
Supports the amendment without specific comments provided. | Support for the amendment is noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 59. | New Street and Bay Street Centre, Brighton | 1. The encouragement of offices and residential developments are facilitated by the Mixed Use Zone. The key changes relate to the An approach to reviewing the Small                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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<td>60.</td>
<td><strong>New Street and Bay Street Centre, Brighton</strong></td>
<td>Opposes the amendment for the following reasons:</td>
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1. Council notes that there is an existing four storey building within this centre.

**Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.**

- Opposes the amendment and recommends the following changes be made:
  1. Do not rezone the site from the Commercial 1 Zone to the Mixed Use Zone as this is contrary to Council’s economic development objectives.
  2. The activity centre should be reclassified from a Minimal Residential Growth Area as it has the potential to provide a significant contribution to accommodating residential growth.
  3. The building heights should be amended to reflect the actual height of buildings in the centre, being 4 storeys/13.5 metres, plus the exemption for land within the SBO.
  4. The primary street frontage criteria should reflect existing and approved scale and design of development and setbacks from other boundaries should reflect not only the nature of adjoining uses but also orientation.
  5. There is no justification for the controls proposed given the absence of any urban form concept plan.
  6. The gaming policy should continue to not apply to the centre.

- consideration of residential character, which is a lesser focus within the Commercial 1 Zone. This will allow Council to achieve its objectives for the centre.

  2. The Bayside Housing Strategy 2012 identifies locations for increased residential development in Bayside. The primary focus for increased residential development is in the Principal and Major Activity Centres, with some additional development in the Large Neighbourhood Activity Centres and Identified Strategic Redevelopment Sites. The Housing Strategy also identifies Small Neighbourhood Activity Centres as locations where additional small scale residential development can be accommodated, in the form of shop top housing that respects the local built form context. As the site does not contain a convenience retailing use, and has been translated from a previous Business 5 Zone with a focus on providing offices. The majority of growth in this area is concentrated into the Bay Street MAC, with this centre providing a significantly lesser focus on accommodating growth.

  3. Council notes that there is an existing four storey building within this centre.

  4. Comment noted. It is not proposed to alter the primary street frontage wording.

  5. Urban form concept plans were prepared for the centres which Council was anticipating would seek residential growth. As this centre is only going to see limited growth, with housing growth concentrated within the Bay Street MAC, it is considered that the controls proposed can proceed without the need to be informed by an urban design concept plan.

  6. The centre is not proposed to be included in the list of centres where electronic gaming machines are prohibited.
## Attachment 2 | Amendment C126 | Preliminary Response to Submissions

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<td>1.</td>
<td>The proposed two storey height control will create inconsistencies and confusion, given there are already buildings (and buildings approved) which exceed this height.</td>
<td>2. The Bayside Housing Strategy 2012 identifies locations for increased residential development in Bayside. The primary focus for increased residential development is in the Principal and Major Activity Centres, with some additional development in the Large Neighbourhood Activity Centres and identified Strategic Redevelopment Sites. The Housing Strategy also identifies Small Neighbourhood Activity Centres as locations where additional small scale residential development can be accommodated, in the form of shop top housing that respects the local built form context. As the site does not contain a convenience retailing use, and has been translated from a previous Business S Zone with a focus on providing offices, the majority of growth in this area is concentrated into the Bay Street MAC with this centre providing a significantly lesser focus on accommodating growth.</td>
<td>4. The future role of the New Street and Bay Street centre was determined through the development of the Small Activity Centre Strategy. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of the proposed 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction.</td>
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<td>2.</td>
<td>The New Street and Bay Street centre is ideally placed to accommodate growth, which is not recognised by the Strategy and the locational attributes ignored.</td>
<td>3. The site is its own centre and the reference to this centre being the ‘western gateway’ to the Bay Street MAC is not supported in policy. The role of this centre is a small office based precinct and development in this centre is likely to be at the expense of development in the MAC rather than being complementary.</td>
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<td>3.</td>
<td>The New Street and Bay Street centre is the western gateway to the Bay Street MAC and does not exhibit ‘typical’ residential neighbourhood characteristics but predominantly commercial uses.</td>
<td>4. The future role of the New Street and Bay Street centre was determined through the development of the Small Activity Centre Strategy. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of the proposed 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction.</td>
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<td>4.</td>
<td>The amendment is not consistent with State Policy as it discourages residential growth and restricts the opportunity to provide housing diversity.</td>
<td>4. The future role of the New Street and Bay Street centre was determined through the development of the Small Activity Centre Strategy. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of the proposed 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction.</td>
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<td>5.</td>
<td>The proposed rezone effectively creates a ‘strip shopping centre’ where electronic gaming machines would be prohibited. Given the potential redevelopment of the NewBay Hotel, the site should remain within the Commercial 1 Zone.</td>
<td>5. Currently, the description of the area meets the criteria at Clause 52.28-4 for the centre to be a strip shopping centre as it is zoned for commercial use, contains at least two separate buildings on at least two separate and</td>
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<td>61.</td>
<td><strong>Bay Road and Jack Road Centre, Cheltenham</strong>&lt;br&gt;Opposes the amendment for the following reasons:&lt;br&gt;1. The proposed three storey mandatory height control is unreasonable as this is identical to the surrounding General Residential zoned land. At least four stories should be provided for.&lt;br&gt;2. The application of a mandatory control is inappropriate and a discretionary control should be provided.</td>
<td><strong>1.</strong> The controls proposed for the Bay Road and Jack Road centre were developed through the preparation of the <em>Small Activity Centre Strategy</em>. The SAC Strategy provides the vision for the shopping precinct only and informs how this part of the suburb will accommodate housing growth. Three storeys was determined to be appropriate having regard to the sites context. Further residential growth in the surrounding locality will be investigated throughout the development of the Southland Structure Plan.&lt;br&gt;2. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside’s small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>62.</td>
<td><strong>Nepean Highway and Centre Road Centre, Brighton East</strong>&lt;br&gt;Supports the amendment subject to the following change being made:&lt;br&gt;1. Given the number of three storey buildings already within the centre, including new buildings approved but not yet constructed, a mandatory three storey height control should be imposed.</td>
<td><strong>1.</strong> It is noted that there are existing buildings within the centre which exceed the height control proposed.</td>
<td>An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.</td>
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| 63. | Nepean Highway and Centre Road Centre, Brighton East  
Supports the amendment subject to the following change being made:  
1. Given the number of three storey buildings already within the centre, including new buildings approved but not yet constructed, a three storey discretionary height control should be imposed. | 1. It is noted that there are existing buildings within the centre which exceed the height control proposed. | An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed. |
| 64. | EPA submission  
Support the amendment, with no specific comments provided. | Support for the amendment is noted. |  |
| 65. | Bay Road and Jack Road Centre, Cheltenham  
Opposes the amendment for the following reasons:  
1. The proposed setbacks, mandating of three storeys, street wall heights are inappropriate and will lead to an overdevelopment of the centre. | 1. Comment noted. The intention of C126 is to provide certainty in relation to future built form. The controls proposed for this centre will assist to guide building design which has regard to the future role of the centre. | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |
| 66. | Nepean Highway and Milroy Street Centre, Brighton East  
Opposes the amendment and recommends changes:  
1. The height for highway oriented centres should be increased to | 1. The urban design concept plans prepared for the centre have indicated that the proposed height control is suitable at four storeys. The Bayside Housing Strategy 2012 directs growth primarily into Bayside’s larger activity centres. As this centre is proximate to the Bay Street MAC, the four storey height control proposed is considered reasonable having | The recommended review of the Strategy and amendment documents may result in potential changes to the |
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| 67. | Nepean Highway and Union Street Centre, Brighton East  
Opposes the amendment and recommends the following changes:  
1. The height for highway oriented centres should be increased to between 4-6 stores due to the constraints on growth across Bayside.  
2. Discretionary heights should be used in place of the mandatory controls proposed. Similar to C113, C114 and C115, Council has no justification to support mandatory height controls. | 1. The urban design concept plans prepared for the centre have indicated that the proposed height control is suitable at four storeys. The Bayside Housing Strategy 2012 directs growth primarily into Bayside's larger activity centres.  
2. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside's small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre. Council's application of mandatory controls is considered to comply with the requirements of Practice Note 60: Height and setback controls for activity centres. | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |
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<td>68</td>
<td><strong>Bluff Road and Highett Road Centre, Hampton</strong>&lt;br&gt;Opposes the amendment and recommends the following changes:&lt;br&gt;1. Objects to the mandatory three storey height and building setback controls proposed for the centre.</td>
<td>1. The <em>Bayside Housing Strategy 2012</em> identifies the Bluff Road and Highett Road Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. The proposed three storey height limit is considered appropriate as this provides a transition to the lower density surrounding locality and achieves Council’s objectives relating to the level of growth to be encouraged within the centre.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>69</td>
<td><strong>Keys Street Shopping Centre, Beaumaris</strong>&lt;br&gt;Supports the amendment subject to the following changes being made:&lt;br&gt;1. The centre should be removed from its designation as a Minimal Residential Growth Area as it provides a significant contribution to residential growth.</td>
<td>1. The centre is classified in the Housing Strategy as a minimal residential growth area where the predominant low density scale is to be maintained. The proposed two storey height limit is considered appropriate as this is consistent with the surrounding residential area and achieves Council’s objectives relating to the level of growth to be encouraged within the centre. It is noted that despite the majority of the centre and its surrounds being low density, there is one three storey.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the...</td>
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C115, Council has no justification to support mandatory height controls.<br>3. Delete the prescribed building setbacks as sufficient guidance is provided within the Clause 58 provisions.<br>4. Clause 21.07 and 22.11 should encourage residential development that is not limited to ‘shop top housing’ and will complement the office and associated commercial uses.
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| 70  | **New Street and Bay Street Centre, Brighton** | whilst maintaining the commercial role of the centre. The statements relating to the centre being a low density centre ignore the Beaumaris Hotel site redevelopment and is therefore inappropriate.  
2. The building height parameters in the DDO17 should be amended to reflect the scale of development within the centre, noting the three storey building.  
3. The primary street frontage criteria should reflect the existing scale and design of development.  
4. Setbacks from upper boundaries should reflect major developments within the activity centre. | development in the form of the Beaumaris Hotel development. The DDO17 provides the framework to guide the future development of the centre having regard to the urban form concept plan prepared and previous community consultation.  
2. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed.  
3. Comment noted. It is not proposed to alter the primary street frontage wording.  
4. The setbacks proposed have been informed by the urban form concept plan for the centre. The Beaumaris Hotel redevelopment is a unique building within the centre and should not be considered a benchmark for development in the centre as its characteristics are not replicated elsewhere in the centre. New development will need to have regard to the proposed design controls specified within the DDO17. | controls proposed for this centre. |

1. Council notes that there is an existing four storey building within this centre. Council considers that a lower scale of development is appropriate for this centre given its intended future role.  
2. If C126 is approved as exhibited, the controls will apply to any planning application subsequently lodged with Council. Any application made and determined prior will be subject to the current controls affected the site.  
3. The Bayside Housing Strategy 2012 identifies locations for increased residential development in Bayside. The primary focus for increased residential development is in the Principal and Major Activity Centres, with some additional development in the Large Neighbourhood Activity Centres and Identified Strategic Redevelopment Sites. The Housing Strategy also identifies Small Neighbourhood Activity Centres as locations where additional small scale residential development can be accommodated, in the form of shop top housing that respects the local built form context. As the site does not contain a convenience retailing | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |

Opposes the amendment for the following reasons:  
1. The proposed two storey mandatory height is inappropriate as there are existing developments in the centre which exceed two storeys.  
2. The proposed amendment will prohibit the redevelopment of the NewBay Hotel site, which has plans drawn for a four storey residential development at the site.  
3. The amendment does not acknowledge that the centre is ideally located for higher density development.
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<td>71.</td>
<td>Thomas Street and Egan Street Centre, Brighton East</td>
<td>Supports the amendment but recommends changes to be made: 1. Introducing a two storey height limit is pointless given the number of three storey buildings within the centre. 2. This height control results in property devaluation for the remaining two storey building owners in the centre as the development potential is compromised.</td>
<td>1. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed particularly given the centre’s location amongst significant Neighbourhood Residential Zoned land. 2. It is noted that impacts on property valuation are not a relevant consideration for planning scheme amendment matters.</td>
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<td>72.</td>
<td>East Brighton Shopping Centre, Brighton East</td>
<td>Supports the amendment and recommends the following changes: 1. Supportive of the two storey height control as this will allow an incremental amount of growth in the centre whilst protecting the character and amenity of the centre. 2. Greater protection should be provided for the heritage property at 1 Clive Street as it is an important historical part of the neighbourhood and should be protected from development.</td>
<td>1. Support for the proposed height control is noted. 2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property.</td>
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| 73-80 | Beach Road and Georgiana Street Centre, Sandringham | 1. It is noted that Council is not proposing to alter the existing 2 storey coastal height control as part of C126, and this will continue to apply.  
2. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C12). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council’s approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the Bayside Housing Strategy 2012, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone.  
3. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.  
4. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17.  
5. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be | The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. |
|     | Supports the amendment and recommends the following changes:  
1. Support the two storey height control for the centre.  
2. Recommends that 72 Beach Road be retained within the split zones between the Neighbourhood Residential Zone and Commercial 1 Zone.  
3. Rear building setbacks should be changed to be mandatory at 3.5m/5.5m, or if currently larger, the existing setback should be retained.  
4. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in these areas.  
5. Greater control should be provided to prevent overlooking into residential properties. |
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<td>81.</td>
<td><strong>Nepean Highway and Centre Road Centre, Brighton East</strong>&lt;br&gt;Opposes the amendment but recommends the following changes:&lt;br&gt;1. The centre has infrastructure in place to accommodate growth beyond what 2 storeys will provide.&lt;br&gt;2. Any development south of Centre Road will have only minimal impacts on residential amenity.&lt;br&gt;3. A two storey height control will result in a detrimental impact on property values.</td>
<td>1. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed.&lt;br&gt;It may be suitable to amend the height control to three storeys for this centre given the extent of three storey buildings. However, this may require the amendment to be split with this change re-exhibited in order for this change to occur.&lt;br&gt;2. Comment noted. The controls proposed aim to ensure that new development has minimal impacts on surrounding residential properties through the use of the DDO.&lt;br&gt;3. Impacts on property values are not generally relevant when preparing planning scheme amendments as property values are influenced by a variety of factors, including market conditions.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>82.</td>
<td><strong>Balcombe Park Centre, Beaumaris</strong>&lt;br&gt;Opposes the amendment for the following reasons:&lt;br&gt;1. The current DDO2 allows permission to be granted for a development of greater than 2 storeys. The proposed mandatory two storey height control does not appear to be justified adequately and should not proceed.&lt;br&gt;2. The laneway at the south of the centre provides a buffer which can facilitate greater growth of the centre than proposed.</td>
<td>The <em>Bayside Housing Strategy 2012</em> identifies the Thomas Street and Egan Street Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary.&lt;br&gt;The proposed two storey height limit is considered appropriate as this is consistent with the surrounding residential area and achieves Council’s objectives relating to the level of growth to be encouraged within the centre.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>83.</td>
<td><strong>Bluff Road and Spring Street Centre, Sandringham</strong>&lt;br&gt;This petition with four signatures opposes the amendment for the following reasons:&lt;br&gt;1. Opposes the rezoning of the centre from a Mixed Use Zone to a Commercial 1 Zone.&lt;br&gt;2. Council should encourage small convenience retailing in this centre and change its classification from a Small Commercial Activity Centre – Mixed Use to a Small Neighbourhood Activity Centre. This centre has greater capacity for growth than the nearby Bluff Road and Edward Street Centre, a smaller centre recommended for increased growth.&lt;br&gt;3. As no urban design guidelines were prepared for this centre, the submitter has prepared their own guidelines which are consistent with Council’s approach for the Small Neighbourhood Activity Centres.</td>
<td>1. The application of the Commercial 1 Zone will allow Council to have greater weight to enforce active commercial frontages beyond the control afforded by the Mixed Use Zone, a residential zone. Analysis of centres zoned Mixed Use sees a greater level of residential uses at the ground floor than those centres zoned Commercial 1. It is considered that the use of the DDO13 will provide clarity on how Council intends on achieving its objectives from growth in this centre.&lt;br&gt;2. The centre is not identified in the Bayside Housing Strategy 2012 as an area to accommodate future housing growth. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of a 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction.&lt;br&gt;3. The submitter’s Urban Design Guidelines are noted.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>84.</td>
<td><strong>Nepean Highway and Milroy Street centre, Brighton East</strong>&lt;br&gt;Supports the amendment but recommends changes be made:</td>
<td>1. It is considered that given the change in laneway ownership (for part of the northern link), the laneway connections encouraged by the Urban Form Concept plan should be revisited. Some redrafting of the DDO15 will be required to ensure the wording and intent is clear.</td>
<td>Update the DDO15 to have regard to the change in ownership of part of the laneway.</td>
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<td>1.</td>
<td>The Urban Form Concept Plan for the centre should be amended as the land owner has recently purchased the majority of the laneway from Council. As such, it is unlikely that the laneway between the BMW site accessed from Cambridge Street will be reinstated. As such, the Urban Form Concept Plan is no longer relevant and should be updated.</td>
<td>It is considered that given the sites access to a service road and the sale of part of the laneway to a private owner, the majority of the centre has sufficient frontage that an access point can be provided without significantly impacting pedestrian movements along the Nepean Highway. It is recommended that the DDO15 be reworded to provide a lesser focus on providing vehicle access from rear laneways.</td>
<td>Update the DDO15 to provide a lesser focus on vehicle access being provided from rear laneways. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>2.</td>
<td>Given the considerable frontage of the BMW site to the Nepean Highway, vehicle access from laneways should be discouraged given the potential residential amenity impacts.</td>
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<td>3.</td>
<td>Given the potential visual bulk impacts, the setbacks proposed should be mandatory rather than discretionary controls.</td>
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<td>4.</td>
<td>Development should be encouraged to provide green walls at residential interfaces.</td>
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85. **Nepean Highway and Milroy Street Centre, Brighton East**  
Supports the amendment but recommends the following changes be made:  
1. Concerned that a four storey development would impact residential amenity, in particular solar access and privacy.  
2. The setback controls proposed within the DDO15 aim to minimise amenity impacts for nearby residential properties. Sufficient guidance exists within Clause 55 and Clause 58 of the Planning Scheme to guide the design of future development to ensure amenity impacts are appropriately considered through the planning permit process.  
3. The urban design concept plans prepared for the centre have indicated that the proposed height control is suitable at four storeys. The Bayside Housing Strategy 2012 directs growth primarily into Bayside’s larger
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<td>2.</td>
<td>The height of development should be limited to three storeys in this centre.</td>
<td>Activity centres. As this centre is proximate to the Bay Street MAC, the four storey height control proposed is considered reasonable having regard to the expected built form at the eastern end of the Bay Street MAC.</td>
<td>Controls proposed for this centre.</td>
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<td>3.</td>
<td>The building setbacks should be mandatory and not discretionary controls.</td>
<td>Council officers consider that the setbacks as proposed will be sufficient to manage the residential interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.</td>
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<td>86.</td>
<td><strong>Bay Road and Jack Road centre, Cheltenham</strong>&lt;br&gt;Supports the amendment but recommends the following changes be made:&lt;br&gt;1. There are no three storey street wall heights within the centre and this should be amended in the DDO to aim for a more recessed approach.&lt;br&gt;2. The predominant neighbourhood character of the area is single storey post war dwellings. Three storey buildings without upper floor front setbacks are not consistent with the character of the area.&lt;br&gt;3. Rezoning the dwellings on the corner of Jack Road and Bay Road is supported.&lt;br&gt;4. Shop awnings should not be allowed to encroach over the car parking area on Bay Road.</td>
<td>1. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.&lt;br&gt;2. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.&lt;br&gt;3. Support for the change is noted.&lt;br&gt;4. It is considered that this can be addressed by way of individual planning permit applications and does not need to be explicitly referred to in the DDO.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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<td>87.</td>
<td><strong>Bay Road and Jack Road centre, Cheltenham</strong></td>
<td>1. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
<td>The recommended review of the Strategy and</td>
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<td>88.</td>
<td><strong>Bay Road and Jack Road Centre, Cheltenham</strong>&lt;br&gt;Recommends the following change to the DDO14:&lt;br&gt;1. The 11 metre proposed street wall height should not be required as this is out of keeping with the area.</td>
<td>1. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
<td>The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</td>
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Executive summary

Purpose and background

The purpose of this report is to seek Council’s endorsement to participate in an Elster Creek Catchment Working Group convened by Melbourne Water. The Working Group participants are Melbourne Water and the Bayside, Port Phillip, Glen Eira and Kingston councils. A draft Statement of Intent or Memorandum of Understanding has been prepared by Melbourne Water and is shown in Attachment 1.

The purpose of the Working Group is to define the drainage problem of concern to communities living, working and visiting within the Elster Creek catchment and set out the core principles to promote collaboration between the four relevant councils and Melbourne Water to find effective evidence-based and innovative solutions to address the catchment’s flooding issues, where possible.

It is recommended that Bayside participate in the Working group and signs the Statement of Intent or Memorandum of Understanding when it is finalised.

Key issues

Elster Creek is a highly modified waterway draining a number of south-eastern suburbs of metropolitan Melbourne. The catchment covers an area of approximately 40 square kilometres with the waterway flowing through the municipalities of Kingston, Glen Eira, Bayside and Port Phillip. The majority of the catchment lies within the City of Glen Eira. Elwood Canal, as the stream is known in its lower reaches, connects to Port Phillip Bay in Elwood.

Elster Creek is managed by Melbourne Water in its role as the regional drainage authority and caretaker of river health for the Port Phillip and Westernport catchment.

Bayside has numerous tributary drains that flow into Elster Creek within the relatively small section of the catchment that lies within Bayside. Elster Creek within Bayside is mostly contained within a concrete channel with almost no adjacent floodplain. In some sections (for example the Hawthorn Road/Elizabeth Street section) houses abut the concrete channel. Drainage flows in major rainfall events have extremely high velocities and are dangerous – hence the channel has exclusionary fencing.

A Special Building Overlay (SBO) has been in place for Elster Creek for about 20 years and indicates the extent of flooding in a storm with a 1% probability of occurring. Amendment C153 will alter the extent of the SBO based on the most recent Melbourne Water flood mapping data.

Especially compared with streams in more natural settings, the fundamental issue for the Elster Creek catchment is historic loss and alienation of its floodplain. There is also little open space along the stream corridor that might assist with flood storage in a major rainfall event. The concrete channel was designed many decades ago when land was more pervious and flood mapping was not as well informed as it is today. Hence the channel cannot contain all flood events. These circumstances, particularly loss of available space for floodwaters and alienation of almost all land adjacent the waterway for other purposes, create great difficulty in seeking to retrofit solutions.

Elsternwick Park is the largest area of open space in the lower catchment, hence the interest in flood mitigation during the recent consideration of future uses of Elsternwick Park (north).
Many properties are impacted by flooding resulting from storm events that exceed the drainage capacity of the Elster Creek. This impact is worst in the lower reaches of the catchment in the Cities of Bayside and Port Phillip.

Following the most recent flooding event on 29 December 2016, discussions between Melbourne Water and Councils within the Elster Creek catchment have led to the formation of the Elster Creek Catchment Working Group. An initial meeting of Melbourne Water staff and Council Chief Executive Officers was held on 31 March 2017 where the participants agreed that the working group should be formalised.

**Recommendation**

That Council:

1. Endorses participation in the Elster Creek Catchment Working Group convened by Melbourne Water; and

2. Authorises the Chief Executive Officer to sign the Elster Creek Catchment Working Group Statement of Intent or Memorandum of Understanding when it is finalised.

**Support Attachments**

1. Attachment 1 - Statement of Intent - Memorandum of Understanding

**Considerations and implications of recommendation**

**Liveable community**

**Social**

Flooding is a function of rainfall runoff across the Elster Creek catchment, as well as storm surge and king tides. Climate change and infill development will exacerbate the frequency and impact of flooding events.

Participation in the Elster Creek Catchment Working Group will involve all agencies with an interest in Elster Creek working together to managing the catchment with the aim of reducing the impacts of flooding.

**Natural Environment**

Elster Creek is a highly modified stream and catchment. The Elster Creek Catchment Working Group will recognise that evidence-based and innovative solutions should consider co-existence of multiple land-uses and multi-functions to achieve optimal community benefit, including the natural environment.

**Built Environment**

Elster Creek is a highly modified stream and catchment. The Elster Creek Catchment Working Group will recognise that evidence-based and innovative solutions should consider co-existence of multiple land-uses and multi-functions to achieve optimal community benefit, including the natural environment.
Customer Service and Community Engagement
The formation of the Elster Creek Catchment Working Group is a result of the community being dissatisfied with the frequency of flooding events related to the Elster Creek.

Participating in the Elster Creek Catchment Working Group is not a matter related to customer service and does not require community engagement.

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

Legal
Melbourne Water is the responsible authority for Elster Creek and the planning controls relating to flooding of the creek. Councils within the catchment are responsible for the local drainage systems that connect to the Melbourne Water drainage system.

Participation in the Elster Creek Catchment Working Group is a voluntary activity aimed at increasing collaboration between the agencies with an interest in Elster Creek.

Finance
There are no financial implications with participation in the Elster Creek Catchment Working Group.

Links to Council policy and strategy
A strategic objective in the Council Plan 2013-2017 is:

- 3.1 Protecting and enhancing amenity, liveability and neighbourhood character.

Participation in the Elster Creek Catchment Working Group is aimed at managing the Elster Creek catchment to reduce the impacts of flooding.
STATEMENT OF INTENT/MEMORANDUM OF UNDERSTANDING?

PURPOSE

This Statement of Intent/Memorandum of Understanding:

- Defines, at a high-level, the drainage problem of concern to communities living, working and visiting within the Elster Creek catchment.
- Sets out the core principles to promote collaboration between the four relevant councils and Melbourne Water to find effective evidence-based and innovative solutions to address the catchment’s flooding issues, where possible.

DEFINITIONS

- The four relevant Councils are:
  - The City of Bayside
  - The City of Glen Eira
  - The City of Kingston
  - The City of Port Phillip.

PROBLEM STATEMENT

Flooding is a function of rainfall runoff across the Elster Creek catchment, as well as storm surge and king tides. Climate change and infill development will exacerbate the frequency and impact of flooding events.

Downstream flooding within Elwood is disproportionate to its area of the catchment. Reducing the impact of increased runoff on flood vulnerable areas requires the Elster Creek catchment to be managed as a whole - all flood retention opportunities to reduce flood impact are to be considered irrespective of municipal boundaries.

It is recognised that evidence-based and innovative solutions should consider co-existence of multiple land-uses and multi-functions to achieve optimal community benefit, noting that flood mitigation investment is mutually inclusive with both passive and active recreation.

Previous attempts to adapt the built form of Elwood to flooding have resulted in some positive impacts but the community is eager for greater levels of change.

Flooding has a high social as well as economic cost and there is an opportunity to increase preparedness of residents.

CORE PRINCIPLES

Councils and Melbourne Water are committed to cooperating across municipalities and with water utilities and State departments for the purpose of exploring a whole-of-catchment approach. Engagement with community members is paramount in developing a common understanding of effective ways to address the problem. Specifically, Councils and Melbourne Water will:

1. Be transparent in all interactions and share information with the intent of establishing a shared understanding of the factors influencing the problem.
2. Embed a common language in community engagement processes that is constructive and meaningful for community members.
3. Be considerate of each organisation’s respective circumstances, including but not limited to, community interests, commercial imperatives and strategic contexts.
4. Collaborate to identify evidence-based and innovative solutions with a best-for-regional catchment community mindset.
5. Ensure opportunities to build community resilience are explored and actively pursued.

Signed on behalf of:

Melbourne Water

City of Bayside

City of Glen Eira

City of Kingston

City of Port Phillip
Executive summary

Purpose and background
To present Council with the final Beaumaris Concourse Master Streetscape Plan (2017) for adoption. The adoption of the Master Plan will enable the commencement of the detailed design and documentation to implement its concepts. The Master Plan provides the parameters and structure in which the design and construction of the Beaumaris Concourse streetscapes will be developed and implemented.

Background
The development of the Master Plan has included three stages of engagement with the community in combination with regular dialogue with a reference group with representation of traders and community as well representatives from the Beaumaris Conservation Society, Beaumaris Rotary and the Beaumaris Arts Group.

Stage one sought input from the Beaumaris community to establish its most highly regarded qualities and aspirations for the future of the Beaumaris Concourse streetscapes. This early engagement resulted in 4 key principles that seek to address community and Council aspirations for the Concourse. These principles have been used as the basis for concept development for the second and third stages: including

- Strengthen the green leafy character of the Concourse;
- Strengthen the identity and legibility throughout the Concourse (to clearly understand and find your way to places on the Concourse);
- Promote the concourse as a place where the community comes together; and
- Enhance pedestrian and cycle amenity throughout the Concourse with a clear hierarchy of links and treatments while maintaining primary vehicle movement.

Stage two of engagement explored and tested options developed in response to the community’s aspirations from stage one including the central car park, the Concourse ‘Green’ reserve, a small meeting place on the East Concourse, the replacement of existing brick paved areas, a gateway into the Concourse and addressing blank walls in the centre. The approach to testing each option included explaining the trade-offs and impacts that would result from the various improvements proposed. Feedback provided was used to inform the content of the Draft Master Plan.

Stage 3 was recently completed (21st February to 21st March 2017) and presented the Draft Beaumaris Course Streetscape Master Plan to the community as a culmination of previous consultation and to identify any further issues and/or comments.

Online participation to the Draft Master Plan included 471 people visiting the page and 257 viewing one or more items, including photos (16), downloaded the document (47), visited FAQ page (13) and multiple project pages (224). The numbers of those who participated by providing a response however was much smaller with twenty-four providing responses online. A further twelve written responses were received as a result of the ‘drop in’ sessions held at the Beaumaris Community Centre for community and traders during the engagement process.
A total of 36 written comments were received in addition to verbal feedback at the drop in sessions.

Of those who provided either online responses when asked ‘Does the final masterplan reflect your feedback?’ there was a mix of opinions with 14 mostly anonymous respondents (10), ranging from ‘not at all’ (8) to ‘most of it’ (2), ‘a little bit’ (1) and ‘all of it’ (1) with two unsure.

**Key issues**

The Beaumaris Concourse Master Plan consists of 5 key areas including the East Concourse, North and South Concourses, the Concourse Green and the Central Carpark. The following sections address proposed changes, feedback from both stages 2 and 3 of engagement and a number of broader issues raised.

**East Concourse**

The changes to the East Concourse seek to link the North and South Concourses through improvements in the quality of the pedestrian footpath especially on the west side of the East Concourse. This enhancement of the streetscape is proposed to be achieved through reduction in the width of vehicle access paths traversing the footpath to the adjoining Central Carpark, the provision of a new gathering space to the middle of the street (Central Plaza), the replacement of the red brick paved footpaths with more stable pavements and an increase in the vegetation/street trees / planting of the activity centre.

During the second stage of engagement 42 of the 66 responded positively to the proposed concepts for the Central Plaza. The plaza is proposed in a central location between the two access points which have been considerably reduced in size. This has allowed the plaza to be expanded as a public space for meeting and gathering. There were no further comments in stage 3 engagement regarding this space.

**North Concourse and South Concourse**

When asked about the green leafy character there was a consistent belief that more trees are needed with some requesting more trees in the North and South Concourses and the request for the use of indigenous species where appropriate. There was a concern that trees may be lost during the changes.

Upgrades to North and South Concourses focus on refreshing the paving and furniture. The existing walkway width will be maintained and the existing parking layout will remain the same. Proposed works to the existing paving will provide the opportunity to extend and define the planter area around the existing trees.

**Concourse Green**

The Concourse Green creates a buffer between busy Reserve Road and the Beaumaris Concourse, acts as a gathering space and reinforces the natural leafy character of Beaumaris and the Concourse. The Masterplan proposes the retention of the leafy green character of the reserve with minor interventions to create opportunities for community use. This is in response to the 50 out of 63 respondents who were ‘.. supportive of opportunities to enhance the Concourse Green’ in stage 2 engagement.

In the engagement on the Draft Master Plan a two respondents spoke of not wanting any works in the Green believing it would be significantly lessened by the construction. A number of respondents felt any removal of trees in the Green was a significant issue preferring trees and grass to pervious surfaces and rocks.

There was some discussion about the need to provide the pervious gravel area and paths and the use of rocks in the north east corner of the ‘Green’ through the development of the Master Plan. The paths were considered by some not to be necessary by some as they cut the ‘Green’
into three and the use of rocks considered unfriendly and not in keeping with the local landscape. However others considered the rocks were better than steel and metal chairs.

Concern about up-lighting affecting fauna especially micro bats and the cost involved were raised and will be a consideration in the design phase.

There was difference of opinion about the small shelter proposed for the north east corner of the Green with some believing it is not required at all and others positive and even asking for a larger cover to allow for a band to play at events. The Master Plan proposes to keep the shelter in as it was included in the layout of the Concourse Green proposed in the second stage engagement that resulted in a positive response from the community.

There was comment on the need to develop the gravel paths believing that paths will divide the Green into three. The pervious paths and stepping stones in the Green attracted some negative comments with one respondent who felt the grass was sufficiently navigable as well drained and pervious paths are not safe for wheelchairs or children on bikes.

The Beaumaris Conservation Society expressed their concerns on their web site which mirrored a number of the concerns above. Generally however the proposal for the Concourse Green was well received with the stage two engagement having 50 out of 63 respondents supportive of the opportunity to enhance the Green, as proposed.

Some respondents didn’t believe that the master plan would result in bringing people together in the centre. One stating that the more tables and chairs impede walking and gathering.

A respondent to the draft master plan finished with 'On the whole, I think the final plan is sensible and does reflect the community's wishes. The consultation process has been more than adequate.'

Car Parking

Minimising the loss of car parking as part of the proposed options was a key priority for traders and the community. Whilst the community consultation supported an acceptance of a loss of car parking spaces in exchange for an increase in amenity, a revised layout of the central car park was developed to minimise the number of car parking spaces lost. This resulted in a considerable improvement from 15 car spaces lost in the worst case scenario as presented to the public as part of the community engagement to an estimated 6 car spaces lost in the master plan.

The result is a balance between the requests for improved access for pedestrians and improvements to the gardens below the trees to the centre of the car park. The proposed path will also improve the aesthetic, safety and traffic movement throughout the car park through the one way vehicle movement system.

To a couple of the respondent’s car parking losses are an issue with the probable loss of 6 spaces being unacceptable.

There were concerns expressed about cars parking over the central path under trees in the Central car park this can be addressed with bollards or similar. There was a request to remove the large casuarinas between car parking and buildings on the western edge of the concourse to improve the quality of the path in this location. The improvements to the path will be addressed during the detail design.

During the exhibition of the Draft Master Plan two respondents felt that the plan will result in worsening rather than improving the ability to get around however another two believed that the Central Carpark needs improving. Another felt the vehicle circulation needs addressing and another requested that the west carpark should also be made one way to reduce congestions and improve safety. The second stage engagement resulted in strong support for
upgrading Central Carpark with 50 out of the 64 respondents agreeing with some for improvements.

Public Toilet

The public toilet was raised as an issue of concern during the consultation and engagement process. Specific issues included the internal qualities of the toilets. Works to address immediate community concern have already been carried out, providing improvements to the interior of the toilet as identified in the Bayside Public Toilet Strategy 2012. Works included the removal of the central partition and the installation of new locks on the entry doors and improved lighting. These works improve safety and mobility access.

The present location was also questioned with safety issues and the loss of space for turning and parking cars of most concern. The demolition and rebuilding in another location would have an estimated minimum cost of $300,000. The utility of relocating the toilet would need to be considered against any improved safety and security, public acceptance of the new location and loss of use of open space at the new location.

Though not included in the Public Toilet Strategy 2012 improvements to the external appearance of the toilet will be considered through rendering of the brickwork, improved paving in the forecourt and further external lighting. It is intended that these works be carried out as the Master Plan is implemented in the 18/19 financial year.

Drainage

Localised ponding of water after rain events in the car parks was a concern of the community. This is due to the low slope, unevenness and width of asphalt and some minor problems with kerb and channel in the car parks of the Concourse. This has been identified as an issue by Council engineers and will be rectified during the streetscaping works to ensure the least disruption to the Concourse.

Parking and Functionality

There were also some reaction to doing any work in the Concourse with two who were not happy with the loss of the brick paving and some concern at the use of concrete or asphalt paving. There was also some discussion on the final surface treatments of these materials, patterning and aggregate.

There were also concerns expressed that the result will be an ‘Unsafe and underutilised’ environment that needed ‘inclusive design to look after elderly and disabled’ and the ‘younger community’. The needs of both these groups will be considered during the design and documentation phase.

Other Issues

During the engagement with the community the unsightliness of the backs of some of the premises adjoining the Central Car Parking area was a consistent issue. As a response to this a program of education, support, compliance and/or regulation will be implemented in conjunction with capital works delivery to improve the qualities of place in correlation with the improvements to the carpark.

Next Steps

Many of the above concerns will be considered during the next stage, the detail design and documentation stage. Generally however considering the much larger and more positive response during the concept testing phase (Stage 2) and the number of those who visited the Council site for information during the Draft Master Plan Phase (stage 3) but did not register any concerns or issues on the site and the low numbers of respondents their appears to be general acceptance by the community of the Master Plan.
With the adoption of the Beaumaris Concourse Streetscape Master Plan the next stage will be to develop the detailed design and documentation for the redevelopment of Beaumaris Concourse streetscapes. This is intended, depending on funding, to occur in the 2017/18 financial year. The process will include an engagement program to keep the community informed with specific consultation with the traders and residents directly impacted.

The design and documentation will then be used to redevelop Beaumaris Concourse streetscapes in line with the master plan. Implementation and works schedule for 2018/19 dependent on funding in that budget.

**Recommendation**

That Council:

1. Notes the feedback received to the draft Beaumaris Concourse Streetscape Master Plan as the third stage of the engagement;

2. Adopts the Beaumaris Concourse Streetscape Master Plan in the form of Attachment 1;

3. Subject to adopting the 2017/18 budget, commences Detailed Design and Documentation; and

4. Thanks community members who have contributed to the Master Plan including the reference group.

**Support Attachments**

Nil

1. Beaumaris Concourse Streetscape Master Plan (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
Beaumaris Concourse is the geographic and social centre of the Beaumaris community. The Concourse presently provides an important meeting and gathering place for the community. The quality of the public realm in the concourse however is becoming less functional and outdated. For example the quality of the paving and furniture is less than adequate for a contemporary environment.

Identified early in the community engagement was the need for increased meeting and gathering spaces that are accessible and amenable for public use.

In view of this the Streetscape Master Plan provides for improvements in both the quality and quantity of space available for meeting and gathering and thereby increasing the opportunities for social interaction in the Concourse.

Natural Environment
The green and leafy nature of Beaumaris was identified as an important character element to be retained and enhanced and suggested that the use of indigenous species should be used where appropriate.

The Master Plan proposes the provision of planting on corners and in public spaces throughout the Concourse. Details of each species will be provided in the detailed design and documentation process which follows from the adoption of the Master Plan. As the design is developed the quality of the greenscape of the Concourse will be enhanced in an appropriate manner in recognition of the existing nature of the Concourse as the centre of an environmentally sensitive community.

Built Environment
The footpaths throughout the Concourse are paved with red brick. This material has become unstable and uneven, resulting in trip hazards, maintenance difficulty and is in need of replacement with more stable and even surfaces. The infrastructure will be replaced with contemporary items that comply with present standards and functionality.

The proposed works will result in an improved surface for walking and will introduce planting, trees and furniture that will improve the safe movement of pedestrians, the utility of the public realm and provide the Concourse with a richer more inviting built environment for residents and visitors of all ages and abilities.

Customer Service and Community Engagement
There have been three stages of community engagement. Local traders, residents and visitors to the centre have informed the development of the Master Plan through their involvement in drop in sessions, workshops, online and street surveys, and walks around the centre, to understand community values and aspirations.

A reference group was established and included residents, traders, Rotary and Beaumaris Conservation Society members. The reference group has played a key role in understanding the community’s response to each step of the community engagement and help in improving the questions and concepts presented for comment.
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.

Legal

The present paving is unstable and becoming more unsuitable especially for the disabled and the aged. The result is a growing risk to safe access throughout the Concourse. The replacement of the bricks with more stable materials will reduce this risk.

Finance

A report to December 2015 Councillor Briefing was provided to Councillors setting out changes to the Capital Expenditure Program for Activity Centre Upgrades. This schedule identified capital works to implement the Beaumaris Concourse Master Plan to be carried out over the financial years 2018/19 and 2019/20. The predicted budget for these works was $1,330,000.

An estimate based on the Master Plan of the cost by a quantity surveyor has been provided for the proposed works in the master plan at $1,495,000. This is an early estimation of costs based on a draft master Plan and will be further refined during the next part of the process, the detailed design and documentation.

A capital bid has been included of $110,000 in the draft 2017/18 budget to develop concepts in the Beaumaris Concourse Streetscape Master Plan to detailed design and documentation, in readiness for construction in 2018/19.

Links to Council Policy and Strategy

The Beaumaris Concourse Streetscape Master Plan has been informed by the Concourse Structure Plan and the Bayside Planning Scheme. Numerous strategies including the Place Design Manual, the Council and Community Plans, have also played a key part in the development of the Draft Masterplan.

The Master Plan has been influenced by the Council Plan through an extensive dialogue with the community and by responding to the diverse needs of the community of Beaumaris to enhance its amenity and liveability. The Master Plan provides guidance in how to enrich the public realm to beautify neighbourhood character and urban environments of Beaumaris Concourse and the reserve.

The inherent sense of identity and place exhibited in the Concourse has been reinforced in the proposed outcomes of the Master Plan, while strengthening the local economy by making the public realm safer, more comfortable and attractive.
10.5 INDIAN MYNA CONTROL PROGRAM UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing

File No: PSF/17/65 – Doc No: DOC/17/86590

Executive summary

Purpose and background

The purpose of this report is to provide an update on the outcomes of the Indian Myna Control Program implemented by the Bayside Indian Myna Action Group (BIMAG) over the 2016/2017 financial.

BIMAG has been operating in Bayside since December 2014, following a decision by Council in October 2014 to initially fund the program.

The program is managed and implemented entirely by volunteers and according to BIMAG, most participants in the program are families, with retired couples the next important support group. All participants must be aware that all birds are to be handled in accordance with nationally endorsed standard operating procedures produced by the NSW Department of Primary Industries.

At its Ordinary Meeting of 16 August 2016, Council resolved the following:

That Council, subject to the Bayside Indian Myna Action Group (BIMAG) continuing to operate the Indian Myna control program:

1. supports the program by allocating up to $11,000 from the 2016/17 services budget to supply of CO₂ gas to BIMAG and permits use of the gardener’s shed at Cheltenham Park for BIMAG;

2. reviews future funding for this program as part of Council’s annual budget considerations;

3. requests a report from BIMAG to be provided to Council in May 2017 detailing the operations of the group for the period April 2016 to April 2017; and

4. advises the BIMAG committee of Council’s decision.

Key issues

The BIMAG annual report has been received, however an assessment was unable to be completed in the time available prior to the reporting deadline for the May 2017 Council meeting. It is proposed to report on the BIMAG 2016/17 activities at the June 2017 Council meeting.

Recommendation

That Council receives a report detailing the outcomes of the Indian Myna Control program for the period April 2016 to April 2017 at its 27 June 2017 Council meeting.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social implications that result from this matter being considered by Council in June 2017.

Natural Environment
There are no natural environment implications that result from this matter being considered by Council in June 2017.

Built Environment
Not applicable to the recommendation included in this report.

Customer Service and Community Engagement
Not applicable to the recommendations included in 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
Not applicable to the recommendations included in this report.

Finance
Not applicable to this report.

Links to Council Policy and Strategy

Improvement of habitat for the benefit of native fauna is recommended in the Bayside Native Vegetation Works Program (Stage 1 - 2008 and Stage 2 – 2011) and the Bayside Fauna Survey (2012).

Options considered
There are no options for consideration at this time.
10.6 QUARTER THREE PERFORMANCE REPORT - JANUARY TO MARCH 2017

Executive summary

Purpose and background

The report presents the third quarter performance against the Council Plan activities, and the financial results for the period to 31 March 2017.

The report is designed to ensure consistency with the adopted 2016/17 Budget and Council Plan activities, in compliance with statutory requirements. The performance report includes the following components:

- performance against Council Plan and Budget (Major Initiatives and Initiatives);
- financial results (including operating results, cash position, sundry debtors and Victorian Auditor-General's Office indicators);
- capital program delivery; and
- summary of community engagement activities undertaken during the reporting period.

The report also includes the following detailed financial schedules:

Income statement

This schedule indicates the major line items for operating revenue less operating expenses to arrive at the net operating result.

Capital program

This schedule comprises the capital budget by program area – capital expenses less capital revenue to arrive at net capital.

Balance sheet

This schedule reports the assets and liabilities to show the net worth of Council.

Cash flow statement

This schedule provides the status of Council’s cash movements and cash position at the completion of the current month as well as the year end forecast.

Key issues

For the second quarterly report, of the 31 activities reported against, eight have been completed and 19 are tracking at least 90% on target. Of the four remaining activities, two are tracking between 70-90% of target and two are tracking below 70% of their quarterly target.

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community.
Financial report - 2016/17 Forecast operating result

The current forecast for the year represents a surplus of $24.4M which is $2.1M favourable to budget.

The underlying forecast operating result is favourable to budget by $3.2M and excludes the following one off or timing related items:

- ($108k) Timing of income and expenditure for Aged and Disability Regional projects.
- ($1.633M) Timing of capital grants and contributions received in advance or deferred to align with the expected completion of capital projects.
- $600k Resort and Recreation Levy income in excess of $2M budget.

Capital program result

The year-to-date net capital result is favourable to budget by $4.793M. Council is forecast to be net $10.92M under budget for capital works at 30 June 2017. Taking into account the impact of $8.5M net of proposed carry forwards, the capital budget is favourable by $2.4M.

Capital program status

For 2016/17 there are 141 capital projects to be delivered, with 30 of these completed at the end of the third quarter, 99 projects in progress and one not yet started.

Recommendation

That Council:

1. notes the Quarter 3 Performance Report against the Council Plan activities for the period January to March 2017; and
2. adopts the financial report to 31 March 2016.

Support Attachments

1. Quarter Three Performance Report to Council 2016-17 (separately enclosed) ⇒
Considerations and implications of recommendation

Liveable community

Social
The report summarises progress on a range of programs which contribute to the social environment of the Bayside community, through the delivery of activities in line with the goals of the Council Plan 2013-17.

Natural environment
The report summarises progress on a range of programs which contribute to the natural environment of the Bayside community, through the delivery of activities in line with Goal 4 ‘a sustainable natural environment’ of the Council Plan 2013-17.

Built environment
The report summarises progress on a range of programs which contribute to the natural environment of the Bayside community, through the delivery of activities in line with Goal 3 ‘a liveable city’ of the Council Plan 2013-17.

Customer service and community engagement
The performance report provides information within Section 6 on community engagement activities undertaken by Council during the reporting quarter.

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

Legal
The performance report assists Council to meet the requirements of Section 131 of the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014, which require reporting against the Council Plan and preparation of an Annual Report.

Finance
The current forecast for the year represents a surplus of $24.4M which is $2.1M favourable to budget.

The underlying forecast operating result is favourable to budget by $3.2M

Links to Council policy and strategy
The performance report provides information on performance against the Council Plan 2013-17 and the Annual Budget 2015-16. The seven goals outlined in the Council Plan are also aligned to and contribute towards achievement of the Bayside Community Plan 2025.
Executive summary

Purpose and background
The purpose of this report is to inform Council of the submission (Attachment 1) made as part of the consultation process on the Councils and Emergencies Direction Paper (Attachment 2).

A review of state-wide emergency management arrangements is being conducted by Local Government Victoria (LGV) as part of, a three-year Councils and Emergencies project. This project is intended to clarify council roles and develop action plans to ensure councils have the skills and expertise to meet their emergency management obligations. Victoria is continuing to reform its emergency management sector, driven by outcomes of enquiries into the 2009 Victorian Bushfires and other recent major emergencies.

Key issues
Bayside City Council has a legislative responsibility to be able to respond where a municipal emergency has occurred. LGV has undertaken a review of the current responsibilities that councils have within an emergency. When preparing the Directions Paper LGV sought comments and views from a cross section of Victoria’s 79 councils and has identified 154 activities relating to emergency management that councils provide, before, during and after an event. Not all these activities are provided by all councils and not all the activities are currently a legislative requirement. Some councils, particularly rural, provide a broader range of activities based on their particular community need.

Many of these activities are not relevant to Bayside and it is not appropriate that Bayside take on such activities or responsibilities.

The Municipal Association of Victoria (MAV) has reviewed the Directions Paper and prepared a submission that highlights that there is a wide variation within councils on the capability and capacity to undertake the 154 tasks and that further consultation is required to ensure that there is flexibility to target community needs.

The MAV’s submission is supported and Bayside’s submission has also provided specific comments in relation to the additional responsibilities for councils that are proposed within the direction paper that Bayside has not previously undertaken and would not expect to undertake in the future.

Recommendation
That Council notes the attached submission has been made to Local Government Victoria’s consultation on the Councils and Emergencies Direction Paper in support of the submission prepared by the Municipal Association of Victoria and other items specific to Bayside as shown in Attachment 1.

Support Attachments
1. Attachment 1 - Emergencies Direction Paper Submission (separately enclosed)
2. Attachment 2 - Councils and Emergencies Directions Paper (separately enclosed)
Considerations and implications of recommendation

Liveable community

Social
The provision by Council of assistance in an emergency situation assist the community to have resilience and enhances social cohesion. The submission to the consultation process on the Council's and Emergencies Directions Paper supports Council's continued involvement in municipal and regional emergencies.

Natural Environment
Part of the role of emergency management is to protect and preserve the natural environment and the submission to the consultation process on the Councils and Emergencies Directions Paper supports Council’s continued involvement in municipal and regional emergencies.

Built Environment
Part of the role of emergency management is to protect and preserve the built environment and Paper supports Council's continued involvement in municipal and regional emergencies.

Customer Service and Community Engagement
Council’s emergency management role involves engaging with a wide cross section of community groups, community organisations, service authorities and emergency response organisations within Bayside. Each of those organisations have a responsibility to ensure the safety and well-being of the community and to involve the community in engagement processes where applicable. Community consultation was not undertaken as part of preparing the submission to the Councils and Emergencies Directions Paper.

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 has a legislative requirement to be ready to assist in a municipal emergency in accordance with Emergency Management Act. The Councils and Emergencies Directions Paper is part of a project to review the capacity and capability of councils to deliver these responsibilities.

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

Links to Council policy and strategy

Strategy 7.2.1 Demonstrating high standards of customer service, good governance, risk management, and leadership.
10.8 GALLERY@BACC BOARD STRATEGIC PLAN 2017 - 2021

Communications, Customer & Cultural Services - Cultural services

File No: FOL/16/1934 – Doc No: DOC/17/91712

Executive summary

Purpose and background

To adopt the The Gallery@BACC Board Strategic Plan 2017 – 2021

As part of the 2015 Arts and Culture service review process, an external feasibility assessment was commissioned to consider and recommend governance models to oversee the Gallery at Bayside Arts and Cultural Centre and for the management and development of Council’s art and heritage collection. The assessment considered the merits of a range of models, including the current approach of management by Council staff, Section 86 Committees (Local Government Act 1989) or incorporated bodies/associations.

The assessment advised that the most appropriate governance model for the Gallery at Bayside Arts and Cultural Centre was the establishment of a Section 86 Committee, which would best meet growing and changing community expectations.

On 23 August 2016 Bayside City Council appointed a Section 86 committee to build on the strategic direction and management of the Gallery at the Bayside Arts and Cultural Centre (BACC) and Bayside Art and Heritage Collection. This committee is known as the Gallery@BACC Board and has formal delegation responsibilities from Council. The Board is responsible for developing a strategic plan to grow and strengthen the gallery, and oversee the management of the Arts and Heritage Collection. The skill set of the Board represents expertise in finance, marketing, fundraising, governance and arts administration.

External members of the Gallery@BACC Board are:

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

Councillor representatives on the Board are:

- Cr Sonia Castelli
- Cr Alex del Porto

The Gallery@BACC Board is appointed for a period of 3 years and its key roles and responsibilities includes the development of a four year strategic plan for the Gallery at Bayside Arts and Cultural Centre; approving acquisitions, de-accessions and the ongoing management of the Arts and Heritage Collection; and providing guidance on marketing, sponsorship and philanthropic opportunities.
The Gallery@BACC Board is governed by a Charter and Instrument of Delegation which was adopted by Council on 23 August 2016.

In accordance with the Charter and Instrument of Delegation the Board has produced a four year strategic plan which sets a clear direction for the Gallery at Bayside Arts and Cultural Centre. With the adoption of The Gallery@BACC Board Strategic Plan 2017 – 2021, the Council can now set a new strategic vision for the Gallery at Bayside Arts and Cultural Centre and the Bayside Art and Heritage Collection, leveraging new and exciting opportunities.

The Gallery@BACC Board Strategic Plan 2017 – 2021 aims to improve the customer experience at the Gallery through the delivery of an engaging and innovative artistic program along with improved customer service. The Gallery will engage visitors of various ages, interests and backgrounds in the visual arts, local history and cultural expression.

Council has a policy commitment to explore opportunities for the development of new public art works and the Board has incorporated this into the Strategic Plan. Public artworks contribute to well-designed public spaces; creating attractive, accessible places where people want to meet and create new social connections. Public art and good urban design can also have positive economic spin-offs, creating landmarks that attract tourists/residents and contribute to the branding of cities, towns and suburbs. Research has indicated that well-designed public space, in which artists engage with local communities, contributes positively to social cohesion.

The Bayside Community Plan 2025 shares the aspirations from the community to make Bayside a Better Place. The Gallery@BACC Board Strategic Plan 2017 – 2021 aims to meet the needs and aspirations of the community and contribute to overall liveability in the next four years through the delivery of a high quality arts and culture service.

**Key issues**

The implementation of the Gallery @BACC Strategic Plan 2017 – 2021 will address all of the following priorities identified in the 2015 Service Review of Arts and Culture:

- Greater collaboration across service areas for arts and culture program development;
- Improving data collection and analysis;
- Consultation regarding the needs, expectations and satisfaction for customers and broader community;
- Focus on opportunities with few competitors: providing services, programs and projects where a sense of place and localism is intrinsic;
- Investigate alternative income sources (appropriate sponsorship opportunities), further promoting philanthropy as part of Council’s Cultural Gifts donation eligibility, grant funding, public art provided through private developments, hire fees from venues and markets;
- Establish performance measurement framework for the service and programs.

The Gallery has a central role to play in providing the Bayside community with memorable and engaging arts and cultural experiences. In the past, Council resources
have been spread across a number of program areas with an emphasis on increasing the level of program activity rather than improving the quality of the programs and finding better ways to deliver Council’s arts and cultural services. The Gallery@BACC Board Strategic Plan 2017 – 2021 aims to deliver a program that speaks to what is unique about Bayside and which will be valued by the community through the creation of programs that inspire the Community and makes the Gallery a welcoming place. The Gallery@BACC Board Strategic Plan 2017 – 2021 offers clear strategies to achieve the identified goals, creating a valued and unique service for Residents as well as attracting visitors to the Gallery and Bayside.

The Gallery@BACC Board Strategic Plan 2017 – 2021 provides Council with the opportunity to improve Council’s service delivery of arts and culture to the Bayside community in order to make Bayside a Better Place.

**Recommendation**
That Council adopts the Gallery@BACC Board Strategic Plan 2017 - 2021

**Support Attachments**
1. Gallery@BACC Strategic Plan 2017-2021
Considerations and implications of recommendation

Liveable community

Social
The Gallery@BACC Board will monitor and support the achievement of high standards of service delivery that meets the needs and expectations of our community

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 Gallery@BACC Board is intended to support the Gallery to achieve high levels of user enjoyment, education and community support for the Gallery. The Board is a specific means of engagement that delegates a level of decision making (empowerment) to members of the community.

Human Rights
This report is not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2016

Legal
The Gallery@BACC Board complies with the Local Government Act 1989

Finance
The Strategic Plan will be funded from within existing resources and by specific allocation where the needs arises.

Links to Council policy and strategy
The Gallery@BACC Board is consistent with the following strategies from the Bayside City Council Plan 2013-2017:

1.1.1 Providing a range of opportunities for the community to actively engage in Council’s decision making process

2.1.2 Ensuring our services and facilities are accessible and inclusive and respond to current and emerging needs

5.1.1 Supporting and building on Bayside arts, culture and recreation activities to encourage greater participation
Image Right
David Ray
Gallery 2010
Porcelain, enamels
and liquid gold
David Ray
Contemporary
Ceramics 22 October – 13 November
2011. The Gallery
at Bayside Arts and
Cultural Centre.
Courtesy the artist
and Natalie Costan
Gallery. Photograph
by Shannon McGrath.
FOREWORD

I am pleased to present to Council this strategic plan which outlines the role that the Gallery at the Bayside Arts and Cultural Centre (BACC) will play over the next four years. Our focus will be to ensure that arts and culture are accessible to everyone in the Bayside Community and that by 2021 we will have created a welcoming space that is valued and supported by local residents, community organisations and local businesses.

In August 2016 Bayside City Council appointed a new Section 86 committee (Gallery@BACC Board) to drive the strategic direction and management of the Gallery at the Bayside Arts and Cultural Centre and Bayside Art and Heritage Collection. The Board has developed the strategic plan in order to grow and strengthen the Gallery, as well as ensure the management of the Arts and Heritage Collection for future generations. This document sets out our strategic vision for the Gallery and Council’s Collection of Art and Heritage.

Our goals centre on presenting innovative and creative programs that engage and inspire our community as well as strengthening our resource base while ensuring good governance processes.

The Gallery @BACC Board is committed to achieving the goals as outlined below in the next four years.

Angelina Beninati, Chair, Gallery @BACC Board
THE CITY OF BAYSIDE
OFFERS INSPIRING,
CREATIVE, ARTISTIC AND
CULTURAL EXPERIENCES
FOR ITS COMMUNITY AND
VISITORS TO ENJOY.

OVERVIEW

The establishment of the Gallery at the Bayside Arts and Cultural Centre has been the most significant investment by Council in arts and culture to date. It plays an important role in engaging visitors of all ages, interests and backgrounds in the visual arts, local history and cultural expression. The Gallery is an important cultural asset to the community and complements the Council’s ensemble of Arts and Cultural Centres. The Gallery delivers programs that showcase local artists and professional artists, and promotes local artists through an annual program for emerging and established artists, the Gallery supports the work of local Bayside artists and artists organisations. Through the Gallery’s visual arts program, which currently operates as a space providing artists with the opportunity to exhibit in a professional gallery environment.

The Bayside Arts and Cultural Collection was principally formed by purchases of artworks donated by Council to the Gallery and by funding allocated in the City’s annual budget. The Gallery has an established appeal in the City through the visual arts program and in the community, which is a significant component of the City’s cultural infrastructure. The Gallery’s collection is currently valued at $2.5 million, which includes a broad range of contemporary art pieces, as well as works on paper, sculpture, photography, and installation art. The Gallery also has a significant collection of historical items, including a range of artefacts and documents relating to the history of Bayside. The Gallery’s collection is regularly updated through the purchase of new artworks and donations from the community. The Gallery also actively encourages the donation of artworks to the collection and provides a range of opportunities for members of the public to contribute to the growth of the collection.
MISSION

Through this strategic plan the Gallery @ BACC aims to create a welcoming space that is widely recognised and supported by the Community by 2021. The Gallery@BACC Board will deliver this by working with residents, local businesses and organisations to maximise engagement, increase financial support and presenting an innovative and creative program.

STRATEGIC PLANNING CONTEXT

This strategic plan maps the goals, objectives, success indicators and targets for the Gallery@BACC over the next four years against which performance will be measured.
Item 10.8 – Reports by the Organisation
GOALS

OVER THE NEXT FOUR YEARS, THE GALLERY@BACC BOARD WILL REALISE ITS VISION AND MISSION THROUGH THE ACHIEVEMENT OF FOUR GOALS. THE GOALS CENTRE ON DELIVERING AN INNOVATIVE PROGRAM AND INCREASING OUR COMMUNITY ENGAGEMENT AS WELL AS INCREASING RESOURCES.

GOAL 1
DELIVER AN INNOVATIVE AND CREATIVE PROGRAM.

GOAL 2
MAXIMISE ENGAGEMENT.

GOAL 3
MANAGE AND INCREASE CURRENT RESOURCES.

GOAL 4
OPERATE IN ACCORDANCE WITH GOOD GOVERNANCE PRINCIPLES.

GOAL 1
DELIVER AN INNOVATIVE AND CREATIVE PROGRAM

STRATEGIC OBJECTIVE: THE OUTCOME WE ARE SEEKING TO ACHIEVE

1.1.0 Delivery of a unique, high quality and dynamic arts and culture experience that creates a strong sense of Bayside.

STRATEGIES: OUR PRIORITIES OVER THE NEXT 4 YEARS

1.1.1 Consolidate, manage, preserve, promote and grow the arts and heritage collection.
1.1.2 Manage and deliver a relevant and diverse exhibitions program that presents contemporary ideas and reflects Bayside's unique qualities.
1.1.3 Create active engagement and meaningful experiences for the Bayside community and visitors.
1.1.4 Provide opportunities and support for the artistic community.

STRATEGIC INDICATORS: HOW WE WILL MEASURE OUR SUCCESS

- The Council Art & Heritage Collection represents the Collecting priorities identified in the Arts and Heritage Collections Policy. Target: up to 8 new acquisitions including one new public art commission every year.
- Satisfaction rating from Gallery attendees increases year on year. A baseline will be set in 2017.
- Number of exhibitions/programs that reflect the unique qualities of the Bayside community and reflect contemporary ideas. A baseline will be set in 2017.
- Increased number of entries to the Bayside Acquisitive Art Prize year on year.
GOAL 2
MAXIMISE ENGAGEMENT

STRATEGIC OBJECTIVE: THE OUTCOME WE ARE SEEKING TO ACHIEVE
2.1.0 An arts and culture program that inspires and engages the community and is widely recognised and supported by residents, local businesses and organisations in a variety of ways.

STRATEGIES: OUR PRIORITIES OVER THE NEXT 4 YEARS
2.1.1 Understand our community and identify target audiences who have the highest propensity to engage and spend time participating in arts and cultural activities.
2.1.2 Identify opportunities to market to new audiences and grow the Gallery’s visitation base.
2.1.3 Communicate, market and promote to this target audience.
2.1.4 Monitor and evaluate all activities for continuous improvement, greater understanding and responsiveness.

STRATEGIC INDICATORS: HOW WE WILL MEASURE OUR SUCCESS
- Increased participation in and attendance of arts and cultural activities. Target over 40,000 participants over four years. A baseline will be set in 2017.
- The proportion of people participating in arts and cultural activities who report engaging in these for the first time will increase each year. A baseline will be set in 2017.
- Community Participation rates in arts and cultural services increase year on year. A baseline will be set in 2017.
- Number of local businesses supporting programs increases year on year. A baseline will be set in 2017.

GOAL 3
MANAGE AND INCREASE CURRENT RESOURCES

STRATEGIC OBJECTIVE: THE OUTCOME WE ARE SEEKING TO ACHIEVE
3.1.0 A sustainable funding model that makes the best use of current resources and seeks new ways to grow in-kind support and increase financial income.

STRATEGIES: OUR PRIORITIES OVER THE NEXT 4 YEARS
3.1.1 Maximize resources derived from local, state and federal governments.
3.1.2 Maximize resources from donations, sponsorships, corporate and philanthropic partnerships.
3.1.3 Maximize contribution made via in-kind support, staff, volunteers and from other non-financial sources.

STRATEGIC INDICATORS: HOW WE WILL MEASURE OUR SUCCESS
- Number of volunteers for arts and culture registered in Council’s volunteer management system increases year on year by 50%, from 5 volunteers to 8 in year 1.
- Number of donations to the collection have tripled by 2021, from 2 to four in Year 1.
- Increase in partnerships with corporate and philanthropic organisations resulting in 20% increase in income generated.
- Successfully obtain funding as a result of increase in grant applications. Target apply for four funding grants annually and receive one.
Item 10.8 – Reports by the Organisation
GOAL 4
OPERATE IN ACCORDANCE WITH GOOD GOVERNANCE PRINCIPLES

STRATEGIC OBJECTIVE: THE OUTCOME WE ARE SEEKING TO ACHIEVE
4.1.0 The Board operates according to good governance principles and Council policy, planning and operational frameworks.

STRATEGIES: OUR PRIORITIES OVER THE NEXT 4 YEARS
4.1.1 Develop, agree to and operate within an agreed Code of Conduct.
4.1.2 Regular internal review and reflection held to assess process and outcome.
    Quarterly review to assess effectiveness of governance by the Board.
4.1.3 Governance is effective.

STRATEGIC INDICATORS: HOW WE WILL MEASURE OUR SUCCESS
- No compliance issues identified.
- Regular internal review and reflection held to assess process and outcome.

PERFORMANCE REPORTING AND ACCOUNTABILITY
The Gallery@BACC Board’s performance will be assessed through an annual written report to Council against the implementation of this Strategic Plan. Formal reporting will be through Bayside City Council’s Annual Report. The performance of individual members and the performance of the Board as a whole will be assessed annually and reported back to Council.
<table>
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<tr>
<th>FOUR YEAR OUTCOME</th>
<th>INDICATORS OF SUCCESS</th>
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<tr>
<td>The Gallery's programs are based on understanding the community and using research to inform plans and decisions. Curatorial knowledge and experience is used to develop innovative programs. Information about our audiences is captured, analysed and evaluated for the purpose of continuous improvement.</td>
<td>The Gallery has an effective Customer Relationship Management system used for the purpose of marketing and communication. The Gallery's programming reflects community needs and expectations. The quality of programming is acknowledged through external recognition (i.e. media, LGPpe, Arts &amp; Culture SIG, PGAV etc).</td>
</tr>
<tr>
<td>Public awareness and support for the Gallery increases year on year. The Gallery staff work effectively with other units of Council to produce mutually beneficial outcomes. The Gallery staff build partnerships with government funding bodies and business partners to deliver strategic priorities.</td>
<td>Increase in the number of projects that involve the Gallery and other units of Council year on year. Increase in the number of local businesses that report a positive relationship with the Gallery year on year. Increase in Council support for Gallery activities and events year on year. Baseline scores will be developed in 2018 to measure growth.</td>
</tr>
<tr>
<td>The Gallery manages its four year operational budget. The Arts and Culture Unit is effectively structured and supported to ensure delivery of the strategic plan. Skilled and motivated staff are evident in the Arts and Culture Unit. The Gallery's strong governance model ensures the delivery of the four year strategy and complies with Council reporting requirements.</td>
<td>Income and expenditure targets are met with little variance to budget. Staff and their performance meet the outcomes of the strategic plan. Operational, strategic and financial risks are managed effectively.</td>
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10.9 RESILIENT MELBOURNE

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure

File No: PSF/17/65 – Doc No: DOC/17/93580

Executive summary

Purpose and background
The purpose of this report is to inform Council of the Resilient Melbourne project and seek endorsement to contribute funding to support the project in 2017/18.

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. The Resilient Melbourne project is delivered by the City of Melbourne in collaboration with the 32 metropolitan Melbourne councils, and associated partners.

Resilient Melbourne marks an important point in greater Melbourne’s development. It presents the first of our city’s resilience strategies: a starting point that brings together individuals and organisations critical to the resilience of greater Melbourne and its diverse communities. It offers a new way to address the chronic stresses and acute shocks we are likely to experience, and to achieve our vision of a city that is viable, sustainable, liveable and prosperous, today and long into the future.


The project is led by a Chief Resilience Officer who has been funded by the 100 Resilient Cities initiative – pioneered by the Rockefeller Foundation. The City of Melbourne has provided the project team and additional investment in the formation of this project. The Chief Resilience Officer has provided a briefing note on the Resilient Melbourne Strategy and its alignment with Council’s draft Council Plan 2017 – 2021 (Attachment 2).

As the project moves into its next phase, a funding contribution has been requested from participation organisations. Bayside has been asked to provide $15,000 per year for the next three financial years (total $45,000).

Key issues
Greater Melbourne is a vibrant and proudly multicultural city of 4.3 million residents, originating from more than 180 different countries. A ‘city of cities’, greater Melbourne is made up of 32 local government authorities spread over 10,000 square kilometres around Port Phillip Bay, comprising hundreds of diverse local neighbourhoods, each with its own character, cultural mix and set of advantages and problems.
Today, the scale and pace of demographic change in greater Melbourne are unprecedented. Projections suggest that by 2051 greater Melbourne will be home to approximately 7.7 million people, and is likely to be Australia’s largest city. Globalisation continues to disrupt our economy and society, while climate change is increasing the risk of extreme events and undermining many of the assumptions used to plan and develop our city.

To cope with increasing complexity and uncertainty, a new approach has been proposed, centred on our communities, supporting and enabling them to adapt to these accelerating changes and the associated stresses, to survive no matter what shocks occur, and to confidently thrive.

In a city administered by 32 local governments, these shocks and stresses cannot be dealt with comprehensively by a single agency, or by each local council acting independently. Resilient Melbourne offers a rare opportunity to tackle these challenges in new collaborative ways.

The Resilient Melbourne Strategy has a number of actions of relevance to Bayside, including:
- Integrated Water Management Framework
- New apartments trial for public housing residents
- National Climate Resilience and Adaptation Strategy
- Association of Bayside Municipalities Adaptation Planning
- An emergency management community resilience framework for Victoria
- Understanding drivers of community resilience
- Flood Management Strategy – Port Phillip and Westernport
- The metropolitan cycling network
- Preventing Violence Together

While the value of participation in this project has not been established, it is expected that the collegiate benefit of participation will provide value to Council and that direct benefits will become evident as the project progresses.

It is recommended that Bayside participate in the project and commit to funding the first year, with further funding and continuing participation in the second and third year to be contingent on demonstrated achievements in delivering the Resilient Melbourne Strategy and the benefits to Bayside.

**Recommendation**

That Council:

1. Participates in the Resilient Melbourne Project with the second and third year contingent on the Resilient Melbourne project demonstrating delivery of the Resilient Melbourne Strategy and its benefits to the City of Bayside; and
2. Agrees to provide $15,000 for the first of 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.

**Support Attachments**

1. Attachment 1 - Resilient Melbourne Strategy Overview
2. Attachment 2 - Resilient Melbourne Strategy Briefing Note
Considerations and implications of recommendation

Liveable community

Social
The Resilient Melbourne Project recognises that people are the heart of all cities and aims to draw on the strengths of our diverse communities and geographies, to pursue shared interests, embrace differences and be stronger together. It will help communities prepare for change and whatever the future may hold. It works towards a viable, sustainable, liveable and prosperous greater Melbourne and participation is expected to benefit Bayside.

Natural Environment
The Resilient Melbourne Project is designed to enable strong natural assets and ecosystems alongside a growing population and participation is expected to benefit Bayside.

Built Environment
The Resilient Melbourne Project is designed to create and sustain buildings, infrastructure and activities that promote social cohesion, equality of opportunity and health, and participation is expected to benefit Bayside.

Customer Service and Community Engagement
There has been no consultation undertaken to inform the recommendation of this report. The various actions contained in the Resilient Melbourne Strategy will benefit from community input in their delivery.

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 recommendation of this report.

Finance
The Resilient Melbourne Project has requested participating councils to provide funding of $15,000 per year for three years. The recommendation of this report proposes a phased approach to Bayside’s participation, to enable the benefits of the project to Bayside to be assessed before a commitment to the second and third year funding is confirmed.

Funding for the project will be provided from savings that have been identified in the 2016/17 operating budget.

Links to Council policy and strategy
A strategic objective in the Council Plan 2013-2017 is:

- 3.1 Protecting and enhancing amenity, liveability and neighbourhood character. Participating in the Resilient Melbourne Project is aimed at improving the resilience of greater Melbourne to cope with stresses and acute shocks that are likely to be experienced and this will help Bayside deliver its objectives of protecting and enhancing amenity, liveability and neighbourhood character.
STRATEGY OVERVIEW

Viable Sustainable Liveable Prosperous

Item 10.9 – Reports by the Organisation
ABOUT RESILIENT MELBOURNE

People are at the heart of all cities. A resilient Melbourne will draw on the strengths of our diverse communities and geographies, to pursue our shared interests, embrace our differences and be stronger together. We will help communities prepare for change and whatever the future may hold. We will work today, tomorrow and together, towards a viable, sustainable, liveable and prosperous Melbourne.

Resilient Melbourne acknowledges the Traditional Owners of the Land, and their continuous culture in the world.

We are pleased to present you with an overview of Resilient Melbourne: The Melbourne Resilience Strategy, developed by the City of Melbourne, Victorian Government, and the University of Melbourne.

The strategy is a joint project of the Melbourne Metropolitan Board of Works and the University of Melbourne, developed in partnership with local government, community, business, research organizations and residents.

The strategy builds on the understanding that Melbourne must be able to withstand and adapt to a changing climate and better manage risks associated with extreme weather events, natural and man-made disasters, and other shocks.

Resilient Melbourne is the culmination of work by our committee, our council and the community over the past year. Together, we have developed a strategy to protect and improve the liveability of Melbourne, now and in the future.

We encourage you to read and download the full strategy report to learn more about all the issues addressed, our approach and next steps.

STRATEGY AT A GLANCE

In a resilient Melbourne, our diverse communities are visible, sustainable, liveable and prosperous.

STRONGER TOGETHER

A DYNAMIC ECONOMY

A HEALTHIER ENVIRONMENT

OUR SHARED PLACES

Objectives

Action Areas

Today, tomorrow and together, we will take action to:

ADAPT

SURVIVE

THRIVE

EMBED

In addition to the above flagship actions, there are:

FLAGSHIP ACTIONS

Supporting Actions

Aligned Local Actions

Reports by the Organisation
Item 10.9 – Reports by the Organisation
Subject: Resilient Melbourne strategy update for Bayside City Council

To: Adrian Robb, CEO


From: Toby Kent

Date: May, 2017

Background

1. The 100 Resilient Cities (100RC) Challenge – Pioneered by the Rockefeller Foundation, was launched in 2013, with Melbourne accepted in the first round of cities, on the basis that the work undertaken would be metropolitan-wide.

2. The global program is driving greater understanding of urban resilience around the world highlighting the critical role of local government in managing the chronic stresses and acute shocks that cities face.

3. The Resilient Melbourne strategy (the Strategy) was developed with involvement from over 1,000 individuals from 230 organisations, Victorian Government departments and, fundamentally, in collaboration with Melbourne’s 32 councils. This is Australia’s first urban resilience strategy and the first time in Melbourne’s 180 year history that a metropolitan wide strategy has been led by local government.

4. The Resilient Melbourne Delivery Office (the Office) commenced operation in July 2016. Its purpose is to: a) implement the actions outlined in the Strategy, and b) embed resilience practice in local and state government and other organisations. The Office has a five-year lifespan, with operations funded one-third equally by the Victorian Government, the City of Melbourne and metropolitan Melbourne councils.

5. The Resilient Melbourne Steering Committee guides the action and direction of Resilient Melbourne. It is comprised of CEOs from the five metropolitan sub-regions (to be updated to six following the release of Plan Melbourne Refresh), as well as Victorian State Government representatives. (See Appendix 1).

Key issues

6. Since commencement, the Office has been working to implement the actions outlined in the Strategy. The Office has access to a number of 100RC ‘Platform Partners’ who can provide pro bono and reduced rate services to assist the implementation, some of which are seconded employees to progress specific actions and processes.

7. Through these measures and actions the Office has multiplied resource inputs 2.5 times, leveraging $2.5 million of output from an initial $1 million of funding. The benefits of these and additional resources will manifest across Councils in FY17-18.

8. Within the Strategy, the Office is implementing actions which can help to achieve Bayside City Council’s Goals. See Appendix 2 for overlap between Bayside City Council’s goals and the Resilient Melbourne strategy. The strategic objectives and council plan strategies include:
Facilitate transport options to meet community needs (Goal 2) – Citymart Transport Challenge.

Improve bicycle and pedestrian facilities to make cycling and walking more attractive options for short trips (Goal 2) – Metropolitan Cycling Network.

Ensure new development responds to preferred neighbourhood character in activity centres (Goal 3) – The Neighbourhood Project and Community Led Renewal.

Improve housing affordability (including social housing) and housing needs of various life stages through advocacy (Goal 3) – New Apartments Trial for Public Housing Residents Trial.

Protect and enhance Bayside’s tree canopy and vegetation on public and private land (Goal 5) – Metropolitan Urban Forest Strategy.

9. The Office has built strong partnerships and governance arrangements with the Victorian Government (specifically, Department of Environment, Land, Water and Planning and the Department of Economic Development, Jobs, Transport and Resources). These partnerships may assist Bayside in fostering support to implement their priorities.

10. Collaboration with State and Federal agencies has resulted in alignment and mutual support between Resilient Melbourne and strategic policy such as: Plan Melbourne, Infrastructure Victoria’s 30 year infrastructure Strategy and the National Government’s Climate Resilience and Adaptation Strategy. This may have value given the Draft Council Plan’s referral to State and Federal government for improved public transport networks, housing and responses to climate change as acknowledged in goals 2, 3 and 5 respectively.

11. The State, through Emergency Management Victoria and the Department of Premier and Cabinet has adopted the 100RC definition of resilience and support for Resilient Melbourne strategy actions.

12. In identifying these similarities and overlaps, increased support and interaction with the Resilient Melbourne strategy actions would prove beneficial for Bayside City Council, its communities and wider metropolitan Melbourne.

13. All milestones set in the Resilient Melbourne strategy are updated and progress is reported monthly through the Resilient Melbourne Strategy Action Update circulated via metropolitan CEOs. A fuller account of the Office’s actions in the first year will be released through the annual report following the financial year end.

RECOMMENDED ACTION

For distribution to Councillors and staff

Contact: Toby Kent, Chief Resilience Officer  
Email: toby.kent@melbourne.vic.gov.au  
Telephone: 9658 8598
### Composition of Resilient Melbourne Delivery Office Steering Committee

**Local government and State of Victoria representatives**

- **Monique Dawson (MDa)**, Chief Executive, Metropolitan Economic Development, Department Economic Development Jobs Transport Resources
- **Mark Duckworth (IrD)**, Executive Director Emergency Management, Department of Economic Development, Jobs, Transport and Resources
- **Noelene Duff (ND)**, Chief Executive Officer, City of Whitehorse (Eastern Region)
- **Chris Eddy (CE)**, Chief Executive Officer, Hobsons Bay City Council Western Region
- **Graeme Emonson (GE)**, Chief Executive Officer, Local Government Victoria
- **Maree Grenfell (MG)**, Resilient Melbourne (minutes)
- **Toby Kent (TK)**, Chief Resilience Officer, Melbourne
- **Craig Lapsley (CL)**, Emergency Management Commissioner, Emergency Management Victoria
- **Geoff Lawler (GL)**, Senior Strategic Advisor City of Melbourne and City of Greater Geelong
- **Gary McQuillan (GM)**, Chief Executive Officer, Cardinia Shire Council [South Eastern Region]
- **Simon McMillan (SM)**, Chief Executive Officer, Banyule City Council [Northern Region]
- **Therese Robinson (TR)**, Acting Chief Resilience Officer,
- **Vijaya Vaidyanath (VV)**, Chief Executive Officer, City of Yarra, Inner region
- **Linda Weatherson (LW)**, Director of Community Development, City of Melbourne

**Standing observer invitations**

- **Rob Spence (RS)**, Chief Executive Officer, Municipal Association of Victoria
- **Professor Lars Coenen (LC)**, Chair in City Resilience, University of Melbourne
- **Sam Kernaghan (SK)**, Associate Director, 100 Resilient Cities Asia Pacific office

#### Appendix 2

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Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of a contractor to undertake construction works under Contract CON/17/5 which includes essential drainage improvement works on Durrant Street, from Marion Street to Hampton Street, Brighton.

The objectives of this project are to reduce localised flooding, provide conditions for healthier street trees, and improve traffic flow and safety of residents and other road users, and is in accordance with Council’s Drainage Upgrade Strategy.

The existing street trees close to the drainage channel have adversely affected the surrounding road and drainage infrastructure. The tree roots have lifted the road pavement, kerbs and channels, which in turn has resulted in localised water ponding and in some locations, flooding of abutting properties.

The proposal involves re-positioning drainage channels so that they are not affected by tree roots, and forming tree pits to permit healthy development of existing trees. Twelve street trees, which are in poor health, are proposed to be removed and replaced with new trees.

Driveways are being extended in most locations. On-street parking will change in a few places, and new bike lanes are being included.

The works will also enable the buses to fully pull up to the kerb, and will improve the traffic movement along the street.

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

- Canteri Bros. Construction Pty Ltd
- Paper Street Pty Ltd trading as Metroplant & Civil Pty Ltd
- VCrete Contractors Pty Ltd

This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989. The result of the analysis can be found in Confidential Attachment 1 – CON/17/5 Evaluation Matrix. From the initial evaluation, VCrete Contractors Pty Ltd (VCrete) was shortlisted and invited for a tender interview.

VCrete has been in operation for 30 years, and is a Member of the Civil Contractors Federation. It has been the lead contractor on similar projects and for various local government organisations.

VCrete successfully completed the Reconstruction of Willis Street in Hampton for Bayside City Council between April and July 2015.
VCrete’s other successful projects in Bayside City Council include Brighton Golfcourse Carpark Renewal in June 2016 and Jetty Road Improvements, Sandringham in April 2016. Reference checks were conducted following the tender interview.

VCrete demonstrated a good understanding of the project and is committed to deliver within the required ten week timeframe.

A financial assessment was completed and VCrete was deemed financially capable of undertaking and completing this project.

The Tender Evaluation Panel concluded that VCrete is the preferred Contractor for CON/17/5 Durrant Street Drainage, Pavement, Streetscape & Safety Improvements, Brighton.

**Recommendation**

That Council:

1. Awards contract CON/17/5 Durrant Street Drainage, Pavement, Streetscape & Safety Improvements, Brighton to VCrete Contractors Pty Ltd (ABN: 40 055 492 683) for the lump sum price of $524,078.25 exclusive of GST ($576,486.07 inclusive of GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/5 Durrant Street Drainage, Pavement, Streetscape & Safety Improvements, Brighton; and

3. Advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CON/17/5 Evaluation Matrix (separately enclosed) (confidential)

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The work under this Contract will reduce localised flooding, provide conditions for healthier street trees, and improve traffic flow and safety of residents and other road users.

**Natural Environment**

The existing street trees close to the drainage channel have adversely affected the surrounding road and drainage infrastructure. The tree roots have lifted the road pavement, kerbs and channels, which in turn has resulted in localised water ponding and in some locations, flooding of properties. The design aims to minimise impact of the built infrastructure on trees and provide better ongoing conditions for trees. Twelve trees in poor health will be removed and replaced.

**Built Environment**

Driveways are being extended in most locations. On-street parking will be slightly altered and new bike lanes are being included. The works will also enable the buses to completely pull up to the kerb, which will improve the traffic movement along the street.
Customer Service and Community Engagement

During the concept and detailed design stages, extensive community consultation was undertaken with the local residents and businesses in the precinct of Durrant Street.

Constructive responses were received regarding retaining the streetscape character and the opportunity to introduce design aspects that addressed improving stormwater drainage, pedestrian and road safety.

Together with the successful Contractor, Council will provide progress updates to local residents, both prior to the commencement and during the construction work on site, and will maintain contact with key stakeholders during full 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.

Melbourne Water in its letter to Council’s design consultants dated 13 April 2017 has confirmed that “Melbourne Water does not object to the proposed road reconstruction works and upgrade of the existing connections i.e. 225 to 375mm diameter into Melbourne Water’s 2100mm diameter Meek Street Main Drain…”

Finance

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant costs</td>
<td>$40,400.00</td>
</tr>
<tr>
<td>Contract Cost</td>
<td>$524,078.25</td>
</tr>
<tr>
<td>Contingencies &amp; Project Management Costs</td>
<td>$76,757.00</td>
</tr>
<tr>
<td><strong>Project Cost</strong></td>
<td><strong>$641,235.25</strong></td>
</tr>
<tr>
<td><strong>Overall Budget</strong></td>
<td><strong>$826,757.00</strong></td>
</tr>
</tbody>
</table>

The expected project cost is $641,235.25 (excluding GST) which is within the project budget. The budget savings will be used to offset projects that may exceed budget within the Capital Works Program.

Links to Council policy and strategy

This project is consistent with Strategy 3.2.1: Ensuring community assets and infrastructure meet current and expected needs, within the Council Plan 2013-2017 and is identified in the Council’s Drainage Upgrade Strategy.

Options considered

Not Applicable to this report
Executive summary

Purpose and background

To consider a recommendation to award a contract for secretarial and discretionary consultancy services on behalf of the Inner Southern Metropolitan Mayors Forum.

Council is a member of the Inner Southern Metropolitan Mayors Forum (ISMMF). The ISMMF is a group comprised of seven Councils within the inner southern area of metropolitan Melbourne who meet on a regular basis to advance issues of common interest. The ISMMF has always required central secretarial, administration and consultancy services and in 2013 Council conducted a public tender process and put in place a contract with an outsourced provider of secretariat and support services on behalf of the ISMMF.

The arrangements put in place in 2013 now needs to be renewed and a new public tender process was conducted this year.

This tender was advertised in The Age on Saturday, 4th March 2017 and closed Wednesday, 29th March 2017. The Request for Tender (RFT) document was also advertised electronically on Council’s e-tender system.

Despite 14 suppliers downloading the RFT document only the current incumbent supplier made a submission.

An evaluation panel was convened comprised of the following members:

1. The Mayor of Port Phillip, Bernadette Voss;
2. The Mayor of Glen Eira, Mary Delahunty;
3. The Chief Executive Officer of Kingston; and
4. The Chief Executive Officer of Bayside.

After reading the current incumbent’s submission the evaluation panel decided that it was not necessary to meet in person and that a decision to recommend the incumbent submission could be made via email communication. Bayside’s CEO as the nominated contract manager has overseen the process.

Key issues

The key issue surrounded whether the current incumbent’s submission warranted the awarding of this contract. It was determined that based on an assessment of the current incumbent’s submission it demonstrated the required quality and addressed the selection criteria sufficiently to warrant the recommendation the awarding of this new contract for an initial period of 1 year with 3 x 1 year extension options that would be at Council’s sole discretion on behalf of the ISMMF.
**Recommendation**
That Council award CON/17/23 for the provision of secretarial and discretionary consultancy services to The Agenda Group Pty Ltd A.C.N. 118 248 892 for an initial term of 1 year with 3 x 1 year options to extend for an initial fixed price of approximately $330,000 for the secretarial services component of the contract and on the schedule of rates submitted for the discretionary consultancy services component of the contract as attached.

**Support Attachments**
1. Schedule of Rates (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
There may be some indirect positive social impacts arising from the advocacy component of the contract.

Natural Environment
As with social, there may be some indirect positive impacts on the natural environment arising from the advocacy component of the contract.

Built Environment
Indirect positive impacts may be realised through the advocacy component of the contract.

Customer Service and Community Engagement
There are no impacts on customer service or community engagement.

Human Rights
There are no impacts on human rights.

Legal
This public tender has been conducted in accordance with Council’s procurement policy and the provisions of the Local Government Act 1989 (Vic).

Finance

Links to Council policy and strategy
Conducted in accordance with Council’s Procurement Policy.
10.12 COUNCIL ACTION AWAITING REPORT

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 27 April 2017.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting report - May meeting ↓
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
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<tbody>
<tr>
<td>19.08.14</td>
<td>10.7 Planning Scheme Amendment C116: Mandatory height controls in Hampton Street Activity Centre &amp; Willis Street Urban Design Framework</td>
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<td>3. receives a further report at the conclusion of the exhibition process for both Amendments to consider submissions and legal representation requirements.</td>
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<td>148 of 164</td>
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<td>DCP&amp;CS</td>
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<td>Officers are currently in the process of seeking authorisation for Amendment C130.</td>
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<td>It is Council’s confirmed intention to run amendment C116 and C130 for Hampton in parallel.</td>
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<td>Amendment C116 has been put on hold pending outcome of Amendments C113-C115.</td>
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<td>25.11.14</td>
<td>10.4 Home and Community Care (HACC) Service Review</td>
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<td>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>
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<td>DCP&amp;CS</td>
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<td>Report to proceed to the June 2018 Council Meeting.</td>
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<td>28.07.15</td>
<td>10.3 HMVS Cerberus Update</td>
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<td>That Council receives a report at the completion of the feasibility study outlining the findings and proposed actions.</td>
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<td>A report will be provided at the May or June 2017 Council meeting.</td>
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<td>25.08.15</td>
<td>10.1 Hampton Willis Street Precinct – Traffic Management and Scout Hall Site</td>
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<td>That Council:</td>
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<td>4. receives a further separate report no earlier than the November Ordinary Meeting of Council regarding the future use or sale of 6A Willis Street Hampton:</td>
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<td>A report was presented outlining the options for 6A Willis Street. Consideration was deferred to a future time pending the outcome of traffic management in the precinct. A report will be provided to the new Council on the future of the site including use as carpark, open space or sale.</td>
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<td>10.4</td>
<td>Potential Land Purchase</td>
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<td>10.5</td>
<td>Christmas in Bayside 2016 Update</td>
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<td>10.7</td>
<td>Bay Trail Shared Path Public Safety Risks and Outstanding Audit Actions</td>
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<td>27/04/17</td>
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Executive summary

Purpose and background
This report provides information on an assessment of the need for further pedestrian crossings on Hampton Street and consideration of an option to replace the pedestrian signals outside Hampton Primary School with intersection signals at either Holyrood Street or Ludstone Street. The assessment has concluded that the current conditions in Hampton Street provide a safe pedestrian environment and intersection signals at either Holyrood Street or Ludstone Street are not warranted at this time.

This assessment was undertaken in response to the following Council resolution:

“That a report be prepared to review the need for additional pedestrian crossings along Hampton Street, whether signal controlled or otherwise, given there are only three existing crossings between Crisp Street and South Road”.

Key issues
Existing Conditions
Hampton Street is an arterial road managed by VicRoads and caters for high traffic volumes. It is approximately 1.3km from South Road to Crisp Street. Hampton Street also runs through the centre of the Hampton Street Major Activity Centre and therefore needs to accommodate community movements and needs, particularly due to the high amount of pedestrian activity within the street.

Hampton Street has a variable speed limit of 40km/h which operates between 7am and 10pm, outside of these hours the speed limit is 60km/h. Approximately 15,000 vehicles per day use Hampton Street and as a result of this, traffic speeds are recorded as being generally lower than the posted speed limit.

Existing Pedestrian Crossing Locations of Hampton Street
There are pedestrian operated signals (POS) along Hampton Street, between South Road and Crisp Street, at the following locations:
- South Road/Hampton Street;
- Hampton Primary School (between Holyrood Street and Ludstone Street);
- Willis Street/Hampton Street; and
- Hampton Post Office.

Crash History
An analysis of the crash history showed two pedestrian crashes occurred within the section of Hampton Street between Crisp Street and South Road for the period between 1 January 2012 and 31 December 2016. The first of these was in 2012 at the Willis Street signalised intersection involving a west bound vehicle from Willis Street, and the second was in 2015 near the level crossing boom gates involving a south bound vehicle.
In addition to the pedestrian events in 2014, a south bound vehicle collided with a south bound cyclist at Ludstone Street. Other crashes occurred along Hampton Street that were not related to the content of this report.

VicRoads Approval Process
The installation of a pedestrian crossing or intersection signal is a ‘Major Traffic Control Item’ and must be approved by VicRoads. Zebra crossings are not suitable for Hampton Street, due to being an arterial road with a high traffic volume. In order for VicRoads to provide approval for either a pedestrian crossing or intersection signals, certain warrants relating to vehicle and pedestrian volumes need to be met.

Are Pedestrian Operated Signals Warranted?
In order to determine existing vehicle and pedestrian volumes, counts were undertaken at the following locations that are midway between existing crossings on Hampton Street:

- Between Littlewood Street and Mills Street; and
- Between Small Street and the level crossing boom gates.

The pedestrian volumes did not meet the VicRoads warrants for pedestrian operated signals at any time at the site between Littlewood Street and Willis Street. It is noted that this may change in future years when nearby residential developments are complete.

At the site between Small Street and the level crossing, the VicRoads warrants for POS were met on two occasions (12pm – 1pm and 1pm – 2pm). This is to be expected as the existing road conditions are conducive to pedestrians crossing, as the level crossing boom gates provide an opportunity for pedestrians to cross Hampton Street when they are activated and traffic is stopped. This pedestrian movement is also aided by a set of pedestrian pram ramps located immediately south of the boom gates which formalise the crossing opportunity for pedestrians.

Are Intersection Signals Warranted at Holyrood or Ludstone Streets?
The primary aim of signal control is to reduce traffic conflict, delays and crashes. The capacity of an intersection to operate satisfactorily is dependent on the traffic volumes during periods of peak flow, including the volumes of turning traffic and the distribution of traffic on the various approach legs at the intersection.

Analysis of the need for intersection signals at Hampton and Holyrood Streets was undertaken as part of a nearby development proposal on the south west corner of this intersection. The outcome of this analysis was that the current arrangement is acceptable post development.

The final decision to install intersection signals on Hampton Street is the responsibility of VicRoads as the road manager. Therefore as part of the preparation of this report, VicRoads was requested to provide feedback on the proposal.

“VicRoads response concluded that it does not support the removal of the Pedestrian Operated Signals (POS) opposite Hampton Primary School and replacement with intersection signals at either Ludstone Street or Holyrood Street.

Removal of the POS and replacement with intersection signals at either Holyrood or Ludstone Streets is not supported by data on traffic congestion in the side streets or crash data and is not supported by VicRoads.

Given the current level of development in the Hampton Street Activity Centre it is appropriate to continue to periodically review the pedestrian and traffic conditions and review this assessment if conditions change.
Conclusion

There is no evidence to suggest that additional pedestrian crossings are required on Hampton Street, or that intersection signals are required at either Holyrood Street or Ludstone Street at this time. Whilst there is evidence to show pedestrians cross between Small Street and the level crossing boom gates, a pedestrian crossing at this location is not recommended for the reasons outlined below:

- The presence of the 40km/h speed limit along this section of Hampton Street contributes to a pedestrian friendly street;
- Operation of the level crossing booms gates break traffic flow and currently provide an opportunity for pedestrians to cross Hampton Street. The pram ramps immediately south of the level crossing also aid safe cross-street movements for pedestrians at this location;
- Advocacy for the installation of pedestrian operated signals could weaken the momentum of other advocacy actions that have been and continue to be progressed for other higher priority sites; including Dendy Village on Hampton Street, sites identified in the Beach Road Corridor Strategy 2011 and sites where casualty crashes have been recorded; and
- The existing pedestrian operated signals at Hampton Primary School provide a high level of service for the nearby school and also provide opportunities for traffic accessing Hampton Street from Holyrood and Ludstone Streets.

Recommendation

That Council:

1. does not install or pursue VicRoads to install further pedestrian crossings on Hampton Street, between Crisp Street and South Road at this time; and
2. continues to periodically monitor pedestrian and traffic volumes to assess the future need for additional pedestrian crossings on Hampton Street, between Crisp Street and South Road.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

Although pedestrian crossings are often seen to improve pedestrian safety by giving priority to pedestrians over vehicles and making the street more pedestrian friendly, the 40km/h speed limit and regular breaks in traffic due to the level crossing boom gates and other existing traffic lights currently provide reasonable opportunities for pedestrians to safely cross Hampton Street.

Natural Environment

As no changes are proposed in Hampton Street between South Road and Crisp Street, there are no impacts on the natural environment to consider.
Built Environment
The introduction of additional pedestrian operated signals in Hampton Street would change the appearance of the streetscape and have an impact on through traffic movements. The current 40km/h speed limit was installed due to the high pedestrian traffic in the area to improve pedestrian safety.

Customer Service and Community Engagement
This report outlines the result of the investigation into the need for additional pedestrian crossings along Hampton Street, between Crisp Street and South Road or intersection signals at Holyrood or Ludstone Streets based on data for pedestrian and vehicle movements, not community feedback. As such, no community consultation has been undertaken to inform the outcome of this paper.

Feedback from VicRoads was obtained in relation to the need for intersection signals at either Holyrood Street or at Ludstone Street.

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 Road Management Act 2004, VicRoads is the responsible road authority for Hampton Street and approving the use of ‘Major Traffic Control Items’ such as pedestrian crossings.

Finance
As Hampton Street is an Arterial Road managed by VicRoads, the funding and provision of additional traffic management on Hampton Street is the responsibility of VicRoads. VicRoads estimates that the cost of providing a typical set of pedestrian operated signals would be approximately $150,000 and intersection signals to be $375,000-$500,000.

Links to Council policy and strategy
The Bayside Integrated Transport Strategy (April 2013) and the Bayside Walking Strategy (2015) prioritise walking as a convenient alternative to short vehicle trips in Bayside. The current 40km/h speed limit on Hampton Street provides safe crossing opportunities for pedestrians. While the provision of additional pedestrian crossing facilities along Hampton Street would be aligned with Council policy, it is not considered a priority at this time.
### Options considered

#### Option 1 – Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>To maintain the status quo in Hampton Street relating to pedestrian crossings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The existing conditions in Hampton Street provide a safe pedestrian environment with low vehicle speeds and ample gaps for side street traffic to access Hampton Street. The messaging and momentum associated Council’s advocacy for the introduction of pedestrian operated signals at other higher priority sites across the municipality would be maintained.</td>
</tr>
<tr>
<td>Issues</td>
<td>There is a risk that some members of the community may disagree with this approach, however Hampton Street is a pedestrian friendly street with a 40km/h speed limit and frequent gaps in traffic. There are low numbers of casualty crashes recorded in Hampton Street over the last five year period.</td>
</tr>
</tbody>
</table>

#### Option 2 – Not Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>That Council advocates to VicRoads for the removal of the existing pedestrian operated signals at Hampton Primary School and install intersection signals at either Holyrood Street or Ludstone Street.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Although the installation of intersection signals will improve access to Hampton Street from the side street, this has a low priority given existing traffic conditions and the low accident history.</td>
</tr>
<tr>
<td>Issues</td>
<td>Removal of the pedestrian operated signals and replacement with intersection signals at either Holyrood Street or Ludstone Street may result in a reduction in overall road safety for pedestrians, particularly for primary school children. This change is not supported by VicRoads given current traffic conditions, the road safety record associated with this section of Hampton Street and the presence of the 40km/h speed limit.</td>
</tr>
</tbody>
</table>

#### Option 3 – Not Recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>That Council advocates to VicRoads for the installation of pedestrian operated signals at the site between Small Street and the level crossing boom gates.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Although the installation of pedestrian operated signals will improve pedestrian priority at this site and further create a streetscape that is supportive of pedestrian activity, Hampton Street is a low priority location given the existing road conditions and low accident history.</td>
</tr>
<tr>
<td>Issues</td>
<td>The installation of pedestrian operated signals at the site between Small Street and the level crossing boom gates will be a low priority for VicRoads given the road safety record associated with this section of Hampton Street and the presence of the 40km/h speed limit. Council’s advocacy for this option may undermine current advocacy actions for VicRoads to implement traffic improvements at other higher priority locations, such as Dendy Village and Beach Road. Council funding of this work will support cost shifting between the State Government and Council.</td>
</tr>
</tbody>
</table>
Executive summary

Purpose and background
Attendance has previously been approved at the Ordinary Council Meeting 28 March 2017, for the Mayor, Cr del Porto, Cr Castelli and Cr Long to attend the 2017 National General Assembly of Local Government as it is a great opportunity for Council to present various motions for consideration by the Assembly that have a national sector impact. Over the last few years Council has submitted motions to the National Assembly. All motions have been accepted and successfully carried by the Assembly.

It is not proposed to put forward any motions at the 2017 National General Assembly.

Subsequent Council commitments have now emerged by which necessitate a change in travel arrangements for Cr’s del Porto and Castelli on the 21 June 2017.

Key issues
The Mayor had previously indicated that he intended to drive the mayoral vehicle to the Assembly which provided the opportunity for the two Councillors to join the Mayor in this travel arrangement.

Since that time, it has been highlighted that both the Mayor and Cr Castelli have separate evening Council commitments on the 21 June 2017. The Mayor is to officiate at the Bayside City Council Citizenship Ceremony and Cr Castelli is chairing the first Arts and Culture Advisory Committee Meeting for the year.

The Mayor has indicated that it would now be more effective for both he and Cr Castelli to fly in and out of Canberra given their commitments on the 21 June 2017. The cost for return flights between Melbourne and Canberra are approximately $550.00 per person.

Cr Long will still travel by car to and from the conference.

Recommendation
That Council approves the Mayor, Cr del Porto and Councillor Castelli to fly to and from the ALGA National Assembly on the 18-21 June 2017 at an approximate cost of $550 each.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

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

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

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

Human Rights
The implications of this report have been accessed and not considered likely to breach or fringe upon the human rights contains in the Victorian Charter of the Human Rights and Responsibilities Act 2016.

Legal
There are no legal implications associated with this report.

Finance
The cost associated with the attendance of three councillors at the National Assembly is provided within the current 2016/17 budget.

Links to Council policy and strategy
In accordance with Council’s Reimbursement, Support, Resources, Reimbursement and Accountability Policy each Councillor is able to attend one interstate conference per annum. To date during the 2016/17 financial year no councillor has attended an interstate conference. The attendance of councillors at the National Assembly is in accordance with Council’s policy.
11. **Reports by Delegates**

1. **Association of Bayside Municipalities** – Cr Evans

2. **MAV Environment Committee** – Director Environment, Recreation & Infrastructure

3. **Metropolitan Transport Forum** – Cr Martin

4. **Municipal Association of Victoria** – The Mayor Cr del Porto

5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr del Porto

6. **Metropolitan Local Government Waste Forum** – Cr Heffernen

12. **Urgent Business**

Nil
13. Notices of Motion

13.1 NOTICE OF MOTION 264 - MUNICIPAL AND INDUSTRIAL LANDFILL LEVY

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 23 May 2017 at 7.00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

That a report be prepared for the June 2017 Ordinary Council meeting to consider an advocacy approach to ensure that funds collected via the Municipal and Industrial Landfill Levy are utilised to provide funding assistance to establish waste management infrastructure, support programs for industry, education programs and the resourcing of the bodies responsible for waste planning and management in Victoria and not to supplement State Government initiatives like funding activities of Parks Victoria.

Cr Michael Heffernan

Support Attachments

Nil