Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 24 April, 2018
at 7:00pm

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

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

Section 92 The Chair's Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
   7.1 Petition: Request to Protect Trees at 49 Sargood Street Hampton .......................................................... 7
   7.2 Petition: Shared User Paths to be Incorporated in Southland-Pennydale Structure Plan ......................................................... 9
8. Minutes of Advisory Committees
   Nil
9. Reports by Special Committees
   9.1 Minutes of a Special Committee to hear submissions in relation to the Proposed Lease of Elsternwick Park Oval 1 to Old Melburnians Football Club ......................................................... 11
10. Reports by the Organisation
    10.1 Bayside Mid-Century Modern Heritage Study ................................. 15
    10.2 Future Provision of Netball Facilities - Update ........................................ 21
    10.3 Occupancy Agreement Elsternwick Park Pavillion with Old Melburnians Football Club ......................................................... 27
    10.4 Cheltenham Station Level Crossing Removal ........................................ 43
    10.5 Major Grants 2018-2022 .................................................................. 51
    10.6 Response to Notice of Motion - 266 - Commuter Shuttle Bus Service .................................................................................. 61
    10.7 Response to Notice of Motion - 267 - Bicycle Repair/Service Stations .................................................................................. 71
    10.8 Response to Notice of Motion - 268 - Senior Citizen Exercise Parks .................................................................................. 75
    10.9 Council Plan 2017-2021 (2018 Update) ............................................... 79
10.10 Proposed 2018/19 Annual Budget and Long Term Financial Plan ................................................................. 131
10.11 Proposed part of road discontinuance and sale adjoining 16 Sandringham Road, Sandringham ........................................... 135
10.12 Municipal Association of Victoria - State Council - Call for Motions ........................................................................ 139
10.13 Appointment of Authorised Officers ......................................................... 145
10.14 Civic and Ceremonial Protocol Guide ......................................................... 151
10.15 Policy Update: Bayside Art & Heritage Collection Policy; Bayside Exhibition Policy and Bayside Public Art Policy ...................... 189
10.16 Rescission of Food Safety Policy 2007 ...................................................... 215
10.17 Lease and Licence Policy Review ................................................................. 221
10.18 Discontinuance and Sale of Right of Ways, Roads and Reserves Policy ........................................................................ 253
10.19 Cancellation of the 29 May 2018 Planning and Amenity Committee Meeting ........................................................................ 265
10.20 February 2018 Financial Report ................................................................. 267
10.21 Council Action Awaiting Report ................................................................. 283

11. Reports by Delegates

12. Urgent Business

13. Notices of Motion

13.1 Notice of Motion - 271 - Elsternwick Park South Ovals 3 and 4 ........................................................................ 289

14. Confidential Business

14.1 Minutes of the Chief Executive Officer's Employment Matters Committee held on 16 April 2018 ........................................ 291
1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

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

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 20 March 2018.  
   5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 28 March 2018.  

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

7.1 PETITION: REQUEST TO PROTECT TREES AT 49 SARGOOD STREET HAMPTON

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/79908

Petition from residents requesting Bayside City Council to protect threatened trees at 49 Sargood Street, Hampton.

Petition Prayer
“We the undersigned hereby petition Bayside City Council to retain threatened trees as they provide residential amenity, valuable bird habitat and shade in a global warming climate”.

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

Officer Comment
The trees referred to in the petition are being considered for removal in planning application 2017/821, which seeks the construction of two dwellings at 49 Sargood Street, Hampton.

This planning application is currently at further information stage, awaiting the submission of the requested information (which includes an Arborist report assessing the health and viability of all vegetation on site). This report will identify the size of each tree and determine if they are protected by Council’s Local Law.

Upon receipt of this information, the application will be referred to Council’s Arborist’s for comment and will also undergo public notification. All submissions (including this petition) will be taken into consideration when making a determination on this planning application.

Recommendation
That the petition be received and dealt with in consideration with planning application 2017/821.

Support Attachments
Nil
7.2 PETITION: INCORPORATION OF SHARED USER PATHS IN LEVEL CROSSING REMOVALS AND STATION REBUILDS

Petition from residents requesting Bayside City Council to incorporate Shared User Paths in level crossing removals and station rebuilds.

Petition Prayer

“We the undersigned hereby petition Bayside City Council to urgently engage with Kingston Council, LXRA and community groups to ensure:

1. Shared User Paths from Mentone to Cheltenham, Southland and Highett interconnect the activity centres and provide safe access to public transport;

2. Council pedestrian, bicycle and mobility scooter pathways and drop off/pick up points are planned and implemented for safe and convenient long term and construction period access as outlined in the attached letter to Councillors 6th April 2018;

3. The Draft Southland-Pennydale Structure Plan and plans for west side of Cheltenham station precinct incorporating the interconnections are published forthwith for consultation and negotiation with Kingston Council and LXRA.”

Petition Requirements

The submitted petition containing 11 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Officer Comment

The inclusion of a shared path as part of the delivery of the level crossing removal works at Charman and Park Roads has been a focus that Council’s advocacy to the Level Crossing Removal Authority (LXRA) since the announcement of the project in February 2017. The concept design developed by the LXRA for the level crossing removal works at Cheltenham includes the establishment of a shared path between Heather Grove and Higham Street, Cheltenham. Council officers from both Bayside and Kingston continue to work in partnership with the LXRA to progress the detailed design work associated with this element of the project.

Recommendation

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

Support Attachments

Nil
8. Minutes of Advisory Committees

Nil

9. Reports by Special Committees

9.1 MINUTES OF A SPECIAL COMMITTEE TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSED LEASE OF ELSTERNWICK PARK OVAL 1 TO OLD MELBURNIANS FOOTBALL CLUB

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/82977

Executive summary

Purpose and background
To note the Minutes of the Special committee of Council established to hear submissions in relation to the proposed lease of Elsternwick Park Oval 1 to the Old Melburnians Football Club.

Council at its meeting on 20 February 2018 established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the proposed lease of Elsternwick Park Oval 1 to the Old Melburnians Football Club in accordance with Section 223 of the Local Government Act 1989.

Key issues
Attached for Council’s information is a copy of the Special Committee of Council minutes of the meeting held on 11 April 2018. It is proposed that Council considers the submissions received in conjunction with the report listed as part of this agenda.

Recommendation
That Council receives and notes the Minutes of the Special Committee of Council held on 11 April 2018 to hear submissions in relation to the proposed lease of Elsternwick Park Oval 1 to the Old Melburnians Football Club.

Support Attachments
1. Minutes - 11 April 2018 - Special Committee of Council to hear submissions in relation to the proposed lease of Elsternwick Park Oval 1 to Old Melburnians Football Club
Minutes of the Special Committee of Council Meeting to hear submissions in relation to: Special Committee of Council Meeting

held in the Council Chambers, Civic Centre, Boxhall Street Brighton on Wednesday 11 April 2018

The Meeting commenced at 7:00pm

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

Officers in attendance: Steven White Acting Chief Executive Officer
Bill Shanahan Acting Director Corporate Services
Jason Stubbs Manager Commercial Services
Mandy Bartlett Governance Officer

Item 9.1 – Reports by Special Committees
## Table of Contents

1. Welcome and opening of the meeting

2. Apologies

3. Disclosure of any Conflict of Interest

4. Submissions
   4.1 Bayside Ratepayers Association - Submission: Notice of Intention to Lease Council Land Old Melburnians Football Club ........3
   4.2 Associate Professor Susan Carden - Submission: Notice of Intention to Lease Council Land Old Melburnians Football Club ........3

5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting:
   
   1. George Reynolds – Bayside Ratepayers Association
1. Welcome and opening of the meeting

2. Apologies

There were no apologies submitted to the meeting.

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

4.1 BAYSIDE RATEPAYERS ASSOCIATION - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND OLD MELBURNIANS FOOTBALL CLUB

It is recorded that Mr George Reynolds spoke for 11 minutes and 50 seconds in support of his submission.

Moved: Cr Long  
Seconded: Cr Martin

That the submissions in relation to the proposed lease of Council Land to Old Melburnians Football Club be received and noted.

CARRIED

Following consideration of all Submissions the Chairperson declared the meeting closed at 7:15pm.

CONFIRMED THIS INSERT 24 DAY OF APRIL 2018

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

10.1 BAYSIDE MID-CENTURY MODERN HERITAGE STUDY

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/81431

Executive summary

Purpose
To consider the mid-century modern heritage study and planning scheme amendments C158 and C159, which proposed interim heritage controls on 51 properties in Beaumaris and Black Rock. The preparation of the mid-century modern heritage study is an action from the Bayside Heritage Action Plan 2017, which was adopted by Council at its 25 July 2017 Ordinary Meeting.

Background
The Bayside Heritage Action Plan 2017 outlines Council’s approach to how it will fulfil its statutory obligations to conserve and enhance buildings, areas or places which are of scientific, aesthetic, architectural or historical interest.

At its 25 July 2017 meeting, Council also resolved to commence a mid-century modern heritage study with a focus on the Beaumaris area and immediately commence the preparation of an application for interim heritage controls for mid-century modern properties in Beaumaris identified in the City of Bayside Inter-War and Post-War Heritage Study 2008. The scope was further clarified at Council’s 19 September 2017 Ordinary Meeting by focusing the study on the suburbs of Beaumaris and Black Rock.

Amendments C158 and C159 proposed interim heritage controls to 51 properties in Beaumaris and Black Rock whilst the study was prepared. The amendments were submitted to the Minister for Planning and affected property owners were notified in September 2017.

Key issues
Outcome of Amendments C158 and C159 The Minister for Planning wrote to Council in December 2017 advising that the following information must be provided when requesting interim heritage controls:

- Robust justification for blanket controls, supported by strong, evidence-based arguments, and explaining how the request meets the tests of section 20(4) of the Planning and Environment Act 1987;

- Evidence to show that the area is experiencing development pressure, resulting in the loss of buildings and degrading the heritage significance of the area; and

- A request for an equivalent permanent Heritage Overlay and details of the proposed timing for exhibition of the amendment, so that the need for heritage protection can be balanced with the requirement to afford natural justice to the landowners of affected properties.

Whilst the Minister for Planning has not yet refused the application for interim heritage controls, the request for additional information indicates that the interim heritage controls will not be supported until a heritage study that justifies the inclusion of properties in the Heritage Overlay is completed.
Given that the request for interim controls is likely to be refused, as a result of Council not being able to provide the evidence requested in the absence of a mid-century modern heritage study, it is recommended Council abandon Amendments C158 and C159.

Community interest in process
Council’s decision to prepare a mid-century modern heritage study generated significant community interest, with several architectural magazines and websites covering the story.

The decision to apply interim heritage controls was not well received by affected property owners, with many owners of mid-century properties expressing their opposition to Council’s approach.

The consequence of strong opinions from both heritage supporters and affected land owners has created a significant tension within the community, with a voluntary nomination process for inclusion of mid-century modern being favoured by affected property owners.

Appointment of Consultant to prepare Study
Council advertised a request for quote document in November 2017 and received two quotations. The quotations differed in cost and methodology and both would have required a significant increase in budget for completion of the study, through a combination of direct consultancy costs and significant investment in community engagement.

Council readvertised the specification in February 2018 with no additional tenders received.

Council has advised both tenderers that they have been unsuccessful.

Options for moving forward
In response to community tension and challenges to appoint a consultant to undertake the study, an alternative approach is required to ensure the protection of some examples of mid-century modern architecture in Beaumaris and Black Rock for future generations is achieved. The proposed approach strikes a balance that responds to the aspirations of both supporting and opposing advocates to this process.

A voluntary nomination process for mid-century modern properties to be included in the heritage overlay is proposed for consideration. Whilst moving away from traditional heritage processes endorsed by the State Government poses risks, it is considered that a different approach is appropriate in this circumstance.

If a voluntary process is pursued, it is recommended that Council only accepts nominations from property owners or where it can be demonstrated that the property owner supports his/her property being nominated for heritage protection.

The proposed voluntary nomination approach will need to be further developed, however, is expected to include the following key stages:

- Seeking expressions of interest from mid-century modern property owners to volunteer their properties for potential inclusion in the Heritage Overlay;

- Once a certain date has passed, or once a certain number of voluntary nominations have been received, Council would commission a study to look at individual properties and determine whether they meet the threshold for inclusion in a Heritage Overlay;

- A report would be presented to Council recommending whether or not to proceed with a planning scheme amendment for the properties that have been nominated and that meet the criteria for inclusion in the Heritage Overlay. If there are enough properties of significance which warrant proceeding, a planning scheme amendment process will follow.
There are existing processes for persons other than land owners to nominate properties for potential Heritage Overlays and those can continue independently of the voluntary process proposed for mid-century modern properties at Beaumaris and Black Rock.

The resources required to fund a voluntary nomination are unknown at this stage, as the cost will vary depending on the number and heritage attributes relating to the nominated properties.

Whilst this approach is expected to result in some buildings of potential significance not being protected, it is considered that this approach is worth pursuing given the circumstances.

Given that this is a different approach, it is expected that Council may need to advocate to the State Government the merits of its methodology as the approach may be perceived to be lacking strategic justification.

There is also a risk that the Minister for Planning may not support Council’s approach and before any associated planning scheme amendment is approved, the Minister may request a more comprehensive study from Council to support the proposed heritage controls if the justification presented is deemed insufficient.

**Recommendation**

That Council:

1. Does not proceed with the mid-century modern heritage study;
2. Abandons Planning Scheme Amendments C158 and C159 and advises the Minister for Planning of Council’s decision;
3. Seeks voluntary nominations from property owners of mid-century modern properties in Beaumaris and Black Rock for investigation for inclusion in a Heritage Overlay;
4. Develops a process to support the inclusion of suitable mid-century modern properties in a Heritage Overlay through a voluntary nomination process; and
5. Writes to property owners and occupiers of properties included in Planning Scheme Amendments C158 and C159 and interested stakeholders to advise of Council’s decision.

**Support Attachments**

Nil

**Considerations and implications of recommendation**

**Liveable community**

**Social**

Protection of mid-century modern homes in Beaumaris and Black Rock would seek to protect and celebrate the social values the community attribute to places of this era for current and future generations. However, the opposition from land owners has created tensions between those on both sides of the matter.
Natural Environment
Protection of mid-century modern homes or precincts may complement Council’s existing policies related to the environment by identifying potentially significant landscapes.

Built Environment
The process seeking the protection of mid-century modern homes will assist to ensure that properties of potential heritage significance in Beaumaris and Black Rock are identified, recorded and protected. This is consistent with the objective at section 4(1)(d) of the Planning and Environment Act 1987 to ‘conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value.’

Customer Service and Community Engagement
If Council pursues a voluntary approach, property owners of mid-century modern homes in Beaumaris and Black Rock will be contacted and invited to volunteer their property for possible inclusion in a Heritage Overlay. Council will then engage with land owners who take up the invitation. If a planning scheme amendment process is pursued, public exhibition may occur as part of the statutory process.

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

Legal
As a planning authority, Council is required to further the objectives of planning in Victoria. Of relevance to this report is the objective at section 4(1)(d) which seeks to ‘conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value.’

Finance
Council has allocated a budget within the 2017/18 Financial Year to progress the mid-century modern heritage study. If a voluntary process is to be pursued, it is proposed to redirect the allocated budget toward the review required to assess volunteered properties.

Links to Council policy and strategy
Protection of mid-century modern homes will deliver the ‘Council Output’ in the Bayside Community Plan 2025 to ‘ensure that areas and places of heritage, environmental and vegetation significance are protected.’

Preparation of a mid-century modern heritage study is an action from the Heritage Action Plan 2017.
**Options considered**

**Option 1**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Planning Scheme Amendments C158 and C159, not proceed with the mid-century modern heritage study and pursue a voluntary nomination process for mid-century modern heritage homes in Beaumaris and Black Rock to be included in the Heritage Overlay.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>This approach provides a balance that may ease concerns raised by land owners opposing inclusion in the Heritage Overlay whilst providing an alternative to pursue the protection of some mid-century modern examples through the Heritage Overlay for future generations.</td>
</tr>
<tr>
<td>Issues</td>
<td>The approach may not be supported by the State Government when considering the planning scheme amendment.</td>
</tr>
<tr>
<td></td>
<td>There are likely to be significant buildings excluded from the process which will not be afforded heritage significance.</td>
</tr>
<tr>
<td></td>
<td>Council may not receive any, or only a limited number of volunteer nominations to the process.</td>
</tr>
<tr>
<td></td>
<td>Council will still be required to consider properties nominated by persons other than the land owner. Whilst being removed from this voluntary process, Council still has an obligation to consider all nominations for heritage protection.</td>
</tr>
</tbody>
</table>

**Option 2**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon the preparation and implementation of mid-century modern heritage study in its entirety.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Abandoning the mid-century modern heritage study addresses the concerns raised by some of the property owners in relation to this process.</td>
</tr>
<tr>
<td>Issues</td>
<td>This will result in there being no protection for potentially significant homes from the mid-century modern era.</td>
</tr>
<tr>
<td></td>
<td>Council will still be required to consider properties nominated by persons other than the land owner. Whilst being removed from this voluntary process, Council still has an obligation to consider all nominations for heritage protection.</td>
</tr>
</tbody>
</table>
### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Proceed with the mid-century modern study as planned.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>This will allow for a robust assessment of mid-century homes across Beaumaris and Black Rock to inform any future planning scheme amendment.</td>
</tr>
<tr>
<td><strong>Issues</strong></td>
<td>Council has thus far been unable to appoint a consultant to undertake the study and a significant increase in budget will be required. Will prolong uncertainty for affected residents and will not resolve the tension that has been triggered by this process. There is no certainty that the study will be adopted and implemented in the Planning Scheme following its completion, which may prolong uncertainty for affected residents and interested parties.</td>
</tr>
</tbody>
</table>
10.2 FUTURE PROVISION OF NETBALL FACILITIES - UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/81047

Executive summary

Purpose and background
The purpose of this report is to present Council with information associated with the proposed netball centre at Sandringham Golf Driving Range (the Driving Range).

At the Council meeting on 22 August 2017, it was reported that a review of the 2014 Netball Needs Assessment had been completed and that 12 outdoor courts with night match floodlighting are required to meet the projected future need of netball in Bayside. This need may be complemented by the inclusion of two indoor courts that would facilitate representative team/squad training and matches and provide flexibility to move some activities indoors during rain and extreme heat events.

Notwithstanding this assessment it was resolved that Council:

1. Identifies the Sandringham Golf Driving Range as its preferred site for three indoor and 15 outdoor netball centre;
2. Undertakes further planning work to establish the feasibility of establishing a netball centre on the site of the Sandringham Golf Driving Range;
3. Explores opportunities for external funding and advocates for external funding to establish a netball centre;
4. Receive a report before or at the April 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range; and
5. Advise members of the Project Reference Group on the outcomes of this report. Planning work has progressed on the basis of a three indoor and 15 outdoor netball centre.

Key issues

Concept plans

In line with the 22 August 2017 resolution a concept design (set out in Attachment 1) for a three indoor and 15 outdoor courts netball centre has been developed. The scale of the proposed development including substantial car parking results in approximately one hectare of open space being available for other uses such as revegetation purposes and Water Sensitive Urban Design (WSUD) treatments. Due to the site constraints and netball centre configuration there is limited scope for additional sporting facilities.

A second concept design (set out in Attachment 2) has been developed to detail two indoor and 12 outdoor netball courts. The scale of the proposed development including substantial car parking results in approximately 1.5 hectares of open space being available for other uses, however the site constraints make it difficult for other sporting uses to be accommodated.

Due to the substantial run-off from the large paved outdoor courts surface and significant car parking adding 245 bays to the current 58 bays in the existing Driving Range car park, it is proposed that WSUD principles be employed to offset this increase in impermeable area.
Site issues and cost impact

As detailed in earlier reports, the Driving Range is a previous landfill site. Further geotechnical and soil testing has revealed that extensive profile compaction work (similar to that undertaken at Dendy Park) and contaminated soil treatment and/or removal will likely be required to make the site suitable for construction of the indoor and outdoor netball courts. These issues and subsequent design solutions (such as extensive concrete piers) add significant costs to the overall project, particularly construction costs associated with the indoor court building. These site constraints have determined the site of the building in an area of lower risk of costly building techniques.

At this early stage of project planning, alternative construction methodologies that might result in lower cost options have not been explored.

Negotiations with current Lessee

Council has sought terms to break the existing lease with the current Lessee of the Driving Range. The site also accommodates two sub tenants including a golf club fitting provider and a minigolf operator. Negotiations regarding the lease have not yet been concluded.

The sub tenants also require consideration and Council is in discussion with the Sandringham Golf Course proponents to determine if the golf fitting business can fit into that proposal. This may minimise the need for Council to incur costs associated with rehousing that provider. It is likely the minigolf operator will seek to remain on the site and this has been accommodated in the designs that have been prepared. To date detailed discussion has yet to occur with the sub tenants.

Project costs

Cost Plans have been compiled by a Quantity Surveyor based on the two attached concept plans. Estimated total project costs for both concepts are in excess of $20 million.

This is a first cost plan and an initial review shows that a number of savings may be achieved that could reduce the project cost for two indoor and 12 outdoor courts to less than $20 million. Regardless, these costs are in excess of the originally estimated projected costs and Council funding allocation of $11.3 million. The added site complexity relating to soil compaction and contamination treatment has created significant additional costs, particularly related to the construction of indoor courts.

Detailed design work has not been undertaken so alternative design solutions have not yet been explored. As part of the next design phase, the site constraints will be examined to identify if design options are available that could reduce the above cost estimates.

Amended project scope

As detailed in the 22 August 2017 Council report, the review of the 2014 Netball Needs Assessment identified that a minimum of 12 outdoor courts with night match floodlighting are required to meet the projected future need of netball in Bayside. It was also identified that this need may be complemented by the inclusion of two indoor courts that would facilitate representative team/squad training and matches and provide flexibility to move some activities indoors during rain and extreme heat events.

Council has been advised by Sport and Recreation Victoria (a potential funding partner) that the proposed scope of three indoor and 15 outdoor netball courts surpasses any other local netball association project. For comparative purposes the proposed Casey Fields Regional Netball Centre includes a provision of four indoor and 12 outdoor netball courts and will service a catchment of up to 350,000 people while also acting as a regional centre of excellence for south-eastern Victoria. The Bayside facility has a catchment of 102,737 people for a local...
netball association and is in close proximity to a number of other local and regional netball facilities, including:

- Oakleigh South (local – 8 courts) – 5kms;
- Murrumbeena (local – 8 courts) – 5kms; and
- Dingley (regional – 16 courts) – 11kms.

It is recommended that Council focusses on providing two indoor and 12 outdoor courts with night match floodlighting required to service the future training and competition needs of Sandringham District Netball Association.

Sandringham District Netball Association (SDNA) advised Council on 26 March 2018 that it requires two indoor and 12 outdoor netball courts to support its usage and growth.

**Expected operational costs**

A three indoor and 15 outdoor court facility has associated ongoing operational costs. Modelling suggests approximately $150,000 would be required annually for maintenance and renewal of the indoor and outdoor facilities, with the bulk of these costs being associated with the indoor court facility.

Under Council’s current Leasing Policy the SDNA would be responsible for 100% of these costs.

The SDNA and Netball Victoria have advised that they are preparing management and operating options and expect to discuss these with Council in April/May 2018.

**Current funding model**

The current funding model suggests Council would entirely fund the costs associated with developing a netball court centre at the Driving Range site. Sport and Recreation Victoria has advised that the Better Indoor Stadiums funding stream may provide funding of up to $3 million towards the indoor centre, however it is stressed this is a highly competitive funding stream with preference given to projects that include multi-sport courts and are of a regional significance. This project is to cater for a local netball association.

If State funding is secured, project construction must commence within six months of funding approval meaning any application should be made once Town Planning processes, detailed design and tender documentation has been completed.

**Current Thomas Street Netball Centre**

If a netball centre was established at the Driving Range site it is proposed to demolish the current Thomas Street Netball Centre and repurpose this site for other open space uses. It would also be used to alleviate parking congestion in the area associated with the Glamis Avenue athletics facility and the regional accessible playground soon to be constructed at Thomas Street Reserve to the immediate south of the current netball centre.

**Summary**

Sandringham District Netball Association have advised Council it requires two indoor and 12 outdoor netball courts to support current and future use.

Based on the review of the 2014 Netball Needs Assessment it is recommended that planning continues for a two indoor and 12 outdoor courts netball centre to meet the projected future need of netball in Bayside.
Recommendation

That Council:

1. Confirms the Sandringham Golf Driving Range as its preferred site for a two indoor and 12 outdoor courts netball centre;
2. Undertakes further planning work to more accurately determine the feasibility and cost of establishing a netball centre on the site of the Sandringham Golf Driving Range;
3. Continues to explore opportunities for external funding and advocates for external funding to establish a netball centre;
4. Receives a report at or before the 18 December 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range; and
5. Advises members of the Project Reference Group on the outcomes of this report.

Support Attachments

1. Attachment 1 - Proposed Netball Centre Concept Plan - 3 indoor and 15 outdoor courts (separately enclosed)
2. Attachment 2 - Proposed Netball Centre Concept Design - 2 indoor and 12 outdoor courts (separately enclosed)

Considerations and implications of recommendation

Liveable community

Social

The development of improved netball facilities will provide positive benefits for young people and adults, particularly females through their participation and engagement in sport and recreation activities.

Natural Environment

There is an opportunity to greatly enhance the natural environment of the land currently used as the Sandringham Golf Driving Range including significant landscape improvements and the potential for more than one hectare of new informal, revegetated open space of the area not required for netball use.

Built Environment

A concept design (set out in Attachment 1) has been developed to respond to the Council resolved scope of three indoor and 15 outdoor netball courts. A second concept design (set out in Attachment 2) has been developed to detail two indoor and 12 outdoor netball courts.

Customer Service and Community Engagement

A Project Reference Group was convened in February 2017 that includes representatives from Sandringham and District Netball Association (SDNA) and Netball Victoria.

Council staff met with representatives of both SDNA and Netball Victoria on at various meeting in 2018 to discuss funding models, operational costs and netball centre
management. Both SDNA and Netball Victoria have indicated they will be presenting possible management and operating models in late April to early May 2018.

Future development of a netball centre will be subject to Council’s normal community engagement processes.

**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 Sandringham Golf Driving Range is currently leased until 31 December 2024. Council is negotiating with the current lessee of the Driving Range.

**Finance**

Concept designs for netball facilities at the Sandringham Golf Driving Range have identified development costs in excess of $20 million. Council’s four year Capital Works Program includes a funding allocation of $11.3 million towards the development of netball facilities in Bayside.

Council currently receives $126,286 in annual rent from the Sandringham Golf Driving Range lease. The compensation required to break the existing lease is still to be finally negotiated.

**Links to Council policy and strategy**

Improvement to sport and recreation facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan and Wellbeing for All Ages and Abilities Strategy 2017-2021.

The Bayside Open Space Strategy 2012 recognises that projected population growth (e.g. Bay Rd apartment developments) will have a significant impact on the demand for open space over the next 20 years and there are large areas of Sandringham that are already deficient in accessible open space.

The conduction of netball courts is in line with a number of Key Principles included in the Bayside ‘Active by the Bay’ Recreation Strategy (2013-2022) including:

1. The provision of recreational opportunities for all;
2. Providing great places for people to recreate in, and to be socially connected; and
3. Responding to identified recreational needs of the community.
10.3 OCCUPANCY AGREEMENT ELSTERNWICK PARK PAVILLION WITH OLD MELBURNIANS FOOTBALL CLUB

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/18/82328

Executive summary

Purpose and background

This report recommends that Council formalises the lease arrangements (Lease) with the Old Melburnians Football Club (OMFC) following statutory consultation and hearing of submissions at the Special Committee of Council on 11 April 2018. Two submissions were received and one submitter spoke at the meeting in support of their submission.

The Lease covers exclusive use of the Gym and a storage location within the pavilion. A separate seasonal agreement will also be in place for game-related facilities to be constructed in the near future at Elsternwick Park, Oval Number 1, Glenhuntly Road, Elsternwick (the Park).

Facilities at the No 1 oval precinct require renewal, are poorly accessible and do not meet the needs of female sports people. There has been no significant upgrade of the ground or facilities for over 25 years. Previous reports to Council have related to the replacement of the existing pavilion with a modern multi-use facility funded from a number of sources, including Council, as outlined later in this report. The project for the Park also includes new public facilities and a substantial refurbishment of the No 1 oval.

In December 2015, Council was approached by Sport and Recreation Victoria Major Projects to consider a funding proposal to develop facilities at the No 1 Oval precinct to accommodate the co-location of the OMFC to the Park. In 2016, Council endorsed the proposed redevelopment of the precinct including a new pavilion and spectator facilities, a refurbished sports ground and associated lighting.

Construction of the new pavilion and the oval works has recently commenced. Part of the new pavilion will be leased to the OMFC for the gym, storage with game-related facilities being used on a licensed or seasonal basis by OMFC and Elsternwick Cricket Club.

Key issues

The intention is that the sports bar and social areas will be subject to licence agreements which allow seasonal access to the facilities by other users of the Pavilion to support seasonal ground allocation. The proposed occupancy arrangements with the OMFC include a twenty-one (21) year term under a Community Lease for exclusively used gym and storage areas. There will be a licence for the social space including the bar and kitchen between 1 April and 30 September. The proposed lease agreement will reflect these terms.

Under a seasonal allocation, the Elsternwick Cricket Club will have use of the game related facilities including the change rooms, sports ground, social space, bar and kitchen. The Victorian Amateur Football Association (VAFA) also have a lease over administrative areas in the facility and a licence for access to the shared areas.

A concern raised in the submission was that the Lease did not comply with legislative requirements. Council has complied with its statutory obligations under the Local Government Act 1989, Crown Land (Reserves) Act 1978, and Council Policy.

There was also concern raised over the rental to be charged. As part of the funding agreement a Memorandum of Understanding was agreed as part the funding proposal to develop facilities
at number one Oval precinct. The Lease reflects community rental and takes into consideration the significant capital contribution to the project.

**Recommendation**

That Council, having considered the submissions received, authorises the Director Corporate Services to undertake all processes and execute all documentation associated with the occupancy arrangements for the pavilion located at Elsternwick Park, Glenhuntly Road, Elsternwick for the Lease to the Old Melburnians Football Club of the areas exclusively used for gym and storage at an annual rental of $353 with annual increase of 5% or CPI whichever is greater, for a term of twenty one years with separate licence including seasonal allocation of game related facilities between 1 April and 30 September.

**Support Attachments**

1. OMFC Lease Plan
2. Agenda - 11 April 2018 - Special Committee of Council - Intention to Lease Council Land to Old Melburnians FC
3. Minutes - 11 April 2018 - Special Committee of Council - Intention to Lease Council Land to Old Melburnians FC

**Considerations and implications of recommendation**

**Liveable community**

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

**Social**

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

**Natural Environment**

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

**Built Environment**

The facilities were aging, not energy efficient, and required significant ongoing maintenance and renewal. This proposal acknowledges the need for facilities to be upgraded to match changing standards and community expectations and supports occupancy for the new buildings.

**Customer Service and Community Engagement**

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

Two submissions were received during the statutory consultation process.
Human Rights
There are no Human Rights issues assessed in relation to this report.

Legal
The letter dated on 13 February, 2018 outlined that, under s.171)(3)(b) of the Crown Land (Reserves) Act 1978 (CLRA), the delegate of the Minister for Energy, Environment and Climate Change is satisfied that the proposed lease purpose is not detrimental to the purpose of the reserve and approved the granting of the Lease, under s.17D(1) of the CLRA.

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

- State Government $3,100,000
- Bayside City Council $1,200,000
- VAFA $1,050,000
- Old Melburnians FC $250,000
- AFL $250,000
- AFL Victoria $250,000
- Combined Football Contribution $300,000

Rental for the lease and licence arrangements will be at the current community rate of $353pa with 5% annual increases (or CPI if greater) in recognition of the substantial external capital funding contributions.

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

Goal 3 - A liveable City, strategy
3.2.1 Ensuring community assets and infrastructure meet current and expected needs;

Goal 7 - Financial Responsibility and Good Governance, strategy
7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

The following policies are also relevant, Leasing Policy 2008 and Sportsground Allocation Policy
## Options considered

<table>
<thead>
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<th>Summary</th>
<th>Do not support the occupancy agreements</th>
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<td><strong>Benefits</strong></td>
<td>There is limited benefit to not supporting the current arrangements</td>
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<td></td>
<td>It may be possible to negotiate alternative terms</td>
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<tr>
<td><strong>Issues</strong></td>
<td>Funding for the pavilion upgrade has been jointly agreed and negotiated along with the rental lease terms</td>
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<td>Not supporting the agreements would jeopardise the funding arrangements and create significant concerns from the user groups involved</td>
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APPENDIX 1: PLAN OF LEASED PREMISES
Special Committee of Council Meeting Agenda

Agenda

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

Intention to Lease Land – Elsternwick Park Oval No 1 –
Old Melburnians Football Club

Special Committee of Council Meeting

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

on

Wednesday, 11 April, 2018
at 7:00pm
Order of Business

1. Welcome and opening of the meeting

2. Apologies

3. Disclosure of any Conflict of Interest

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

   4.1 Bayside Ratepayers Association - Submission: Notice of Intention to Lease Council Land Old Melburnians Football Club........5

   4.2 Associate Professor Susan Carden - Submission: Notice of Intention to Lease Council Land Old Melburnians Football Club........9

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

   1. George Reynolds – Bayside Ratepayers Association
1. Welcome and opening of the meeting

2. Apologies

3. Declarations of any Conflict of Interest
4. Submissions

4.1 BAYSIDE RATEPAYERS ASSOCIATION - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND OLD MELBURNIANS FOOTBALL CLUB

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/18/72908

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<td>21 March 2018</td>
<td>Yes</td>
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Organisation’s comments

The lease is not subject to a special rate or charge as proposed in the submission.

The lease arrangements cover the portions of the building assets and the areas where Old Melburnians Football Club have exclusive year round access being the Gym and storage area. In addition seasonal licence allocation to facilities and grounds for other users will be in place but are not subject to this public notice. These arrangements have been agreed with the parties that will occupy the new facility.

The funding for the assets include a contribution from State Government, Victorian Amateur Football Association, Old Melburnians Football Club, AFL and combined football contributions.

The provision of the lease and licence arrangements is in accordance with the Leasing Policy 2008, and has been undertaken in accordance with Council statutory obligations under the Local Government Act 1989.

Support Attachments

1. Bayside Ratepayers Group - Submission: Notice of Intention to Lease Council Land Old Melburnians FC

Item 4.1 – Submissions
BAYSIDE RATEPAYERS’ GROUP – RATEPAYERS VICTORIA INC.

Coordinator: George Reynolds,
19 Agnes St., Beaumaris, 3193. P. 0430900822
Email: BRG - bra.reynolds79@gmail.com
RYV - RatepayersVIC@outlook.com

20th March 2018

Proposed Lease – Old Melbournians Football Club FOL/17/809.
Chief Executive Officer,
Bayside City Council,
P.O. Box 27,
Sandringham,
Vic. 3191.

Dear Sirs
Re: Notice of Intention to Lease Land.

We note the public notice of the intention is to lease land and part of the pavilion and associated facilities, at Elsternwick Park, Oval No 1, Glenhuntly Road, Elsternwick. The submission following is made in accordance with s223 of the Local Government Act 1989.

We hold that the proposal is defective and “improperly seeks to confer an advantage on the members of the Old Melbournians Football Club and a disadvantage on the persons having a liability to pay a General Rate, to the City of Bayside, as set out in s155, s156 and s158 of the Local Government Act 1989”. Important defects of the proposal are as follows.

1. The asset being leased, is being leased severally, and ignores the requirement to apportion the benefit ratio between the participants as set out in s163(2)(b) and s163(2)(a) of the Local Government Act 1989.

The asset being leased comprises the Oval No 1 and all assets such a lighting, drainage and irrigation, together with spectator facilities. In addition, the pavilion, with match facilities such as changing rooms, club entertaining facilities, and year round exercise and fitness facilities is being licensed. Further, special purpose administrative facilities are provided for the VAFA, within the pavilion complex.

The primary party leasing the assets appears to be the VAFA (tenants for the whole year). The OMFC and the Elsternwick Cricket Club (ECC) lease the assets on a seasonal basis. Some of the assets (gyms) would appear to be available for use outside the seasonal occupation periods. We have been deprived of information on the primary leasing arrangement with VAFA.

2. The proposal to lease the asset to OMFC would appear to ignore the interests of both the VAFA and the ECC.

3. The proposed annual rental of $353 per year appears to have little relativity to the value of the asset being leased. It would appear to be in conflict with the 2017/18 budget shown in Appendix A, page 108, of the budget document. The expectation shown in that document is for a rental contribution, for the sportground asset, of $2475 per SEASON. (It is noted that the value of the pavilion asset (already leased to the VAFA) is not yet established).
4. The proposed annual rental for the seasonal use of the pavilion has no mention in the 2017/18 budget although similar information in relation to No 2 Oval, is listed. This is not surprising as the No 1 Oval pavilion is still under construction. Obviously a user rate or charge will need to be applied for the 2018/19 year and beyond.

5. It is noted that the user of the assets may have to meet a liability in the form of a Special Rate or Special Charge. On Page 127 of the budget document, an amount of $435,000 is shown as "Council Cash". Council has very little cash and this amount needs to be raised by a Special Rate or Special Charge split amongst those who obtain a benefit from the asset. It is possible for Council to borrow the required sum and for a Special Charge to be raised, as an annual payment, until the outstanding loan is repaid, with interest.

Conclusion.

The proposal to rent the No 1 Oval to the Old Melburnian Football Club for 21 years would appear to infringe on assets already leased to another party.

The proposed rental is not in accordance with the requirements of the approved budget for 2017/18.

The proposed rental is fixed at a low value with nominated escalation rates; service rates (usage fees) for the ovals, appear to be subject to an annual declaration of the rate or charge, based on the class of asset.

The proposal must consider the shortfall in contributions needed to construct the asset. The lessee must contribute to the capital cost without the support of Council Cash. The lease agreement appears to need a clause, agreeing to a Special Rate or Special Charge, being applied.

The proposal would appear to give a financial advantage to the OMFCA, and a financial impairment to the ratepayers of the City of Bayside. This is, of course, defined as gross misconduct in the Local Government Act, 1989. (s76(B) and s81A)

Special Committee Meeting.

I wish to make a verbal submission to the proposed Special Committee of Council to be held on Wednesday, 11th April 2018.

Yours faithfully,

George Reynolds,
Co-ordinator, Bayside Ratepayer Group.
ASSOCIATE PROFESSOR SUSAN CARDEN - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND OLD MELBURNIANS FOOTBALL CLUB

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/18/79848

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Organisation’s comments

The basis of the rental was agreed as part of the pavilion upgrade and funding contributions and relates to access to the gymnasium and storage space. The Old Melburnians Football Club, State Government, VAFA and other football funding partners have made a financial contribution to the upgrade of the pavilion. The agreement and approach to the proposed lease to Old Melburnians Football Club was undertaken in accordance with the Leasing Policy 2008 and Council statutory obligations under the Local Government Act 1989.

The submitter also raised a concern regarding a conflict of interest regarding a Board Member of VAFA. There is no conflict of interest given he Board Member of VAFA is not on Council and therefore not part of the decision making process.

Support Attachments

1. Submission - Associate Professor Susan Carden - Proposed Lease of Elsternwick Park Oval No 1 to Old Melburnians FC 0
April 5, 2018

Proposed Lease -
The Old Melbourne Football Club FOL/17/509
Chief Executive Officer
Bayside City Council
PO Box 27
SANDRINGHAM VIC 3191

By Facsimile: 9598 4474

Dear Mr Rob,

I wish to make a submission regarding the Lease of Oval No. 1 at Elsternwick Park, Glenhuntly Road, Elsternwick.

Bayside City Council has given notice that it wishes to lease Oval No. 1 to the Old Melburnians as:

a. An annual rental of $353.00 inclusive of GST;

b. With annual increases of 5% or CPI whichever is greater;

c. For a term of twenty years (21) years; and

d. For the use of the ground and storage area and seasonal licence agreement to some related facilities and social spaces.

The Old Melburnians are part of the Victorian Amateur Football Association (VAFA) and I understand that they have been searching for a ground after being moved from St Kilda Junction.

The Old Melburnians are not a Bayside Sporting Club. Open space in Bayside is precious and sought after by many local ratepayers for both passive recreation and organised sport. It seems surprising that Bayside City Council is proposing to:

a. Lease a large oval to a non-Bayside sporting club; and

b. Lease that oval for a cost of less than a $100 per day.

At the Bayside City Council Meeting on March 28, 2018 Mrs Felicity Federico, a recent Mayor of Bayside, announced that she is now a Director of VAFA. I am hoping that the Council can reassure me that there has not been a conflict with this situation affecting the proposal.

I object to a non-local club being leased a large precious oval in our Municipality and at such a low monetary cost.

Yours sincerely

A/Prof Susan Carden
39 Burrows St, Brighton 3186
phone 0413 489 989
Minutes of the
Special Committee of Council Meeting
to hear submissions in relation to:
Special Committee of Council Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Wednesday 11 April 2018

The Meeting commenced at 7:00pm

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

Officers in attendance:
Steven White  Acting Chief Executive Officer
Bill Shanahan  Acting Director Corporate Services
Jason Stubbs  Manager Commercial Services
Mandy Bartlett  Governance Officer
### Table of Contents

1. Welcome and opening of the meeting
2. Apologies
3. Disclosure of any Conflict of Interest
4. Submissions
   - 4.1 Bayside Ratepayers Association - Submission: Notice of Intention to Lease Council Land Old Melburnians Football Club........3
   - 4.2 Associate Professor Susan Carden - Submission: Notice of Intention to Lease Council Land Old Melburnians Football Club........3
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   1. George Reynolds – Bayside Ratepayers Association
1. Welcome and opening of the meeting

2. Apologies
   
   There were no apologies submitted to the meeting.

3. Declarations of any Conflict of Interest
   
   There were no conflicts of interest submitted to the meeting.

4. Submissions

4.1 BAYSIDE RATEPAYERS ASSOCIATION - SUBMISSION: NOTICE OF INTENTION TO LEASE COUNCIL LAND OLD MELBURNIANS FOOTBALL CLUB

   Corporate Services - Commercial Services
   File No: PSF/18/98 – Doc No: DOC/18/72908

   It is recorded that Mr George Reynolds spoke for 11 minutes and 50 seconds in support of his submission.

   Moved: Cr Long                      Seconded: Cr Martin
   That the submissions in relation to the proposed lease of Council Land to Old Melburnians Football Club be received and noted.

   **CARRIED**

   Following consideration of all Submissions the Chairperson declared the meeting closed at 7:15pm.

   **CONFIRMED THIS INSERT 24 DAY OF APRIL 2018**

   **CHAIRPERSON: ..............................**
Executive summary

Purpose and background
The purpose of the report is to provide background on the level crossing removals at Park Road and Charman Road and the Cheltenham Activity Centre Structure Plan review developed by the City of Kingston.

The level crossings are to be removed by lowering the railway and Cheltenham station platforms into a ‘trench’. This provides an opportunity to create a ‘deck’ over the trench so that a site is available for development, providing opportunities for the provision of public open space, increase connectivity and enhancement of the public realm. Kingston and the LXRA are exploring options for what a development might involve.

The current municipal boundary is the centreline of the railway corridor. Kingston has requested that Bayside considers relocating the municipal boundary to the western boundary of the railway corridor so that any development over the Cheltenham Station is located within one municipality and one Planning Scheme.

Key issues

Level Crossing Removal
The LXRA is progressing the level crossing removal works. The crossing will be a rail under road crossing and the Cheltenham Station platforms will be below the existing ground surface.

Property acquisitions have been completed to facilitate the crossing removal project.

The current LXRA program of works will see construction commencing in late 2018.

The LXRA has commissioned an urban design panel comprising a range of stakeholders and design experts, including representatives from Kingston and Bayside Council staff, urban design consultants, the State government architect and VicRoads. The urban design panel has established specific urban design requirements under which the project will be completed to ensure community expectations are met.

The urban design panel has considered how development over the railway land can be achieved to complement the activity centre to the east and Cheltenham Park to the west.

Cheltenham Structure Plan
Undesirable high intensity development proposals have been proposed for the recently reconstructed level crossings in Ormond as there is a lack of planning control over the railway land. In an attempt to maintain some control of future development at Cheltenham Station, Kingston City Council has developed a revised Structure Plan for the Cheltenham Activity Centre.

In early 2017 Kingston City Council resolved to undertake a review of the Cheltenham Structure Plan to influence the design outcomes associated with the State Government’s Level Crossing Removal Project.
Bayside Council officers have been engaged in the review of the structure plan through a reference group established by Kingston. The strategic objectives and strategies presented in the Cheltenham Structure Plan align with Bayside City Council’s objectives and strategies and aspirations for the area and include:

- Increasing the availability of parking;
- Enhancing pedestrian and cyclist access and movements;
- An appropriate interface for the railway land with Cheltenham Park and Cheltenham Cemetery; and
- Retention of heritage station buildings as utilised components in the redeveloped station.

In December 2017, Kingston adopted the Cheltenham Structure Plan Review which outlines the following key objectives:

- An expansive new open space connection providing a green link between the Charman Road Shopping Precinct and Cheltenham Park;
- The provision of up to an additional 150 car parking spaces for users of the centre within a consolidated decked and underground car park providing convenient access into the activity centre and the railway precinct;
- Future development opportunities above the rail corridor for a mix of uses (with possible supermarket) with a scale and form responsive to sensitive interfaces including Cheltenham Park, residential zoned land to the north-west and lower scale retail forms fronting Charman Road;
- An integrated bus interchange on Charman Road above the rail corridor providing seamless connectivity with the proposed new station entrance;
- A mixed use development opportunity (including a possible supermarket) on Council and privately owned land generally located between Station Road and Railway Road; and
- A centrally located and activated green public open space link between Station Road and Railway Road within a new higher density mixed use precinct.

In order to implement the vision of the Cheltenham Structure Plan Review an expansion of the Railway Precinct to include all the railway corridor land is proposed. This change includes land within the City of Bayside between Charman Road and Park Road. The Cheltenham station redevelopment will produce development opportunities above the railway trench to the south of Park Road.

The Structure Plan Review built form recommendations for the airspace above the railway corridor overlooking Cheltenham Park and Pioneer Cemetery, along the activity centre’s western edge, is of 14m (4 storey) at podium height that is well set back from the park boundary to accommodate required access and egress. Upper level development behind the podium level is proposed to be of a scale of up to 26m (8 storey).

Bayside Council officers have prepared 3 options to demonstrate built form transition options that seek to achieve a built form interface that is not imposing and is sympathetic to the highly sensitive Cheltenham Park interface. The opportunity to minimise the built form impacts on Cheltenham Park has been discussed with Kingston City Council and the LXRA. This involves reducing the interface built form height adjacent the Park and minimising overshadowing.

Three options for achieving this are shown in Attachment 1. The developable floor space over the rail trench and costs associated with constructing such a development are factors in determining the scale of any development. The LXRA has advised that any development proposals must be financially viable and the height and floor space is directly relevant to the financial viability to offset the costs of the infrastructure required to construct a development over the rail trench.
Municipal Boundary

The municipal boundary is the centreline of the railway corridor between Park Road and Charman Road. Half of the land that contains the railway is in Kingston and half is in Bayside. There is consideration to create developable area over the planned railway trench by constructing a deck. The application of a Structure Plan across municipal boundaries is not uncommon, however in its current form any development must respect, (and not straddle) the municipal boundaries, and this poses economic and design limitations if any future development was to occur over the planned rail trench. To enable such a development, the municipal boundary would need to be relocated to the western boundary of the current railway corridor land.

The municipal boundary realignment is a relatively simple process if the neighbouring Councils agree. If the Councils do not agree, the Minister for Local Government can convene a panel to consider a realignment and call for submissions. This arrangement provides an opportunity for Bayside to provide ‘conditions’ under which it would agree to a boundary realignment to facilitate development over the railway land.

During meetings with representatives of Kingston, it has been indicated that open space or other development contributions attributable to land that is currently within the Bayside municipality will be passed from Kingston to Bayside Council to support improvements in Cheltenham Park and other Bayside facilities that the future residents of the development would enjoy. Ongoing maintenance obligations should also be considered as part of any proposal to change the boundary.

Summary

To ensure that Cheltenham Park is protected from the impacts of adjacent built form, it is recommended that Council adopts a position that supports the development over the rail trench, as proposed by the revised Cheltenham Structure Plan, on the condition that the abutting built form responds to the following objectives and requirements:

- To ensure built form maximises the use of articulation and materiality, minimise overshadowing and provides for high quality architecture to the highest environmental standards.
- To ensure appropriate transition in heights with adjoining heritage place and Cheltenham Park.
- To maintain appropriate levels of solar access to Cheltenham Park and on proposed open spaces and the public realm.
- To ensure Cheltenham Park and the proposed adjacent shared path are provided with adequate surveillance through the provision of active adjacent uses and passive surveillance.
- To ensure new developments above the railway trench provides for separation between built form above podium level, allowing for visual breaks, solar and daylight access.
- To avoid unreasonable visual bulk of new development when viewed from Cheltenham Park by ensuring appropriate scale, from and articulation.
- To encourage the provision of green rooftops and balconies for the provision of open space.
- To maintain the continuity of the shared path along the interface with Cheltenham Park.
- To minimise the number of vehicle access points to buildings and avoid vehicle crossing and entrances along the shared path.
• Where the site abuts the Cheltenham Park the minimum setback from the title boundary should be:
  o 5 metres at ground floor
  o 10 metres at 2nd floor
  o 15 metres at 4th floor

With a maximum podium built form height of up to two stories, 8 metres.
The proposed approach is illustrated in Option 3 of Attachment 1.

**Recommendation**
That Council writes to the Level Crossings Removal Authority and City of Kingston to advise that it:

1. Generally supports the intent of the Cheltenham Structure Plan and a municipal boundary change, subject to the following built form requirements at the Cheltenham Park interface:
   a. Minimum setbacks from the title boundary of:
      i. 5 metres at ground floor
      ii. 10 metres at 2nd floor
      iii. 15 metres at 4th floor
   b. Reduce the visual impacts of buildings on Cheltenham Park by:
      i. Creating a series of separate buildings and avoiding the creation of continuous wall of development.
      ii. Creating a podium height of no greater that 2 storeys, 8 metres along the Cheltenham Park interface.

2. Requires that a suitable financial agreement be constructed to address how open space contributions, development contributions and ongoing maintenance contributions are to be allocated as a result of a municipal boundary change.

**Support Attachments**
1. Attachment 1 - Cheltenham Park interface built form transition options

**Considerations and implications of recommendation**

**Liveable community**

**Social**
The Cheltenham Structure Plan review contains objectives and strategies in relation to land use, built, from access and movement, and the public realm that will guide development in the activity centre and are intended to influence the outcomes of the LXRA project. The provision of a transit oriented development will provide improvements to walking and cycling infrastructure and better connected open spaces.

**Natural Environment**
The Cheltenham Structure Plan Review considers how to protect and enhance biodiversity, how to respond to climate change and how to ensure new development is environmentally sustainable and incorporates vegetation and trees. The impact on Cheltenham Park as a result of the proposed future built form and the Centre’s growing population and reliance on Cheltenham Park for open space provision are key considerations for Council.
**Built Environment**

Activity Centres are identified as locations for future housing growth in both State and local planning policies. The Cheltenham Structure Plan review provides a framework to manage growth in the area and provide the planning controls to guide land use and built form outcomes through integrated land use planning.

**Customer Service and Community Engagement**

The LXRA has conducted an extensive community consultation process to inform its development proposals for the level crossing removals.

Kingston has conducted a community consultation exercise to inform the revised Cheltenham Activity Centre Structure Plan.

**Human Rights**

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

**Legal**

The process for a municipal boundary change is contained in the Local Government Act. Joint advice (Bayside and Kingston) has been received from Councils’ lawyers regarding the process of changing a municipal boundary.

**Finance**

If Council was to agree to a municipal boundary change, Kingston has indicated that it is agreeable to providing any open space or other development contributions attributable to land that is currently within the Bayside municipality to Bayside Council to support improvements in Cheltenham Park and other Bayside facilities that the future residents of the development would enjoy. Ongoing maintenance obligations should also be considered as part of any proposal to change the boundary.

**Links to Council policy and strategy**

**Bayside Housing Strategy 2012**

Bayside’s Residential Strategic Framework Plan identifies the area around the train station as a moderate residential growth area. The zoning of residential land located between Charman Road, Wetherall Road, Cheltenham Park and the primary school reflects this designation through the General Residential Zone.

**Bayside Integrated Transport Strategy 2013**

The *Bayside Integrated Transport Strategy* 2013 commits council to improving local accessibility, creating better public transport connections, creating user friendly streets, integrating transport and land use and improving perceptions of and enabling sustainable travel. The Southland and Pennydale Structure Plan provides an opportunity to improve walking and cycling in the area and to encourage more sustainable transport use.
10.5 MAJOR GRANTS 2018-2022

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/55477

Executive summary

Purpose and background

The purpose of this report is to review Council’s Major Grant Program prior to developing the next round of grants from 2018-2022. Council’s Major Grants are an investment in multi-purpose community centres that are accessible to all Bayside residents, meet the needs of the local community, and provide programs and activities that foster community cohesion and increase quality of life. Council’s Grants Policy is shown in Attachment 1.

Major Grants are used to support the activities and services of the organisation which are outlined in individual funding agreements between Council and the major grant recipient. The organisation may use the grant directly for service and program delivery or to assist with administration and operational costs.

Major Grants are offered for a four-year term, subject to review after two years and agreed outcome reporting and evaluation. The funding agreements for the current Major Grants will expire at the end of June 2018. Table 1 below outlines the six organisations currently receiving funding under the Major Grant Program.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Funding 2017/18</th>
<th>Services Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>BayCISS</td>
<td>$113,582</td>
<td>Information and referral; support programs; emergency relief; counselling and advice; and case management. BayCISS provides critical support services that are not provided by the other grant recipients.</td>
</tr>
<tr>
<td>Brighton Recreational Centre</td>
<td>$  58,558</td>
<td>Arts; childcare; languages; fitness and sport; education; holiday program; and hobbies.</td>
</tr>
<tr>
<td>Castlefield Community Centre</td>
<td>$  58,558</td>
<td>Arts; childcare; languages; fitness; education; playgroup; hobbies; and support groups.</td>
</tr>
<tr>
<td>Hampton Community Centre</td>
<td>$  58,558</td>
<td>Arts; languages; fitness; education; playgroup; holiday program; hobbies; and support groups.</td>
</tr>
<tr>
<td>Highett Neighbourhood Community House</td>
<td>$  58,558</td>
<td>Arts; languages; fitness; education; playgroup; hobbies; and support groups.</td>
</tr>
<tr>
<td>Sandybeach Centre</td>
<td>$  58,558</td>
<td>Arts; childcare; languages; fitness; education; holiday program; hobbies; job skills and support groups.</td>
</tr>
</tbody>
</table>

Total Major Grant Funding 2017/18 $406,372
Key issues

Mid-Term Review

In 2016 a mid-term review was conducted for all major grant recipients to determine:

- if the requirements of the funding agreements had been met;
- service development challenges and opportunities; and
- how current and future funding agreements may be improved to better meet the needs of Council and the major grant recipients.

Generally all requirements were being met, however, it was apparent that the funding agreements needed to be strengthened and updated to accurately reflect the current level of service provision and ensure detailed reporting to Council. Key recommendations of the report are reflected in the proposed changes to the funding agreements. Other additional work that has been completed or is currently in progress includes:

- Development of Major Grant Guidelines;
- Increased promotion of Community Centres and Neighbourhood Houses;
- Introduction of online application and acquittal processes; and
- Exploration of facility improvements at Brighton Recreational Centre and Hampton Community Centre.

Request for additional funding - Highett Neighbourhood Community House

Council has received a request for additional funding from Highett Neighbourhood Community House (HNCH). HNCH has requested an increase in funding of 10% over the next four years. The previous Major Grants (2014-2018) increased by CPI. HNCH has requested an increase in funding due to an expanding demand for services, currently attracting over 28,000 visits per year.

The range of funding provided by local governments to Neighbourhood Houses in Victoria in 2016 is depicted in Table 2. The average grant provided throughout Victoria was $25,000; however, within Metropolitan regions it was higher at an average of $32,000. This rate is likely to have increased with CPI however it is reasonable to conclude that Council provides grants that are significantly higher than the state average.

<table>
<thead>
<tr>
<th>Range</th>
<th>No. Victorian Neighbourhood Houses receiving range (2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500 - $5000</td>
<td>66</td>
</tr>
<tr>
<td>$5001 - $10,000</td>
<td>17</td>
</tr>
<tr>
<td>$10,001 - $25,000</td>
<td>82</td>
</tr>
<tr>
<td>$25,001 - $50,000</td>
<td>66</td>
</tr>
<tr>
<td>$50,001 - $75,000</td>
<td>31</td>
</tr>
<tr>
<td>$75,001 - $100,000</td>
<td>8</td>
</tr>
<tr>
<td>&gt;$100,000</td>
<td>1</td>
</tr>
</tbody>
</table>

Future Funding Levels

It is recommend that the level of funding for the Major Grant Program remains consistent and increases by CPI for the next four years (Table 3). This recommendation recognises the current level of funding that Council provides is above the Victorian average and the differing nature of BayCISS compared to the other major grant recipients.
### Changes to funding agreements

Based on the recommendations of the mid-term review and discussions with Major Grant recipient organisations, the following changes to the funding agreements are recommended:

- Major Grant applications are completed through the online SmartyGrants system.
- Major Grant recipients are required to complete an annual online acquittal form through the SmartyGrants system, including information concerning:
  - participant numbers;
  - current programs and services; and
  - a description of how the organisation is addressing the goals and objectives of Council’s Wellbeing for All Ages and Abilities Strategy.
- Major Grant recipients are required to provide copies of financial reports, current insurance and constitutions.
- Where possible, funding is provided to Major Grant recipients annually (currently bi-annually). This will minimise administrative work for both Council and grant recipients.
- Funding is not provided until the recipients have successfully completed their acquittals.

### Recommendation

That Council:

1. Maintains the Major Grants Program at current funding levels and increases by CPI for the next four years; and
2. Authorises the Director Environment, Recreation and Infrastructure to update funding agreements based on the recommendations from the mid-term review and sign agreements with successful applicants.

### Support Attachments

Considerations and implications of recommendation

Liveable community

Social
Council’s Major Grants are an investment in multi-purpose community centres that are accessible to all Bayside residents, meet the needs of the local community, and provide programs and activities that foster community cohesion and increase quality of life.

The BayCISS Major Grant is utilised for the provision of vital support services for families and individuals. All other Major Grants are utilised for learning, recreational and social activities.

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

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

Customer Service and Community Engagement
Current Major Grant recipients have been actively engaged in the development of the draft Funding Agreement (2018-2022).

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 funding agreements are a legal agreement made between Council and the Major Grant recipient. The agreement may be terminated or suspended, following consultation between Council and the recipient in the event that there is a breach of any of terms and conditions of the agreement that is not remedied following investigation and advice.

Finance
Major Grant funding requirements have been considered in the preparation of the 2018/19 Council Budget. There is no proposed change to the funding levels, other than CPI, from the 2017/18 Budget.

Links to Council policy and strategy
The provision of Major Grants assists Council to achieve:
- Goal 7 of the Council Plan (2017-2021) “Bayside’s community will be supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstance or physical ability”.
- Objective 1.2 of the Wellbeing for All Ages and Abilities Strategy (2017-2021) “Support opportunities that build social networks and community connections”.
- Community aspiration in the Community Plan (2025) “By 2025, members of Bayside’s community will feel supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstances or physical ability”.

Item 10.5 – Reports by the Organisation
1. **Policy Intent**
   
The Council Grants Policy (Policy) provides a robust and transparent framework for the grants program through which Council provides direct financial assistance:
   
   - to community groups to assist them in providing accessible activities and services that strengthen community capacity, increase the overall quality of life of people in the community, foster community cohesion and meet community needs; and
   
   - to individuals to provide support in times of crisis and to take up opportunities.

2. **Purpose/Objective**

   The Policy supports achievement of the purpose outlined in the Council Plan "to work with our community to make Bayside a better place" and the goals and objectives identified in the Bayside Wellbeing for All Ages and Abilities Strategy 2013-2017.

   The objectives of the Council grants program are:
   
   - To assist community organisations to establish, extend and improve programs and services that address local needs, and are not provided by any tier of government or the private sector. (This does not preclude grants for organisations such as kindergartens where the grant is for projects that will not attract Federal or State government funding);
   
   - To encourage voluntary activity, community participation and the contribution of local groups and organisations to community life;
   
   - To promote community development and build social capital;
   
   - To encourage innovative approaches to emerging issues and needs;
   
   - To invest in community capacity to operate multi-purpose community centres that are accessible to residents throughout Bayside; and
   
   - To respond to community and individual needs in times of crisis.

   The human rights implications of this Policy have been properly considered and the Policy has been found to comply with Charter of Human Rights and Responsibilities Act 2006 (Vic)
3. Scope
The Policy applies to direct financial assistance provided by Council to support community initiatives, to invest in organisational capacity of community groups, and to support individuals in certain circumstances.

The Policy does not apply to indirect support such as provision of buildings, land or facilities, in-kind support, or assistance from Council staff.

The Policy does not apply to payments to organisations for delivery of specified services on behalf of Council, which are subject to the Procurement Policy.

The Policy does not apply to sponsorship by Council of festivals and events.

4. Roles & Responsibilities
Council will be responsible for approving grants except for grants approved by the Manager Recreation, Events and Community Partnerships and the Director Corporate Services, in accordance with guidelines, under stream C.

The Director Corporate Services will approve guidelines for grants assessment and administration.

The Grants Officer will administer the grants program and provide advice on the Policy.

In implementing this Policy, Councillors and Council staff must comply with the Governance Code - Councillors Code of Conduct 2009 and the Local Government Act 1989 Section 80B (where applicable).

Councillors and Council staff must not participate in any action or matter associated with the arrangement of a grant (i.e. evaluation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in an organisation that is a grant applicant. The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

5. Monitoring, evaluation & review
Grants will be subject to acquittal and reporting on outputs and outcomes by grant recipients, except for confidential hardship payments.

Details of grants will be available for inspection as required by the Local Government (General) Regulations (2004).

Annual reports will be provided to Council that summarise the outcomes of the grants program and evaluate the success of each funding stream in achieving the program objectives.

This Policy will be reviewed in 2020.

6. Policy statement
Council will provide financial support to community groups that undertake activities and services that benefit the community and to individuals in particular circumstances in line with the objectives of this Policy.

Three main streams of funding will be provided:
A. Annual Community Grants
B. Major Grants
C. Contingency Grants
Total amounts allocated to each funding stream will be determined annually in the Council budget. Guidelines for assessment and administration of the funding streams will be made available to applicants.

All grant amounts payable under this Policy are exclusive of goods and services tax (GST). Where the Australian Taxation Office regards a grant payment as subject to the GST, and the grant is made to an organisation that is registered or required to be registered for GST, 10% GST will be added to the grant payment.

A. Annual Community Grants

Annual Community Grants are made to support initiatives proposed by community groups, which strengthen and enrich community life through providing an improved range of leisure, cultural, community development, environmental, health, education, sporting and welfare programs and activities.

Grants of up to a maximum amount ($5,000 in 2016) will be made following an open application process, subject to guidelines and assessment criteria that are reviewed annually and publicised widely.

Grants under this stream are made to organisations not to individuals. An applicant must be a not-for-profit incorporated organisation, or be auspiced by an organisation that is incorporated and able to manage the grant on behalf of the applicant.

Applicants must have a membership that is wholly or significantly made up of people who are Bayside residents or ratepayers, and/or the grant proposal must be for a program, project or event that significantly benefits the Bayside community.

Applicants will be required to set out details of the proposal and how it benefits Bayside residents and meets the requirements of this Policy and the criteria outlined in the guidelines. Applications will be called for in March/April each year for payment in the following financial year. Funded projects must be carried out in the financial year in which payment is made.

Applications will be evaluated against the criteria contained in the guidelines and rated by Council officers on:

- Evidence of need;
- Fit with Council's policies and priorities, particularly the Wellbeing for All Ages and Abilities Strategy 2013-2017;
- Community involvement and inclusion;
- Equity and access for the community;
- Environmental sustainability; and
- Overall expected benefits.

Council will determine the distribution of annual grants from the budgeted allocation following the assessment by Council officers.

Grants under this stream will not be made for:

- ongoing core operational costs such as salaries, training, facility maintenance, insurance, rent, utilities, infrastructure, capital projects and rubbish removal etc;
- initiatives that receive significant funding from another funding agency or are the responsibility of State or Federal government;
- fundraising for or by philanthropic foundations or charities;
- activities that form part of a school's curricular or extracurricular program; and
• organisations which have an outstanding debt to Council or have not satisfactorily acquitted a previous grant.

Successful applicants will be required to report to Council on expenditure of the grant, the achievement of the grant’s purpose and the benefit to the community. Details of funded programs will be published on Council’s web site and in the annual report, and may be included in other Council publications and communications.

B. Major Grants

Major Grants are an investment in multi-purpose community centres that are accessible to all Bayside residents, meet the needs of the local community, and provide programs and activities that foster community cohesion and increase the quality of life.

These grants will generally be offered for a four-year term, subject to review after two years and agreed outcome reporting and evaluation, except that a shorter period of funding may be offered in some circumstances.

In order to attract funding under this grant stream, an organisation must be an incorporated, not-for-profit community organisation and must:

• Manage and operate a community centre in an agreed location providing diverse services that may include leisure, education, cultural, recreational and social support programs, volunteer resourcing, or information and support services, that meet identified needs of Bayside residents;
• Develop new programs and services to meet emerging community needs;
• Attract additional funding from other sources, such as other levels of government and user fees, to ensure that the Council contribution is not the majority of its annual income;
• Maintain effective governance, management and accounting frameworks, with reports provided to Council on finances and activities annually and on request; and
• Enter into a funding agreement with Council and meet the obligations contained in the agreement including reporting on activities, participant numbers and on evaluation of programs and services and their benefit to the Bayside community.

C. Contingency Grants

This funding stream provides flexibility to make donations at any time to build individual and community capacity and to respond to hardship and crisis. Purposes that may be funded under this stream include:

• Individuals or families in financial crisis may receive assistance for purposes not covered by other state or federal government grant or subsidy programs. This may include education, medical needs, social supports, opportunity to represent their state or country internationally, in significant sporting competitions, cultural or civic events;
• Donations to fundraising appeals by local groups and for major national or international issues such as natural disasters;
• Small grants for Bayside events and festivals run by and for the benefit of not-for-profit groups; and
• New program or service initiatives requiring seed funding to establish their viability and attract alternate funding sources.

Application forms and guidelines on eligibility will be publicised on Council’s web site.

Council officers will assess applications and proposals under this stream for recommendation to the Manager Recreation, Events and Community Partnerships, who will approve grants in line with financial delegation (up to $25,000). Grants over $25,000 will be referred to the Director Corporate Services for approval.
7. Related documents

<table>
<thead>
<tr>
<th>Strategies</th>
<th>Wellbeing for All Ages and Abilities Strategy 2013-2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guidelines*</td>
<td>Annual Community Grants Guidelines</td>
</tr>
<tr>
<td></td>
<td>Contingency Grant Guideline</td>
</tr>
<tr>
<td></td>
<td>Major Grants Guideline</td>
</tr>
<tr>
<td></td>
<td>Individuals or Families in Hardship Contingency Grant</td>
</tr>
<tr>
<td></td>
<td>Guideline</td>
</tr>
<tr>
<td></td>
<td>Acquittal of Council Grants Procedure</td>
</tr>
<tr>
<td>Legislation</td>
<td>Local Government Act (Vic) 1989</td>
</tr>
</tbody>
</table>

*Guidelines will be updated annually (for Annual Community Grants stream) or as relevant and made available to community members

8. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community organisation</td>
<td>A community organisation means a not-for-profit group of people formed for a common purpose. It includes incorporated associations, unincorporated associations, companies limited by guarantee, and co-operatives. Specific eligibility requirements for organisations are included within grant guidelines</td>
</tr>
<tr>
<td>GST</td>
<td>Goods and Services Tax</td>
</tr>
<tr>
<td>Peak sporting organisation*</td>
<td>A sports governing body or affiliate organisation that is recognised by the Australian Sports Commission</td>
</tr>
</tbody>
</table>

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

Purpose and background

The purpose of this report is to present a feasibility assessment of a trial of a Council funded commuter shuttle bus service to transport Bayside commuters to/from a train station within the municipality. The report recommends not to fund this trial, given that the State government is responsible for funding public transport services.

At the Ordinary Meeting of Council on 20 February 2018, Council resolved the following Notice of Motion (266):

That Council, given the shortage of car parking available to commuters seeking to drive to a railway station, receives a report at its April 2018 meeting on the feasibility of Council conducting a trial of a Council funded shuttle bus service around one of Bayside’s railway stations to transport Bayside commuters to the railway station from specified ‘shuttle bus stops’ located no greater than 800m (10 minute walk) from the railway station and the report to include:

- Identification of the station with the greatest parking demand and poorest public bus service; Identification of a trial area;
- Identification of a trial shuttle bus route;
- Consideration of operating times, nominally 6.30am – 9.00am and 4.00pm – 6.30 pm on weekdays;
- Consideration of service frequencies; and
- Consideration of the length of the trial and costs involved in providing a shuttle bus service.

Attachment 1 provides a summary of the feasibility assessment on this matter.

Council has an adopted Public Transport Advocacy Statement (2016) and is currently reviewing its Integrated Transport Strategy. These documents are focused on improving public transport opportunities for Bayside residents and do not include any actions for Council to provide public transport services.

Key issues

This investigation has revealed the following issues:

Cost Shifting - Public Transport
Council’s responsibility to provide access to the public transport network involves ensuring that the footpath and the local road networks are in a safe condition for residents to either walk, cycle or drive to a public transport service. The transportation of passengers by a bus to a train station is the explicit responsibility of Public Transport Victoria under the Bus Services Act 1995 through designated bus services which passengers pay to use. A decision to introduce a Council-funded commuter shuttle bus service to transport residents to a train station would essentially mean that Council is adopting a service that is a State government responsibility at the expense of Bayside residents. The introduction of such a service would be expected to undermine Council’s transport advocacy activities associated with seeking improvements to both bus/rail connectivity and commuter parking provision within the municipality by the State government.
Demand for a Commuter Shuttle Bus Service
Whilst the introduction of a commuter shuttle bus service is expected to improve access to the rail network for residents and also reduce the need of some Bayside residents to drive to a train station, the demand for such a service within the community is unknown.

Examples of Council-Funded Bus Services
Although most Councils do not operate bus passenger services, some have chosen to provide such services to provide improved access to key community services for residents rather than to directly support the public transport network. The information below provides details of some of these examples:

- The City of Port Phillip Council runs a free community bus for residents to use. The service has been designed to provide access to key services within the municipality, including libraries, shopping centres, medical centres and community centres. The service has not specifically been designed to transport residents to/from local train stations, although some residents do use the bus service for this purpose. The Council runs two 18 seat mini buses. Whilst The City of Port Phillip did not provide any information on the operational costs of the service, it was confirmed that approximately 90% of the costs are rate payer funded with the remaining 10% funded through a State government grant. The City of Port Phillip was unable to provide any data on the number of passengers;

- The City of Greater Dandenong Council ran a free city shuttle bus between 2006 – 2016, which served the Dandenong shopping district, market, railway station and hospital. Data from the City of Greater Dandenong Council revealed that at the peak of the service between 2007 – 2011, 160 passengers used the shuttle bus daily. Between September 2014 and July 2015, usage dropped to an average of 68 passengers per day. Whilst patronage dropped, the cost of delivering the service continued to increase significantly, with the cost of providing the service estimated at $2.25 per passenger trip in 2012, increasing to $4.58 in 2015. The free city shuttle bus service ceased operation in March 2016 due to the increasing cost of delivering the service and declining patronage; and

- Fairfield City Council in New South Wales introduced a free City Connect bus service in February 2015 to assist residents travelling to/from Fairfield City Centre and Cabramatta. The bus service runs every weekday (except on a Tuesday) and operates a different route on each of these days.

It should be noted that the three community bus services outlined above are aimed at enabling community members with limited transport options to access key community services. The intent of directly supporting the public transport service suggested by this Notice of Motion is to reduce private car travel to railway stations by train commuters.

Recommendation
That Council:

1. notes the feasibility assessment undertaken and does not fund a commuter shuttle bus service trial given that Public Transport Victoria is the State government agency responsible for public transport; and

2. continues to advocate for improvements as outlined in the Public Transport Advocacy Statement adopted on 21 June 2016.
Support Attachments
1. Attachment 1 - Commuter Shuttle Bus

Considerations and implications of recommendation

Liveable community

Social
Public transport, including bus services to train stations and the provision of commuter parking at train stations is the responsibility of the State government. A well-connected and efficient public transport system provides improved access to key services and amenities as well as a viable alternative for people who either do not have access to a private vehicle or those who choose not to use a car as often as they might.

This feasibility analysis was aimed at assessing the need for providing train commuters who would usually drive to the station with an alternative Council provided bus service.

Natural Environment
Encouraging more short trips to be undertaken by public transport and reducing reliance on private vehicles will reduce greenhouse gas emissions. However, such a service is the responsibility of other agencies, as discussed earlier in this report.

Built Environment
A Council-funded commuter shuttle bus would require its own separate bus stops as only buses operated under a Public Transport Victoria (PTV) service contract can utilise existing PTV bus stops. This would result in the loss of some on-street parking at those locations where a commuter shuttle bus stop would be required.

Customer Service and Community Engagement
Community engagement activities undertaken as part of the development of the draft Integrated Transport Strategy 2018 – 2028, identified limited bus service frequencies and circuitous routes within Bayside as the most pressing transport issue within Bayside.

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
It is a legislative requirement that a regular bus service for which each passenger is charged a separate fare can only operate under a Public Transport Victoria (PTV) service contract. Under the Bus Services Act 1995, it is an offence to operate or offer a regular bus service without a bus service contract. Essentially, this means that PTV determines where and when bus services, which passengers pay to use, can operate within Victoria. A Council-funded commuter shuttle bus service providing a free service to residents, would not require a bus service contract to operate within the municipality and would not contravene any existing public transport legislation.
Finance

The cost of hiring a private company to operate a commuter shuttle bus service between 6.30 – 9.00am and 4.00 – 7.00pm, including a uniformed driver, would be $790 per day or $205,400 per year. There is no funding contained within existing budgets to cover the cost of hiring a commuter shuttle bus service. The cost of utilising the existing leased Council minibuses (option 2 discussed below) would be approximately $700 per week or $36,400 per year. Providing a regular bus service is a State government responsibility. Council’s role is to advocate and influence the State government to provide improved service provision where required. Any change to this approach would need to consider the financial implications associated with any proposals.

Links to Council policy and strategy

A key aim of the Bayside Integrated Transport Strategy (2013) is to reduce reliance on private vehicle trips within Bayside by encouraging more short trips to be undertaken by walking, cycling or public transport. Council will continue to advocate to the State government for improvements to both bus/rail connectivity and commuter parking provision within the municipality. The introduction of a Council funded commuter shuttle bus service is not aligned with Council policy.

The provision of commuter car parking at train stations is a State government responsibility. Whilst some commuter car parking is provided at train stations, there is a deficiency in the level of parking available with most commuter car parks typically full before 7.30am on a weekday. This forces commuters to seek alternative parking in and around residential streets impacting on residential amenity. Council has had an ongoing campaign as part of its Public Transport Advocacy Statement regarding the lack of commuter parking with previous approaches to the Minister for Public Transport, local members of parliament and Public Transport Victoria. To date, the responses of successive State governments on this issue have been disappointing.

Options considered

Option 1 - Recommended

| Summary | That Council does not fund a commuter shuttle bus service trial given that Public Transport Victoria is the State government agency responsible for the delivery of bus services across Victoria. |
| Benefits | The role of providing a regular bus passenger service will remain a State government responsibility. Council’s advocacy approach for improved bus services within the municipality and improved commuter parking provision at train stations will not be undermined. |
| Issues | Residents will be reliant on walking, cycling and existing public transport services as an alternative to a private vehicle when accessing a train station within the municipality. |
Option 2 – Not recommended

<table>
<thead>
<tr>
<th>Summary</th>
<th>That Council conducts a 3-month trial of a commuter shuttle bus service to serve Sandringham Station using the two mini buses managed by the Community Services Department as outlined in Attachment 1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The introduction of commuter shuttle bus service will provide an alternative transport option for a limited number of Bayside residents when accessing Sandringham train station.</td>
</tr>
<tr>
<td>Issues</td>
<td>A Council funded shuttle bus would be expected to undermine Council’s transport advocacy activities associated with seeking improvements to both bus/rail connectivity and commuter parking provision within the municipality by the State government. Whilst some residents may choose to use the commuter shuttle bus service to access Sandringham Station, it is anticipated that this will have little impact on reducing the demand for commuter parking provision at Sandringham Station. The cost of this service, operating 6.30am – 9.00am and 4.00 – 6.30pm would be $700 per week or $36,400 per year for a driver and fuel and the buses would not be available for other community purposes at these times.</td>
</tr>
</tbody>
</table>
Council Funded Commuter Shuttle Bus Service Feasibility

Identification of the station with the greatest parking demand

Commuter Parking Demand

As the responsibility for commuter parking rests with the State government, Council does not collect data regarding commuter parking demand. However, as car parking at most stations is fully occupied by 7.30am on a week day, it is assumed that demand outstrips supply. The shortfall of commuter parking means that commuters unable to park at a train station will look for available on-street parking in residential streets within the vicinity of train stations, often impacting on the local amenity of residents.

Public Transport Victoria (PTV) has no specific data available regarding commuter parking demand at train stations within Bayside. However, PTV data from 2011/12 identifies the mode of passenger access to train stations. Although this data is not current, it has been used to determine the ratio of car drivers accessing a train station in comparison to the number of available car parking spaces at each station. It is assumed that the demand for commuter parking at train stations has increased since 2011/12 given that the level of vehicle ownership within Bayside has increased during this period and the level of commuter parking provision at each train station on the Sandringham line has not increased. Table 1 outlines this information.

Table 1: Demand for train station parking versus available parking spaces (PTV 2012)

<table>
<thead>
<tr>
<th>Train Station</th>
<th>No. of passengers driving to station</th>
<th>No. of available car parking spaces</th>
<th>Approximate unmet demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandringham Station</td>
<td>892</td>
<td>108</td>
<td>+784</td>
</tr>
<tr>
<td>Hampton Station</td>
<td>316</td>
<td>167</td>
<td>+149</td>
</tr>
<tr>
<td>Brighton Beach Station</td>
<td>878</td>
<td>170</td>
<td>+708</td>
</tr>
<tr>
<td>Middle Brighton Station</td>
<td>383</td>
<td>120</td>
<td>+263</td>
</tr>
<tr>
<td>North Brighton Station</td>
<td>879</td>
<td>105</td>
<td>+774</td>
</tr>
<tr>
<td>Gardenvale</td>
<td>220</td>
<td>0</td>
<td>+220</td>
</tr>
</tbody>
</table>

With the implementation of a single fare zone in January 2015, more people have chosen to commute from zone 2 stations, mainly Hampton and Sandringham stations on the Sandringham line, rather than seeking to travel from a zone 1 station. Whilst this means there is a greater capacity for walking, cycling or catching the bus from home to the station, an increasing number of commuters are choosing to drive to their local station. In turn, this has led to an increase in the demand for commuter car parking close to Hampton and Sandringham stations.

Additionally, during the level crossing removal works on the Frankston line at Bentleigh, McKinnon and Ormond Stations in 2016, further pressure was placed on the already constrained supply of commuter parking close to the Sandringham line as commuters who would normally use the Frankston line sought to avoid the service disruptions by changing to the Sandringham line.

Both of these events resulted in an influx of complaints to Council from residents and commuters regarding parking within the vicinity of Sandringham Station.
Bus/Rail Connectivity

Table 2 (below) identifies those bus services that serve train stations on the Sandringham line. The train stations that are least accessible by bus are Brighton Beach and Gardenvale Stations. However, given the low frequency of route 216, Brighton Beach Station is considered to be the least accessible station by bus.

Table 2: Bus services serving train stations on the Sandringham line

<table>
<thead>
<tr>
<th>Train Station</th>
<th>Bus Services Serving the Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandringham Station</td>
<td>600, 622, 922 and 923</td>
</tr>
<tr>
<td>Hampton Station</td>
<td>708, 828 and 922</td>
</tr>
<tr>
<td>Brighton Beach Station</td>
<td>216</td>
</tr>
<tr>
<td>Middle Brighton Station</td>
<td>626, 703, 922, 811, 812 and 922</td>
</tr>
<tr>
<td>North Brighton Station</td>
<td>219, 626, 703, 823 and 922</td>
</tr>
<tr>
<td>Gardenvale</td>
<td>630</td>
</tr>
</tbody>
</table>

In light of the available information, Sandringham Station has been identified as the station with the greatest parking demand given the available data on the demand for parking versus available parking spaces at train stations on the Sandringham line and complaints received from residents and commuters regarding parking within the vicinity of Sandringham Station.

Identification of a trial area shuttle bus route

The Bay Road corridor has been identified as the proposed trial area for the shuttle bus route. With the increase in multi-unit developments along the Bay Road corridor and the existing residential areas within the vicinity of Bay Road, this will provide a large catchment area for the shuttle bus trial. The proposed route of the shuttle bus is identified in Appendix A of this attachment.

Whilst part of the Bay Road corridor between Jack Road and Sandringham Station is served by the 822 bus service, it only operates on a 30 minute frequency which is considered too infrequent to make the bus service a realistic and attractive transport option for local residents to utilise as a reliable alternative to a private vehicle to travel from/to Sandringham Station. The shuttle bus trial will complement the 822 bus service.

The trial area has been identified to minimise using local residential street streets as some residents may be unhappy with mini-buses using these streets as part of a circuitous route.

Operating times, nominally 6.30am – 9.00am and 4.00pm – 6.30 pm on weekdays

It is proposed that the shuttle bus will operate between 6.30am and 9am during the morning peak and 4.30pm and 7pm during the evening peak. The minor change to the operating time in the evening peak is to allow additional time for commuters working in the CBD, who work later than 5pm, with an opportunity to utilise the shuttle bus service on their return to Sandringham Station.

Service Frequencies

It is estimated that the proposed route of the trial area (one way) will take approximately 15 minutes to complete, subject to traffic conditions. If one mini bus is utilised as part of the trial then the shuttle bus service frequency will be every 30 minutes. Alternatively, if two mini-buses are utilised then the shuttle bus service frequency will be every 15 minutes. A 15
minute service frequency is recommended for the trial. This is in addition to the 822 bus service which operates at a 30 minute frequency.

**Length of the trial**

It is proposed that a 3-month trial of a commuter shuttle bus service is undertaken. An evaluation of the trial should be undertaken at the end of the 3 month period.

**Financial implications**

**Option 1 – Utilisation of existing leased Council mini-buses**

Council currently leases two mini buses for a community transport service capable of accommodating 12 passengers per vehicle. If these mini buses are utilised as part of a trial then the operational costs of the vehicles will be funded through an existing budget, with the exception of paying the costs associated with hiring a driver. It is anticipated the cost of hiring a casual mini bus driver would be approximately $700 per week or $36,400 per year. The Community Services department has confirmed that the two mini buses could be utilised during the proposed operating times of the shuttle bus service trial without compromising the existing service commitments.

**Option 2 – Hiring a private company to operate a community shuttle bus**

The cost of hiring a private company to operate is commuter shuttle bus service, including a uniformed driver, would be $750 per day or $205,000 per year. There is no funding contained within existing budgets to cover the cost of hiring a commuter shuttle bus service.

**Other issues to be considered**

There are a number of other issues associated with establishing a commuter shuttle bus service that would need to be addressed. Commuter shuttle bus was trialled within Bayside. A summary of these issues are outlined below:

- Ensuring the shuttle bus is fully accessible for wheelchair users;
- Potential resident objections to a shuttle bus stop outside their property;
- Increased parking demand in those streets within the vicinity of a shuttle bus stop;
- Ensuring that those passengers using the shuttle bus service are Bayside residents;
- The risk of non-commuters utilising the shuttle bus to access services and amenities other than a train station;
- Managing the limited number of seats on the shuttle bus should the demand for the service be over-subscribed; and
- Community demand to retain the trialled service and extend the service to other parts of the municipality.

**Summary**

- Public Transport Victoria provides public bus services;
- Council’s role in public transport is to advocate for better bus services;
- It is expected that a limited number of people would benefit from the trial;
- The trial is focused on providing transport for people who already have access to a car; and
- There is no funding contained within existing budgets to cover the cost of a trial.
Appendix A – Proposed Commuter Shuttle Bus Route

30 min travelling time based on one continuous loop of the route.
Two mini buses operating the route will provide a 15 minute service frequency.

Potential commuter shuttle bus stops
10.7 RESPONSE TO NOTICE OF MOTION - 267 - BICYCLE REPAIR/SERVICE STATIONS

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/18/108 – Doc No: DOC/18/69180

Executive summary

Purpose and background

The purpose of this report is to present the findings of an investigation into the feasibility of providing bicycle repair stations at a number of locations adjacent to the Bay Trail and other bike paths within Bayside.

At the Ordinary Meeting of Council on 20 February 2018, Notice of Motion 267 was considered and Council resolved the following:

‘That Council receives a report at its April 2018 meeting on the implications and costs of providing bicycle repair/service stations (incorporating a hand operated tyre pump, various tools for the repair of bikes and a water fountain) at a number of locations adjacent to the Bay Trail and other bike paths within Bayside.’

Council does not currently provide bicycle repair stations along the Bay Trail or other shared paths, nor is this a priority action within Council’s current Bicycle Strategy. This is based on the assumption that the demand for bicycle repairs is met by the several bicycle shops located along Beach Road and at nearby activity centres. Another assumption is that bicycles can break down anywhere and the likelihood of a user coming across a bicycle maintenance station when needed is low.

Many cyclists carry their own basic tool kits, personal tyre pump and tyre repair kits for breakdown purposes. Furthermore, the RACV also offers a Bike Assist service, similar in the way that it provides roadside assistance to drivers, at the cost of $51 per year which includes:

- 8 callouts in any subscription year;
- On-site assistance to fix a flat tyre; and
- A taxi to the riders choice of destination (up to the value of $50) if the bicycle cannot be repaired.

However, bicycle repair stations would be beneficial for minor maintenance activities in areas where there are high numbers of cyclists that congregate.

Key issues

Information regarding the typical bicycle repair tools, bicycle repair station usage, supply and installation costs and maintenance requirements has been obtained from a number of Councils who already provide bicycle repair stations. This information is documented below.

Bicycle Repair Station Facilities

A typical bicycle repair station consists of a range of tools that can be used to maintain and repair a bike as well as a bicycle pump. The tools and bicycle pump are securely attached to a main pedestal by a retractable cable. Bicycle repair stations currently available do not provide drinking water facilities. As such, a stand-alone drinking fountain would be required if drinking water was to be incorporated with a bicycle repair station.
Usage of Existing Bicycle Repair Stations

Research into the level of utilisation of such facilities provided by Moonee Valley, Maribyrnong, Boroondara and Darebin City Councils was conducted as part of this investigation. It was found that these Councils have no measures in place to monitor the number of cyclists utilising these facilities, with each Council also acknowledging that it is difficult to collect such information. However, positive feedback had been received from users and residents who had utilised the bicycle repair stations.

Cost and Maintenance

A typical commercially available custom branded bicycle repair station costs approximately $6,500 per unit (including installation) and will require regular maintenance at an annual cost of $300. Additionally, Moonee Valley, Maribyrnong, Boroondara and Darebin City Councils have all advised that the bicycle service stations are occasionally prone to vandalism and theft of tools.

Drinking Fountains

The cost of a drinking fountain unit ranges between $3,350 and $6,000. The typical installation costs associated with a drinking fountain can range between $3,000 and up to $15,000 dependant on the location of the nearest water supply.

The need for bicycle repair stations and the demand for this sort of infrastructure in Bayside has not been demonstrated by requests to date. However, to better support walking and cycling within the municipality, two bicycle service stations with drinking water provision could be installed and trialled along the Bay Trail. Those locations close to a nearby water supply will be considered in order to minimise installation costs. The Bay Trail has been identified as the preferred location for the trial bicycle repair stations. The locations will be determined having regard to those areas where high numbers of pedestrians and cyclists congregate. Locations to be considered will include Middle Brighton Baths and the Black Rock Foreshore.

Recommendation

That Council installs two bicycle repair stations with drinking water provision on the Bay Trail as part of the 2018/19 Active Transport Facility Improvement Program.

Support Attachments

1. Attachment 1 - Photo of a typical bicycle repair station

Considerations and implications of recommendation

Liveable community

Social

The provision of bicycle repair stations along the Bay Trail may improve amenities for the many pedestrians and cyclists that use the Bay Trail and assist in establishing an environment that is supportive of pedestrians and cyclists.

Natural Environment

A key aim of the Bayside Integrated Transport Strategy is to reduce reliance on private vehicle trips within Bayside by encouraging more short trips to be undertaken by walking and/or cycling. The provision of bicycle repair stations along the Bay Trail will better support the needs of pedestrians and cyclists and will assist in encouraging an uptake in these alternative travel modes. A reduction in private vehicle trips will reduce greenhouse gas emissions.
Built Environment
The introduction of bicycle repair stations will impact on the visual appearance of the foreshore along the Bay Trail. Consideration will need to be given to the proposed locations of the bicycle repair stations.

Customer Service and Community Engagement
Consultation has been undertaken with a number of Councils who already provide bicycle repair stations. However, no consultation with the Bayside Community has been undertaken as part of this report.

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

Legal
There are no legal impacts associated with this report.

Finance
The estimated costs associated with the installation of two bicycle repair stations with drinking water provision will be approximately $26,000. These costs could be met from the 2018/19 Active Transport Facility Program.

Links to Council policy and strategy
The Bayside Integrated Transport Strategy (2013), the Bayside Bicycle Strategy (2013) and the Bayside Walking Strategy (2015) prioritise walking and cycling as a convenient alternative to short vehicle trips in Bayside. The provision of bicycle repair stations with drinking water along the Bay Trail will provide improved supporting facilities for pedestrians and cyclists and would be aligned with Council policy.

Options considered
No other options were considered as part of this report.
10.8 RESPONSE TO NOTICE OF MOTION - 268 - SENIOR CITIZEN EXERCISE PARKS

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/18/106 – Doc No: DOC/18/48609

Executive summary

Purpose and background

At the 21 February 2018 Council meeting it was resolved:

“That Council, given the number of seniors in our municipality, its aim to keep our elderly residents in good health and a similar initiative that has been proposed in Canberra, receives a report at its April 2018 meeting on the feasibility of establishing separate activity areas for seniors in a number of Council’s reserves where seniors can maintain their mobility and fitness and the report to include:

- Consideration of the merits/demand of establishing senior exercise parks (playgrounds for seniors) in Bayside incorporating a number of different activities designed to keep seniors in good physical health;
- Identification of potential locations for playground equipment for seniors; including areas adjacent to existing playgrounds; and
- Consideration of the costs involved in establishing fitness (playground) equipment for seniors.”

The purpose of this report is to provide Council with the outcomes of investigations into the feasibility of establishing separate activity areas for seniors within Council’s open space reserves.

Key issues

Demand and merit for exercise parks

Bayside has an ageing population with the projected number of seniors (70 to 84) forecast to increase by 13.3 per cent by 2036. Council has 3.6 per cent of frail older adults in comparison to 1.6 per cent across greater Melbourne with life expectancy increasing, males now anticipated to reach 84 and females 87 years of age.

The demographic profile validates demand for infrastructure and programs that support older adults to achieve healthy ageing. There are a number of recreation providers and community groups addressing demand for physical activity in older adults. U3A in Brighton offer a strength training class and reports it does not currently meet demand, with a number of participants on a waiting list.

Regular physical activity provides people of all ages and abilities with physical, social, and mental health benefits while reducing the risks of premature mortality and chronic diseases. There has been a strong focus on research demonstrating the benefits of exercise for older adults in order to prevent falls, improve muscle strength, balance, and physical function.

Constructing intergenerational exercise parks and playgrounds would promote social inclusion within this demographic reducing the impact of ageing and isolation. Conversely, standalone senior exercise facilities would exclude intergenerational play and the social connections older adults can achieve through accompanying children in playgrounds. Community
Intergenerational activities was a strong theme identified through the Wellbeing for All Ages and Abilities Strategy 2017 - 2021.

Options for exercise parks

Three construction options have been identified for exercise parks including construction as standalone facilities in open space, co-located with complimentary services or integrated into playgrounds developed in regional open spaces.

Constructing standalone exercise parks will place additional strain on the supply of open space. These exercise parks are usually designed in conjunction with rehabilitation professionals specifically for older adults and focus on movement, dexterity, flexibility and balance. An open space facility would be unsupervised perhaps increasing the risk to Council as the intent of the designs is facilitated and supported exercise. Standalone facilities are not recommended.

Incorporating older adult exercise equipment into Seniors Centres within Bayside could be considered as part of future major facility upgrades. By including equipment within these centres, programing and assisted use of the equipment will result in the necessary use to achieve maximum return from investment. It is recommended older adult exercise equipment be considered during the planning of future major facility upgrades at Bayside Seniors Centres.

Council has six regional parks identified through the Playground Improvement Plan (2015) that aim to provide a diverse range of play opportunities and incorporate ancillary infrastructure to support residents and visitors. Regional parks are the ideal location to incorporate older adult exercise pieces within the playground to support intergenerational play, provide access to toilets and other ancillary facilities and minimise the loss of open space.

The Playground Improvement Plan (2015) has five of the six regional parks play spaces still to be designed and constructed. The first of these is Thomas Street Reserve, Hampton to be designed in 2019/20 that presents the ideal opportunity to incorporate older adult exercise equipment.

Costs to install equipment

The costs of installing older adult exercise equipment varies significantly subject to the type of equipment selected. Initial investigations indicate costs would range from $25,000 for basic equipment through to $100,000 for an extra-large park. These prices exclude soft fall and additional landscaping.

The costs for individual pieces start at approximately $2,500 and several pieces could be clustered in the design of regional park playgrounds.

Recommendation

That Council commits to include suitable exercise equipment for all abilities and ages including older adults, as part of future design elements in the six regional playgrounds in Bayside.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
Playgrounds are a valued community asset to improve social inclusion and connectedness. Intergenerational play has a number of benefits for multiple cohorts and encourages use of council playgrounds.

Natural Environment
The incorporation of older adult exercise equipment in regional parks would enhance the utilisation of open space by more users within the existing footprint.

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

Customer Service and Community Engagement
Internal consultation has occurred with the Community Services Department. Playground designs are subject to a comprehensive community consultation process.

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

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

Finance
The cost of the installation of senior exercise equipment can be met within the current funding allocation for the Playground Improvement Plan.

Links to Council policy and strategy
Supporting older adults to be healthy, active and promoting intergenerational play is supported by a number of key strategy and policy documents including the Council Plan 2017/2021, Bayside 2020 Community Plan, Recreation Strategy 2013, and Wellbeing for All Ages and Abilities Strategy 2017/2021.
Executive summary

Purpose and background
To approve amendments to the Council Plan 2017-2021 (2018 Review) and consider the Strategic Resource Plan 2018-19 to 2021-22 for the purpose of seeking submissions in accordance with Section 223 of the Local Government Act 1989.

In 2016 more than 1,200 community members, representing a broad range of backgrounds, participated in a variety of surveys, face-to-face engagements and online forums to create the Bayside Community Plan 2025. This consultation provided valuable insights into what residents value and what is needed to make Bayside a better place. It was used to inform and prioritise the development of the Bayside Council Plan 2017-2021.

In accordance with Section 125(7) of the Local Government Act 1989, at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect to the remaining period of Council Plan.

Council considered updates to the Council Plan at a workshop on 10 February 2018. The proposed Council Plan 2017-2021 (2018 update) is appended as Attachment 1 to this report.

The Strategic Resource Plan (SRP) is a plan of the resources required to achieve the strategic objectives of the Council Plan. The SRP must be reviewed during the preparation of the Council Plan and adopted no later than 30 June each year. The proposed Strategic Resource Plan 2018-19 to 2021-22 is appended as Attachment 2 to this report.

The Local Government Act 1989 provides that where the Council makes adjustments to the Council Plan (including SRP), Council must give public notice of its intention to amend the Council Plan and provide the opportunity for the public to make submissions in accordance with Section 223 of the Local Government Act 1989. Following the Statutory process Council will consider any submissions received, make further amendments as required, adopt the revised Council Plan and Strategic Resource Plan and forward the documents to the Minister for Local Government.

Key issues
The main changes to the Council plan include:

- The removal of year one actions that have been completed, and the addition of year 2 actions where relevant.

- The removal of year one targets, and the addition of years 2-4 targets where these were not included in the original plan.

- The update of a number of strategic indicators to reflect the new, more detailed customer satisfaction survey that Bayside will undertake in April. The strategic indicators now reflect the comprehensive questions in the new customer survey.
• The addition of a new strategy under Goal 6 on page 36 ‘Promote public safety and amenity' with a year 2-3 action of ‘develop and implement a joined up approach to minimise and respond to graffiti and tagging across state government, utilities infrastructure, Council and private property' to reflect Council’s desire for action on graffiti and tagging.

**Recommendation**

That Council:


2. gives public notice of the Council 2017-2021 (2018 Review) and the Strategic Resource Plan 2018-19 to 2021-22, and makes copies available for public inspection purposes; and

3. establishes a Special Committee of Council in accordance with Section 223 of the Local Government Act 1989 consisting of all Councillors with a quorum of four (4) Councillors to hear submissions in relation to the Council Plan 2017-2021 (2018 Review) and the Strategic Resource Plan 2018-19 to 2021-22 on Thursday 7 June 2018 at 6.45pm at the Corporate Centre, 76 Royal Ave, Sandringham.

**Support Attachments**


2. Strategic Resource Plan (separately enclosed) ⇧

**Considerations and implications of recommendation**

**Liveable community**

**Social**

The Council Plan 2017-21 (2018 Review) identifies a number of strategies to enhance Bayside’s social environment through improved community infrastructure and services which impact health, participation and wellbeing.

**Natural Environment**

The Council Plan 2017-21 (2018 Review) includes a number of strategies to protect and enhance the natural environment, while balancing community use with the need to protect natural assets for future generations.

**Built Environment**

The Council Plan 2017-21 (2018 Review) identifies a number of strategies to improve infrastructure, whilst protecting and enhancing neighbourhood character and liveability.

**Customer Service and Community Engagement**

The development of the Council Plan 2017-21 was informed by the aspirations of the Bayside Community Plan 2025 that was developed following extensive consultation. The draft Council Plan 2017-21 (2018 Review) and the Strategic Resource Plan 2017-18 to
2020-21 will be open for submissions in accordance with section 223 of the Local Government Act 1989 for a period of at least 28 days.

The following table summarises the consultation process to finalise the Draft Budget:

<table>
<thead>
<tr>
<th>Consultation Process</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Thursday 26 April 2018</td>
</tr>
<tr>
<td>Public Notice in the Bayside Leader</td>
<td>Monday 30 April 2018</td>
</tr>
<tr>
<td>Community Briefing</td>
<td>Thursday 17 May at 6.30pm</td>
</tr>
<tr>
<td>Submission close at 5.00pm (28 days)</td>
<td>Monday 28 May 2018 at 5.00pm</td>
</tr>
<tr>
<td>Special Committee of Council to hear submissions</td>
<td>Thursday 7 June at 7.30pm</td>
</tr>
<tr>
<td>Ordinary Meeting of Council to adopt the 2018/19 Council Plan review</td>
<td>Tuesday 19 June 2018 at 7.00pm</td>
</tr>
</tbody>
</table>

**Human Rights**

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

**Legal**

A Council Plan is required under section 125 of the Local Government Act 1989, and must be prepared every four years following Local Government Elections. Further section 125(7) mandates that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect to the remaining period of Council Plan.

The Strategic Resource Plan (SRP) is a plan of the resources required to achieve the strategic objectives of the Council Plan. The SRP must be reviewed during the preparation of the Council Plan and adopted no later than 30 June each year.

Section 223 of the Local Government Act 1989 requires Council to give public notice of its intention to amend the Council Plan and SRP and provide the opportunity for the public to make submissions. Following the Statutory process Council will consider any submissions received, make further amendments as required, adopt the revised Council Plan and Strategic Resource Plan by 30 June, and forward the documents to the Minister for Local Government.

**Finance**

In accordance with section 125 of the Local Government Act 1989 the SRP has been prepared and aligned to the Council Plan 2017-21, describing the financial and non-financial resources required to achieve the strategic objectives.

**Links to Council policy and strategy**

The Council Plan, along with the community plan, is a key document in the Bayside Better Place Strategic Planning Framework described on page 11 of the Plan.
Making Bayside a better place

Bayside City Council’s vision is to work together with the community to ‘make Bayside a better place’.

In 2016 more than 1,200 community members, representing a broad range of backgrounds, participated in a variety of surveys, face-to-face engagements and online forums to create the Bayside Community Plan 2025. The consultation provided valuable insights into what residents value and what is needed to make Bayside a better place. It was used to inform and prioritise the development of the Council Plan.

The structure of the Bayside Community Plan and the Council Plan is based on the ‘domains of livability’, that is, what would make Bayside a great place to live, work, and visit. These domains are drawn from the World Health Organisation’s Age Friendly City Framework, the Community Indicators Victoria Data Framework, the Healthy and Liveable Research Program.
Infrastructure

Our infrastructure includes the physical assets Council provides to deliver services to the Bayside community, such as underground drainage services, parks, reserves, pathways, community buildings and community reserves. Our research showed that the community values infrastructure that functions well and is well maintained. The community wants the municipality and community facilities to be spread across the municipality and conveniently placed for easy access, particularly in community buildings, sporting grounds and community parks. Residents also want sporting facilities that are accessible and promote gender equity.

The Council Plan will deliver an unprecedented capital works program to upgrade, expand and renew existing infrastructure to meet current and future community needs. It will progressively upgrade all of our sports pavilions, access for people of all abilities and to meet the needs of the community. Council will develop facilities that address the requirements of basketball and netball, and will provide safe and contemporary play facilities by upgrading 37 playgrounds in our years.
Item 10.9 – Reports by the Organisation
Open space

Open space is one of the key attractions for our residents living in Bayside. Our open space includes over 17 kilometres of coastline that is highly valued by our community. Bayside residents appreciate our parks and gardens for leisure and recreation, and the opportunities they provide for tourism, celebrations and other events.

This Council Plan will protect, enhance and increase quality open space to meet the needs of our community. A key strategy will be securing an additional four hectares of new open space at the former CSIRO site in Highett.
Local economy and activity centres

The Bayside community expects to live in a place where the air, water and land are free from contaminants and pollutants. Our beaches and foreshores are our most valued environmental asset, and their protection and maintenance a first-order priority for our residents. There is also a strong desire for protecting the biodiversity within these areas.

Bayside residents want a thriving local economy that provides employment and opportunities for recreation and leisure activities, a mix of commercial support for local businesses, and easy access for residents and visitors. Residents value their local businesses and want to retain the character of each activity centre.

The Council Plan will identify options to encourage the night-time economy, ensuring our public places and shopping streetscapes are engaging and attractive, and recognises the importance of local centres and convenience retailing.

Environment

The Bayside community expects to live in a place where the air, water and land are free from contaminants and pollutants. Our beaches and foreshores are our most valued environmental asset, and their protection and maintenance a first-order priority for our residents. There is also a strong desire for protecting the biodiversity within these areas.

Bayside residents want a thriving local economy that provides employment and opportunities for recreation and leisure activities, a mix of commercial support for local businesses, and easy access for residents and visitors. Residents value their local businesses and want to retain the character of each activity centre.

The Council Plan will identify options to encourage the night-time economy, ensuring our public places and shopping streetscapes are engaging and attractive, and recognises the importance of local centres and convenience retailing.
Community health and participation

Bayside’s community wants to feel supported and engaged to live an active and healthy lifestyle regardless of age, gender, locality, personal circumstance or physical ability. The community recognises that opportunities to play sport, walk freely around the municipality, and enjoy an enriching social life are key to their health.

The strategies in this four-year Council Plan aim to improve public health and wellbeing, enhance gender equity in decision making in the community, increase opportunities for volunteering, and prepare for the national aged care and disability insurance reforms.

Governance

The strategies in this Council Plan seek to ensure strong and effective democratic representation from Council, and to deliver responsive and financially-responsible services and facilities that meet community needs. Strategies include a review of Council’s property portfolio and leasing policy to ensure our assets deliver maximum public value, the identification and implementation of improvements in Council’s services, and strengthening community engagement to inform decision making, including community participation in Council meetings.
The Better Place Strategic Framework

This Council Plan fits within the Better Place Strategic Planning Framework. It provides a clear line of sight between the long-term aspirations of the community, reflected in the Community Plan 2025, and the four-year priorities for the elected Council proposed in this document. These priorities will drive Council's major strategies and indicate the work done against these strategies. The major strategies will be reviewed to ensure alignment with the new goals and priorities.

Making Bayside a better place
Council vision

Council will work with our community to make Bayside a better place
We want a Bayside where infrastructure:

- Is fit for purpose for today and into the future.
- Is innovative, environmentally sustainable, and reflects the local character of the area.
- Is safe, accessible, adaptable and is highly utilised, providing high levels of value.

Goal 1 Infrastructure

Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.
<table>
<thead>
<tr>
<th>Actions</th>
<th>Year</th>
<th>Year</th>
<th>Strategic indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete and commence implementation of an improvement plan for libraries and local area Needs (Years 2-4)</td>
<td>2-4</td>
<td>Upgrade pavilions (Year 4 target 11)</td>
<td>Maintain community satisfaction with libraries (Year 2 target 74, index score)</td>
</tr>
<tr>
<td>Continue the works program in the Sportsground Improvement Plan to progressively upgrade all of our pavilions</td>
<td>2-4</td>
<td>Upgrade playgrounds (Year 1 target 3, Year 3 target 3, 37 playgrounds)</td>
<td>Netball courts construction commenced (Year 3 target, 4 additional basketball courts)</td>
</tr>
<tr>
<td>Upgrade recreation and sporting pavilions to provide female-friendly facilities and disability access, and to meet the identified needs of users</td>
<td>2-4</td>
<td>Review the needs assessment for netball and identify locations for additional netball facilities</td>
<td>Undertake the design for additional basketball courts</td>
</tr>
<tr>
<td>Provide safe and contemporary play facilities by upgrading playgrounds</td>
<td>Year 3</td>
<td>Develop upgraded and expanded facilities to meet the current and future needs of basketball and netball</td>
<td></td>
</tr>
</tbody>
</table>

**Strategies**

- Provide modern library services that meet the needs of the community
- Improve library facilities
- Maintain community satisfaction with libraries
- Upgrade pavilions
- Upgrade playgrounds
- Review the needs assessment for netball
- Develop upgraded and expanded facilities
- Undertake the design for additional basketball courts
This Council plan will deliver an unprecedented capital works program to upgrade, expand and renew existing infrastructure.
We want a Bayside:

- Where public transport is safe, frequent and connected to other modes of transport, such as bike or walking trails, to reduce the reliance on cars.
- In which a variety of transport options meet the needs of the community.
- With appropriate parking facilities at train stations and shopping centres that reflect shifting demand, such as increases in public transport use, electric vehicles and plans for the future of driverless vehicles.

Transport

Sustainable transport is the mode of choice, facilitated through the creation of a well-connected, safe, accessible and convenient transport system that positively contributes to a strong economy, the health and wellbeing of the community and a low-carbon future within Bayside.
## Strategies

### Council plan strategy

<table>
<thead>
<tr>
<th>Facilitate transport options to meet community needs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actions</strong></td>
</tr>
<tr>
<td>Update and implement the Integrated Transport Strategy to reflect the new Council’s priorities, including:</td>
</tr>
<tr>
<td>• Opportunities for increased parking capacity in activity centres and ‘private car park sharing’ for residents</td>
</tr>
<tr>
<td>• Lessening resident reliance on cars, including a trial of car share schemes, encouraging ride-sharing and proactive education</td>
</tr>
<tr>
<td>• Exploring the feasibility of installing recharging facilities in Council buildings for mobility scooters and vehicles</td>
</tr>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>2-4</td>
</tr>
<tr>
<td><strong>Strategic indicator</strong></td>
</tr>
<tr>
<td>Maintain community satisfaction with the availability of parking:</td>
</tr>
<tr>
<td>• on residential streets in your local area</td>
</tr>
<tr>
<td>• on main roads</td>
</tr>
<tr>
<td>• around busy shopping strips (Year 2 target baseline to be set)</td>
</tr>
</tbody>
</table>

### Influence state government planning through advocacy for:

<table>
<thead>
<tr>
<th>Implement an advocacy action plan for bus routes, commuter parking (including bicycle parking) and the Cheltenham station redevelopment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>2-4</td>
</tr>
<tr>
<td><strong>Strategic indicator</strong></td>
</tr>
<tr>
<td>Maintain community satisfaction with Council’s advocacy for bus routes, sufficient commuter parking &amp; developments around train stations. (Years 2-4 target, 53 index score)</td>
</tr>
<tr>
<td>Council plan strategy</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Improve bicycle and pedestrian facilities to make cycling and walking more attractive options for short trips</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>
We will improve our bicycle and pedestrian facilities, trial car-share schemes to lessen resident reliance on cars, and explore opportunities to increase parking capacity in activity centres.
Strategic objectives

We want a Bayside:

- Where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space.

- Where neighbourhood character, streetscapes and heritage are respected and enhanced, and the community has a strong connection to place.

- With village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above.

- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

- Where a range of housing types are provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Goal 3

Housing and neighbourhoods

Neighbourhood housing development across Bayside will respect and enhance Bayside's valued built and natural heritage and neighbourhood character. New housing growth will be focused on identified activity centres, demonstrating strong environmental credentials and providing a range of housing types to accommodate changing community needs.
Strategies

Council plan strategy

Make discretionary planning controls stronger by advocating for Council’s planning and urban design objectives to state government.

Actions

Advocate for Council’s planning and urban design objectives, including for stronger planning tools to provide certainty regarding height and building form in activity centres.

Strategic indicator

Maintaining community satisfaction with Council’s advocacy for a planning system that provides certainty for Bayside residents.

Year

Year 2

Attachment 1

Item 10.9 – Reports by the Organisation

Page 104 of 291
### Council plan strategy

**Develop and review structure plans to ensure localities are developed in line with Council's Housing Strategy**

<table>
<thead>
<tr>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy indicator</td>
<td>Council adoption of new planning controls for Bayside's Small Neighbourhood Activity Centres (Year 2)</td>
</tr>
<tr>
<td>Actions</td>
<td>Implement new planning controls for the Pennylane and Higlett Activity Centres into the Planning Scheme to manage new development and protect the important role of local centres and convenience retailing</td>
</tr>
<tr>
<td>Year 2</td>
<td>Explore the feasibility of developing and implementing a suite of innovative tools to communicate what completed new suburbs will look like in 30 years</td>
</tr>
</tbody>
</table>

**Council report on findings of the feasibility assessment (Year 2)**

**Council adoption of the review findings and recommendations for the Housing Strategy and Neighbourhood Character and Residential Design Policy Framework to reflect the local community's character (Year 3)**

**Maintain community satisfaction with opportunities to participate in consultations on planning (Year 2 target baseline to be established)**

### Item 10.9 – Reports by the Organisation

**Ensure new development responds to preferred neighbourhood character in activity centres**
We will seek to make discretionary planning controls stronger and ensure new development responds to preferred neighbourhood character.
We want a Bayside where:

- The foreshore is protected, beaches are clean and accessible and competing interests are balanced.
- We have a mix of quality formal and informal recreation space and bushland that are well used, connected and distributed across the municipality.

Open space

We will work together to build our open space network to support biodiversity, improve health and wellbeing and community connections, and provide access for current and future generations.
<table>
<thead>
<tr>
<th>Strategies</th>
<th>Actions</th>
<th>Year</th>
<th>Strategic indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council plan strategy</td>
<td>Gain access to increased quality open space to meet the needs of Highett and the wider community</td>
<td>Year 3</td>
<td>Net increase in area of open space in Bayside (Year 3 target: 1.3 percent)</td>
</tr>
<tr>
<td></td>
<td>Protect and ensure the quality of our open space, including beaches and foreshore</td>
<td>Year 3</td>
<td>Net increase in area of open space in Bayside (Year 3 target: 1.3 percent)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Maintain community satisfaction with the appearance of the beach and foreshore, including bushland (Year 2 target: baseline to be established)</td>
</tr>
<tr>
<td></td>
<td>Secure 4 hectares of open space at the CSIRO site</td>
<td>Year 3</td>
<td>Decision making framework developed and implemented (Year 2)</td>
</tr>
<tr>
<td></td>
<td>Improve collaboration with community groups and government agencies by developing an action plan to foster existing relationships and explore opportunities for new relationships</td>
<td>Years 2-4</td>
<td>Decision making framework developed and implemented (Year 2)</td>
</tr>
<tr>
<td></td>
<td>Develop a decision making framework for the allocation of funds to open space projects from the Resort and Recreation Levy</td>
<td>Year 2</td>
<td>Decision making framework developed and implemented (Year 2)</td>
</tr>
<tr>
<td></td>
<td>Allocate the funds from the Resort and Recreation Levy to enhance open space</td>
<td>Years 3-4</td>
<td>Decision making framework developed and implemented (Year 2)</td>
</tr>
<tr>
<td></td>
<td>Promote community awareness and visitation to the community nursery</td>
<td>Years 2-4</td>
<td>Decision making framework developed and implemented (Year 2)</td>
</tr>
<tr>
<td></td>
<td>Encourage the planting of local indigenous vegetation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This Council plan will protect, enhance and increase quality open space to meet the needs of our community.
Strategic objectives

We want a Bayside where:

- Erosion is minimised and managed on our foreshore cliffs and beaches.
- Our environmental impact is decreased through reduced community waste and efficient water and energy usage in Council operations.
- Council and the Bayside community leads the way in environmental citizenship.
- We protect and enhance Bayside’s tree canopy and vegetation on public and private land.

Goal 5

Environment

Council and the Bayside community will be environmental stewards, taking action to protect and enhance the natural environment, while balancing appreciation and use with the need to protect natural assets for future generations.
<table>
<thead>
<tr>
<th>Year</th>
<th>Strategic indicator</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maintain community satisfaction with waste and recycling services (Years 2-4 target: 77 index score)</td>
<td>Implement recommendations from the Recycling and Waste Management Service Review</td>
</tr>
<tr>
<td></td>
<td>Diversion of waste from landfill (Years 2-4 target: more than 50 percent)</td>
<td>Implement the Recycling and Waste Management Strategy focusing on community education and behaviour change in preparation for the introduction of food waste to the green organics kerbside collection and to address increasing costs of landfill and haulage of waste</td>
</tr>
<tr>
<td></td>
<td>Consumption of potable water for irrigation purposes (Years 2-4 target: less than 220,000 kilolitres)</td>
<td>Implement Corporate Centre energy efficiency audit recommendations</td>
</tr>
<tr>
<td></td>
<td>Improve and relocate priority stormwater outlets within the four-year Capital Works Strategy</td>
<td>Reduce water consumption in Council’s operations and improve the management of stormwater and water quality</td>
</tr>
</tbody>
</table>
|      | Reduce the Bayside community’s volume and percentage of waste that goes to landfill | }
Item 10.9 – Reports by the Organisation

We will improve our response to climate change and protect our beaches and foreshore
We want a Bayside where:

- Shopping villages are vibrant, attractive and interesting places where the community comes together, providing a variety of innovative, dynamic and convenient services.
- Small activity centres contribute to the village feel and provide neighbourhood convenience and employment opportunities.
- Shoppers and visitors feel safe in local shopping strips, both day and night.
- Local opportunities for business and employment are protected and enhanced, and opportunities for economic innovation are embraced.
- Access to transport options is convenient and parking encourages local shopping.
- The foreshore generates optimum economic, social and environmental return.

Bayside will be an attractive place to live and work, with new growth and investment in the local economy and business community increasingly structured around innovative, knowledge and service oriented enterprises.
Item 10.9 – Reports by the Organisation
<table>
<thead>
<tr>
<th>Year</th>
<th>Strategic Indicator</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 2</td>
<td>Increase in percentage of local businesses open after 6 pm (target to be established in Year 2; improvement target to be set in Year 3)</td>
<td>Undertake a review of the Economic Development Strategy, with a specific focus on the night-time economy.</td>
</tr>
<tr>
<td>Year 2</td>
<td>Maintain community satisfaction with Town Planning Policy in the Local Government Community Satisfaction Survey (Years 2-4)</td>
<td>Incorporate the planning controls for Bayside’s small neighbourhood activity centres into the planning scheme.</td>
</tr>
<tr>
<td>Years 2-3</td>
<td>A firm commitment achieved from a drawcard tenant to establish within the Bayside Business District (Year 3)</td>
<td>Develop and implement an Advocacy and Promotion Strategy to attract a major drawcard tenant (health/education/advanced technology).</td>
</tr>
<tr>
<td>Years 2-3</td>
<td>A local protocol is established, with the involvement of the key property managers, regulatory and service organisations</td>
<td>Develop and implement a joined-up approach to minimise and respond to graffiti and tagging across state government, utilities infrastructure, Council and private property.</td>
</tr>
</tbody>
</table>

**Council Plan Strategy**

- Identify options to encourage the night-time economy for entertainment and hospitality.
- Manage development and protect the important role of local centres and convenience retailing.
- Reposition the Bayside Business District into an innovation, office and skilled technology hub.
- Promote public safety and amenity.
We will ensure our public places and shopping streetscapes are engaging and attractive.
Strategic objectives

We want a Bayside:

- Where we are a strong and supportive community and people of all ages are engaged, know their neighbours and shopkeepers and are connected to them.
- Where the community engages in advocacy, transparent decision making and is part of the solution.
- With thriving local non-profits delivering contemporary, client-centric services locally.
- Where health issues are identified and addressed at root cause.
- With a focus on gender equity in decision making.

Goal 7

Community health and participation

Bayside’s community will be supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstance or physical ability.
Item 10.9 – Reports by the Organisation
### Item 10.9 – Reports by the Organisation

**Council plan strategy**

**Preparation for the aged care and National Disability Insurance Scheme reforms**

**Strategic indicator**

- Report on reform prepared for Council consideration (Year 2)
- Number of eligible clients transitioned to the National Disability Insurance Scheme (Year 2: target: 100 per cent)
- Maintain community satisfaction with Council's advocacy in response to the Aged Care Reforms (Years 2–3)

**Year 2**

- Determine Council's future involvement in aged care services delivery given the reform agenda in aged care
- Support local organisations through education and advocacy to assist them to take a coordinated approach to respond to the reform agenda

**Actions**

- Determine Council's future involvement in aged care services delivery given the reform agenda in aged care
- Support local organisations through education and advocacy to assist them to take a coordinated approach to respond to the reform agenda

---

### Strategies

**Improve gender equity in decision making in the community**

- Continue the review of Council's community policies and programs for gender inclusiveness
- Develop an approach for community clubs that outlines the benefits of gender diversity on committees
- Implement the Women's Charter Action Plan to promote gender equity, diversity and women's participation in active citizenship
- Implement the approach to encourage community volunteering, including opportunities to reward and recognise community leaders and volunteers

**Strategies**

- Increase the number of residents who volunteer (Year 2: target: 38 per cent)
- Delivery of actions in Women's Charter (Years 3–4, 50 per cent delivered on schedule)”

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**Attachment 1**

*Bayside City Council*  
*Ordinary Council Meeting - 24 April 2018*

*Page 121 of 291*
We will improve public health and wellbeing, enhance gender equity in decision making in the community, and increase opportunities for volunteering.
We want an organisation:

- That is financially sustainable.
- That is well managed and delivers great services.
- In which decision making is open, transparent and informed by representative community views.
- In which effective partnerships are developed to deliver improved liveability for the community.
- That has relevant models for ownership and governance of Council facilities.

Bayside will enjoy strong and effective democratic representation from its Council and responsive and financially-responsible services and facilities that meet community needs.
Item 10.9 – Reports by the Organisation
<table>
<thead>
<tr>
<th>Council plan strategy</th>
<th>Actions</th>
<th>Year</th>
<th>Strategic indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Council's property portfolio to provide clarity on tenant responsibilities, maximise community benefit, and ensure financial sustainability</td>
<td>Implement Council's Leasing Policy to identify opportunities to increase revenue or incorporate specific performance objectives in leases to maximise public value and utilisation Implement Council's Property Strategy</td>
<td>Years 2–4</td>
<td>Increased percentage of revenue from property assets as percentage of total property operating costs (Year 2 target, 2.7 percent; Year 3 target, 2.8 percent; Year 4 target, 3 percent)</td>
</tr>
<tr>
<td>Identify and implement improvements in Council’s services, efficiency and outcomes for the Bayside community</td>
<td>Undertake strategic service reviews for four priority Council services each year</td>
<td>Years 2–4</td>
<td>Improve community perception rating that Council provides important services that meet the needs of the whole community. (Year 2 baseline and target to be established) Improved customer service satisfaction rating (Year 1 target, 72 index score) Implementation of recommended actions (Year 2 target, 15 percent; Year 3 target 50 percent; Year 4 target, 100 per cent)</td>
</tr>
<tr>
<td>Implement the Digital Transformation Strategy to ensure Council's customer service performance anticipates community expectations for online and flexible delivery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase the opportunities for participation in Council meetings</td>
<td>Review the approach to Council meetings to improve the accessibility of meetings</td>
<td>Year 2</td>
<td>Increased participation via livestreaming of Council meetings (Year 2 target, 850 annual views) Increased views of archived Council meetings (Year 2 target, 950 annual views) Maintain community satisfaction that Council is making decisions in the best interests of the community (Year 2 target, baseline to be established)</td>
</tr>
</tbody>
</table>
We will ensure strong and effective democratic representation.
How we will report on our progress

Bayside City Council ensures transparency and accountability through regular reporting to Council and the community to monitor our performance.

Council will report on the progress of the annual actions contained in the four-year Council Plan on a quarterly basis, with a detailed report produced in the Annual Report. In addition, the Annual Report measures our performance against the strategic indicators in the Council Plan and the state-wide measures set in the Local Government Performance Reporting Framework.

The strategic objectives in the Council Plan are reviewed annually to ensure we are able to adapt to changing community needs and other internal and external factors.
Executive summary

Purpose and background
To present the 2018/19 Proposed Budget and the Long Term Financial Plan 2018/19 – 2027/28 for in-principle approval prior to public notice advising of Council’s intention to adopt a budget for 2018/19.

Key issues
Council’s Long Term Financial Plan (LTFP) has been the basis for the preparation of the Strategic Resource Plan and the Annual Budget 2018/19. The LTFP is the key ten-year financial planning document of Council and is governed by a series of financial strategies and accompanying performance indicators.

Long Term Financial Plan 2018/19 – 2027/28
The key strategies embedded in the LTFP to ensure financial sustainability include:

- Rate increases are set in accordance with the fair go rates framework
- Continue to review four services each year to ensure services provided to the community provide value and are sustainably funded
- Identify efficiency gains in the operating budget in order to ensure a financially sustainable operating surplus in a rate cap environment
- Ensure that service users are making a reasonable contribution to the cost of those services through appropriate fees and charges by maintaining an annual 5% increase in non-statutory fees and charges.
- Identify alternative revenue streams and funding opportunities to take pressure off rate increases
- Explore greater financial and community returns from Council’s property portfolio
- Increase funding for capital renewal and new/upgrade works
- Ensure that any new debt is based on a sound business case and demonstrated community benefit.
- Continue to manage the extreme nature of Defined benefits superannuation shortfalls by quarantining funds in a reserve with an annual increase of $500k.
- Ensure that any new programs or projects generate specific community value and are funded in a sustainable way.

Key highlights of the 4 year Strategic Resource Plan include:

- Rate increases will be capped in accordance with the rate capping framework set by State Government. Rate dependency for 2018/19 is 73% will remain high over the LTFP.
- An average operating surplus of $17.3 million per year over the next 4 years.
- Infrastructure renewal requirements identified in asset management plans are fully funded with the delivery of $178.2 million of capital works over the next four years.
Council will utilise cash reserves over the next 4 years to fund strategic capital projects while maintaining benchmark liquidity ratios.

- Continue to set aside $0.5 million per annum to smooth out the extreme nature of the Defined Benefits Superannuation Shortfall calls.
- Achievement of key financial sustainability ratios over the LTFP.

**Proposed Budget 2018/19**

The 2018/19 Proposed Budget reflects a financially sustainable position while achieving Council’s operational objectives. These include the delivery of ongoing services and commitment to new priority and capital projects to meet the existing and growing needs of our community in relation to health, safety, sustainability and infrastructure.

Key highlights of the Budget include:

- Average rates to increase by 2.25% complying with the rate capping framework set by State Government.
- An increase in the waste charge of 40% driven by the anticipated loss of recycling income due to the global lack of demand for comingled recycling material and an increase in the cost of processing at $150 per tonne.
- A strong operating surplus of $19.6 million for 2018/19.
- Productivity and efficiency savings of $0.61 million identified in the operating budget
- An increase to the net cost of services of 5.1% to $60.1 million. The underlying net cost of services excluding the waste charge is $45.9 million representing an increase of 2.1%.
- New initiatives of $1.46 million.
- Capital budget of $52.4 million in 2018/19
- During 2017/18 Council repaid loan principal of $2.13 million during which resulted in Council being debt free.
- Maintenance of a sound cash position with cash and investments

Please refer to attached Long Term Financial Plan 2018/19 – 2027/28 and Proposed Budget 2018/19 attached for full analysis.

**Recommendation**

That Council:

1. formally prepares the 2018/19 Proposed Budget (including the Schedule of Discretionary Fees and Charges) for the purpose of Section 127 of the Local Government Act 1989;
2. adopts in principle the Long Term Financial Plan 2018/19 – 2027/28;
3. gives public notice of the preparation of the 2018/19 Proposed Budget and the Long Term Financial Plan (2018/19 – 2027/28) and makes available copies of the proposed budget and Long Term Financial Plan for public inspection purposes; and
4. in accordance with Section 223 of the Local Government Act 1989, establishes a Special Committee of Council consisting of all Councillors with a quorum of four (4) Councillors to hear submissions in relation to the 2018/19 Proposed Budget on Thursday 7 June 2018 at 7:30pm at the Corporate Centre, 76 Royal Avenue Sandringham.
Support Attachments
1. Long Term Financial Plan 2018-19 (separately enclosed) ⇧
2. Bayside Proposed Budget 2018-19 (separately enclosed) ⇧

Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
A community budget briefing has been scheduled on Thursday 17 May 2018 to inform the community about the 2018/19 Budget. The public has the opportunity to make a submission on any proposal contained in the Budget within 28 days of publication of the public notice on 26 April 2018.

The following table summarises the consultation process to finalise the Draft Budget:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice in The Age newspaper and on Council’s website</td>
<td>Thursday 26 April 2018</td>
</tr>
<tr>
<td>Public Notice in the Bayside Leader</td>
<td>Monday 30 April 2018</td>
</tr>
<tr>
<td>Community Briefing</td>
<td>Thursday 17 May at 6.30pm</td>
</tr>
<tr>
<td>Submission close at 5.00pm (28 days)</td>
<td>Monday 28 May 2018 at 5.00pm</td>
</tr>
<tr>
<td>Special Committee of Council to hear submissions</td>
<td>Thursday 7 June at 7.30pm</td>
</tr>
<tr>
<td>Ordinary Meeting of Council to adopt the 2018/19 Budget</td>
<td>Tuesday 19 June 2018 at 7.00pm</td>
</tr>
</tbody>
</table>

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 Proposed Budget and LTFP complies with the principles of sound financial management as detailed in section 136 of the Local Government Act 1989 which includes
- Prudently manage financial risks relating to debt, assets and liabilities;
- Provide reasonable stability in the level of rate burden;
- Consider the financial effects of Council decisions on future generations; and
- Provide full, accurate and timely disclosure of financial information.
In accordance with the Local Government Act 1989 section 127, Council must prepare a budget each financial year and must include budget information containing: financial statements, the funding of major initiatives, services and capital works, rating information and any “special order” for rate cap variation.

**Finance**

In accordance with the legislation, an Annual Budget has been prepared, which details the financial resources required to achieve the Council Plan 2017-2021.

**Links to Council policy and strategy**

The proposed Budget 2018/19 and Long Term Financial Plan 2018/19 to 2027/28 are identified within Goal 8 Governance in the Council Plan 2017-2021. We want an organisation that is financially sustainable and with decision making that is open, transparent and informed by the community.
Executive summary

Purpose and background

This report is to seek Council approval to commence the statutory procedures under Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Act), to discontinue and sell part of the road shown hatched in Attachment 1 (Subject Road) to adjoining owners of 16 Sandringham Road, Sandringham also known as the Uniting Church in Australia (UCA).

In 2017, Council received an initial request from the UCA requesting for the discontinuance of the Subject Road and to acquire this land from Council. Initial investigations identified that the Subject Road, which is contained within Certificate of Title volume 3799 and folio 750, is not constructed and has been used for access by the UCA and its members for a number of years. The Subject Road is surrounded by other parcels of land owned by the UCA. Whilst the Road is not listed on Council’s Register of Public Roads, it remains a ‘road’ on title.

As part of the process, Council’s certified practising valuer Matheson Stephen Valuations (MSV) was instructed to undertake a valuation to determine the current market value which will be used as the land purchase price for the Subject Road in accordance with Council’s Discontinuance and Sale of Roads, Right of Ways and Drainage Reserves policy.

Key issue

The Subject Road is no longer required for public access and has been solely used by the UCA and its members for in excess of 15 years. It is reasonable for Council to form the view that the Subject Road is no longer required for the purpose for which it was set aside.

If Council resolves to proceed with the proposed discontinuance and sale of the Subject Road, it will have to undertake the statutory procedures to discontinue and sell the road under Section 206 Clause 3 of Schedule 10 of the Act.

Recommendation

That Council, acting under Section 206 Clause 3 of Schedule 10 of the Local Government Act 1989 (Act) resolves to:

1. Commence the statutory procedures to discontinue and sell part of the road shown hatched in Attachment 1 to the adjoining owners at 16 Sandringham Road, Sandringham;

2. Give Public Notice of the Proposal in the appropriate newspapers and on Council’s website, under sections 82A, 207A and 223 of the Act and for such notice to state that if discontinued, Council proposes to sell the land from the road to the Uniting Church of Australia by private treaty with the purchase price of $116,000 plus GST.

3. If no submissions are received following the publication of the Public Notice, authorise the Director Corporate Services to undertake the necessary procedural steps to complete the formal procedures for the discontinuance of the road and sale of the land to the UCA, including the execution of all relevant documentation.
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Act consisting of all Councillors with a quorum of four Councillors to consider any submissions received at a meeting to be held on Thursday 7 June 2018 at 6.30pm at the Corporate Centre, 76 Royal Avenue, Sandringham in relation to the proposed discontinuance and sale;

Support Attachments
1. Attachment 1 - Road to be discontinued and Sold Sandringham Rd

Considerations and implications of recommendation

Liveable community
Social
While the Proposal does not give rise to any social issues, it will generate once-off income for Council as a result of the sale of the land together with an ability to rate the land in the future.
The sale of unneeded roads, right of ways may improve the amenity and remove the need for Council to regularly maintain land that it may no longer be required to hold ownership over to deliver the social needs.

Natural Environment
There are no impacts associated with this report.

Built Environment
The Proposal to discontinue this section of road which currently surrounded by the UCA’s properties and to sell the land to the UCA to facilitate a proposed redevelopment over the site.

Customer Service and Community Engagement
The following service authorities have been consulted:
- South East Water
- Melbourne Water
- Telstra
- Multinet Gas
- Jemena
- Optus Network
- Vic Roads
- Comdain Infrastructure

No objections from the abovementioned authorities have been received. The following Council departments have been consulted and neither assets are affected nor are objections received.
- Building Services
- Statutory Planning
- Traffic and Transport
- Asset Management
- Environmental Sustainability
- Open Space
- Rate and Revenue
- Economic Development

The statutory procedures require Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties. Notification will also be given on Council’s website. As the UCA is the only directly affected property owners to the Subject Road, only UCA has been directly consulted.

Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. If any submissions are received, a further report will be presented to a future meeting of a Special Committee of Council to enable the consideration of any
submissions and for a decision on whether to discontinue the road in full, in part or not to discontinue the road.

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

Legal
Council’s intended course of action are in accordance with the Council’s Policy Discontinuance and Sale of Roads, Right of Ways and Drainage Reserves, the Act, and the Best Practice Guideline for the Sale, Exchange & Transfer Land.

Pursuant to section 207C of the Act, the land in the discontinued road is sold subject to protecting the rights in favour of Bayside City Council and South East Water Limited in respect to the right, power and interest held by these authorities respectively in connection with sewers, drains and pipes under the control of those authorities in the road.

Finance
The parcel of land proposed for sale is shown in Table 1.

Table 1

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Address</th>
<th>Area  M²</th>
<th>Land Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Adjacent to 16 Sandringham Road, Sandringham</td>
<td>121M²</td>
<td>$116,000 plus GST</td>
</tr>
</tbody>
</table>

The UCA has submitted an offer of $116,000 (+ GST, if applicable) for the Road if discontinued plus agreed to reimburse Council all legal fees and Title registration costs, as per Council’s Policy Discontinuance and Sale of Roads, Right of Ways and Drainage Reserves.

Links to Council policy and strategy
Discontinuance and Sale of Roads, Right of Ways and Drainage Reserves.

Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Not to proceed to discontinue and sell the Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Maintain number of existing Council assets including laneways</td>
</tr>
<tr>
<td>Issues</td>
<td>Council have incurred costs to commence the proposal to date. In addition, the need for Council to regularly maintain land that it may be required in the future.</td>
</tr>
</tbody>
</table>
Road to be discontinued and Sold hatched below

Plan on Subdivision

Aerial Image
Executive summary

Purpose and background
To advise Council of the State Council Meeting of the Municipal Association of Victoria (MAV) and to propose motions to be put forward to the State Council Meeting.

The MAV will be convening its State Council Meeting on Friday 18 May 2018. The State Council is the body consisting of all the representatives of Councils which are financial members of the MAV, and the role of the State Council is to set high-level strategic directions for the MAV.

The State Council enables member Councils to put forward motions for consideration.

Only Council’s appointed representative is able to vote on its behalf at the State Council. Council’s MAV representative is the Cr Alex del Porto and substitute representative is Cr Grinter. It should be noted that Cr del Porto will be on leave at the time of the State Council Meeting and Cr Grinter is unable to attend due to a training opportunity. Accordingly, it is recommended that Council adopt the Mayor Cr Laurence Evans as its appointed representative for the Mayor 2018 MAV State Council Meeting only to put forward a number of motions on behalf of Council.

Key issues
Council at its meeting on 20 March 2018 resolved to put forward three motions to the State Council Meeting namely:

Motion 1. - Graffiti

That the MAV:

1. advocates to the State Government to increase the available police resources, penalties and programs to improve the enforcement of graffiti offences; and

2. advocates to the State Government to implement relevant changes to ensure organisations such as public utilities implement timely and effective graffiti clean-up as a matter of priority.

Motion 2 – Creating a sustainable recycling system in Victoria

That the MAV, call upon the State Government to:

- Work with other States and the Federal government to create a sustainable system for recyclables in Australia to minimise the impacts of changes in global markets.
- Build upon existing initiatives including industry product stewardship schemes, and directives on recyclable packaging, to ensure packaging and products are designed for minimal packaging, re-use, recycling and repair, with the disposal costs included in the purchase or disposal price;
- Ensure the goals and objectives set out in the Australian Packaging Covenant Strategic Plan 2017-2022 are prioritised and achieved as a matter of urgency;
Motion 3 - Providing alternatives to landfill in Victoria

That the MAV, call upon the State Government to financially support regional waste management solutions for advanced alternative waste treatment and processing solutions that:

- Minimise waste to landfill
- Minimise transport distances for municipal residual wastes, particularly in the south eastern metropolitan region of greater Melbourne where transport distances to landfills are excessive.

These have been forwarded to the MAV for inclusion into the papers.

Over the course of past few weeks two further motions have been developed which would achieve increased traction if considered by the MAV State Council rather than Bayside advocating on its own. Given the timeframe of submitting motions to the MAV for inclusion to the State Council papers which is 20 April 2018, it is necessary for Council to approve the following motions retrospectively to order for them to be consider at the State Council Meeting.

The further two motions put forward are as follows:

**Motion 4 - Social and Affordable Housing**

That the MAV recognises the potential for planning mechanisms to proactively contribute to the supply of social and affordable housing in Victoria, and asks the State Labor Government and the Liberal and Green Parties to include in their policies that the Department of Environment Land Water and Planning strengthen planning mechanisms to include:

1. **inclusionary housing**: also known as *inclusionary zoning*, where the State Government would introduce legislation to enable Councils to mandate developer contributions for social and/or affordable housing when Council or a private party undertakes strategic studies that lead to a planning scheme amendments or land rezoning, e.g. changing the land use from industrial/commercial to residential and/or mixed use zones;

2. **inclusionary approvals**: where Council may impose a requirement for social and/or affordable housing on housing developments that include more than 15 units (using Affordable Housing Agreements or Section 173 agreements);

3. **density bonuses**: where developments will only be considered for approval for higher density or higher scale than the heights recommended in structure plans particularly applicable to Activity centres if the applicant includes a provision for social and/or affordable housing; and Councils would consider concessions to conditions

4. **fast track planning approvals**: planning applications lodged by registered housing agencies would be assessed quickly to fast track delivery of social and affordable housing.

**Rationale:**

Two key state government strategies, *Homes for Victorians: Affordability, access and choice* and *Plan Melbourne 2017-2050* recognise the critical need to increase the supply of affordable housing. Both strategies identified that while the planning system alone could not address all of the issues related to the provision of social and affordable housing it is important for the planning system to play its role.
The Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017, passed Parliament and received Royal Assent on September 2017. The amendments to the Planning and Environment Act 1987 come into operation on 1 June 2018. The amendment to the Act reads “The objectives of planning in Victoria are … to facilitate the provision of affordable housing in Victoria”.

Whilst the amendments to the Planning and Environment Act 1987 are a starting point to address the housing affordability crisis in Victoria, we believe that more needs to be done to address this issue. It is therefore proposed that the planning mechanisms presented in the motion are considered in future advocacy efforts which will ultimately result in all planning schemes further facilitating the provision of affordable housing.

**Motion 5: Combustible Cladding**

That MAV advocates to the State Government that the Victorian Building Association (VBA):

- provides financial and legal support and indemnifies Councils for their Municipal Building Surveyor (MBS) undertaking enforcement action to address immediate safety risks associated with combustible cladding, extending the current financial support provided for undertaking inspections;

- adjusts the Advisory Reference Panel framework to ensure that Council’s MBS can rely on the Panel’s recommended controls without needing to undertaken independent assessments of the appropriateness of the controls, with the associated liabilities; and

- establishes the capacity and capability to undertake the role of the MBS to address any buildings identified in the future as being at risk from combustible cladding and address any enforcement related to compliance, noting that in the interim, the MBS will address the current priority list provided by the VBA through undertaking associated enforcement related to immediate building safety.

**Rationale**

Combustible cladding is a significant issue for local government. This is due to the community safety concerns relating to the role of combustible cladding in causing the rapid spread of building fires and also due to the significant cost and risk implications of the current initiatives to address these risks. The safety concerns were highlighted by the tragic London Grenfell tower fire and the previous Melbourne Lacrosse Building fire. As a result, the Victorian Cladding Taskforce was established by the Government in mid 2017, co-chaired by the Hon Ted Baillieu and the Hon John Thwaites and including representatives from relevant agencies including: the Victorian Building Authority (VBA); Worksafe; Melbourne Fire Brigade, MAV and the Victorian Municipal Building Surveyor Group.

An interim Taskforce report was released in November 2017, outlining a proposed process for auditing and rectification of buildings with combustible cladding. The process proposed by the Taskforce has since evolved and now requires a significantly stronger involvement of Council Municipal Building Surveyors (MBS). The MBS have been requested to undertake inspections of buildings that are identified as being ‘at risk’, participate in expert risk assessments by a VBA established Advisory Reference Panel and implement the enforcement controls that are recommended by the Panel and relate to immediate building safety. Enforcement controls that relate to compliance (rather than immediate safety) are expected to be addressed by the VBA.
It should be noted that the MBS focus is on private buildings that have final occupancy certificates. Private buildings that are in construction or public buildings are being addressed by VBA and the Department of Environment Land Water and Planning. However, the required MBS involvement is imposing a significant cost and resourcing drain on local government and this impact may continue into the medium term. It also imposes risks on Council, with councils needing to ensure safety concerns are adequately addressed, while managing the risks of legal action that opposes enforcement action or seeks compensation for the enforcement action.

Recommendation

That Council:

1. approves retrospectively the submission of the following motion to the MAV State Council meeting to be held on 18 May 2018:

   **Motion 4 – Social and Affordable Housing**
   
   That the MAV recognises the potential for planning mechanisms to proactively contribute to the supply of social and affordable housing in Victoria, and asks the State Labor Government and the Liberal and Green Parties to include in their policies that the Department of Environment Land Water and Planning strengthen planning mechanisms to include:

   1. **inclusionary housing**: also known as inclusionary zoning, where the State Government would introduce legislation to enable Councils to mandate developer contributions for social and/or affordable housing when Council or a private party undertakes strategic studies that lead to a planning scheme amendments or land rezoning, e.g. changing the land use from industrial/commercial to residential and/or mixed use zones;

   2. **inclusionary approvals**: where Council may impose a requirement for social and/or affordable housing on housing developments that include more than 15 units (using Affordable Housing Agreements or Section 173 agreements);

   3. **density bonuses**: where developments will only be considered for approval for higher density or higher scale than the heights recommended in structure plans particularly applicable to Activity centres if the applicant includes a provision for social and/or affordable housing; and Councils would consider concessions to conditions

   4. **fast track planning approvals**: planning applications lodged by registered housing agencies would be assessed quickly to fast track delivery of social and affordable housing.
Motion 5 – Combustible Cladding

That MAV advocates to the State Government that the Victorian Building Association (VBA):

- provides financial and legal support and indemnifies Councils for their Municipal Building Surveyor (MBS) undertaking enforcement action to address immediate safety risks associated with combustible cladding, extending the current financial support provided for undertaking inspections;
- adjusts the Advisory Reference Panel framework to ensure that Council’s MBS can rely on the Panel’s recommended controls without needing to undertake independent assessments of the appropriateness of the controls, with the associated liabilities; and
- establishes the capacity and capability to undertake the role of the MBS to address any buildings identified in the future as being at risk from combustible cladding and address any enforcement related to compliance, noting that in the interim, the MBS will address the current priority list provided by the VBA through undertaking associated enforcement related to immediate building safety.

2. Appoints the Mayor, Cr Laurence Evans as its representative at the May 2018 MAV State Council Meeting for purposes of presenting Bayside’s 5 motions and having voting rights at the State Council meeting.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

Built Environment
There are no built environment implications associated with this report.
Customer Service and Community Engagement

It is intended that the proposed motions will be circulated amongst member Councils prior to the State Council Meeting, and Bayside will seek support from neighbouring Councils to support the proposed motion.

Councillors will be advised of the adopted motions following the MAV meeting.

Human Rights

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

Legal

There are no legal implications associated with this report.

Finance

There are no financial implications associated with this report.

Links to Council policy and strategy

The proposed additional motions relate to Council’s advocacy role specifically relating to Social and Affordable House and cost shifting concerning the Combustible Cladding. The advocacy role of Council is a key activity within the Council Plan.
Executive summary

Purpose and background
The purpose of this report is to review and update the appointment of Authorised Officers within Bayside City Council to undertake their role in accordance with various legislation and regulations as authorised officers.

The appointment of Authorised Officers enables appropriate staff within the organisation to administer and enforce various Acts, regulations or local laws in accordance with the power granted to them under legislations, regulation or a local law.

Due to changes to legislation and positions it is appropriate to review the appointment of authorised officers and refresh the Instrument on a regular basis particularly those officers enforcing the Planning and Environment Act 1987.

Key issues
The attached Instrument of Appointment and Authorisation are presented based on advice from Council's Lawyers (Maddocks).

Whilst the appointment and authorisation of Authorised Officers under other relevant legislation is done by the Chief Executive Officer under delegation, Maddocks have recommended that officers enforcing the Planning and Environment Act 1987 be authorised by Council resolution.

The Instrument presented to Council is for the appointment and authorisation of staff from the Planning Enforcement Department. A copy of the Instrument of Delegation is attached to this report.

Recommendation
That, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147(4) of the Planning and Environment Act 1987 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), Bayside City Council (Council) resolves that:

1. The members of Council staff referred to in the instrument of delegated attached to the report be appointed and authorised as set out in the instrument;

2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and

3. The Instrument of Appointment and Authorisation be signed and the common seal of Council be affixed to the Instrument.

Support Attachments
1. S11A - Instrument of Appointment under the Planning and Environment Act

Item 10.13 – Reports by the Organisation
Considerations and implications of recommendation

Liveable community

Social
There are no social implications applicable to this report.

Natural Environment
There are no natural environment implications applicable to this report.

Built Environment
There are no built environment implications applicable to this report.

Customer Service and Community Engagement
Council subscribes to the Maddocks Delegations and Authorisations service and relevant advice has been considered in the preparation of this report.

Human Rights
This report has been access against and is not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
This report is prepared in accordance with legal advice and legislation.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The appointment of authorised officers is a purely administrative exercise.
**Bayside City Council**

**Instrument of Appointment and Authorisation**

*(Planning and Environment Act 1987 only)*

<table>
<thead>
<tr>
<th>Name</th>
<th>Position/Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anita Rozankovic-Stevens</td>
<td>Senior Statutory Planner</td>
</tr>
<tr>
<td>Arthur Vatzakis</td>
<td>Acting Manager Development Services</td>
</tr>
<tr>
<td>Bea Guevara</td>
<td>Strategic Planner</td>
</tr>
<tr>
<td>Brenton Hann</td>
<td>Principal Subdivision Planner</td>
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<tr>
<td>Brett Turner</td>
<td>Municipal Building Surveyor</td>
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<td>Dean Ibralebbe</td>
<td>Planning Compliance Audit Investigations Officer</td>
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<td>Director City Planning and Community Services</td>
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<td>Jennifer Bowdern</td>
<td>Legal Support Planner</td>
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<td>Laura Pocock</td>
<td>Statutory Planner</td>
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<td>Loredana Collier</td>
<td>Administration Coordinator</td>
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<tr>
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<tr>
<td>Michael Henderson</td>
<td>Coordinator Statutory Planning</td>
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<tr>
<td>Michael Kelleher</td>
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<tr>
<td>Ronan Hamill</td>
<td>Senior Investigations Arborist</td>
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<tr>
<td>Rosie Nolan</td>
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<tr>
<td>Sanela Kabas</td>
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<td>Tom Corrie</td>
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<tr>
<td>Tom Vercoe</td>
<td>Acting Coordinator Strategic Planning</td>
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<tr>
<td>Ziqi Xi</td>
<td>Senior Statutory Planner</td>
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</tbody>
</table>
Instrument of Appointment and Authorisation 
(*Planning and Environment Act 1987*)

In this instrument "officer" means -

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Anita Rozankovic-Stevens</td>
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<td>Loredana Collier</td>
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</tbody>
</table>

By this instrument of appointment and authorisation Bayside City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and]

2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

(a) comes into force immediately upon its execution;
(b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Bayside City Council on 24 April 2018.
The Common Seal of Bayside City Council
was hereunto affixed this ............. (day)
of .............(month) ............. (Year)
in the presence of:

..............................................Mayor / Councillor

.............................................. Acting Chief Executive Officer

Dated ......../......../2018
Executive summary

Purpose and background
The purpose of this report is for Council to adopt the Civic and ceremonial Protocol Guide and rescind 4 Council policies which have been incorporated within the document.

As part of Council’s policy review and streamlining the number of policies, a number of existing Council governance related policies and resolutions of Council in civic and ceremonial activities require review, or can be rescinded based on the development of the protocol guide.

In the preparation of this Guide the following Council policies, resolutions, procedures, practices and industry based guidelines were reviewed:

<table>
<thead>
<tr>
<th>Council Policies</th>
<th>Flag Display Protocols</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Keys to the City and Freedom of Entry to the City Protocols</td>
</tr>
<tr>
<td></td>
<td>Naming of streets, roads and reserves</td>
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<tr>
<td></td>
<td>Plaques and memorials</td>
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<tr>
<td>Council Resolutions</td>
<td>Certificates of Appreciation</td>
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<td>Indigenous Acknowledgement</td>
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<td></td>
<td>Invitations extended to attend Civic and Ceremonial Events</td>
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<tr>
<td>Practices</td>
<td>Wearing of ceremonial robes and medallion</td>
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<td></td>
<td>Acknowledgement of the passing of former Mayors and Councillors of Bayside and former councils.</td>
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<tr>
<td>Procedures</td>
<td>Awarding of Australia Day Awards</td>
</tr>
<tr>
<td>Industry Guidance</td>
<td>Nomination for a state or federal election</td>
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</table>

Key issues
As part of the development of the proposed Guide, a review process was undertaken on each of the protocols to ensure the content is up to date and reflects the current environment of Bayside. A summary of the significant changes to each protocol is detailed below:
Protocol: Flag Display Protocols

Includes:

- Mayor of the Day shall have the discretion to fly the national flag and secondary flags at half-mast for the mourning of a well-recognised member of the community who has made a significant contribution to the wellbeing of the city including former Mayors and Councillors of Bayside and predecessor municipalities of Bayside.

- The CEO in consultation with the Mayor may authorise flying the national flag and secondary flags at half-mast for the mourning of a long-standing staff member of 10 or more years’ service.

- During National Reconciliation Week Council will conduct a flag raising ceremony to acknowledge and celebrate National Reconciliation Week.

- As a matter of courtesy, Councillors shall be kept informed of the display of various flags and for the period of time and where the flag has been lowered at half-mast.

Protocol: Keys to the City and Freedom of Entry to the City Protocol

No changes to existing protocol recommended.

Protocol: Naming of streets, Roads and Reserves

This protocol has been reviewed having regard to the required naming rules for places in Victoria provided by the Department of Environment, Land Water and Planning.

All naming conventions must follow and adhere to the naming rules of the Office of Geographical Names.

This protocol includes the naming requirements to assist Council in determining names.
## Protocol: Plaques and Memorials

This protocol provides guidance for the installation of plaques and memorials which previously did not exist.

**Includes**

- Plaques installed by Council to commemorate an opening or other event and provides a template of required information for plaques to provide consistency.
- Plaques installed by Council or in conjunction with other bodies to provide historical or heritage information and provides a template of required information for plaques to provide consistency.
- Plaques installed by Council on seats in parks at the request and cost of individuals or organisations wishing to commemorate a person or a group and provides guidance for a donor to comply with.
- Given limited space along the foreshore for the installation of street furniture, it is envisaged that not all requests will be approved if street furniture is not available.

## Protocol: Letters of Appreciation / Condolence / Congratulations and Certificates of Appreciation

Protocol encapsulates existing Council resolution and Instrument of Delegation for the issuing of Certificates and Appreciation and includes for the following:

- Letters of Condolence. Appreciations and Congratulations to be forwarded to by the Mayor of Day in a timely response to the event.
- All Councillors advised of the letter to be forwarded.
- A register of all letters of Appreciation, Condolence and congratulations be maintained.
- The protocol does not preclude Council at a meeting resolving to issue a letter under the Common Seal of Council.

## Protocol: Invitations extended to guests to attend Civic and Ceremonial Events

A Council resolution exists providing for former Mayor to be invited to civic events. This proposed protocol clearly articulates the types of functions and the invited guests and formal acknowledgement at the various functions.

The protocol also acknowledges that candidates for federal and state government elections will not be invited as guests of Council and will not be acknowledged if in attendance at the public event.
Protocol: Australia Day Awards

This protocol encapsulates the current process and procedure for awarding the Australia Day Awards and includes the Australia Day Awards Reception as an ongoing event.

It also includes ongoing acknowledgement of the awardees during the nominated year and includes invitations to speak at various community groups concerning the award and their contribution to the community. All current awardees are invited to attend various events such as Volunteers Week, Youth Week and National Reconciliation week.

Protocol: Acknowledgement of the passing of former Mayors and Councillors of Bayside and former councils.

This protocol provides a consistent and respectful approach in acknowledging the passing of former Mayors and Councillors.

The protocol includes 3 processes relating to:

- Former Mayor and Councillors of Bayside City Council
- Former Mayor of the former municipalities of Brighton, Sandringham, Mordialloc and Moorabbin
- Former Councillor of the former municipalities of Brighton, Sandringham, Mordialloc and Moorabbin

Protocol: Indigenous Acknowledgement

This protocol expands on the existing Council resolution and provides a context behind the indigenous acknowledgement. The protocol provides two different acknowledgement statements for different occasions.

Protocol: Nomination for a state or federal election

This protocol has been developed in line with the Municipal Associations of Victoria’s guidelines and the Victorian Local Governance Association guidelines.

Essentially the protocols provides that in the instance a sitting councillors stands as a candidate at a state or federal election, the sitting councillor must take leave of absence, suspend the councillor/mayoral allowance during this period, return all council resources, and not take part in council activities or comment on council activities during the leave of absence.

Protocol: Wearing of ceremonial robes and medallion

This protocol provides guidance to the Mayor of the Day when it is expected that the Mayor would wear the ceremonial robes and the medallion, and acknowledges the mayoral chains of the former municipalities of Brighton and Sandringham.
As a result of this Civic and Ceremonial Protocol Guide it is necessary for Council to rescind the following the Council policies:

- Flag Display Protocols
- Keys to the City and Freedom of Entry to the City Protocols
- Naming of streets, roads and reserves
- Plaques and memorials

The Protocol Guide also incorporates previous Council decisions and includes new practices, procedures and industry guidance on civic matters.

It is intended that the Guide be reviewed at a minimum every 4 years following the General Elections to ensure currency and enable minor changes to reflect the changing environment.

**Recommendation**

That Council:

1. Rescinds the Flag Display Policy, Keys to the City and Freedom of Entry to the City Policy, Naming of Streets, Roads and Reserve Policy, and Plaques and Memorials policies; and

2. Adopts the Civic and Ceremonial Protocol Guide as attached to the report.

**Support Attachments**

1. Civic and Ceremonial Protocol Guide for Adoption by Council April 2018 ⇩
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

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

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

Customer Service and Community Engagement
The Civic and Ceremonial Protocol Guide does not require community engagement given that the existing policies and Council resolutions are no consolidated into one document as an easy reference guide.

Human Rights
There are no implications of this report that are likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are no legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
This report proposes to rescind four Council policies, however the content and thrust of the policies are included within the Protocol Guide.
Civic and Ceremonial Protocols Guide

Forward

Civic and Ceremonial Protocol Guide

This Civic and Ceremonial Protocols Guide provides guidance on a range of civic and ceremonial activities to be undertaken by the organisation.

This Guide is a compilation of previous Council policies, organisational policies, and guidance that provides a resource for civic and ceremonial protocols.

It should be noted that the Guide does not include those standalone policies which are required by legislation.

The Guide includes the following protocols:

- Flag Display protocols;
- ‘Keys to the City’ and ‘Freedom of Entry to the City’ protocols;
- Naming of streets, roads and reserves;
- Plaques and memorials;
- Letters of Appreciation / Condolence / Congratulations and Certificates of Appreciation;
- Invitations extended to attend Civic and Ceremonial events;
- Australia Day Awards;
- Acknowledgment of the passing of former Mayors and Councillors of Bayside and former councils;
- Indigenous Acknowledgement;
- Nomination for a state or federal election; and
- Wearing of ceremonial robes and medallion.

Roles and Responsibilities

The Director Corporate Services and the Manager Governance are responsible for ensuring compliance with the protocols as outlined in the Guide.

Monitoring, Evaluation and Review

The Guide will be reviewed at a minimum every 4 years following the General Election to ensure currency and enable minor changes to reflect the changing environment.
### Table of Content

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Page No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flag Display protocols</td>
<td>5</td>
</tr>
<tr>
<td>‘Keys to the City’ and ‘Freedom of Entry to the City’ protocols</td>
<td>7</td>
</tr>
<tr>
<td>Naming of streets, roads and reserves</td>
<td>9</td>
</tr>
<tr>
<td>Plaques and memorials</td>
<td>11</td>
</tr>
<tr>
<td>Letters of Appreciation/Condolesence/Congratulations and Certificates of Appreciation</td>
<td>15</td>
</tr>
<tr>
<td>Invitations extended to guests to attend Civic and Ceremonial events</td>
<td>18</td>
</tr>
<tr>
<td>Australia Day Awards</td>
<td>20</td>
</tr>
<tr>
<td>Acknowledgment of the passing of former Mayors and Councillors of Bayside and former councils</td>
<td>23</td>
</tr>
<tr>
<td>Indigenous Acknowledgement</td>
<td>25</td>
</tr>
<tr>
<td>Nomination for a state or federal election</td>
<td>28</td>
</tr>
<tr>
<td>Wearing of ceremonial robes and medallion</td>
<td>32</td>
</tr>
</tbody>
</table>
Flag Display Protocols

Protocol Intent
To identify clear criteria for the flying of the national, state and other flags at the Corporate Centre and Council Chambers.

Purpose
Council receives a number of requests to fly flags at the Corporate Centre and Council Chambers to celebrate days of significance of other countries/nationalities.

Council also receives requests to fly flags at half-mast on the death of a significant or well recognised member of the community. This protocol will assist the organisation in adhering to state and federal government protocol and local arrangements.

Protocol
The Australian National, Aboriginal and Torres Strait Island flags are to be flown at mast head at all times from the Corporate Centre, with the Australian National and Bayside City Council flags at the Council Chambers, Civic Centre Brighton and the flying of the national flag takes precedence over any other flag.

The Australian National flag shall be flown at half-mast in accordance with national flag protocol on appropriate days.

The national flag protocol requires that the Australian National flag be flown at half-mast on the following days of national commemoration:

- On Anzac Day the national flag is to be flown at half-mast until noon, then to full mast head.
- On Remembrance Day the national flag is to be flown at half-mast between 10.30am to 11.03am

The national flag is required to be flown at half-mast for mourning in the following circumstances:

- on the death of the Sovereign – from the time of the announcement of the death up to and including the funeral
- on the death of a member of the Royal Family
- on the death of the Governor General or a former Governor General
- on the death of a distinguished Australian Citizen
- on the death of a foreign Sovereign or Head of State
- on the death of a Boonewurung Elder together with the Aboriginal Flag flying at half-mast
- when directed by the Prime Minister or Premier of Victoria to fly the national flag at half-mast.
The Mayor of the Day shall also have the discretion to fly the national flag and secondary flags at half-mast for the mourning of a well-recognised member of the community who has made a significant contribution to the wellbeing of the City, including former Mayors and Councillors of Bayside and predecessor municipalities of Bayside.

The Chief Executive Officer in consultation with the Mayor may authorise the flying the national flag and secondary flags at half-mast for the mourning of a long-standing staff member of 10 or more years' service.

During National Reconciliation Week and National Aborigines and Islanders Day Observance Committee (NAIDOC) week, the secondary flag pole(s) at the Corporate Centre will continue to fly the Aboriginal and Torres Strait Islanders flags during this period, and Council will conduct a flag raising ceremony to acknowledge and celebrate National Reconciliation Week.

In recognition of a national appeal event of significance (such as Red Cross Calling and the Salvation Army) those specific flags may be flown from the secondary poles. In this instance flag protocol will be observed and the national flag will be flown with the state flag followed by the appeal flag.

The secondary flag pole(s) may be used to fly flags in recognition of an overseas formal delegation visiting the municipality. In this instance the flag protocol will be observed and the national flag will be flown with the state flag followed by the visiting delegation country flag.

As a matter of courtesy, Councillors shall be kept informed of the display of various flags and for the period of time and where the flag has been lowered at half-mast.
**Keys to the City and Freedom of Entry to the City Protocols**

**Protocol Intent**
To specify how 'Keys to the City' and 'Freedom of Entry to the City' ceremonial activities will be approved and take place.

**Purpose**
This protocol provides clear guidance to Council on what occasions Council may bestow 'Keys to the City' to individuals and organisations, and 'Freedom of Entry to the City' to military or civilian units, to recognise outstanding achievement in public life.

**Definitions**

<table>
<thead>
<tr>
<th>Keys to the City</th>
<th>Freedom of Entry to the City</th>
</tr>
</thead>
<tbody>
<tr>
<td>The tradition of using a key dates back to medieval times, when many cities were enclosed within walled fortifications. The key symbolised the political relationship between a city and the King/Queen or ruler of the land on which the city was located. When the ruler visited the city for the first time after assuming power, the authorities would formally greet him/her at the gates and hand over a key to signify that the city was now under his/her control. The key would then be returned by the ruler to the city authorities to acknowledge that he/she intended to respect the political authority of those who administered the city. The Key to the City of Bayside is presented by the Mayor at a civic ceremony to acknowledge the contribution of an individual or organisation in furthering the ideals of the city, or to recognise outstanding achievement in public life.</td>
<td></td>
</tr>
<tr>
<td>Freedom of Entry to the City of Bayside is a ceremonial honour. The honour became popular during the nineteenth century and draws some inspiration from medieval history. A military or civilian unit accorded this privilege is granted the right of entry to the city &quot;with bayonets fixed, colours flying and drums beating&quot;. This award is restricted to Australian military and civilian units that have, through their command, a significant attachment to the City of Bayside. It is conferred in recognition of their achievement while on active service and overseas duty or as a mark of respect and gratitude for their efforts in the defence of Australia.</td>
<td></td>
</tr>
</tbody>
</table>

*Page 7 | 32*
Protocol

Keys to the City
The granting of the Keys to the City is a symbolic presentation, which represents the highest honour that a City can confer on an individual or an organisation.

Keys to the City will be awarded to individuals or organisation that have made a significant contribution to furthering the ideals of the City of Bayside or to recognise outstanding achievement in public life.

Freedom of Entry of the City
The right of Freedom of Entry of the City is a symbolic honour, demonstrating trust, loyalty and sense of community between a city and a military or civilian unit. Freedom of Entry to the City is restricted to Australian military and civilian units which have, through their command, a significant attachment to the City of Bayside.

Guidance Notes
Council may on its own initiative, or following receipt of an application, award the Keys to the City or Freedom of Entry to the City to any eligible person or organisation.

To receive the Key to the City of Bayside an individual or organisation must demonstrate an outstanding contribution in furthering the ideals of the City or in recognition of outstanding achievement in public life.

Eligibility to grant Freedom of Entry to the City requires a military or civilian unit to demonstrate a significant attachment to the City of Bayside and in recognition of their achievement while on active service.

Granting of Keys to the City and Freedom of Entry to the City may only be made by prior resolution of Council.

Nominations are to be formally considered by Council and will be the subject of a report to Council with a recommendation including budget considerations for the ceremony and hospitality.
Civic and Ceremonial Protocols Guide

Naming of Streets, Roads and Reserves

Protocol Intent
To specify the process for the naming of streets, roads and reserves in Bayside City Council.

Purpose

Protocol
The naming rules for places in Victoria provide a robust structure for ensuring that assigning names to streets, roads, reserves, features and locations in Victoria is undertaken in a consistent way for the community’s benefit. Those benefits include:

- Recognition and identification;
- Culture;
- Connection to country and place;
- Heritage;
- Landscape;
- Emergency service response and natural disaster;
- Communications, including postal and news services;
- Trade and commerce;
- Population censuses and statistics;
- Property rights and cadastral;
- Urban and regional planning;
- Environmental management;
- Map and atlas production;
- Navigation; and
- Tourism.

Appropriate naming is essential for identifying locations when managing emergencies and delivering goods and services to the community. The naming rules which have been developed are based on national standards and policies, and provide a standardised and unambiguous naming procedure across the state.

Bayside City Council is the naming authority for all names associated with streets, roads and reserves within its municipal boundaries, and must undertake the statutory requirements as set out to the naming rules document.
The statutory requirements mandate Council to undertake community consultation with all naming opportunities, and the following principles must be used to determine an appropriate name:

- **Enduring public safety** – ensuring names and boundaries do not risk public and operational safety for emergency response or cause confusion for transport, communication or mail services.
- **Recognising the public interest** – regard needs to be given to the long term consequences and short term effects on the wider community of naming a place.
- **Linking the name to place** – street, road and place names should be relevant to the local area with preference given to unofficial names used by the local community or relate to Aboriginal culture and occupation of the land.
- **Ensuring names are not duplicated** – proposed names must not duplicate another name within a 5 kilometre radius.
- **Names must not be discriminatory** – place names must not discriminate.
- **Recognition and use of Aboriginal languages in naming** – the use of Aboriginal language in the naming of roads and features is encouraged, subject to agreement from the relevant Traditional Owner group(s).
- **Using commemorative names** – naming often commemorates an event, person or place. Strict guideline apply when naming a structure after a person.
- **Using commercial and business names** – naming authorities should not name places after commercial business, trade names, estate names or not-for-profit organisations.
- **Language** – the use of names from Australian English, Aboriginal names and names from other languages need to be given careful consideration and strict guidelines apply when using a name from a difference language.
- **Directional names to be avoided** – cardinal directions (north, south, east or west) must be avoided at all times. A cardinal direction should only be used to distinguish a name from another similar name that is considered to a duplicate name.
- **Assigning extent to a road, feature or locality** – the naming authority must clearly define the area or extent to which the name will apply eg: the name will apply from one end of roadway to the other.

All requests for naming of streets, roads and features must be considered in accordance with the **Naming rules for places in Victoria (2006)**.
Plaques and Memorials

Protocol Intent
To provide a framework for the management and installation of all plaques and memorials to be installed within the City of Bayside.

Purpose
Council recognises that plaques and memorials provide recognition and celebrate achievements or historical events associated with the social development of the City of Bayside, as well as providing historical context for current and future generations, and serving as memorials.

This protocol will achieve the following outcomes:
- Provide an opportunity to recognise and celebrate significant historical events and persons or organisations closely associated with the cultural and social development of the municipality;
- Protect the intended purpose, environmental values and aesthetic appearance of Council public space;
- Provide a clear and equitable framework to manage requests for plaques and memorials to be located within Council public space; and
- Ensure risks are adequately considered in relation to plaques and memorials in Council public space.

Definitions

| Plaque | A flat tablet of metal, stone or other material which includes text and/or images which commemorate an event or a person, and/or provide historical or other information relevant to its location. Such a tablet is attached to an object, building or hard ground surface located within public space. |
| Memoral | An object established to commemorate a person, group, association or event. A memorial may be a “living thing” such as a tree or garden. |
| Public space | All Council owned or managed land is open or accessible to people. This includes:
  - Council owned public space including bushland reserves and sportsground;
  - Land managed by Council but owned by another body;
  - The exterior or interior of Council buildings within public space;
  - Reserve furniture within public space (such as reserve benches, picnic tables etc);
  - Any other infrastructure within public space (such as picnic shelters, barbeques, playgrounds etc); |
Civic and Ceremonial Protocols Guide

| • Activity centre locations, including footpaths, median strips, public square, malls and laneways; and
| • Road reservations.

Protocol
This protocol provides guidance for the installation of plaques and memorials in three different categories:

1. Plaques installed by Council on facilities to commemorate their opening or to commemorate an event which might be of historical significance either now or in the future.
2. Plaques installed by Council (perhaps in conjunction with other bodies) to provide historical or heritage information about buildings or people significant to the history of the municipality.
3. Plaques installed by Council on seats in parks at the request and cost of individuals or organisations wishing to commemorate a person or group.

Plaques installed by Council to commemorate an opening or other event

A plaque shall be installed by Council to commemorate the opening of a new or refurbished facility or to celebrate an event which may be of historical significance now or in the future.

Requests for plaques in this category shall be made by the relevant Director in consultation with the Manager Governance and following consultation with the Mayor of the Day. The cost of the plaques should normally be funded as part of the relevant capital project where it relates to a new or refurbished facility. All other occasions for a plaque shall be funded by the relevant service area.

The final format and wording will be submitted to the Communications Department before approval by the Chief Executive Officer and Mayor, and will normally include the include the following elements:

• Council logo;
• Identification of Council facility or event;
• Who opened it (generally Mayor of the Day or Member of Parliament);
• Date (day, month, year of opening);
• In the presence of (list all Councillors in alphabetical order by last name);
• Short summary of the purpose of the opening and acknowledgment of funding sources involved in the project; and
• Logo of state government (if a state government grant is applicable) or any other funding agencies.

The placement of the wording may vary at the discretion of the Manager Governance depending on the particular circumstances, and placement and size of the plaque.
Plaques installed by Council or in conjunction with other bodies to provide historical or heritage information.

Plaques may be installed on Council property by Council alone or in conjunction with other organisations in order to provide historical information about historical sites that is not evident by being at these sites. It is important when considering such plaques to develop a coordinated approach to the identification of places, create a consistent style, and to provide links to more information than can be provided on a plaque in situ.

Requests for the installation of historical and heritage plaques must be submitted to the relevant Director prior to being submitted to the Chief Executive Officer for approval in consultation with the Mayor of the Day. Input will also be requested from the appropriate local Historical Society.

The cost of plaques installed by Council will be funded by the relevant service area and funded as part of the project. Where external organisations make submissions for the installation of plaques, the cost of these plaques and their installation shall be borne equally amongst the external organisation and Council.

The final format and wording will be submitted to the Communications Department before approval by the Chief Executive Officer and Mayor of the Day, and will normally include the following elements:

- Council logo;
- Brief heading outlining the historical event/place;
- A maximum of 50 words describing the historical significance of the site; and
- Logo of external organisation (if a State Government grant is applicable) or any other funding agencies.

The placement of the wording may vary at the discretion of the Manager Governance depending on the particular circumstances, placement and size of the plaque.

Plaques installed by Council on seats in parks at the request and cost of individuals or organisations wishing to commemorate a person or a group.

At the request of members of the community, a plaque or seat may be installed in Council parks, gardens and foreshore areas for personal commemoration where the requestor has paid for the relevant park furniture, plaque and cost of installation. This is subject to the approval of the relevant Director or his/her delegate.

Requests for tree planting as a memorial for an individual shall be considered by the relevant Director or his/her delegate and assessed in accordance with relevant planting strategies and/or master plans.

Requests for a plaque to be installed on an existing structure shall be referred to the relevant Director or his/her delegate. Such installations will be considered only if a relationship can be established between the deceased person and the structure/park.
Civic and Ceremonial Protocols Guide

Where a donor requests a public installation for the purpose of a memorial:

- The donor is required to provide the new installation;
- The installation must be consistent with the suite of furniture at that site;
- All costs including supply and installation of the plaque and structure shall be borne by the donor; and
- Maintenance of the installation shall be borne by Council.

Council shall endeavour to keep all installations at the original location but cannot guarantee to retain the plaque and/or memorial in perpetuity.

All installations shall be performed by Council on behalf of the donor.

Council officers will establish a register of plaques and memorials with reference to location, type of memorial and most recent contact where applicable.

Requests for spreading of ashes shall be permitted subject to approval by the relevant Director or his/her delegate. Plaques associated with the spreading of ashes shall not be permitted.

Given the limited space for the installation of street furniture along the foreshore and reserve, the opportunity to attach a memorial plaque is limited, it is envisaged that not all requests will be approved if street furniture is not available.
Letters of Appreciation / Condolence/ 
Congratulations and 
Certificates of Appreciation

Protocol Intent
To provide guidance for the issuing of letters of appreciation, condolence and congratulations to individuals, clubs/groups or organisations within the municipality from the Mayor of the Day, and issuing Certificates of Appreciation on behalf of Council in recognition of significant and outstanding service to members of the Bayside community.

Purpose
From time to time it is appropriate that the Mayor of Day provide a letter of appreciation, condolence or congratulations to an individual, group or organisation to acknowledge their contribution to the municipality. In some instances a Certificate of Appreciation is presented by the Mayor in recognition of outstanding service to the community.

This protocol provides the guidance and authority for letters to be prepared for the Mayor’s signature or under the seal of Council, relating to appreciation, condolence or congratulations. However, this protocol does not diminish the Council’s role in resolving to present a letter under the seal of Council in relation to the letters of appreciation, condolence or congratulations.

Definitions

<table>
<thead>
<tr>
<th>Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of Condolence</td>
<td>A letter expressing Council’s sincere condolence on the loss of an individual who has made a significant contribution to Bayside.</td>
</tr>
<tr>
<td>Letter of Appreciation</td>
<td>A letter expressing Council’s appreciation of outstanding service by an individual or club/group or organisation who has made a significant contribution to the community of Bayside.</td>
</tr>
<tr>
<td>Letter of Congratulations</td>
<td>A letter expressing Council’s congratulations for an outstanding achievement by an individual or club/group or organisation who have achieved a significant milestone or success.</td>
</tr>
<tr>
<td>Certificate of Appreciation</td>
<td>A formal certificate acknowledging significant and outstanding service by members of the Bayside community, where it is intended that the certificate is bestowed upon an individual at a presentation event.</td>
</tr>
</tbody>
</table>
Civic and Ceremonial Protocols Guide

Protocol

**Letter of Condolence**

1. On notification that a significant contributor to the community of Bayside has passed away, the Mayor of the Day should be notified as soon as practicable.
2. The Mayor of the Day shall advise all Councillors via email of the recent passing of the individual.
3. The Governance Manager in consultation with Communications shall draft an appropriate letter for the Mayor’s consideration and signature.
4. The Mayor of the Day shall sign and forward the Letter of Condolence on behalf of Council expressing sincere condolence at the loss of the individual to the individual’s family.
5. A copy of the signed Letter of Condolence is to be forwarded to all Councillors for information purposes only.
6. A register for Letters of Condolence is to be maintained and reported annually in Council’s Annual Report.

**Letter of Appreciation**

1. On notification that an individual, club/group or organisation has made a significant contribution to the community of Bayside through their involvement in a service, project or event, the Mayor of the Day should be notified as soon as practicable.
2. The Mayor of the Day shall advise all Councillors via email of the intention to forward a letter of appreciation to the individual, club/group or organisation.
3. The Governance Manager in consultation with Communications shall draft an appropriate letter for the Mayor’s consideration and signature.
4. The Mayor of the Day shall sign and forward a letter of appreciation on behalf of Council expressing appreciation for their contribution in relation to a service, project or event.
5. A copy of the signed Letter of Appreciation is to be forwarded to all Councillors for information purposes only.
6. A register for Letters of Appreciation is to be maintained and reported annually in Council’s Annual Report.

**Letters of Congratulations**

1. On notification that an individual, club/group or organisation has achieved a significant milestone or success, the Mayor of the Day should be notified as soon as practicable.
2. The Mayor of the Day shall advise all Councillors via email of the intention to forward a letter of congratulations to the individual, club/group or organisation.
3. The Governance Manager in consultation with Communications shall draft an appropriate letter for the Mayor’s consideration and signature.
4. The Mayor of the Day shall sign and forward a letter of congratulations on behalf of Council expressing congratulations for an outstanding achievement, milestone or success.
5. A copy of the signed letter of congratulations is to be forwarded to all Councillors for information purposes only.
6. A register for Letters of Congratulations is to be maintained and reported annually in Council’s Annual Report.
Certificate of Appreciation

1. On notification that a Certificate of Appreciation is required to acknowledge a contribution at a formal gathering or presentation, the Mayor of the Day should be notified as soon as practicable.
2. The Mayor’s Secretary must be advised when the formal gathering or presentation is to take place to ensure the Mayor is able to attend and present the Certificate of Appreciation.
3. The Mayor of the Day shall advise all Councillors via email of the intention to issue a formal Certificate of Appreciation and the date and locations for the presentation to take place for information purposes.
4. The Governance Manager in consultation with Communications shall prepare the Certificate of Appreciation in accordance with the design style guide.
5. The Mayor of the Day shall sign the Certificate of Appreciation recognising significant and outstanding service to the Bayside community.
6. Arrangements will be put in place for the Mayor or his/her delegate to present the certificate of appreciation at the gathering or presentation as required.
7. A register of Certificates of Appreciation is to be maintained and reported annually in Council’s Annual Report.

It should be noted that the abovementioned protocol does not preclude Council at its meeting from resolving to issue a letter of congratulations or appreciation under the seal of Council. In which case the Mayor of the Day and Chief Executive Officer will sign the appropriate letter and affix the seal of Bayside City Council to the document.
Invitations extended to guests to attend Civic and Ceremonial events

Protocol Intent
The intent of this protocol is to provide guidance and instructions for Council staff to invite various individuals to civic and ceremonial functions.

Purpose
To provide a consistent approach when inviting individuals to civic and ceremonial functions as a guest of Council, and to determine the types of functions where invitations are extended.

Protocol
Throughout the year Council conducts a range of civic and ceremonial functions which as a matter of courtesy former Mayors and local Members of Parliament have traditionally been invited to attend and acknowledged appropriately.

The following table clearly documents the types of functions and expectations of who shall be invited to attend civic and ceremonial functions as a guest of Council, and who is to be acknowledged at these functions.

<table>
<thead>
<tr>
<th>Type of Functions</th>
<th>Invited guests and formal acknowledgement at function</th>
</tr>
</thead>
</table>
| Citizenship Ceremonies            | Councillors
|                                   | Local Federal Member of Parliament                                                        |
|                                   | Local State Members of the Parliament                                                     |
|                                   | Minister for Home Affairs                                                                  |
| Australia Day Awards Functions    | Councillors
|                                   | Local Federal Member of Parliament                                                        |
|                                   | Local State Members of the Parliament                                                     |
|                                   | Former Mayors of Bayside and partners                                                     |
|                                   | Former Citizen of the Year and Young Citizen of the Year Awardees                          |
| Australia Day Function including  | Councillors
| Citizenship Ceremony              | Local Federal Member of Parliament                                                        |
|                                   | Local State Members of the Parliament                                                     |
|                                   | Minister for Home Affairs                                                                  |
|                                   | Former Mayors of Bayside and partners                                                     |

Page 18 | 32
### Civic and Ceremonial Protocols Guide

<table>
<thead>
<tr>
<th>Event</th>
<th>Invited Guests</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Reconciliation/Flag Raising Ceremony</td>
<td>Councillors, Local Federal Member of Parliament, Local State Members of the Parliament, Former Mayors of Bayside and partners</td>
</tr>
<tr>
<td>Remembrance Day</td>
<td>Councillors, Local Federal Member of Parliament, Local State Members of the Parliament, Former Mayors of Bayside and partners</td>
</tr>
<tr>
<td>Facility openings</td>
<td>Councillors, Premier, Minister of the Crown, Local Federal Member of Parliament, Local State Members of the Parliament, Former Mayors of Bayside and partners</td>
</tr>
<tr>
<td>Commemorative plaque unveilings</td>
<td>Councillors, Local Federal Member of Parliament, Local State Members of the Parliament, Former Mayors of Bayside and partners, Presidents of Local Historical Societies</td>
</tr>
</tbody>
</table>

Formal invitations extended to the abovementioned guests are not transferable.

Where former Mayors of the former municipalities of Brighton, Sandringham, Mordialloc or Moorabbin are present at the public event, due recognition will be given to those in attendance.

Candidates for federal and state government elections will not be invited as guests of Council, and will not be acknowledged if in attendance at the public event.
Australia Day Awards

Protocol Intent
The intent of this protocol is to provide guidance for Council staff to manage all aspects of the Australia Day Awards process to acknowledge members of the community who have demonstrated an outstanding contribution to the City of Bayside.

Purpose
To provide a consistent approach in seeking applications for Australia Day Awards and the process associated with the selection and presentation of awards together with the ongoing acknowledgement of the winners throughout the award year.

Definitions

<table>
<thead>
<tr>
<th>Australia Day Awards</th>
<th>Consist of the following category of awards:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Citizen of the Year – Over the age of 28 - outstanding contribution to the community of Bayside.</td>
</tr>
<tr>
<td></td>
<td>• Young Citizen of the Year – under the age of 28 – outstanding contribution to the community of Bayside.</td>
</tr>
<tr>
<td></td>
<td>• Community Event of the Year – group/organisation that has conducted a successful community event involving the community of Bayside.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environment Awards</th>
<th>Consist of the following awards:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Environment Award for an Individual who has made a significant contribution to the environment of Bayside.</td>
</tr>
<tr>
<td></td>
<td>• Environment Award for a Community Group/Organisation that has made a significant contribution to the environment of Bayside.</td>
</tr>
</tbody>
</table>

| Award nominees | Means all individuals and group/organisations who have been nominated for an award in any category. |

Protocol
The community of Bayside is extremely fortunate to have many individuals and community groups/organisations that make a significant contribution to the community of Bayside, and therefore it is appropriate to acknowledge the contribution of these people and groups.

The process for the Australia Day Awards and Environment Awards are as follows:
Civic and Ceremonial Protocols Guide

Advertising of nominations
1. Notification of nominations being open will be via Council’s website, Bayside Leader, social media and letters to service clubs and youth forums.
2. Nomination forms will be provided electronically via Council’s website and by hardcopy at the Corporate Centre.
3. Advertising to commence first week of October with nominations closing third week of December. Additional advertising and social media blasts to be undertaken leading up to the closure of awards.

Nominations received
1. All nominations received will be acknowledged and listed in the order in which they have been received.
2. A brief summary of the contribution of the individual and group/organisation will be produced summarising the application form received.
3. A summary of all nominations will be provided to Councillors to review and indicate preferences based on the criteria of the awards.

Determining the awardees
1. A matrix shall be developed collating all preference results from Councillors and the summary submitted to the Mayor of the Day for consideration.
2. Following an analysis of the results, the Mayor of the Day in consultation with the Manager Governance will determine the awardees based on the results of the matrix.

Celebrating the nominees and Awardees
1. Council shall host an Australia Day Awards reception to acknowledge all nominees in each category.
2. Each nominee is to be invited along with nine guests to attend the event.
3. The announcement of the awardee is kept confidential until the announcement at the event.
4. All nominees to receive a small plaque acknowledging their Australia Day Award nomination.
5. The successful Awardees to receive an additional plaque honouring the significant award bestowed upon them.
Civic and Ceremonial Protocols Guide

Ongoing acknowledgement of the awardees during the nominated year.

1. Upon agreement with the awardee of the Citizen of the Year and Young Citizen of the Year, an invitation will be extended to local service clubs, schools, and community organisations to invite the awardees to speak at various events to acknowledge the award and their contribution to the community.

2. Council staff will ensure the Citizen and Young Citizen of the Year are invited to various council events such as Volunteers Week, Youth Week, and National Reconciliation week events.

A register of awardees in all categories shall be maintained, and the current year nominees be acknowledged in Council’s Annual Report.
Civic and Ceremonial Protocols Guide

Acknowledgement of the passing of former Mayors and Councillors of Bayside and former councils

Protocol Intent
The intent of this protocol is to provide guidance and instructions for Council staff to acknowledge the passing of former Mayors and Councillors of Bayside and former Mayors and Councillors of former municipalities.

Purpose
To provide a consistent and respectful approach in acknowledging the passing of former Mayors and Councillors of Bayside and former Mayors and Councillors of the former municipalities of Brighton, Sandringham, Moorabbin and Mordialloc.

Protocol
Given the significant voluntary contribution that former Mayors and Councillors have provided to the Bayside City Council, it is appropriate that due respect and acknowledgement is given on their passing. In addition, due respect and acknowledgement should also be given to former Mayors and Councillors of the former municipalities of Brighton, Sandringham, Moorabbin and Mordialloc.

Where notification is received on the recent passing of a former Mayor or Councillor, the Mayor of the Day and Councillors shall be notified as soon as practicable.

The Manager Governance or his/her delegate shall implement the appropriate acknowledgement and mark of respect on the passing of the individual.

The table below provides a summary of the acknowledgement and mark of respect to be undertaken by Bayside City Council.

| Former Mayor or Councillor of Bayside City Council | • A tribute and condolence notice be placed in the Herald Sun newspaper  
• Flowers to be forwarded to the family or donation to a charity if applicable  
• Flags at the Corporate Centre to be flown at half-mast on the day of the funeral  
• Representative of Council to attend the funeral.  
• Letter of Condolence to be forwarded to the family  
• One minute silence as a mark of respect at the next Ordinary Meeting of Council. |

Page 23 | 32
### Civic and Ceremonial Protocols Guide

| Former Mayor of the former municipalities of Brighton, Sandringham, Mordialloc and Moorabbin | • Flags at the Corporate Centre to be flown at half-mast on the day of the funeral  
   • Letter of Condolence to be forwarded to the family  
   • One minute silence as a mark of respect at the next Ordinary Meeting of Council. |
| Former Councillor of the former municipalities of Brighton, Sandringham, Mordialloc and Moorabbin | • Letter of Condolence to be forwarded to the family  
   • One minute silence as a mark of respect at the next Ordinary Meeting of Council. |
Indigenous Acknowledgement

Protocol Intent
The intent of this protocol is to provide guidance to Council staff on what occasions the Indigenous Acknowledgement of our original inhabitants is read at events, functions and meetings of Councillors.

Purpose
To determine a consistent and respectful approach where the Council adopted Indigenous Acknowledgement must be read.

Historical Background
The Boonwurrung represents the traditional people and custodians of the lands from the Werribee River to Wilson Promontory and are proud members of the Kulin People – the Boonwurrung and Woiwurrung.

For thousands of years the Boonwurrung were actively involved in the Greater Kulin Nation and together they walked this land.

The history of the Boonwurrung people dates back many thousands of years, to a time when this land that is now called Melbourne extended right out to the ocean. Port Phillip Bay was then a large flat plain where the Boonwurrung hunted kangaroos and cultivated their yam daisy.
Civic and Ceremonial Protocols Guide

The Boonwurrung people continue their tradition as the proud custodians and protectors of these lands from the Werribee River to Port Phillip Bay to Westernport Bay to Phillip Island and all the way to Wilsons Promontory.

The Boonwurrung encourage everyone to nurture and care for this land as they do – with love and respect, to protect the rivers, the creeks and the waterways as they are the blood of this land and to observe the wisdom of Bunjil – to care for the children.

Bayside’s Indigenous population today
While Bayside has a relatively small Indigenous population today, the City’s Indigenous connections have not been lost and some of these connections can be found along the Bayside foreshore depicted in sculptures and in the Indigenous Garden.

The knowledge of the land and way of life has been preserved by Wurundjeri descendants, and Indigenous people from different areas have become residents, and non-indigenous residents have become involved with these communities.

Bayside City Council is actively committed to the reconciliation process through symbolic recognition during National Reconciliation Week and NAIDOC week, as well as through the development of the Indigenous Action Plan.

A total of 189 Bayside residents identified as Indigenous Australians in the 2016 Census of Population, 175 identifying as Aboriginal and 14 identifying as Torres Strait Islander or both Aboriginal and Torres Strait Islander.

Protocol

What is a Welcome to Country?
A Welcome to Country is where an Aboriginal or Torres Strait Islander custodian or elder from the local region who has been given permission from Traditional Owners, to welcome people to their land. This may be done through speech, song, dance or ceremony.

A Welcome to Country is included in the first meeting of a newly elected Council at Bayside, and at the National Reconciliation Week – Flag Raising ceremony.

What is an Acknowledgement of Country?
An Acknowledgement of Country recognises that Bayside City Council has a strong and proud indigenous history and complex ownership and land stewardship systems stretching back many thousands of years. It pays respect to the Traditional Owners of the land.
Who are the Traditional owners of this land we call Bayside?
The traditional owners of this land that we call Bayside today, were the Boonwurrung people of the Kulin Nation.

When is an Acknowledgement of Country appropriate?
An Acknowledgement of Country should be given at formal events, such as Council Meetings, Civic and Ceremonial functions, and official openings.

Who should give the Acknowledgement of Country?
The first speaker at an event or function (following the welcome to the country by an Elder of the traditional owners where applicable or in the absence of a welcome) should give the Acknowledgment of Country.

Subsequent speakers at any event may also give an acknowledgement of country in a condensed version.

What form should the Acknowledgement of Country take?
It is Council policy that the Indigenous Acknowledgement as outlined below be used at Council Meetings and Civic and Ceremonial functions and official openings.

- We acknowledge that the original inhabitants of this land that we call Bayside were the Boonwurrung 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.

Where an acknowledgement of country is required at an event, forum, conference, and gathering or as an invited guest to speak at the event, it is appropriate to use a different format to acknowledge the past and present elders and acknowledge the location where you are meeting, which is outlined below:

- We meet today on the traditional land of the Boonwurrung people of the Kulin Nation, and we pay our respect to their Elders, past and present.
- We acknowledge that together we share a responsibility to nurture this land and sustain it for future generations.
Nomination for a state or federal election

Protocol Intent
To provide clear guidance for Councillors wishing to nominate as a candidate to contest a federal or state election for the election period with a view to preventing the perception of a Councillor using their elected position as a campaign platform by a candidate in a State or Federal Election.

Purpose
Whilst Council supports and encourages members of the community to take up public life this protocol articulates Council’s position in relation to holding the Office of Mayor, Deputy Mayor or Councillor in the event of nomination as a candidate to contest a federal or state seat covering an area located within the Bayside municipal district.

The rationale behind Council’s position is to prevent the perception arising that the mayoralty, deputy mayoralty and councillor role is being used as a campaign platform by a candidate in a state or federal Election.

This protocol applies to all Councillors where a Councillor becomes a Prospective candidate and Nominated candidate to contest a state or federal seat covering an area located wholly or partly within the municipal boundaries of Bayside City Council.

Definitions
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Councillor</td>
<td>Means an individual holding the Office of an elected member of</td>
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<tr>
<td></td>
<td>Bayside City Council.</td>
</tr>
<tr>
<td>Prospective</td>
<td>Means a Councillor who becomes an endorsed candidate of a</td>
</tr>
<tr>
<td>candidate</td>
<td>registered political party or publically expresses an intention</td>
</tr>
<tr>
<td></td>
<td>to run as an independent candidate for a state or federal</td>
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<td></td>
<td>election.</td>
</tr>
<tr>
<td>Nominated</td>
<td>Means a Councillor who nominates as a candidate for a state or</td>
</tr>
<tr>
<td>candidate</td>
<td>federal election with the relevant electoral commission.</td>
</tr>
</tbody>
</table>
Civic and Ceremonial Protocols Guide

Context

While the Local Government Act 1989 does not contain specific provisions on obligations and responsibilities of Councillors who are nominating as candidates in state and federal elections, it does contain specific directions for electorate officers working for state or federal MPs and for employees of councils contesting local government elections which are referred to below:

Section 28A of the Act disqualifies an individual from being Councillor if they are serving as electorate officers or staff for a State or Federal MP.

Section 29 of the Act also disqualifies members of council staff of the council for which they intend to be councillors.

Electoral officers and council staff of the council which they have been elected onto must resign from their position once they are elected and prior to taking an oath of office.

The Act allows for electoral officers and council staff of the council for which they intend to be councillors to nominate for Council elections, but they must take leave from their position during the election period.

Whilst there is no requirement within the existing Act relating to a sitting Councillor nominating for a state or federal election, it is appropriate that Council establish protocols and an understanding of the potential for a conflict of interest and duties between an elected councillor and a nominated candidate in state or federal elections.

Councillors are elected to perform their duties in a lawful manner and must comply with the relevant provisions of the Local Government Act 1989 including the principles of the Councillor conduct set out in section 76B of the Act.

Protocol

1. All Councillors are encouraged to participate in civic life in either local, state or federal governments.

2. The potential for conflict of interest and duties between an elected Councillor and a nominated candidate in state or federal elections will exist during the course of an election campaign.

3. The same principles that apply to council employees and electoral officers standing for council or state or federal parliament must apply to Councillors in terms of taking leave of absence during the election period avoid any potential conflicting duties.
Procedure

Councillor to declare their candidacy in an election

A Councillor who becomes a Prospective candidate will as soon as practicable, advise the Chief Executive Officer in writing, who will advise all Councillors in writing as a matter of courtesy.

The Chief Executive will report to Council at the next Ordinary Meeting of council the Councillor’s intention or nomination to stand at a state or federal election.

Leave of Absence

A Councillor who becomes a Nominated candidate for a state of federal election must apply for leave of absence from the Council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commissions for the election and conclude no earlier that the close of voting for the election.

Council must not unreasonable refuse to grant leave of a Councillor.

If the Mayor of the Day is granted leave of absence by Council, the Deputy Mayor (as Acting Mayor) will fulfil the role as Mayor during the absence, and Council may wish to appoint an Acting Deputy Mayor.

Mayoral/Councillor allowance

The Chief Executive Officer must cease the payment of the Councillor/Mayoral allowance during the period of absence of the Councillor nominating for a state or federal election.

Improper Use of Position by Councillors

Sections 76D and 76E of the Local Government Act 1989 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.

Council resources and activities

A Councillor who is a Prospective or Nominated candidate at a state or federal election must return all council resources such as mobile phone, ipad, printers, business cards and mayoral vehicle if applicable, once a leave of absence has been received.

A Councillor, who is a Prospective or Nominated candidate should not use Council related activities, including Advisory Committee meetings, event, functions in relation to his/her candidacy.

Given the Councillor has taken leave of absence from Council duties, the Councillor will not be invited to council activities during the election campaign period, and will not be acknowledged at any events.
Media Advice

No media advice or assistance will be provided in relation to Election issues or publicity that involves Councillors standing as candidates in an Election.

A Councillor must not use Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing in an Election.

Councillor candidates commenting on Council issues

Where a Councillor comments on Council issues as a candidate in an Election, whilst on leave of absence the Councillor should clearly identify that those comments are made as a candidate not as a Councillor.

Conclusion of the state or federal election

Following the conduct of the election, and if the Councillor is successful in their endeavours in the election as a Member of Parliament, the Councillor must advise the Chief Executive Officer as soon as possible after the declaration of the election.

If the Councillor is not successful, once the election has been declared the Councillor must advise the Chief Executive Officer in writing and shall resume their duties of a Councillor and be issued with the council resources to assist the Councillor in fulfilling their role.
Wearing of ceremonial robes and medallion

Protocol Intent
To provide guidance for the Mayor and Councillors on the wearing of Mayoral robes and medallion.

Purpose
From time to time the Mayor conducts many civic and ceremonial events conducted by Council and also attends many external events where the wearing of the Mayoral robe and medallion is required.

This protocol provides guidance to the Mayor of the Day where it is appropriate to wear the Mayoral robe and medallion and where the Mayor may use his discretion to wear the robes.

Protocol
Bayside City Council is the custodian of the former Cities of Brighton and Sandringham mayoral chains which are symbolic to the role of Mayor and have a great deal of historical significance. These chains are held in secure safe keeping and are accessible for the Mayor of the Day to wear on special occasions with prior notice. A Council staff member must be in attendance at all times when the chains are worn.

The wearing of the ceremonial Mayoral robes is at the discretion of the Mayor of the Day.

However, at formal ceremonies such as Citizenship Ceremonies it is appropriate to wear the Mayoral robes.

A Mayoral medallion is also provided for the Mayor to wear at all functions and events, which provides a level of symbolism and acknowledges the role of the Mayor bestowed upon the individual.

There are many opportunities where the Mayor of the Day may consider wearing the Mayoral robes such as:

- Presentations at local schools;
- Official openings and events where the Vice Regal party are present;
- Functions and events conducted by external parties where there is a specific request that the mayoral robes be worn; and
- A Debutante Ball.
10.15 POLICY UPDATE: BAYSIDE ART & HERITAGE COLLECTION POLICY; BAYSIDE EXHIBITION POLICY AND BAYSIDE PUBLIC ART POLICY

Communications, Customer & Cultural Services - Cultural services
File No: FOL/16/1934 – Doc No: DOC/18/82241

Executive summary

Purpose and background

The purpose of this report is to present recent policy reviews undertaken on three current Policies, with one policy having been reviewed and updated and two policies recommended for rescinding.

The reviewed policies include:

- Bayside Exhibition Policy (2013) Attachment 1
- Bayside Public Art Policy (2016) Attachment 2
- Bayside Art & Heritage Collection Policy (2014) Attachment 3

Key issues
The establishment of the Bayside Arts Board (a S86 Committee of Council) means that the current Policies are now out of date and need to be revised to align with the delegated Powers, Discretions and Functions of the Bayside Arts Board and the Gallery’s Strategic Plan.

A more local focus on future collecting and the increased display of work in public buildings will meet community needs and expectations.

Bayside Exhibition Policy (2013)
According to the Powers, Discretions and Functions of the Bayside Arts Board it is the role of the Board to approve the annual exhibition program in line with the Gallery Strategic Plan. A Statement outlining the principals that guide the selection process for exhibitions is included in the Annual Exhibition Program presented to the Board for approval. The current Exhibition Policy document is also made up of a number of procedures that do not belong in a policy document. As the Bayside Arts Board is now the decision making body that approves the annual exhibition program the Policy should be rescinded.

Public Art Policy (2016)
Following the commission and installation of a public artwork it will be accessioned into the Bayside Art and Heritage Collection. The current Public Art Policy document was predominantly made up of procedures that do not belong in a policy document. The Bayside Arts Board recently endorsed the development of a Public Art strategy which would guide the future of public art in Bayside. This document would establish guidelines and clearly outline procedures for the decision making processes in commissioning new works of public art that are aligned with the Community and Council Plan. The criteria for the acquisition of public art into the Bayside City Council Arts and Heritage Collection is clearly outlined in the draft revised Arts and Heritage Collection Policy making the Public Art Policy redundant. It is therefore proposed that Council rescind the Public Art Policy.
Arts & Heritage Collection Policy (2018) In consultation with the Policy and Service Development Coordinator Strategy & Performance, the revised draft Arts and Heritage Collection Policy (2018) was developed based on Council’s template and contains core elements of the current Arts and Heritage Policy (2014).

All procedures were deleted from the current Arts and Heritage Collection Policy (2014) and administrative changes were necessary as the Governance and Organisational structure has changed since the Policy was written.

The future acquisition of works for the collection is now based on mandatory criteria ensuring the revised draft Arts and Heritage Collection Policy (2018) is robust and acquisitions are reflective of community identity with a focus on a sense of place and localism.

**Recommendation**

That Council:

1. Adopts the Arts and Heritage Collection Policy (2018); and
2. Rescinds the Exhibition Policy (2013) and the Public Art Policy (2016)

**Support Attachments**

Considerations and implications of recommendation

Liveable community

Social

Recent data shows that 92.6% of the Bayside community agrees that arts and culture make Bayside a Better Place. A more local focus on future collecting and the increased display of work in public buildings will meet community needs and expectations.

Natural Environment

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

Built Environment

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

Customer Service and Community Engagement

At the time of drafting the Art & Heritage Collection Policy (2018) Arts and Culture had two community stakeholder groups with which it consulted, the Gallery@BACC Board and the Arts and Culture Advisory Committee. The draft Art & Heritage Collection Policy (2018) was sent to all members of the Gallery@BACC Board and the Arts & Culture Advisory Committee for consideration and feedback. Seven people provided feedback which resulted in slight amendments to the document.

Human Rights

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

Legal

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

Finance

$30,000 funding for Acquisitions and $100,000 funding for Public Art has been provided in the 2017/2018 capital budget in addition to a discretionary amount of operational funding provided for the ongoing maintenance and preservation of the Bayside Art and Heritage Collection.

Links to Council policy and strategy

This Policy links to the Gallery@BACC Strategic Plan 2017 – 2021; Councils’ Procurement Policy and the Community and Stakeholder Engagement Policy.
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Exhibition Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy ref no:</td>
<td>C/POU/CMS/032</td>
</tr>
<tr>
<td>Council policy owner:</td>
<td>Director Community Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>29 October 2013/Item 10.12</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>October 2017</td>
</tr>
</tbody>
</table>

1. Policy intent
To guide the appropriate programming and presentation of exhibitions and displays located within The Gallery @ BACC, ARTrium, Council Offices and the Bayside Library Service.

2. Purpose/Objective
This Policy
- defines the principles and procedures governing the selection and management of exhibitions in The Gallery @ BACC and other Council premises;
- clearly outlines how Council’s Art and Heritage Collection is to be properly recognised and exhibited; and
- defines the ways in which Council endeavours to raise community interest in, and support for, arts and culture.

3. Scope
This policy applies to public exhibitions and displays held at The Gallery @ BACC and other Council premises including those exhibitions that tour to other venues. It does not cover the public exhibition or display of artwork, or item/s created by, tenants or hirers of BCC premises.

4. Roles & Responsibilities
The Director Community Services is responsible for ensuring policy implementation, compliance, monitoring, evaluation and review and is also responsible for providing advice in relation to this policy.

5. Monitoring, evaluation & review
The policy will be monitored through an annual report to Council detailing exhibitions, attendance numbers, programs, visitor and participant feedback and the results of an annual survey.

Exhibition standards will be in line with the International Council of Museums (ICOM) professional standards for the global museum community.

FOL/12/2453

(03) 9599 4444
PO BOX 27 SANDRINGHAM VIC 3191
www.bayside.vic.gov.au
The policy will be reviewed every four years.

6. Policy statement

6.1 Selection and management of exhibitions at The Gallery @ BACC

6.1.1 The Gallery will endeavour to raise community interest in, and support for arts and culture through:
- present an exhibitions program that is broad and diverse in its appeal and allows the community an opportunity to experience a breadth of artistic expression, both traditional and contemporary that is representative of a wide range of art media;
- encouraging and supporting exhibitions with a well-developed artistic or historical focus;
- develop exhibitions of excellence which are a rich cultural and educational resource for the community; and
- ensure that exhibitions and public programs align with the values and goals of Bayside City Council’s Libraries, Arts and Culture Strategy 2012-2017.

6.1.2 The Gallery @ BACC will attract and support quality touring intrastate and interstate exhibitions in order to provide access for the Bayside and wider community to a range of quality visual art experiences.

6.1.3 The Gallery @ BACC exhibition program will include exhibitions curated from the Bayside City Council Art and Heritage Collection which are of a social history, scientific or cultural interest.

6.1.4 The exhibition program is determined at least eighteen months in advance.

6.1.5 Handling, storage and presentation of art work and items will be in accordance with ICOM standards.

6.1.6 The Gallery @ BACC will maintain a high standard in terms of professional exhibition display in all of the Gallery’s exhibition spaces. Allocation of exhibition space for proposed exhibitions will be arranged according to the Gallery’s annual exhibition program.

6.1.7 An artwork should not be excluded from a public gallery on moral, political, racial, religious, sexist, language or other sensitive grounds alone other than those artworks that have been subject to Federal or State prohibition. Nor should artworks be included on these grounds alone, whatever pressure is brought to bear by groups or individuals.

6.1.8 Where it is reasonably considered that artworks could be considered offensive by the general public the display area will be entered by a separate entrance contrived through appropriate screening. Any exhibition or display containing artworks that could reasonably be considered offensive by the general public will carry appropriate warning signage that is clear and positioned at the gallery entrance and in the screened display area. A warning will be conveyed to patrons entering the gallery, either verbally, via signage or other written communication, or a combination of these means.
6.1.9 While The Gallery @ BACC is a public gallery, as such it occupies a unique position in an area where there are limited opportunities for the community to exhibit at a professional standard. Therefore the exhibitions program will include up to five rental exhibitions annually via a competitive application process as part of the Access Gallery program.

Hire charges will apply. These charges will be subject to an annual review.

6.2 Selection and display of exhibitions at ARTrium

Exhibition submissions are invited from residents of Bayside. Proposals from artists who reside outside the municipality may be considered if the works merit consideration and applications from Bayside residents have not filled the positions on offer.

A panel determined by the Director Community Services will assess the submissions according to the selection criteria outlined in the Expression of Interest Form as well as taking into consideration the availability of the exhibition space and the quality and standard of each application.

A commission fee for any works sold will be payable to Bayside City Council. The fee will be determined an annual basis during Council’s Budget processes.

6.3 Selection and display of art works and items at Council Offices

Artworks and items from Council’s Art and Heritage Collection may be displayed in both public and private areas of the Council Offices. The selection of artworks and items will be made according to an assessment of any environmental and security risks relevant to the artworks being displayed.

Handling of works will be undertaken by trained staff or other appropriately trained or skilled persons.

6.4 Approvals

The Director Community Services (Director) will approve the forward exhibition program under delegation from Council.

See Attached:

1. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Art and Heritage Collection Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedures</td>
<td>Management of Art and Heritage Collection Procedures (Draft)</td>
</tr>
<tr>
<td>Guidelines</td>
<td>The Gallery @ BACC Incoming Loan Agreement</td>
</tr>
<tr>
<td></td>
<td>ARTrium Conditions of Use</td>
</tr>
<tr>
<td></td>
<td>The Gallery @ BACC Hire Guidelines</td>
</tr>
</tbody>
</table>
2. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCC</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>BACC</td>
<td>Bayside Arts and Cultural Centre</td>
</tr>
<tr>
<td>Curated Exhibition</td>
<td>A selection of collection or loan artworks or items on public view in either Galleries One or Two which has a strong, well developed curatorial rationale.</td>
</tr>
<tr>
<td>Incoming Loan</td>
<td>Is defined as the temporary bailment of artworks or items from an external organisation or individual to The Gallery @ BACC for the purpose of exhibition or display, where no transfer of ownership is involved.</td>
</tr>
<tr>
<td>Artwork/s or item/s</td>
<td>Is used to describe material for exhibition including (but not limited to) books, manuscripts, paintings, photographs, prints and drawings, maps, posters, ephemera, realia (objects), serials and sheet music. Digital files, facsimiles, audio and video recordings and multimedia may also be considered items within the scope of this policy.</td>
</tr>
<tr>
<td>ICOM</td>
<td>International Council of Museums</td>
</tr>
</tbody>
</table>

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

Public art plays a key role in creating a sense of place, provides an opportunity for cultural expression, fosters creativity, and contributes to improved liveability. Bayside City Council is committed to integrating public art into both urban and natural environments.

The purpose of this policy is to:

- Promote a greater understanding of the contribution of public art in the development of a vibrant, diverse, and sustainable city.
- Establish principles to govern the development and management of public art within the municipality.
- Guide Council and other stakeholders in integrating high-quality public art works into significant projects and developments such as master plans, streetscape upgrades, and activity centre renewal projects.

2. Scope

The Public Art Policy guides and forms the criteria for the assessment of all public art commissioned by the Council or acquired by purchase, donation or transfer, as well as providing a framework for the ongoing management and promotion of public art.

Public art does not include heritage fixtures, horse troughs, plaques and the like, as these objects are not from practitioners who intended their work and activities to be seen and read as art.
3. Roles & Responsibilities

Management of the Policy

The Arts & Culture Advisory Committee is responsible for providing broad strategic advice regarding the Public Art Policy.

The Art & Heritage Collection Committee is responsible for the commissioning, acquisition, ongoing management, and de-accession of public art works.

The Director Community Services will be accountable for overseeing management of the Public Art Policy and its implementation.

The Coordinator Arts & Culture takes a lead role in the development of new public art works, however responsibility for identifying and planning for the integration of public art into the Bayside environment, whether through inclusion into an urban design framework, strategic plan or a master planning process is considered to be a responsibility for all Council staff.

Commissioning of New Works

This section should be read in conjunction with the Art & Heritage Collection Policy, which provides a detailed policy framework for the acquisition, management, and de-accession of Council’s collection of art works and social history items.

The process outlined below will apply to both stand-alone public art works, as well as public art works commissioned in the context of activity centre masterplans.

The following processes will apply to the commissioning of new works:

1. The Arts & Culture Coordinator will refer all internal and external proposals received for new public art works to the Art & Heritage Collection Committee;

2. The Art & Heritage Collection Committee will assess the proposals and make a written recommendation to the Director Community Services;

3. The Director Community Services will approve the recommendation of the Art & Heritage Collection Committee under Council delegation.

In the event the Director Community Services does not accept the recommendation of the Committee, the following will occur:

1. The Director will inform the CEO;

2. The CEO will cause a report to be prepared for Council;

3. Council will make the final decision.

Community Engagement

A Community Engagement Plan will be prepared for proposed public art sites. The Plan will ensure that the site selection and commissioning process is informed by, and responds to, community views and aspirations relating to the identified site(s). Council will consult with relevant Advisory Committees as a stakeholder in the development and deployment of the Plan. Community Engagement Plans should draw on and be informed by the Bayside Community Plan.
4. Monitoring, Evaluation & Review

The Public Art Policy will be monitored by the Manager Family & Cultural Services in consultation with the Director Community Services. The Policy will be reviewed in consultation with the Arts and Culture Advisory Committee and the Art & Heritage Collection Committee every three years.

5. Policy Statements

The principles that govern the selection, prioritisation and implementation of public art within the municipality are:

5.1 Quality and Context

Public art will be of high quality and will respond to the selected public site. Bayside is one of Melbourne’s most liveable areas, consequently Bayside City Council plays an active role in supporting and enhancing an innovative, dynamic community. This will be achieved by commissioning major site specific artworks in line with Council budget allocations. Artists will be sought with a state or national profile and with a reputation of delivering excellence. Art works may be static or interactive depending on the nature of the intended site and the purpose of the art work.

5.2 Cultural Diversity

Public art works will recognise and celebrate diverse cultures and landscapes, including but not limited to those connected with Australia’s First Peoples. Bayside is a multicultural community. As such it is important to acknowledge and recognise the multiple histories, stories and experiences attached to the land. Focus is given to commissioning works by contemporary and traditional artists in order to foster awareness in the local community of the history of the land, its First Peoples and migrants.

5.3 Temporary and Ephemeral Projects

Local artists will be encouraged to activate the public domain through temporary and ephemeral art projects and activities. Temporary and ephemeral projects create an ongoing dialogue about society and public space. Council recognises that supporting playful, thoughtful arts projects is a valuable way of questioning and understanding our society. This will be achieved by commissioning temporary artworks in line with Council budget allocations.

5.4 Collection Management

Council will utilise a collection management system that includes maintenance, conservation and refurbishment schedules. The collection will at all times be fully documented to enable identification, informed management decisions and the provision of information to the public. The collection will, as far as funding allows, be structured and administered in accordance with International Council of Museums (ICOM) standards.
5.5 Integration
Council will ensure that early opportunities to integrate public art are actively pursued during strategic planning and capital works processes / projects. Opportunities for new public art projects will be actively considered during the development of planning and strategy documents which impact on the public realm such as urban design frameworks, open space strategies and precinct master plans. Council will also consider similar opportunities during the scoping of major capital works projects. Budget allocations will be proportionate to the scale and intended impact of the works, having regard to the site and its opportunities.

5.6 Community Engagement
Council will initiate and implement mechanisms to engage with the community in relation to public art within the municipality. Where possible, community members will be encouraged to connect with and broaden their understanding of existing art works through complementary exhibitions, seminars and other activities. Community engagement plans will be prepared for all new public art projects. Where possible and appropriate, Council will consider the use of temporary or ephemeral public art projects as a means of creating a dialogue with the community in relation to a change process or a proposed project.

5.7 Sustainability
The environmental impact of urban development, its management and maintenance are important considerations for Bayside. Public art should also meet environmentally sustainable principles where possible.

5.8 Resourcing
Council will look for opportunities to resource and support the development and ongoing management of public art appropriately. This may include budget allocations, a proactive approach to grant applications, and allocating a percentage of projected expenditure to new public art project/s.

5.9 Access
Through the placement of public art into environments where people who might not otherwise connect with the arts are able to do so, Council will seek to expand the audience and make art more accessible to the community.

The criteria that will be applicable to all public art works proposed by Bayside City Council, other authorities, developers, individuals and groups that operate in the Bayside area will be:

- Relevance to the objectives, actions and principles of this Public Art Policy;
- Standards of excellence and innovation;
- Relevance and appropriateness of the work to the proposed site;
- Consistency with current planning, heritage and environmental policies;
- Consideration of public safety and the public's access to and use of the public domain;
- Consideration of maintenance and durability requirements;
- Evidence of funding source (if not Council) and a satisfactory budget; and
- Non-duplication of monuments commemorating the same or similar events.
6. Related Documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Art and Heritage Exhibition Policy 2013-2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td>Library, Arts and Culture Strategy 2012-2017</td>
</tr>
<tr>
<td>Procedures</td>
<td>Public Art Commissioning Procedure</td>
</tr>
<tr>
<td>Guidelines</td>
<td></td>
</tr>
</tbody>
</table>

7. Definitions & Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art</td>
<td>The product of practitioners who intend their work and activities to be seen and read as art. It embraces all material and immaterial products that can be permanent, temporary or ephemeral in nature.</td>
</tr>
<tr>
<td>Public art</td>
<td>The production of artistic works or activities accessible to the public in any media that have been planned and executed with the specific intention of being sited or staged in the public domain. The work may be permanent, temporary or ephemeral in nature and includes the conceptual contribution of an artist to the design of public spaces and facilities.</td>
</tr>
<tr>
<td>Permanent</td>
<td>Something that is lasting or is intended to last indefinitely. In general permanent public arts works, depending on the material used are expected to last for 15+ years.</td>
</tr>
<tr>
<td>Temporary</td>
<td>Something that is meant to last for a specific time, usually less than a year. A temporary public art work is usually removed from the public realm after a certain time, i.e., season, month etc.</td>
</tr>
<tr>
<td>Ephemeral art</td>
<td>Works that are transitory and exist only briefly. Typically the term is used to describe art works that are created from materials found in nature, although it can describe a wide range of things such as sound scapes, light works and multi-media installations.</td>
</tr>
<tr>
<td>Activity</td>
<td>This refers to an event, performance, happening or other process that is temporary in nature and involves the interaction or participation of people.</td>
</tr>
<tr>
<td>Public domain/realm</td>
<td>Public artworks are found in publicly owned spaces as well as public areas of private development, including built and open spaces such as buildings, streets, squares, parks, foreshore reserves and gardens.</td>
</tr>
</tbody>
</table>
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Art and Heritage Collection Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy ref no:</td>
<td>C/POU/CMS/032</td>
</tr>
<tr>
<td>Council policy owner:</td>
<td>Director Community Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>30 April 2013/Item10.22</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>April 2017</td>
</tr>
</tbody>
</table>

1. Policy Intent

To guide the acquisition, management and de-accession of the Bayside City Council Art and Heritage Collection of artworks and social history items. This policy describes the purpose, significance and aim of the Collection and assists in shaping and understanding the cultural identity of Bayside.

2. Purpose/Objective

This Policy
- recognises the need to maintain and develop the Bayside City Council Art and Heritage Collection (the Collection);
- provides guidelines for the acquisition, maintenance, display, disposal and administration of works of art acquired for the permanent collection of Bayside City Council;
- provides guidelines for the expenditure of funds for the acquisition of new artworks;
- describes the purpose, significance and aims of the Collection.

3. Scope

The Policy applies to all works of art owned by Council. The Collection comprises four categories: visual arts, heritage collection, local government history and public art.

This Policy does not include the History Collection maintained by the Bayside Library Service or other private collections held by tenants of the Bayside City Council.

4. Roles & Responsibilities

The implementation of the Policy is the responsibility of the Arts and Culture Coordinator.
The Arts and Culture Coordinator is responsible for recommendation of artworks for acquisition or de-accession consideration to the Committee.

The Committee is responsible for recommending art works for purchase and de-accession to the Director Community Services.

The Director Community Services is responsible, under Council delegation, for making the decision on art works purchases and de-accessions.

5. Monitoring, evaluation & review

Bayside City Council Art and Heritage Collection Policy will be reviewed every three years with reference to the International Council of Museums (ICOM) professional standards for the global museum community.

Evaluation of the Collection will be through a five yearly significance assessment undertaken by an independent Cultural Heritage Management specialist.

6. Policy statement

Bayside City Council is the custodian of the Bayside Art and Heritage Collection.

The objectives and aims of Council, through this policy, are to:
- nurture a sense of community and shared history;
- assist in developing a sense of identity, pride and place in Bayside;
- enhance and enrich public spaces;
- build partnerships with artists, arts organisations and communities;
- support the development of innovative, quality works of art; and
- promote art and artists as a valuable part of the community.

6.1 Art and Heritage Collection Committee (Committee)

The Art and Heritage Collection Committee (AHCC) will consist of up to eight members.
- Four (4) members of the Arts and Culture Forum
- Two (2) Councillors
- Two (2) invited experts.

The Arts and Cultural Planning Coordinator, will be an ex-officio member of the Committee.

Recruitment of new members shall occur on the same schedule as the Arts and Culture Forum membership and will be determined by expression of interest from committee members along with recommendations for expert members as supplied by the Arts and Cultural Planning Coordinator.
Recommendations of items for acquisition and de-accessioning will be brought to the attention of the Committee by the Arts and Cultural Planning Coordinator with reference to the acquisition and de-accession criteria.

6.2 Acquisitions
To be eligible for acquisition into the Bayside Art and Heritage Collection, artworks or items must meet all of the standard requirements for the Collection as well as addressing the intent of the collection category to which it belongs.

In order for an artwork or item to be considered for the Collection, it must meet with following standards. It must be:

- In good condition, or if an item or work of significance but not in good condition if the necessary funds for conservation or restoration are available;
- A durable artwork or item that is appropriate for the situation it is intended to be displayed in (unless it is intended to be an ephemeral artwork);
- A soundly conserved artwork or item;
- An unconditional donation or purchase or permanent or long term loan which has valid and clearly verifiable legal title;
- Have the capacity to be placed on display and stored appropriately;
- An artwork or item which does not duplicate any other item in the Collection;
- An artwork or item with clearly established and verifiable provenance;
- A high quality work of art with preference given to those created by an artist with a link to Bayside.

When considering an acquisition, the Committee must also consider the necessary resources required to resolve all foreseeable issues relation to the conservation, framing, presentation and storage of the work.

In order for the Bayside City Council Art and Heritage Collection to grow and develop, the following intent of each category will be followed:

6.2.1. Visual Arts Collection
The Visual Arts Collection presents visual art that illustrates the cultural values held by individuals and community groups who have been, or are part of, the City of Bayside. The Visual Arts Collection also documents aspects of the production of art in Bayside and represents significant works of art by relevant artists.

Acquisitions to the Visual Arts Collection will be acquired within the broad parameters of Australian art using the following criteria:

- The artist demonstrates a professional history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in visual arts;
- Where there are two art works of equal merit preference will be given to works that have a connection to Bayside;
- Be a high quality work of art as determined by the industry expert.
6.2.2 Heritage Collection
The purpose of the Heritage Collection is to represent the social history of the City of Bayside and the former Cities of Sandringham, Brighton, Moorabbin and Mordialloc and to maintain items of significance which may be disposed of if not held for safe keeping within the Collection.

6.2.3 Local Government Collection
The Local Government Collection aims to represent past and present local government in Bayside with items that depict the history and working life of the Council, Mayor, Councillors and staff of local governments active in Bayside along together with items depicting the topography of the region in particular the history of former Cities of Brighton, Sandringham, Moorabbin and Mordialloc through to the 1994 amalgamation and to the present day.

6.2.4 Public Art Collection
The Public Art Collection provides for the commissioning of visual art works of a permanent or ephemeral nature to enhance the municipality’s civic spaces and the urban environment.

The integration of works into sites of significance across Bayside provides access for the community to experience art in public spaces, to promote the municipality and to encourage cultural tourism.

6.3 Methods of acquisition
- **Purchase**
  Purchase of art and history items may be made through Council acquisition funds, Council-run public competition and commission of artwork by Council.

  The Committee will make recommendations for all purchases and no artwork or object will be acquired unless it meets Collection acquisition criteria and procedures. Proof of valid ownership (verifiable provenance) must also be applied to all items.

- **Donations**
  Items may be acquired through donations in perpetuity by an external source or bequest. All donations offered to the Collection must follow the same acquisition criteria as a purchased acquisition and therefore be approved by the Committee.

- **Permanent or long term loans**
  Permanent or long-term loans (see Definitions) may be accepted depending on the conditions attached to the loan and the costs associated with storage, conservation and repair. The item must also be available for outgoing loan and must follow the same acquisition criteria as a purchased acquisition.

6.4 Deductible Gift Recipient (DGR) Status
DGR status allows businesses to donate items over $5000 to a not-for-profit organisation and claim the value of the donated item as a tax deduction. Obtaining DGR status encourages donations of suitable items to the Collection.
Gifts donated to the collection under the Cultural Gifts Program must abide by the conditions of the Cultural Gifts Program and Australian Tax Office.

**Acknowledgement of the name and purpose of the fund**

_Bayside City Council maintains a bank account for the purposes of receiving gifts and deductible contributions, which will be used for the purchase of assets, facilities and resources for the Art and Heritage Collection._

**Dissolution clause**

_in the event of the fund being wound up or dissolved, or on revocation of endorsement, any surplus assets remaining after the payment of the fund’s liabilities shall be transferred to another fund, authority or institution, to be determined by Council, which has similar objects and to which income tax deductible gifts can be made._

6.5 Removal of items from the Collection

To de-accession an artwork or object from the Collection is to officially remove that object from the registered and accessioned holdings of the Collection.

A record of all items de-accessioned and their method of disposal must be kept. Any proceeds from the sale of the de-accessioned item will be deposited into the bank account set up to comply with the rules of the ATO for Deductible Gift Recipicos. These funds will be used solely for the purchase of assets or resources for the Art and Heritage Collection.

6.5.1 Criteria for de-accessioning an item or art work

An item may be considered for de-accessioning if any of the following applies:

- It does not comply with the current Collection Policy key objectives;
- Is in poor condition and is considered to be of insufficient merit to allocate the resources to ensure its conservation;
- Cannot be displayed due to its properties and is not suitable for research;
- Is a duplicate or forgery that serves no specific cultural function;
- The conservation and storage costs are beyond the means of Bayside City Council;
- It lacks any supporting information to enable proper identification or to establish its relevance to the collection;
- A substantiated request for the return of the object to its owner/donor is received;
- Is irreparably damaged or destroyed, or is missing or stolen without hope of return;
- Does not have artistic merit as determined by the industry expert.

6.5.2 Method of disposal of an item or art work

A de-accessioned item must be disposed of by the following methods, in order of priority:

1. Offered for sale or donation as appropriate, to its creator or donor;
2. May be offered to a more appropriate agency or institution;
3. May be sold on the public market;
4. May be dismantled and/or destroyed in the event of no other options being suitable.

Bayside Councillors, Bayside Council officers, Gallery volunteers and Art and Culture Forum members and their families are prohibited from directly obtaining an item identified for de-accessioning as this may be interpreted as a conflict of interest.

6.6 Acquisition and De-accession Approvals
The Director Community Services (Director) will approve all purchases and de-accessions under delegation from Council.

The Committee will provide a written report recommending the acquisition and de-accession of works to the Director for approval.

In the event the Director Community Services does not accept the recommendation of the Committee, the following will occur:
1. The Director will inform the CEO;
2. The CEO will cause a report to be prepared for Council;
3. Council will make the final decision.

7. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Strategies</th>
<th>Guidelines</th>
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<tbody>
<tr>
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<td>The Gallery @ BACC Outgoing Loan Agreement</td>
</tr>
<tr>
<td>Exhibition Policy (Draft)</td>
<td></td>
<td>Terms of Reference AHCC</td>
</tr>
<tr>
<td>Public Art Policy (Draft)</td>
<td></td>
<td>AHCC Confidentiality Agreement</td>
</tr>
<tr>
<td>Procedure Management Procedures (Draft)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. Definitions & Abbreviations

**Accessioning**
Accessioning refers to the receiving or adding of objects or materials into a permanent art collection.

**De-accessioning**
De-accessioning refers to the process by which materials or objects are formally removed from a permanent art collection.

**Art works**
A work of art in the visual arts is a physical two- or three-dimensional object that is professionally determined or otherwise considered to fulfil a primarily independent aesthetic function.
Conflicts of interest
The Local Government Act 1989 (the Act) requires all Committee members to disclose conflicts of interest.

A Committee member is considered to have a conflict of interest if the member:
- Has a direct or indirect interest in the matter;
- Has a conflict with the matter which will impact on their performance of duties in respect to the matter;

If a member has a conflict of interest with a matter that is likely to be discussed at a Committee meeting, the member must disclose the nature of the conflict of interest prior to the discussion and complete a Conflict of Interest form.

If attending the meeting the member must, disclose the nature of the conflict of interest to the Chair before the meeting is held.

While any discussion or vote is taken relating to the matter, the member must leave the room and notify the Chair that they are doing so and remain outside the room so they are not in view or hearing range of the room until the Chair calls them to return.

Conservation
The action of prolonging the existence of significant objects Emerging artists
The National Association for the Visual Arts defines an emerging artist as an artist who has practised as a professional artist continually for less than 5 years and has a wish to develop their career in their chosen artform.

Ephemeral artwork
An ephemeral artwork is created to be temporary or impermanent. It is often made out of biodegradable materials or materials that fade and disintegrate over time.

Exhibition
This refers to the public display of objects or artworks.

Heritage
The full range of our inherited structures, traditions, monuments and objects. Heritage comprises what a society consciously decides to keep and is greatly influenced by our shared and individual histories.

ICOM
International Council of Museums
The ICOM standards include the management of a museum, the organisation of its collections, documentation standards and a professional frame of reference.

Permanent or temporary loan
All loans are of a fixed term and the length of a permanent or long term loan is negotiated between the lender and BCC. By definition, a loan does not involve a transfer of title, so the lender is entitled to the return of the item at the end of the agreed term. A permanent loan is considered to be of 50 years or more.

**Provenance**
As it relates to artwork, provenance means the history of ownership of an object. It is important to know the history of the object when acquiring art to ensure that it is not stolen and that it has been created and offered for sale, donation or bequest in an ethically sound manner.

**Restoration**
Involves actions taken to modify the existing material and structure of an object in order to return it to a known earlier condition, eg as new, or original.

**Visual arts**
The visual arts are art forms that are primarily visual in nature, such as ceramics, drawing, painting, sculpture, printmaking, design, crafts, photography, video, filmmaking and architecture. However, many artistic disciplines such as performing arts, conceptual art, textile arts and decorative arts and crafts may also be included in this definition.
1. Policy intent

To guide the acquisition and de-accessioning of the Bayside City Council Art and Heritage Collection to ensure that works are acquired with a view to the collection being of cultural value and benefit to the Bayside Community and is installed in accessible locations in Council buildings or on public land. The Policy recognises the Collection as a valuable community asset and source of Bayside’s cultural identity and pride.

2. Policy purpose

This policy presents the rationale and guidelines for the acquisition and deaccessioning of works of art and heritage objects for the permanent collection (‘the Collection’) of the Bayside City Council (‘the Council’). The Collection is a significant cultural asset held in trust by the Council, for the people of Bayside. The Collection aims to:

- nurture a sense of community and shared history;
- assist in developing a sense of identity, pride and place;
- enhance and enrich public spaces;
- promote art and artists as a valuable part of the Bayside community.

This Policy outlines criteria that potential acquisitions must fulfil in order to be approved and accepted into the Bayside Arts and Cultural Heritage Collection. Procedures for documenting and managing acquisitions are provided in the Acquisitions & Deaccessions Procedures Manual available to staff involved in the process.

The implications of this Policy 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.
3. Glossary - Definitions and Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition</td>
<td>Means the acceptance, through donation, gift or purchase, of a work of art into a collection.</td>
</tr>
<tr>
<td>De-accession</td>
<td>To remove an object or objects from a collection.</td>
</tr>
<tr>
<td>Cultural Heritage</td>
<td>The legacy of physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations.</td>
</tr>
<tr>
<td>Legal title</td>
<td>The right to ownership of property and its subsequent transfer. This may be supported by full evidence of every transaction subsequent to the first owner’s title.</td>
</tr>
<tr>
<td>Emerging artist</td>
<td>The National Association for the Visual Arts (NAVA) defines an emerging artist as one that “will have practised as a professional artist continually for less than 5 years.”</td>
</tr>
<tr>
<td>Local government</td>
<td>Local government is the third type of government, after Federal and State in Australia. Local governments (also known as local councils) handle community needs.</td>
</tr>
<tr>
<td>Memorial</td>
<td>Any object designed and established specifically in memorial of an individual, organisation, place, anniversary of event; it may be a monument but can take other forms.</td>
</tr>
<tr>
<td>Monument</td>
<td>Is deemed to be an architectural structure or statue which has (or is expected to have) enduring significance; it may or may not have a memorial function.</td>
</tr>
<tr>
<td>Provenance</td>
<td>The research into the history and chain of ownership of a work of art since its creation to the present day, to determine authenticity and verify ownership and history.</td>
</tr>
<tr>
<td>Public Art</td>
<td>The production of artistic works or activities accessible to the public in any media that have been planned and executed with the specific intention of being sited or staged in the public domain. The work may be permanent, temporary or ephemeral in nature and includes the conceptual contribution of an artist to the design of public spaces and facilities.</td>
</tr>
<tr>
<td>Visual Arts</td>
<td>The visual arts are an art form that create works that are primarily visual in nature, such as ceramics, drawing, painting, sculpture, printmaking, design, crafts, photography, video, filmmaking and architecture.</td>
</tr>
</tbody>
</table>

4. Scope

This policy is applicable to all staff who recommend the acquisition of works of art and heritage objects by Council, and should be read in conjunction with the Bayside Arts Board Charter and Instrument of Delegation and current Gallery @BACC Strategic Plan 2017 - 2021 and related procedural documents.

This Policy refers to the following categories which make up the Bayside Art and History Collection: Visual Arts Collection; Cultural Heritage Collection (including Memorials and Monuments); Local Government Collection and the Public Art Collection.
5. Policy statement

This Policy supports the acquisition of work that furthers the Bayside Arts Board’s strategic vision: ‘that the City of Bayside offers inspiring, creative, artistic and cultural experiences for its community and visitors to enjoy’, and its mission ‘to create a welcoming space that is widely recognised and supported by the Community by 2021’ (Gallery@BACC Strategic Plan 2017–21).

5.1 In the first instance all works considered for acquisition must meet the following criteria:
   5.1.1 is an unconditional donation or purchase which has clearly verifiable legal title of ownership;
   5.1.2 has a clearly established provenance;
   5.1.3 the conservation and storage costs are within the means of Council.

5.1.2 Works may be acquired for the Visual Arts Collection if one of the following criteria are met:

- is the work of an artist who lives (lived) or works (worked) in Bayside or demonstrates a distinctive or evocative connection with the Bayside area and/or local issues;
- enhances the Collection as a high quality example of contemporary art practice or is an historical work that provides artistic, geographical, social or historical interpretations of Bayside;

and an additional two criteria from the following are met:

- the artist demonstrates a professional history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in visual arts;
- has the capacity to be placed on display in a Council building or public space without hindrance to public access or safety, and without breaching the artist’s moral rights;
- enhances the Collection in terms of medium (ceramics, sculpture, and contemporary painting)
- strengthens and adds to an existing series of works or makes connections between identifiable local themes within the entire Collection.

5.1.3 Works may be acquired for the Cultural Heritage Collection (including Memorials and Monuments) if three or more of the following criteria is met:

- represents the social history of the City of Bayside or the former Cities of Sandringham, Brighton, Moorabbin and Mordialloc;
- are identified as items of significance based on Heritage Collection Council guidelines;
• are relevant to Bayside; or shows a distinctive or evocative connection with Bayside and/or local issues;
• in the case of memorials for individuals he/she must have made a highly significant contribution to the shared community history of Bayside that is also significant at a state or national level and have left a tangible legacy to the community that has resonance with the broader public;
• in the case of monuments for anniversaries or events they must be unique and highly significant to the history and development of Bayside and the State of Victoria and/or Australia, and highly significant to a particular site/area within Bayside;
• in the case of both memorials and monuments demonstrates a relevance to site, bears a relationship with the public setting and be consistent with any approved master plans or conservation plans for the site.

5.1.4 Works may be acquired for the Local Government Collection if the following criteria is met:

• Represents past and present local government in Bayside with items that depict the history and working life of the Council, Mayor, Councillors and staff of local governments active in Bayside together with items depicting the topography of the region in particular the history of former Cities of Brighton, Sandringham, Moorabbin and Mordialloc through to the 1994 amalgamation and to the present day.

5.1.5 Works may be acquired for the Public Art Collection if all of the following criteria are met:

• provides access for the community to experience art in public spaces;
• reflects a responsive design approach to civic spaces and urban environments
• the artist demonstrates a professional history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in visual arts.

5.2 An item may be considered for de-accessioning from the Collection if one or more of the following applies:

• it does not comply with the current acquisition criteria;
• is in poor condition and is considered to be of insufficient merit to allocate the resources to ensure its conservation;
• cannot be displayed due to its properties and is not suitable for research;
• is a duplicate or forgery that serves no specific cultural function;
• the conservation and storage costs are beyond the means of Council;
• it lacks any supporting information to enable proper identification or to establish its relevance to the collection;
• is irreparably damaged or destroyed, or is missing or stolen without hope of return;
• in the case of public art where underlying structural footings or site use has changed significantly to the degree that the public artwork is no longer able to be structurally supported on the site; or the work becomes a public risk; or the artwork is at severe risk of damage;
• in the case of public art where there is a pre-determined life span of the work which has been met;
• is dangerous or hazardous to people or other items in the Collection;
• where inadequate documentation or absence of documentation critically reduces the cultural value or significance of the object.

Procedures for documenting and managing de-accessioning are provided in the Acquisitions & Deaccessions Procedures Manual, available to staff involved in the deaccessioning process.

6. Monitoring, evaluation & review

The Acquisitions Policy will be reviewed and updated as required based on changes to relevant industry standards and Council plans.

The Bayside Arts Board will present an Annual Report to Council with details of all acquisitions and de-accessions listed.

An audit of works on display in Council Buildings and public land will be undertaken every two years to ensure collection is accessible to the Community.

A valuation of the collection will occur every five years to record the growth of the asset.

7. Roles & Responsibilities

Oversight of the implementation of the Policy is the responsibility of the Executive Manager, Communications, Customer and Cultural Services.

The Curator, Gallery at Bayside Arts and Cultural Centre will be responsible for ensuring acquisition and deaccession proposals comply with Policy.

The Bayside Arts Board will use the Policy to make informed decisions before recommending any proposed accession and/or deaccession of objects to the Bayside Art & Heritage Collection.

The CEO and/or Executive Manager, Communications, Customer and Cultural Services are authorised to make decisions for the purchasing and/or commissioning of artwork as well as the decision to deaccession objects from the Bayside Art & Heritage Collection based on the proposal from the Curator and Board recommendation.

The Arts & Culture Coordinator will monitor the Policy to ensure it is in line with Industry practice.

Policy and Service Development Coordinator will ensure Policy is appropriate and functional.
8. Related documents

| Policies                   | Procurement Policy C/POL/COR/004  
Community and Stakeholder Engagement Policy |
<table>
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<tbody>
<tr>
<td>Strategies/Plans</td>
<td>Gallery@BACC Board Strategic Plan 2017-2021</td>
</tr>
</tbody>
</table>
| Procedures/Processes      | Acquisitions & De-accessions Procedures Manual (to be compiled from current processes)  
Council Procurement Procedures  
Council Code of Conduct for Councillors and Officers |
| Guidelines                |                                   |
| Other                     | Bayside Arts Board Charter and Instrument of Delegation  
February 2018 |

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

Purpose and background
The purpose of this report is to provide the outcomes of the Food Safety Policy 2007 review, as required by Council’s internal audit program. This report seeks to have Council’s Food Safety Policy 2007 rescinded.

The Food Act 1984 (“the Act”) is the principal Act governing the preparation, storage, transport and sale of food in Victoria. The objective of the Act is to ensure that food for sale is both safe and suitable for human consumption.

Councils have a legal responsibility to administer and implement the Act and this is achieved through a range of monitoring, surveillance and investigative strategies performed by Councils’ Environmental Health unit.

The Act does not require Council to have its own policy with regard to food safety. However, the Food Safety Policy (Attachment 1) was established to confirm policy objectives and provide high level direction for Council’s food management program.

Key issues
The Food Safety Policy has been reviewed, comparing its provisions with current legislative, regulatory and operational requirements.

It was identified that key provisions in the Food Safety Policy duplicate specific requirements of the Food Act and other legislation. The relevant provisions in the policy are:

- General principles of food safety, roles and responsibilities – which are fully described in the Food Act;
- Registering and monitoring food premises and food safety programs;
- Construction and maintenance of food premises;
- Application of continuous improvement requirements;
- Use of State guidelines;
- Compliance inspections and monitoring notifications;
- Appropriately qualified Environmental Health Staff; and
- Fee setting structures.

There is one provision in the Food Safety Policy which is not fully duplicated by other requirements, but which nevertheless it is still considered appropriate to rescind. This relates to the provision “Support a state coordinated and integrated food safety surveillance system and acknowledge that such an approach is necessary to protect human health across the broader community”. This is now achieved through mandatory reporting mechanisms such as the Local Government Performance Reporting Framework.

There are also relatively minor provisions which concern matters of internal procedures; consistency and uniformity in decision making; working with other regulatory authorities and the community; and pro-active promotional and educational activities. These have all been identified for incorporation into Council’s modern regulatory framework.
As the provisions in the Food Safety Policy are either effectively duplicated by other requirements or relate to relatively minor aspects that will be addressed within Council’s modern regulatory framework, it is considered appropriate to rescind the policy.

**Recommendation**


**Support Attachments**

1. Food Safety Policy 2007 ↓
Considerations and implications of recommendation

Liveable community

Social
The local food industry in Bayside is an important factor for Bayside residents and visitors. Safe food contributes to the health and wellbeing of the community and the Food Act 1984 sets out Council obligations.

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 service and community engagement implications associated with the rescission of the Food Safety Policy 2007.

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

Legal
Food safety is incorporated in the legislative requirements of the Food Act 1984, which Council has a responsibility to administer and implement, and therefore a Food Safety Policy is not required.

Finance
There are no financial implications associated with this report.

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

The provision of safe food is consistent with the following Council Plan strategies Wellbeing for All Ages and Abilities (2017-2021):

Objective 2.2 Increase healthy eating. The provision of safe food will assist healthy eating and contributes to a healthy and active community.
POLICY TITLE: Food Safety Policy

DATE APPROVED BY COUNCIL: March 2007

DATE OF NEXT REVIEW: March 2010

RESPONSIBLE DEPARTMENT: Environmental Health

STATEMENT OF INTENT:

This Policy aims to protect the health of the community by minimising the health risks associated with food produced and sold within the municipality.

This aim is consistent with Council’s responsibilities under the Food Act 1984, Food (Amendment) Act 2001 and with the general public health responsibilities outlined in the Health Act 1958.

POLICY OBJECTIVES:

- Management of Council’s due diligence requirements relating to its responsibility under the legislation;
- Consistent, equitable and transparent exercise of delegated powers and use of discretion in the delivery of food safety services;
- Development and application of management processes and procedures; and
- Successful implementation of food safety legislation.

POLICY STATEMENT:

In order to achieve the policy objectives Council will:

Register and monitor all premises in the municipality involved in the sale, manufacture or supply of food for gain or reward and ensure that each premises, except for exempt premises, has a current and adequate Food Safety Program which identifies and controls food safety hazards.

Ensure that all premises in the municipality are constructed so as to provide safe and hygienic food.

Implement procedures which adequately manage Council’s duty of care and minimises the level of risk and exposure to litigation by ensuring:
  - Consistency and uniformity in decision making;
  - Documentation of all processes to enable adequate traceability.
accountability and control;
- Transparency of powers and decision making processes;
- Fairness and equity; and
- Reliability of adopted processes.

Embrace and utilise ‘best practice’ standards/competencies relating to food safety technology, training and auditing on which to base assessment practices and decision making. Council will look to the Municipal Association of Victoria and the Australian Institute of Environmental Health as peak bodies in identifying, defining and refining best practice and professional practice standards.

Support a state coordinated and integrated food safety surveillance system and acknowledge that such an approach is necessary to protect human health across the broader community.

Encourage and foster the development of closer working relationships with state and national government agencies in order to achieve the essential outcomes and objectives encompassed within food safety over a broader base.

Utilise industry sector guidelines as a means to achieve consistency in the Food Safety Program compliance process and its application across the food sector.

Facilitate the process of Food Safety Program development by supporting, assisting and providing guidance to the food industry in relation to the food safety framework.

Encourage the food industry to adopt ‘Template Food Safety Programs’ as approved by the Department of Human Services so as to achieve a high level of consistency with standards and practices.

Council will be responsible to conduct compliance assessments of all registered food premises and to monitor notifications received from third party auditors but will not be involved in developing and/or auditing Food Safety Programs for businesses within or outside the municipality. Council’s compliance assessment will be the mandatory assessment of the premises prior to the renewal of registration.

Ensure that adequate and appropriate personnel with the necessary skills, knowledge, experience and qualifications with respect to food safety, food premises monitoring, non-conformance management and auditing principles are engaged and empowered by Council as Delegated Officers.

Provide pro-active promotional and educational activities and information to assist those involved in producing and selling food products to understand their obligations and responsibilities in relation to Food Safety.
| Develop and implement procedures to manage the response to matters of major and serious non compliance that pose an immediate public health risk. This may include an increase in assessment frequencies, the revocation or refusal of registration and/or the closure of premises. |
| Minimise the impact of legislation to non-profit and community organisations by providing guidance and subsidised fees for such organisations. |

**RELATED POLICIES, PROCEDURES, GUIDELINES AND FORMS:**

- Council Plan 2006 - 2010
Executive summary

Purpose and background

The Council Plan includes an action to review Council’s Leasing Policy 2008, as attached, to identify opportunities to increase revenue or incorporate specific performance objectives in leases to maximise public value and utilisation.

Many aspects of the current policy remain appropriate and do not require further amendment. Key areas of focus include the approach to effectively implementing the policy, ensuring greater utilisation of assets through joint use and licence arrangements, maximising community benefit as opposed to private benefit, transparent reporting of subsidy and ensuring tenant obligations are met.

Council currently has over 250 lease/licence agreements in place. The community assets occupied have a combined property value in excess of $100 Million.

Council receives an annual income of $3.96 Million from its leased/licenced assets. The majority of this comes from commercially leased assets (Golf, Café, Leisure Centre and School use). The subsidy in place for community groups is significant, however has little or no visibility.

Given the dual financial impact of rate capping and asset renewal, Council will need to deal with the increasing expectations of the community for the assets they use, private benefit versus community benefit for users, level of subsidy or equitable sharing of costs for provision of assets and the need to rationalise both facilities and level of support provided.

Key issues

Removal of procedural content

The current Leasing Policy 2008 includes a large volume of procedural information which is not required to be retained in the Policy. This was historically included at the time of adopting the 2008 policy as there were no standard agreements in place and a number of items were highly contentious. Whilst some of the items may still be contentious there is 10 years of precedent where application of maintenance schedules, insurance renewal and lease renewal procedures are now generally accepted.

There is minimal change in the content of the policy with the key changes being the inclusion of community benefit factors, including a clause to allow waiving of the insurance reimbursement for some not for profit groups with no capacity to pay and commencing annual reporting of the subsidy and contribution to occupy Council property.

Approach to determining community benefit

The current approach to assessing the community benefit provided by a group occupying a Council facility and therefore how much they should pay in rental is inadequate. A number of factors to support this assessment have been included in the revised policy in section 5.3 Assessment of Rental. These will be used to consider the application of minimum rental as set annually as part of Council fees and charges. It should be noted that capacity to contribute a greater amount to the ongoing management of occupied facilities will be taken into account when setting the rental.
Transparency of subsidy

There is currently no transparency of the level of subsidy provided to community groups. It is proposed that the calculation of the renewal costs of providing a building be based on the asset management model for asset consumption using 2.54% of the capital value of the asset per annum. It will also include an allowance for structural maintenance, lease management and building insurance. The subsidy would be calculated based on the difference between the rental/insurance recovery and the calculation of the asset costs.

Maintenance

The current Leasing Policy requires tenants to undertake maintenance obligations. It is proposed to continue the current approach to allocation of maintenance obligations.

Where a facility is built by a tenant, consideration of land only leases can be made on a case by case basis where all obligations outside those Council has as landowner are taken by the tenant.

Sinking Funds

Where a Tenant has exclusive access to a facility with court or sporting surfaces new leases will include negotiation of a sinking fund to support future capital renewal or major maintenance.

Commercial Properties

Council has numerous requests from commercial tenants for rent relief, extension of lease agreements and capital/maintenance works. Many commercial tenants are seeking assurances at end of lease to incorporate first right of refusal clauses so they maintain equity in their business. It is not proposed to change the current approach of seeking market responses at the end of lease with commercial tenants.

Consultation approach

There is no statutory requirement to consult on this policy. There is likely to be significant interest in proposed changes from community groups occupying Council buildings. As such it is proposed to write to all tenants with advice on the draft policy seeking feedback. A Have Your Say page will also be created to illicit feedback from the general community.

Feedback will be reported back to Council including any significant issues related to the proposed changes. This will be incorporated in a final report to Council to adopt the policy. The consultation period will be 4 weeks.

It is proposed to commence this in April through May with a report back to Council in June.

Recommendation

That Council:

1. seeks community feedback on the draft Lease and Licence Policy over a four week period; and

2. receives a report back on the results of the feedback to consider any further amendment prior to adopting a revised Lease and Licence Policy.
Support Attachments

1. Draft Lease and Licence Policy
2. Leasing Policy 2008

Considerations and implications of recommendation

Liveable community

Social
Councils leased assets provide a broad range of community activities from sporting through social support uses.

Natural Environment
There are minimal impacts of this report on the natural environment. Consideration may occur with some assets to return land to open space as highest and best use, however is not a direct consequence of the leasing policy review.

Built Environment
Council supports a number of buildings which are no longer fit for purpose or aging. The intent of the leasing policy and property strategy would be to plan for more multi use assets that are able to be better utilised by multiple groups.

Customer Service and Community Engagement
No specific engagement has yet been undertaken. Depending on the scope of review an engagement plan will be finalised to support the update. Any change will impact large section of the community that are tenants and facility users.

Human Rights
There are no specific Charter of Human Rights issues associated with this report.

Legal

Finance
All existing community leases are the subject of highly subsidised rental arrangements generally with 5% incremental annual increases.

Commercial leases are on the basis of market testing and market rental reviews.

Council receives an annual rental income of $3.96 Million from its leased/licenced asset, with over 95% from Commercial rental.

The current (2016/17) forecast renewal expenditure on buildings and facilities is $2 million and is expected to rise annually to $6.9 million in 2022/23 then fall to $6.5 million in 2024/25, equating to an average annual renewal cost of $5.4 million over 10 years. A ‘renewal spike’ is
forecast to occur in between 2030 and 2050 reflecting the fact that many assets were built in the 1950 to 1970 time period.

**Links to Council policy and strategy**

The report seeks to update the Leasing Policy 2008. The Council Plan includes an action to review Council’s Leasing Policy to identify opportunities to increase revenue or incorporate specific performance objectives in leases to maximise public value and utilisation. This has a target which increases the return from Council assets each year over the 4 years of the Council Plan.

Council’s Property Strategy 2014-2018 identifies the update of the Leasing Policy as a key action.

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

**Options considered**

**Option 1**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Undertake fundamental review of the policy</th>
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<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Council may be able to achieve greater financial return from assets with a fundamental change in rental contribution levels with community occupants.</td>
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<tr>
<td></td>
<td>May identify tenant groups which should be seeking to intensify use of Council property to maximise community benefit.</td>
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<tr>
<td></td>
<td>May identify buildings which are not effectively utilised.</td>
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<td><strong>Issues</strong></td>
<td>The majority of occupiers of Council buildings do not have significant capacity to pay.</td>
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<td></td>
<td>The majority of occupiers do not have the ability to absorb greater costs.</td>
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<td></td>
<td>Will generate significant community angst from most community tenants.</td>
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<td></td>
<td>May not lead to a significant increase in rental for many groups.</td>
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</tbody>
</table>
1. **Policy intent**
Council is the custodian of land and building assets that support a wide range of community uses. Council will effectively and transparently manage the occupancy of its leased and licensed assets to optimise the public value it provides to the Bayside community.

2. **Policy purpose**
The policy supports decision making in relation to occupancy arrangements on Council land in accordance with obligations under the *Local Government Act* 1989. It provides clarity on approach to leasing and licencing for the community and commercial use of Council land.

It supports consistency and transparency in occupancy arrangements and provides direction on maximising occupancy and utilisation of Council managed assets including colocation, clustering and multi-use that reflects the community expectations and prioritises use for the service delivery needs that benefit the local community. The policy supports the sustainability of Council’s property and building assets through appropriate and equitable contribution towards maintenance and other costs.

The Policy has considered to and is compatible with Council’s obligations under the Charter of Human Rights.

3. **Glossary - Definitions and Abbreviations**

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>DELWP</td>
<td>The Department of Environment, Land, Water and Planning of the Victorian State Government</td>
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<tr>
<td>Lease</td>
<td>A lease is a right granted by the owner of the land (landlord) to another person (tenant) to have exclusive possession of that land, or part thereof, for a fixed duration in return for rental payment. A lease creates an interest in land that is binding on third parties and is capable of being assigned, unless the lease specifies to the contrary.</td>
</tr>
<tr>
<td>Licence</td>
<td>A licence permits a person (licensee) to occupy land (or part thereof) on particular conditions. The main feature that distinguishes a licence from a lease is that a licence does not permit exclusive occupancy of the land. Unlike a lease, a licence does not create any interest in the land and the rights created by a licence are personal and do not run with the land.</td>
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<tr>
<td>LGA</td>
<td>Means the <em>Local Government Act</em> 1989 (Vic) as amended from time to time.</td>
</tr>
<tr>
<td>RLA</td>
<td>Means the <em>Retail Leases Act</em> 2003 (Vic) as amended from time to time.</td>
</tr>
<tr>
<td>Tenant</td>
<td>Means an authorised person or incorporated body that has entered into or is proposing to enter into either a lease or licence with Council for the use of Council owned or managed premises.</td>
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</tbody>
</table>
| Group One – Commercial | Group One Tenants occupy the premises on a commercial basis. Some examples of premises that are leased to Group One Tenants include the following:  
- Commercial sport and recreation e.g. Royal Avenue Tennis Centre, Golf Clubs.  
- Infrastructure e.g. telecommunications towers.  
- General commercial e.g. Ricketts Point Tea House, North Road Pavilion Café. |
| Group Two – Not-for-Profit Community Groups | Group Two Tenants includes community groups that serve the community or an underprivileged or disadvantaged group and these Tenants do not have the capacity to generate a significant amount of income and operate on a not-for-profit basis. Some examples of Group Two Tenants include the following:  
- Kindergartens.  
- Playhouses.  
- Community youth groups.  
- Senior citizens.  
- Scouts and Guides.  
- Neighbourhood Houses and Learning Centres. |
| Group Three – Other Clubs and Organisations | Group Three Tenants includes recreational or community groups that service the community and are readily available to Bayside residents. These tenants include member based fee-paying clubs and organisations that have the capacity to generate revenue from use of the facility or other activities consistent with the organisational purpose (but do not operate to make a commercial profit). Some example of Group Three Tenants include the following:  
- Tennis clubs.  
- Bowling clubs.  
- Lifesaving clubs |
4. **Scope**

This policy applies to Council owned and managed assets for:

- Commercial leases and licences; and
- Community leases and Community licences.

It does not apply to seasonal sports ground allocation, ad-hoc or casual hire of halls.

5. **Policy statement**

The policy provides the guiding principles that will assist in the effective management and use of Council’s buildings and land so as to maximise the return to Council and benefit to the community. Council seeks to maximise the community benefits from the use of land or buildings and ensure responsible management and accountability for the direct and indirect subsidies on leases and licences.

This policy will:

- Ensure Council owned land and buildings are used to meet community needs and objectives consistent with Council’s vision policies and Council Plan.
- Ensure clear, consistent and transparent approach to establishing leases and licences on Council owned and managed land and buildings.
- Ensure the appropriate assessments of community groups are undertaken and provide guidance on the most appropriate agreement to maximise utilisation and benefit to be provided from an agreement.
- Provide guidance on the appropriate contribution by community groups that consider the community benefit provided by the tenant, the capacity of the tenant to raise funds, maintain a community asset and allows for equitable access to Council land and buildings. Rental for commercial organisations will be set according to a market rental determined by market testing or sworn valuation.
- Ensure that Council owned land and buildings are maintained, developed and occupied responsibly taking into consideration the community benefit provided and the ongoing costs maintain and renew the assets.
- Provide an equitable and transparent process for dealing with Council’s leased and licensed assets.
- Provide accountability for Council expenditure related to occupancy agreements and lease subsidies as they constitute an indirect grant.

5.1 **Standard Terms and Conditions**

Standard lease and licence agreements developed by Council will be used as the basis of all tenancies. Where required the DELWP standard documents will be used and amended to include Council related clauses for agreements on Crown Land.

Generally the lease or licence term will be set at a maximum of nine years. However, a longer term may be considered under one or more of the following circumstances:

- substantial contributions to capital / structural works are to be made by the tenant
- commercial return is enhanced
• conditions required by other funding bodies on the tenant regarding the length of term
• demonstrated long-term community benefit is evident.

The term of commercial leases will be assessed on an individual basis as a result of market testing.

Council will only grant a lease or licence to specific persons, incorporated bodies (that is, organisations that are incorporated under the Associations Incorporation Act 1981) or bodies corporate (as defined under the Corporations Act 2001 (Cth)).

6. New Lease

When commercial premises become vacant or at the expiry of the term, the occupation of Council’s commercial premises will be tendered or made subject to an expression of interest process, which will be carried out by way of a public marketing campaign.

When community premises become vacant or at the expiry of the term the ongoing future use of the premises will be assessed to ensure any future lease or licence delivers value to the community. Existing tenants and prospective tenants will be required to provide evidence of the community value they will deliver and the sustainability of the organisation. A new tenant may be sought through a tender or expression of interest process.

The terms and conditions of any new lease will be negotiated with the tenant and shall be consistent with the principles of this policy.

6.1 Assessment of Rental

Criteria to assess the level of support will be used for community tenants. These criteria will include:

• Use aligns to Council’s vision, goals and strategies outlined in the current Council Plan
  o Activities complement Council services
  o Meets an identified community need
• Community access provides broad public benefit as opposed to private benefit
  o Provides equitable access to services for the Bayside Community
  o Accessible to a broad resident base
  o Offers programs otherwise unavailable to residents
  o Encourages broad participation in the community
  o Supports an under represented or vulnerable group
  o Demonstrate that a significant percentage of users that benefit are Bayside residents
  o Prepared to maximise utilisation of facility as requested by Council.
• Capital and financial contribution
  o A group that improves or provides a new Council asset or infrastructure
  o Level of maintenance capability
  o Capability and capacity to raise funds to contribute to the cost associated with the facility
o Not funded by State or Commonwealth Government
o Not part of larger organisation.

6.2 Negotiations

Council will allow a reasonable time for tenants to enter into or renew a lease or licence. Where lease or licence negotiations have been ongoing for six months or longer without reasonable circumstances, tenants may be provided with a deadline for conclusion. If the deadline has passed and a lease or licence has not been agreed or an extension of the deadline has not been granted, tenants will be deemed to have repudiated any rights to occupy the land. In this circumstance, a decision of Council will be sought in relation to the lease or licence.

6.3 Rental

6.3.1 Group 1 – Commercial Tenants

Commercial tenants will pay a rental that is market driven and may be determined by a market rental assessment carried out by a valuer, or as the result of an expression of interest process or similar program.

6.3.2 Group 2 Not for Profit Community Groups

Rental will be determined based on 6.2 Assessment of Rental. The minimum rental that can be set will be in accordance with Council’s Schedule of Fees and Charges.

6.3.3 Group 3 Other Clubs and Organisations

Rental will be determined based on 6.2 Assessment of Rental. The minimum ground rental which can be set will be in accordance with Council’s Schedule of Fees and Charges; and / or a building rental.

6.3.3.1 Ground Rental Only

A ground rental will be charged in the following two situations:

(1) where a tenant has the sole occupation of Council owned or managed land, that is, land that is fenced in and cannot be used for open space by the public when the tenant is not using it e.g. bowling greens and tennis courts. The minimum ground rental that can be charged will be in accordance with Council’s Schedule of Fees and Charges, as amended annually.

(2) where a tenant has constructed, at its own cost, a building on Council owned or managed land and has fully maintained that building (including structural and capital maintenance) throughout the term of the lease. The minimum ground rental for these tenants will be calculated at $1.00 per square metre of the area occupied by the building, as amended by Council’s Schedule of Fees and Charges.

6.3.3.2 Building Only

A building rental will be charged to those tenants occupying a Council owned or managed building. The minimum rental calculation for these tenants is 0.1% of the current asset value.
6.3.3.3 **Ground and Building**

Tenants who exclusively occupy a Council building and also have sole occupation of the adjoining Council owned or controlled land, e.g. bowling and tennis clubs will be charged both a ground rental and a building rental.

6.3.3.4 **Sinking Funds**

Tenants with exclusive occupancy of court surfaces on Council owned or controlled land will be required to create a sinking fund in anticipation of the capital cost to renew or undertake significant maintenance of the playing surfaces.

6.3.3.5 **Community Group Discount for Capital Investment**

Group Three tenants who at their own expense contribute to the cost of the construction/ refurbishment of the building may receive a discount in their building rental. The discount will apply on the basis of the level of the contribution as a proportion of the current asset value. A set discount period will apply depending on the contributions made by the tenant as follows:

- A set discount rental period of five years will apply to contributions less than 25% of the total asset value.
- A set discount rental period of 10 years will apply to contributions made between 26-99% of the total asset value.
- Tenants who contribute 100% of the total asset value and fully maintain the building will not be charged a building rental. They will be charged a ground rental only.

6.3.4 **Commencement of Policy Rental**

A rental discount will be given to all new lease or licence agreements that are negotiated with Group Two and Three Tenants within two years of the adoption of this Policy where the rental increases more than 5%. The purpose of this discount is to provide a period of time for clubs and organisations to budget for significant increases in rental.

The new rental will be phased in over three years with a rental increase of not more than 20% of the previous rent in the first year and not more than 40% of the previous rent in the second year. In the third year the full new rental will apply.

All tenants must pay Goods and Services Tax (GST) at a level determined by the federal government on rent. GST is payable in addition to the rent calculated using the above formulas, unless otherwise stated.

6.3.5 **Rental Increases**

Rent will be increased annually by either the consumer price index or 5%, whichever is the higher at the time of review.
Annual rentals may also be subject to a market review on the exercise of an option and/or every five years of the term. This will generally apply to Group One Tenants only.

6.3.6 Telecommunication Rental

Council will retain the entire rental payable under a lease by a telecommunication provider (or similar service provider) for use of Council owned or controlled land or building and will use that rent for the benefit of the whole community. This rental will not be shared with individual clubs or organisations that use part of the land upon which the telecommunication lease is situated.

Individual clubs, organisations and tenants must not negotiate directly with any telecommunication provider (or similar service provider) in relation to the use of Council owned or controlled land or building.

6.3.7 Additional Income

Council reserves the right to amend the rental if a tenant obtains an on-premises licence, packaged liquor licence, general licence or gaming license, or gains access to other commercial or fortuitous (but not fundraising) means of income generated during the term of the agreement e.g. rent received from sub-letting, revenue received from advertising on the premises. Consent by Council is required for any such use.

6.3.8 Rates, Taxes and Outgoings

Generally, tenants must reimburse Council or pay the relevant authority directly for all outgoings including rates, charges and taxes levied against the premises. User charges including water, sewerage, telephone, gas, electricity are generally to be paid directly to the relevant service provider by the tenant.

6.3.9 Insurance

Council will take out and maintain building insurance for buildings on Council owned or controlled land for the full replacement value. The tenant shall reimburse Council the cost of the building insurance and any excess in respect of any claim made. For Group 2 community groups occupying historic buildings with limited financial means, an application to waive the insurance reimbursement can be made and will be considered by the Manager Commercial Services.

All tenants are required to take out public liability insurance, noting the interest of Council and the Policy must contain a cross liability clause. A minimum cover of $20 million must be provided, or such other sum as stipulated by Council. Tenants must give a copy of their certificate of currency to Council on or before the commencement date of the lease and annually thereafter.

6.4 Use of the Premises

Group Two and Three Tenants must also allow Council to use the premises for Council’s sponsored functions at no cost to Council. Such use will be subject to Council giving the tenant at least 30 days written notice of its need to use the premises, provided that Council’s use of the premises does not unreasonably interfere with the tenant’s use of the premises. Council must also rectify any damage to the premises due to Council’s use of the premises.
For tenants who occupy premises under a licence agreement, Council may also use the premises or allow others to use the premises outside the normal hours of the tenant business operating from the premises, provided that such use of the premises does not unreasonably interfere with the tenant’s use of the premises.

### 6.5 Removal of Assets

All improvements, additions, structures or buildings on the premises-installed or erected by the tenant during the term of the lease or licence are the property of Council, unless otherwise specified. Tenants who constructed the building may be required to remove the building, all fixtures, fittings, plant and equipment at the expiry of the term of the lease, unless otherwise specified.

If Council requires the tenant to remove any assets that have been constructed or installed by them during the term of the lease, then the tenant must make good any damage caused by their removal.

### 6.6 Liquor and Gaming Licence

Group Two Tenants must not apply for a liquor or gaming licence. Depending on the permitted use of the premises, Group One and Three Tenants may request Council’s consent to allow them to apply for a liquor or gaming licence. Council in its capacity as landlord (as opposed to Responsible Authority) will consider applications for liquor and gaming licences and may refuse to give its consent (as landlord) in its absolute discretion.

### 7. Monitoring, evaluation & review

The policy will be reviewed on a 4 year basis or when significant changes in property related legislation occur.

Council will publish a register of occupancy agreements. Council will report on an annual basis the subsidy for each occupancy on the basis of the asset consumption set in the Building Asset Management Plan.

The following performance measures will be monitored;
- The level of rental return against the value of the assets being occupied will be reported, an annual increase in this indicator is desired
- The number of occupancy agreements in overholding
- Annual reporting of subsidy

### 8. Roles & Responsibilities

Director Corporate Services is responsible for ensuring the policy is reviewed and approved by Council.

Director Corporate Services has the following delegated powers associated with this policy

1. That Council:
   1.1 delegates to the member of Council staff holding, acting in or performing the duties of, the office or position of Director Corporate Services, the power to lease
any land under section 190 of the *Local Government Act 1989* (Act) including giving public notice of any proposed lease; and

1.2 authorises the member of Council staff holding, acting in or performing the duties of, the office or position of Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to any proposal to lease.

1.3 delegates to the member of Council staff holding, acting in or performing the duties of, the office or position of Director Corporate Services, the power to sign all leases and licences and any other documents required to be signed in connection with a lease or licence of any land, unless:

(a) submissions are received in response to a proposal to lease;

(b) the annual rental payable is more than $50,000 (including GST); or

(c) where a Councillor requests that the matter be dealt with by Council

**Commercial Services Manager** is responsible for the implementation and ongoing management of this Policy including maintenance of a lease register, reporting on lease subsidies and ensuring occupiers of Council land have an appropriate lease or licence in place and deliver their obligations in accordance with the lease.

The Manager Commercial Services is also responsible for assessing requests for community groups occupying historic buildings to waive insurance reimbursement payment.

**Tenants occupying Council owned or managed land** are responsible for complying with occupancy agreements.
9. Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Act 1958.</td>
<td>National Competition Policy.</td>
</tr>
<tr>
<td>National Competition Policy.</td>
<td>Charter of Human Rights</td>
</tr>
<tr>
<td>Charter of Human Rights</td>
<td>Environment Protection Authority,</td>
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<tr>
<td>Environment Protection Authority</td>
<td>planning permit provisions (including liquor licence provisions)</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Policies</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Strategies/Plans</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Strategy</td>
<td>Approved Master Plans.</td>
</tr>
<tr>
<td>Open Space Strategy</td>
<td>Community Engagement Strategy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedures/Processes</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasing Policy – procedures</td>
<td></td>
</tr>
</tbody>
</table>

| Other                                                                      |                                                                 |

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

<table>
<thead>
<tr>
<th><strong>Date approved by Council:</strong></th>
<th>29 July 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date of Next Review:</strong></td>
<td>July 2010</td>
</tr>
<tr>
<td><strong>Responsible Department:</strong></td>
<td>Properties</td>
</tr>
</tbody>
</table>

### Statement of Intent:

To provide guiding principles that will enable the establishment and management of Council’s leased and licensed assets, to maximise the commercial return to Council of its commercial assets, to maximise the community benefit arising from facility use and to ensure responsible management of these community assets thereby minimising the risk to Council.

### Policy Objectives:

The objectives of this Policy are to:

- Ensure that approved community groups are provided with assets that meet their reasonable needs.
- Optimise occupancy of Council owned and managed assets that reflects community expectations.
- Ensure that Council owned and managed assets are appropriately maintained, developed and occupied responsibly having regard to the interests of the community and Council.
- Ensure fair and consistent lease conditions for tenants and to clarify responsibilities for Council and tenants.
- Ensure equitable access to leased assets by Council approved community and commercial organisations.
- Ensure consistency in decision-making associated with lease terms and conditions.
- Establish transparent occupancy procedures including relevant consultation where necessary.
- Maximise overall return to Council of its commercial assets.
Policy Statement:
These objectives will be achieved by addressing issues in conjunction with Council Plan Goals of improving the sustainability of Council’s properties and to achieve optimum utility of Council’s asset base. These goals will provide the foundations for decision making and will be achieved through the following key areas:

- Maximising the use of Council’s leased and licensed assets.
- Providing an equitable and transparent process for dealing with Council’s leased and licensed assets.
- Understanding and encouraging community benefit.
- Providing an easily understood framework for leasing of Council’s assets.

The achievement of the objectives of this Policy will provide straightforward guidelines for the development of occupancy agreements, which will clearly define the roles and responsibilities of both Council and tenants. The Policy will provide a useful tool to ensure the best use of Council’s assets is achieved and a clear relationship is established between Council and its tenants.

Delegation:

1. That Council:
   
   1.1 delegates to the member of Council staff holding, acting in or performing the duties of, the office or position of Group Manager Infrastructure Services, the power to lease any land under section 190 of the Local Government Act 1989 (Act) including giving public notice of any proposed lease; and

   1.2 authorises the member of Council staff holding, acting in or performing the duties of, the office or position of Group Manager Infrastructure Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to any proposal to lease.

   1.3 delegates to the member of Council staff holding, acting in or performing the duties of, the office or position of Group Manager Infrastructure Services, the power to sign all leases and licences and any other documents required to be signed in connection with a lease or licence of any land,

   unless:

   (a) submissions are received in response to a proposal to lease;
(b) the annual rental payable is more than $50,000 (including GST); or

(c) where a Councillor requests that the matter is dealt with by Council

The Manager Properties will be responsible for the implementation and ongoing management of this Policy.

1. Legislative Requirements

- Retail Leases Act 2003.
- Retail Leases Regulations 2003.
- Crown Land (Reserves) Act 1978 (Vic).
- Health Act 1958.
- Children’s Services Act 1998.

2 Definitions

In this Policy, the following definitions apply:

**DSE** means the Victorian Department of Sustainability and Environment and its successors and assigns.

A **lease** is a right granted by the owner of land (landlord) to another person (tenant) to have exclusive possession of that land, or part thereof, for a fixed duration in return for rental payment. A lease creates an interest in land that is binding on third parties and is capable of being assigned, unless the lease specifies to the contrary. Generally, Council will grant a lease where the premises will be occupied exclusively by the one user and Council considers that granting a lease is in the best interests of the community.

A **licence** permits a person (licensee) to occupy land (or part thereof) on particular conditions. The main feature that distinguishes a licence from a lease is that a licence does not permit exclusive occupancy of the land. Unlike a lease, a licence does not create any interest in the land and the rights created by a licence
are personal and do not run with the land. Council has a preference to enter into licence agreements rather than leases, as a licence ensures that Council’s facilities are used to their greatest potential and maximises access to and the use of community facilities.

LGA means the Local Government Act 1989 (Vic) as amended from time to time.

RLA means the Retail Leases Act 2003 (Vic) as amended from time to time.

In this Policy “tenant” means an authorised person or incorporated body that has entered into or is proposing to enter into either a lease or licence with Council for the use of Council owned or managed premises.

Tenant Categories
Tenants are grouped into the following three categories:

A Group One – Commercial
Group One Tenants occupy the premises on a commercial basis. Some examples of premises that are leased to Group One Tenants include the following:

- Commercial sport and recreation e.g. Royal Avenue Tennis Centre, Brighton and Elsternwick Golf Clubs.
- Infrastructure e.g. telecommunications towers.
- General commercial e.g. Ricketts Point Tea House, North Road Pavilion Café.

Residential tenants and Council’s independent living units are not included in this Policy.

B Group Two – Not-for-Profit Community Groups
Group Two Tenants includes community groups that service the community or an underprivileged or disadvantaged group and these Tenants may have also constructed the building on Council owned or managed land and have fully maintained the building (including structural and capital maintenance) throughout the term of the lease. Group Two Tenants will be reliant on Council funding or do not have capacity to generate a significant amount of income and operate on a not-for-profit basis. Some examples of Group Two Tenants include the following:

- Kindergartens.
- Playhouses.
- Community youth groups.
- Senior citizens.
- Life saving clubs.
- Scouts and Guides.
- Neighbourhood Houses and Learning Centres.
C Group Three – Other Clubs and Organisations

Group Three Tenants includes recreational or community groups that service the community and are readily available to Bayside residents. These tenants include member based fee-paying clubs and organisations that have the capacity to generate revenue from use of the facility or other activities consistent with the organisational purpose (but do not operate to make a commercial profit). Some example of Group Three Tenants include the following:

- Tennis clubs.
- Bowling clubs.

Sporting clubs that have seasonal licenses are not included in this Policy.

3. General Principles

3.1 Crown Land

Where Council acts as the Committee of Management over Crown Land, Council must seek approval from the DSE to enter into a lease or licence of Crown land. Leases and licences will be in the prescribed form as provided by the DSE and Council’s additional terms and conditions will form part of the special conditions of the agreement.

3.2 Type of Tenant

Council will only grant a lease or licence to specific persons, incorporated bodies (that is, organisations that are incorporated under the Associations Incorporation Act 1981) or bodies corporate (as defined under the Corporations Act 2001 (Cth)). This means that a lease or licence agreement cannot be made with people representing a group e.g. committees or partnerships.

3.3 Risk Management

Council will ensure that all leases and licences contain appropriate risk management measures including (without limitation) an obligation on the tenant to:

- release and indemnify Council from all claims resulting from any damage, loss, death or injury in connection with the premises, unless such claims arise out of Council’s negligence;
- effect and maintain adequate public liability insurance;
- ensure that appropriate documentation and insurance is in place for occasional or hired use of the premises by third parties;
be responsible for complying with emergency and evacuation procedures and risk management practices implemented by Council; and

implement a risk management plan that addresses the risks associated with the tenant’s use of the premises and how such risks will be addressed.

3.4 Negotiations

Council will allow a reasonable time for tenants to enter into or renew a lease or licence. However, negotiations with users should generally not take longer than six months to complete.

Where lease or licence negotiations have been ongoing for six months or longer without reasonable circumstances, tenants may be provided with a deadline for conclusion. If the deadline has passed and a lease or licence has not been agreed or an extension of the deadline has not been granted, tenants will be deemed to have repudiated any rights to occupy the land. In this circumstance, following formal Council resolution, Council may take any or all of the following action:

- Secure the premises to prevent unauthorised access to the land.
- Invite the former tenant to make a submission about any matters relating to the premises and tenancy and the reasons for the protracted negotiations.
- Determine a suitable tenant for the premises (as set out below at paragraph 5.1).

4. Rental levels

4.1 Group 1

Commercial tenants will pay a rental that is market driven and may be determined by a market rental assessment carried out by a valuer, or as the result of an expression of interest process or similar program.

4.2 Group 2

Group Two Tenants will be charged rent in accordance with Council’s Schedule of Fees and Charges, as amended annually. The minimum rental to apply at the time of this Policy is $175 (GST inclusive) per annum.
4.3 Group 3

Group Three Tenants will be charged:

(i) a ground rental; and / or
(ii) a building rental.

Ground Rental Only

A ground rental will be charged in the following two situations:

(1) where a tenant has sole occupation of Council owned or managed land, that is, land that is fenced in and cannot be used for open space by the public when the tenant is not using it e.g. bowling greens and tennis courts. The ground rental will be charged in accordance with Council’s Schedule of Fees and Charges, as amended annually.

(2) where a tenant has constructed, at its own cost, a building on Council owned or managed land and has fully maintained that building (including structural and capital maintenance) throughout the term of the lease. The ground rental for these tenants will be calculated at $1.00 per square metre of the area occupied by the building, as amended by Council’s Schedule of Fees and Charges.

Building Only

A building rental will be charged to those tenants occupying a Council owned or managed building. The rental calculation for these tenants is 0.1% of the current asset value.

A building rental will not apply to tenants who have constructed a building on Council owned or managed land and have fully maintained that building throughout the term of the lease. These tenants will be charged a ground rental only.

Ground and Building

Tenants who exclusively occupy a Council building and also have sole occupation of the adjoining Council owned or controlled land, e.g. bowling and tennis clubs will be charged both a ground rental and a building rental.

Subsidy

Group Three tenants who at their own expense contribute to the cost of the construction/ refurbishment of the building may receive a discount in their building rental. The discount will apply on the basis of the level of the contribution as a proportion of the current asset value. A set discount period will apply depending on the contributions made by the tenant as follows:
Item 10.17 – Reports by the Organisation

- A set discount rental period of five years will apply to contributions less than 25% of the total asset value.

- A set discount rental period of 10 years will apply to contributions made between 26-99% of the total asset value.

- Tenants who contribute 100% of the total asset value and fully maintain the building will not be charged a building rental. They will be charged a ground rental only.

For example:

If a bowling club contributes $800,000 towards the redevelopment costs of the club building and the asset value is $1,000,000 they may receive an 80% discount in their building rent for the next 10 years of their lease. They will not receive a discount on their ground rental.

4.4 Commencement of Policy Rental

A rental discount will be given to all new lease or licence agreements that are negotiated with Group Two and Three Tenants within two years of the adoption of this Policy. The purpose of this discount is to provide a period of time for clubs and organisations to budget for significant increases in rental.

The new rental will be phased in over three years with a rental increase of not more than 20% of the previous rent in the first year and not more than 40% of the previous rent in the second year. In the third year the full new rental will apply.

4.5 GST

All tenants must pay GST at a level determined by the Federal Government on rent. GST is payable in addition to the rent calculated using the above formulas, unless otherwise stated.

4.6 Rental Increases

Rent will be increased annually by either the consumer price index or a fixed percentage, whichever is the higher at the time of review. The preferred method of review is by fixed percentage and the fixed percentage to apply at the time of this Policy is 5%, as amended annually by Council’s Schedule of Fees and Charges.

Annual rentals may also be subject to a market review on the exercise of an option and / or every five years of the term. This will apply generally to Group One Tenants only.
4.7 Telecommunication Rental

Council will retain the entire rental payable under a lease by a telecommunication provider (or similar service provider) for use of Council owned or controlled land or building and will use that rent for the benefit of the whole community. This rental will not be shared with individual clubs or organisations that use part of the land upon which the telecommunication lease is situated.

Individual clubs, organisations and tenants must not negotiate directly with any telecommunication provider (or similar service provider) in relation to the use of Council owned or controlled land or building.

4.8 Additional Income

Council reserves the right to amend the rental if a tenant obtains an on-premises licence, packaged liquor licence, general licence or gaming license, or gains access to other commercial or fortuitous (but not fundraising) means of income generated during the term of the agreement e.g. rent received from sub-letting, telecommunication rental, revenue received from advertising on the premises. Consent by Council is required for any such use and is dealt with in greater detail at paragraphs 8.9 and 8.20.

5. New lease

5.1 New Tenants

When commercial premises become vacant or at the expiry of the term (or earlier termination of the lease), the occupation of Council’s commercial premises will be tendered or made subject to an expression of interest process, which will be carried out by way of a public marketing campaign (which will include placing a public notice on Council’s website).

When community premises become vacant or at the expiry of the term (or earlier termination of the lease or licence), Council officers will consider the ongoing future use of the premises and determine a suitable tenant for the premises with appropriate Council departments, having regard to (among other things):

- whether the existing tenant is still occupying the premises, has not breached the terms and conditions of its lease or licence and is continuing to operate and provide a recognised service or benefit to the Bayside community;
- the needs of Council;
- how the new/existing tenant organisation provides an ongoing service or benefit to the Bayside community;
the new/existing tenant organisation’s business plan or strategy for the future of the organisation and the future use of the property.

5.2 Tender or Expression of Interest Evaluation

If a property is tendered or an expression of interest process is carried out an evaluation panel ("Panel") will be selected prior to interviewing prospective tenants. The Panel will be representative of the relevant Council departments involved in the management and operation of the organisation and / or the services the organisation provides to the community. External and independent persons who have the expertise relevant to the type of lease being granted may also be appointed to the Panel.

5.3 Report to Council

Upon completion of the evaluation process, the Panel will prepare a report and recommendation to Council naming the preferred tenant(s) and giving reasons for its decision. If Council ratifies the Panel’s recommendation, any unsuccessful applicants will be notified. For premises located on Crown Land, the lease proposal will also be forwarded to the DSE for formal approval.

5.4 Lease Negotiations

Council officers will negotiate the terms and conditions of the lease with the successful tenant, having regard to DSE guidelines if the lease is on Crown Land and having regard to the RLA if the lease is a retail lease.

5.5 Public Notice

If required under section 190 of the LGA, Council will place a public notice in ‘The Age’, the ‘Bayside Leader’ and on Council’s website advising of its intention to grant a lease. Any person has a right to make a submission under section 223 of the LGA in relation to the proposed lease.

A special committee of Council consisting of three councillors will be appointed to hear any submissions and a further report will be prepared for Council’s consideration. If no submissions are received in respect of the public notice or Council considers the submissions and resolves to proceed with the lease, then the lease will proceed to finalisation.

5.6 Lease Finalisation

An authorised signatory of the tenant will execute the lease and either Council or the delegate on behalf of Council under delegated approval will execute the lease. If the lease is on Crown Land, the lease will be forwarded to the DSE to arrange for signing by the relevant Minister.
6. Further terms

6.1 General Exercise of Option

If the lease or licence provides for a further term then Council will grant to the tenant a new lease or licence for the further term if the tenant complies with the provisions in the lease or licence and also complies with the requirements under the RLA if the lease is a retail lease. Council is not obliged to accept a tenant’s request to renew a licence or non-retail lease if the tenant fails to exercise the option in accordance with the terms of the licence or lease.

7. Market rent review

Where a lease or licence is subject to a market rent review, the following procedure will apply:

- The Leasing Coordinator will arrange for an independent valuation of the premises to determine the market rent. If the lease is a retail lease then in determining the amount of the rent, the valuer must comply with the provisions of the RLA.

- The tenant will be advised of the proposed new rental.

- If the tenant objects to the new rental and the lease is not a retail lease, then the rent will be determined by a valuer appointed by the Australian Property Institute, and the costs shared equally by Council and the tenant. The decision of the determining valuer will be binding on both parties.

- If the tenant objects to the new rental and the lease is a retail lease, then the rent will be determined in accordance with the provisions of the RLA.

- If required, Council will comply with section 190 of the LGA as outlined in 5.5.

8. Standard Terms and Conditions

8.1 Standard Occupancy Agreements

Standard lease and licence agreements have been developed by Council’s solicitors for use by Council officers and these will be used as the basis of all tenancies. The standard agreements will vary over time. Lease and licence agreements will be prepared and tailored to each proposed tenant organisation and additional clauses will be included in the agreements when necessary to meet specific requirements of Council or the proposed tenant.

8.2 Term

The maximum lease period for properties on Council land is 50 years and 21
years for Crown land. The maximum term of a licence on Crown land is three years.

The term of the lease or licence will depend on many factors, including:

- the tenant;
- the ongoing need for the premises or the provided use;
- substantial contributions to capital / structural works by the tenant;
- the stability of the tenant; and
- the suitability of the premises.

The term of commercial leases will be assessed on an individual basis.

Generally community agreements will be for a term of nine years, however, Council may offer a lesser term, having regard to the above five factors and where Council considers that providing a lesser term is in the best interests of the community.

Council will generally not grant leases that are longer than ten years, including options. However, terms longer than ten years may be offered where a tenant substantially invests in a fixed asset (e.g. building, playing surface) and fully maintains the asset.

8.3 Rates, Taxes and Outgoings

Generally, tenants must reimburse Council or pay the relevant authority directly for all outgoings including rates, charges and taxes (except land tax if the lease is a retail lease) levied against the premises. User charges including water, sewerage, telephone, gas, electricity are generally to be paid directly to the relevant service provider by the tenant.

8.4 Insurance

Council will take out and maintain building insurance for buildings on Council owned or controlled land for a full replacement value. The tenant must reimburse Council the cost of the building insurance and any excess in respect of any claim made. Council will not insure any chattels, fixtures or contents in the premises, however tenants may elect to do so.

All tenants are required to take out public liability insurance, noting the interest of Council and the Policy must contain a cross liability clause. A minimum cover of $20 million must be provided, or such other sum as stipulated by Council. Tenants must give a copy of their certificate of currency to Council on or before the commencement date of the lease and annually thereafter.

Council’s insurer may at times deem it unnecessary to require any indemnity or insurance clauses from certain tenants. If this is the case, then both the tenant and Council must ensure that the other has sufficient and current
insurance in place.

8.5 Use of the Premises

Tenants must:

- Obtain Council's prior written consent for any change or additional use of the premises. Council reserves the right to review the rent or any other lease provision if it provides consent in this regard.
- Not use the premises for any illegal purpose or carry on any noxious or offensive activity on the premises.
- Comply with all laws and any requirements of any authority in connection with the premises and the tenant's use and occupation of the premises.

Group Two and Three Tenants must also allow Council to use the premises for Council's sponsored functions at no cost to Council. Such use will be subject to Council giving the tenant at least 30 days written notice of its need to use the premises, provided that Council's use of the premises does not unreasonably interfere with the tenant's use of the premises. Council must also rectify any damage to the premises due to Council's use of the premises.

For tenants who occupy premises under a licence agreement, Council may also use the premises or allow others to use the premises outside the normal hours of the tenant business operating from the premises, provided that Council's use of the premises does not unreasonably interfere with the tenant's use of the premises.

8.6 Hours of Use

The hours of use may be prescribed for the premises and the tenant must comply with all guidelines and directions issued by the Environment Protection Authority, planning permit provisions (including liquor licence provisions), Liquor Licensing Commission and Council local laws.

8.7 Reporting

Group Two and Three tenants must on demand give to Council:

- within 60 days of each financial year annual reports certified by the Treasurer of the tenant organisation, including a financial statement
- within 30 days of the Tenant's annual general meeting a written report detailing:
  - the activities conducted by the tenant;
  - a list of groups who used the premises including details of office bearers appointed to the tenant organisation.
8.8 Assignment

Tenants must not assign a non-retail lease or grant to any person a licence in respect of the premises. Council must comply with the provisions of the RLA in relation to a tenant’s request to assign a retail lease.

8.9 Subletting

Tenants may sub-lease the premises to approved organisations for approved purposes with Council’s prior written consent (which may be given conditionally) and subject to approved terms and conditions. If Council agrees to a sub-lease of the premises, Council may review and adjust the rental level of the head lease if the rent is more than cost recovery. Any financial gain from subletting may in part be payable to Council rather than the tenant.

8.10 Casual Hire

Tenants may make the premises available for casual hire where appropriate and where this does not interfere with the primary purpose of the facility or adversely affect the amenity of nearby neighbours. The tenant must obtain Council’s consent (which may be given conditionally) prior to the tenant hiring out the premises for casual use. The hirer must also enter into a hire agreement on terms and conditions agreed by Council prior to the hirer occupying the premises. A breach of the hire agreement by the tenant or the hirer will be deemed to be a breach of the lease or licence by the tenant.

8.11 Legal Costs

Council will charge Group 1 Tenants its legal costs associated with the preparation and negotiation of the licence or non-retail lease. Council may charge Group Two and Three Tenants a fixed sum in accordance with Council’s Schedule of Fees and Charges for Council’s legal and administrative costs associated with a new non-retail lease or licence, provided the lease or licence conforms to Council’s standard document. Substantial variations to the standard lease or licence may incur increased costs to be passed on to the tenant.

Council may also claim from the tenant its reasonable legal costs incurred in connection with an assignment of lease or sub-lease of the premises. Any legal costs associated with a lease or licence variation as a result of a tenant’s request may be charged to the tenant.
8.12 Safety Requirements

Tenants must have in place emergency and evacuation plans and procedures and must ensure that their employees or invitees participate, as requested, in emergency training and drills. Tenants must also adhere to and comply with occupational health and safety conditions.

Council may also request tenants to provide a sign off schedule in accordance with the Building Act 1993 and Building Regulations 2006 - specifically Regulation 1209 and 1215: Annual Essential Safety Measures Report. Council or Council’s authorised agents may enter the premises to inspect the essential safety measures at any reasonable time after giving the tenant reasonable notice.

8.13 Smoking

Tenants must not or permit their employees, agents, contractors, invitees or customers to smoke tobacco products or other substances on the premises. Tenants must also display ‘no smoking’ signs on the premises if requested by Council.

8.14 Planning

Tenants must obtain Council’s prior written consent before applying for a planning permit and all planning permit requirements, including liquor licence requirements, will become requirements of the lease.

8.15 Environmental

Tenants must:
- only plant trees or other plants on the premises that are approved by Council and must maintain the trees in accordance with methods approved by Council.
- not prune or trim any plants or trees without Council’s consent and any pruning of the trees must comply with the relevant Australian Standard for tree pruning and local laws.
- mow any grassed nature strip abutting the premises and maintain the nature strip to Council’s reasonable satisfaction.
- comply with Council’s Chemical Protocol.

8.16 Waste Minimisation and Recycling

Council is committed to waste minimisation, recycling and litter reduction. Tenants must:
- comply with Council’s waste wise action plan and meet specific targets set by Council from time to time in relation to the reduction of waste;
• recycle all recyclable waste and reuse residual materials generated as far as practicable;
• provide receptacles for the disposal of recyclable waste by customers or invitees;
• minimise generation of waste and water and energy consumption;
• as far as is practicable use natural lighting and minimize the use of artificial lighting consistent with good occupational health and safety practice; and
• as far as is practicable minimise the use of active mechanical heating and cooling systems in the premises.

8.17 Energy and Water Performance

Council and Planet Footprint are carrying out an ongoing project to collate energy and water costs and consumption data for all of Council's assets to determine the energy and water performance of these assets. To enable Planet Footprint to collect the water and energy data, all tenants must agree to authorise Planet Footprint (or similar organisation appointed by Council) to access the tenants energy and water costs and consumption data for the premises, including billing data on a regular basis. The data collected will not be made public or used in any way other than to enable Council to identify where to best apply its resources to energy and water performance improvement.

8.18 Signage

Group Two and Three Tenants must erect a sign on the premises that provides details of the activities conducted at the premises and invites residents and ratepayers to become members.

Council’s consent must be obtained (which consent may be withheld or given conditionally in Council’s absolute discretion) prior to the tenant displaying or affixing signs to any part of the premises where such signs are visible from outside the premises. The erection of any sign must comply with all planning laws and requirements.

8.19 Removal of Assets

All improvements, additions, structures or buildings on the premises installed or erected by the tenant during the term of the lease or licence are the property of Council, unless otherwise specified. Tenants who constructed the building may be required to remove the building, all fixtures, fittings, plant and equipment at the expiry of the term of the lease, unless otherwise specified. If Council requires the tenant to remove any assets that have been constructed or installed by them during the term of the lease, then the
tenant must make good any damage caused by their removal.

8.20 **Liquor and Gaming Licence**

Group Two Tenants must not apply for a liquor or gaming licence. Depending on the permitted use of the premises, Group One and Three Tenants may request Council’s consent to allow them to apply for a liquor or gaming licence. Council in its capacity as landlord (as opposed to Responsible Authority) will consider applications for liquor and gaming licences in its discretion and may refuse to give its consent (as landlord) in its absolute discretion.

8.21 **End of Lease**

At the end of the term (or earlier determination) the tenant must vacate the premises and give them back to Council in a condition consistent with the tenant having complied with its obligations under the lease or licence.

9. **Maintenance**

9.1 **General Maintenance Obligations**

To provide a consistent and fair framework for the conduct of maintenance on Council premises, maintenance schedules have been developed. Each tenant is required to maintain the facility in accordance with a maintenance schedule attached to the lease or licence. The maintenance schedules will specify the responsibilities of Council and the tenant, including (among other things) responsibility for maintaining the structure, the building, fixtures and fittings and grounds. The level of maintenance responsibility outlined in the relevant schedule will be determined by a number of factors, such as:

- function of the facility;
- degree of community benefit;
- the tenant’s ability to maintain the premises;
- the tenant’s ability to generate revenue;
- the level of subsidy or grants received by the tenant;
- any special maintenance requirements by the tenant;
- the rental level;
- provisions of the RLA.

9.2 **Conditions Audits**

Tenants may be required to complete a regular condition report of the premises, as determined by Council. The regularity of the review will depend on the use and type of tenant. Council or Council’s agents may also enter the premises at any reasonable time after giving the Tenant
10. Related Policies, Procedures, Guidelines and Forms:

The processes for leasing and licensing Council’s assets will be carried out in accordance with the following policies and guidelines:

- Approved Master Plans.
- Bayside Planning Scheme.
- Capital Works Improvement Guidelines.
- Chemical Protocol.
- Community Support and Assistance Scheme Guidelines.
- Conditions of Use of Sporting Facilities.
- Council Plan.
- Leisure Plan.
- Open Space Strategy.
- Sports Facility Policy.
- Community Engagement Strategy.
10.18 DISCONTINUANCE AND SALE OF RIGHT OF WAYS, ROADS AND RESERVES POLICY

Executive summary

Purpose and background
The Discontinuance and Sale of Right of Ways, Roads and Reserves Policy (Policy) is due for review. The Policy was last reviewed in 2014 with minimal changes. The draft 2018 update to the Policy also contains minimal changes.

Council has many historic laneways, drainage reserves and other portions of land covered by the Policy which are not necessarily required to be retained in Council’s direct control. Where land is not required to be retained by Council, the Policy provides an approach to transfer control from Council to other ownership. This generally occurs in relation to historic laneways and drainage reserves.

The Policy makes it clear that land required to be maintained in Council control will be retained, however parcels of land may be divested where private ownership does not impact service needs. This reduces the long term risk to Council, provides a small financial return, and may reduce property risk to residents and supports improved amenity.

This Policy makes it clear that unauthorised occupation is not supported and provides a mechanism to transfer land or enforce removal of encroachments where necessary.

Key issues
The Policy provides a valuation methodology to ensure that there is a clear and consistent approach. The land generally will not be subject to open market testing and as such a sworn valuation taking into account any encumbrances on the land is sought as part of any application to acquire land under this Policy from Council.

Historically Council has incurred the costs associated with the process and recovers these on successful completion of a sale. Recently an up-front cost agreement has been put in place to reduce the impost on Council to fund the valuation, title search and other costs associated with the process to ensure that these costs are recovered regardless of the outcome. This has reduced speculative approaches by residents where there is a mistaken belief that the land has limited value. It is proposed to introduce an application fee of $1500 to cover these initial costs.

Recommendation
That Council adopts the Discontinuance and Sale of Right of Ways, Roads and Reserves Policy as attached to the report.

Support Attachments
1. Draft Discontinuance and Sale of Right of Ways, Roads and Reserves Policy
2. Discontinuance and Sale of Right of Ways, Roads and Drainage Reserves Policy
Considerations and implications of recommendation

Liveable community

Social
The Policy supports the transfer of historic laneways and reserves which are no longer required into private ownership. This can support the reduction in antisocial behaviour such as graffiti, rubbish dumping and illegal access to private property increasing community safety.

Natural Environment
There is no significant impact on the natural environment. Many laneways are incorporated into private rear gardens leading to a minor increase in vegetation.

Built Environment
Any land required to be actively managed for drainage, pedestrian or road access will be retained. The transfer of drainage reserves continues to allow access via easements and does not preclude Council from continuing to manage assets in such land even though it is in private ownership.

Customer Service and Community Engagement
There has been no specific community engagement. Feedback to date in relation to the existing cost agreement has been positive. The approach does however discourage speculative requests to acquire Council laneways.

Human Rights
There are no issues associated with this report which would be in conflict with the Charter of Human Rights.

Legal
The Policy has been reviewed by Council lawyers. The Policy aligns Council statutory obligations and roles and is consistent with the requirements.

Finance
A fee to cover the valuation, legal and administrative searches related to proposals to purchase land in accordance with this policy is proposed at $1500. This will ensure there are no cost impacts on Council to undertake processes in relation to the policy.

Links to Council policy and strategy
The Policy supports the Property Strategy in relation to the ongoing discontinuance and sale of ROW, roads and reserves that are no longer required.
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Discontinuance and sale of Right of Ways, Roads, and Reserves Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy owner:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>[insert meeting date/reference number]</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>April 2022</td>
</tr>
<tr>
<td>Document Reference:</td>
<td>DOC/18/44650</td>
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</table>

1. **Policy intent**

To ensure that roads, right of ways (ROWs) and reserves that are no longer required to be kept under Council care and management for access, drainage or strategic purposes can be legally sold subject to compliance with statutory requirements.

2. **Policy purpose**

To ensure that Council has a consistent and equitable approach to dealing with the discontinuance and sale of roads, right of ways and reserves.

The Policy establishes a framework to assist the Council in the exercise of its statutory functions, duties and powers to discontinue roads and right of ways pursuant to section 206 of the Local Government Act 1989 (Act), remove the reserve status within the municipal district under section 24A of the Subdivision Act 1988, and sell of Council land pursuant to section 189 and 223 of the Act.

It provides direction on whether the discontinued roads or former reserves should be sold, or retained and transferred to Council for strategic or municipal purposes.

The achievement of the objectives of this Policy will protect roads, ROWs and reserves for use by the wider community when there is an ongoing need for them.

This policy has been developed in reference to relevant legislation and the ‘Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land’ dated June 2009.

This Policy has been assessed as being compatible with the Charter of Human Rights and Responsibilities Act 2006.

3. **Glossary - Definitions and Abbreviations**

Definitions of special terms and abbreviations within the policy document.

<table>
<thead>
<tr>
<th>Term</th>
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<tr>
<td>RIGHT OF WAY (ROW)</td>
<td>is a road as defined in section 3 of the Local Government Act 1989.</td>
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</tbody>
</table>
4. Scope
Roads, ROWs and reserves that are not required to be retained in Council ownership can be considered to be discontinued, or the reserve status removed and sold in accordance with this Policy.

5. Policy statement
All land that is required for access, drainage purposes or other strategic purposes will be retained and where required ensure it is open and available to the public. Where land is no longer required to be retained in Council care and management to achieve these outcomes or the historic purpose means land is no longer required Council may elect to sell the land subject to completion of statutory procedures.

When land is no longer required to be cared and managed by Council, the achievement of the objectives of this Policy will:

(i) Reduce Council’s long-term financial and legal liability for roads, ROWs and reserves (e.g. maintenance, cleaning and public liability);

(ii) Improve local amenity for Bayside residents (e.g. increasing the security of property by the elimination of access points);

(iii) Formalise ownership of roads and ROWs (following discontinuance) and reserves (following removal of reserve status) providing a clearer control of the land and allocation of obligations; and

(iv) Maximise additional revenue generated from:
   (a) Funds from land transfers;
   (b) Reduction in legal and financial liability; and
   (c) Increase rate revenue.

The following general principles apply to roads, ROWs and reserves:

(i) Land required for the following uses will be retained for that ongoing need:

   • An ongoing need for access, both vehicular and pedestrian;
   • Is constructed and maintained as a road or ROW by Council and is still required for that purpose;
   • Has strategic value to Council;
   • Provides recreational linkages or linked pathways;
   • Is required to increase existing parkland;
   • Is required for drainage or flood mitigation or location of other services;
   • Is required to be preserved for significant vegetation; or
   • Is generally required for municipal purposes.

(ii) Unauthorised occupation of roads or ROWs or reserves is prohibited and Council will take steps to stop the illegal occupation.
(iii) Council will encourage the sale of such land that is not being used for pedestrian or vehicular access or is no longer required for other strategic or public use.

(iv) Council will only sell such land holdings to abutting property owners. In circumstances where one abutting property owner does not wish to purchase the land then Council will offer the whole parcel of land to the adjoining property owner.

(v) Generally, all abutting owners will be given an equal opportunity to purchase such land holdings that abut their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land (i.e. occupation that could otherwise give rise to an adverse possession claim).

(vi) Council may take steps to remove such unauthorised occupation of roads, ROWs and reserves. Where Council resolves not to discontinue and/or sell the land, steps may be taken to ensure that the land becomes and remains accessible for the purpose for which it was set aside, including directing removal of any obstructions or buildings from the land in accordance with clause 207 and section 11 of the Act, and all costs associated with the removal to be paid by the occupier.

(vii) Council will seek to optimise value from the sale of land and will pass on all costs associated with the transfer of the land.

(viii) Council reserves the right to retain any such land holdings once Council takes title to such land if it is seen to be appropriate. This land may be retained to:
   - Meet a strategic need,
   - Protect Council’s rights of ownership, or
   - Sell at some point in the future in accordance with this Policy.

(ix) Council has the right to place an easement, covenant, or create an easement on or over the land parcel in order to protect existing rights or future requirements. If there is a requirement by statutory authorities to relocate any assets located underneath the subject land (e.g. drains), all costs will be borne by the purchaser.

(x) All legislative requirements for the discontinuance of roads and ROWs and the removal of reserve status and the sale of such land are met, including appropriate consultation and valuation processes;

5.1 Assessment of sale prices

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

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

(i) The land area and dimensions of the land;

(ii) The increase in the value of any property which occurs as a result of the transfer of the extra land;

(iii) The potential the abutting property has for redevelopment as a result of the transfer of land; and

(iv) Any easements, encumbrances or other assets retained on the land as a requirement of Council or other statutory authorities.
If a property owner can demonstrate continuous exclusive occupation of the road or reserve for 15 years or longer and may have adverse possession rights, consideration may be given to discounting the purchase price by up to 50% of the current market value.

Council may, at its discretion, decide to waive fully or partially the valuation component of the land parcel being transferred if it deems the land transfer will serve some “public purpose”. Such action will require a resolution of Council.

5.2 Costs
All costs associated with the discontinuance and sale of roads or right of ways or the sale of reserves incurred by Council will be paid or shared by the applicant/s regardless of the outcome.

These costs include but are not limited to:
- Survey costs
- Legal fees and disbursements;
- Title Registration costs; and
- Relocation of fences.

An application fee to cover initial assessment, valuation and administration associated with a proposal under this policy will be implemented to ensure Council does not incur excessive costs associated with speculative processes. This fee will be set annually as part of Council’s fees and charges.

5.3 Replacement costs
The relocation or replacement costs of any assets within a section of land will be borne by the purchaser. These will include the following:

- Statutory authority assets such as those belonging to water, gas or telecommunications organisations.
- Bluestone pitchers (if any), or other re-useable materials as these remain the property of Council.
- Replacement drainage or new storm water drainage, if required.

5.4 GST
In accordance with the provisions of the Goods and Services Tax Act 1999, the sale of Council property, including the sale of discontinued ROWs, roads and the sale of former reserves, will attract GST. This obligates Council to ensure that GST is added on to the sale price or that the sale price is inclusive of GST.

5.5 Terms payment
The full purchase price will be paid to Council at the time of settlement, except at the discretion of the responsible officer when, in special circumstances, the terms may be extended to allow equal payments over a period of time, not exceeding three years. In relation to terms payments, an additional service charge will be assessed to cover any administration costs. The transfer of land will not be passed on to the purchaser until the purchase price plus any costs or additional amounts are paid in full.
6. Monitoring, evaluation & review

The Manager Commercial Services is responsible for ongoing monitoring and review of the effectiveness of this Policy. Sales of discontinued roads and ROW’s and former reserves are reported monthly through budget review processes. Reporting will be incorporated into an Annual Property Performance report noting the type of land being sold and the sale prices.

The Policy will be reviewed every four years or on significant changes to legislation or Council objectives related to property management.

The performance indicators related to this policy are:
- Percentage of processes where an application fee has been accepted that are completed within eight months (90%)
- Percentage of cost recovery (100%).

7. Roles & Responsibilities

The Director Corporate Services will be responsible for the implementation and management of this Policy and the relevant procedures.

An instrument of delegation adopted by Council provides delegated authority to the Director Corporate Services.

8. Related documents

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Policies</th>
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<tbody>
<tr>
<td>Subdivision Act 1988</td>
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<td>Limitations of Actions Act 1958</td>
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<td>Transfer of Land Act 1958</td>
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<td>Road Management Act 2004</td>
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<tr>
<th>Strategies/Plans</th>
<th>Procedures/Processes</th>
<th>Other</th>
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</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) to ensure this is the latest version.
1. Policy intent
To provide guiding principles to ensure that roads, right of ways (ROWs) and drainage reserves are kept open and available for use where they are required for access, drainage or strategic purposes.

Where such land is no longer required, this Policy will facilitate the discontinuance of roads, ROWs and the removal of reserve status from drainage reserves and facilitate the sale where considered suitable.

This policy ensures Council complies with the Local Government Act 1989 in relation to discontinuance and sales of roads and ROW and the sale of former drainage reserves.

2. Purpose/Objective
To ensure that all land that is required for access, drainage purposes or other strategic purposes will be retained and ensure it is open and available for the public.

However, where such land is not required, this Policy establishes a framework to assist the Council in the exercise of its statutory functions, duties and powers to discontinue roads and right of ways and remove the reserve status in relation to drainage reserves within the municipal district. Furthermore the Policy provides a framework to make decisions as to whether the discontinued roads or former drainage reserves should be sold, or retained and transferred to Council for strategic or municipal purposes.

The achievement of the objectives of this Policy will protect roads, ROW’s and drainage reserves for use by the wider community when there is an ongoing need for them. However, when the land is no longer required the achievement of the objectives of this Policy will:

(i) Reduce Council’s long term financial and legal liability for roads, ROWs and drainage reserves (e.g. maintenance, cleaning and public liability);
(ii) Improve local amenity for Bayside residents (e.g. increasing security of property by the elimination of access points);
(iii) Formalise ownership of roads and ROWs (following discontinuance) and drainage reserves (following removal of reserve status) providing a clearer control of the land and allocation of obligations; and
(iv) Maximise additional revenue generated from:
   (a) Funds from land transfers;
   (b) Reduction in legal and financial liability; and
   (c) Increase rate revenue.

3. Scope
Roads, Row and drainage reserves that are not required for any of the above purposes will be discontinued, or the reserve status removed and sold in accordance with this Policy.

4. Roles & Responsibilities
The Director Corporate Services will be responsible for the implementation and management of this Policy and the relevant procedures.

An instrument of delegation adopted by Council provides delegated authority to the Director Corporate Services.

5. Monitoring, evaluation & review
The Manager Commercial Services is responsible for ongoing monitoring and review of the effectiveness of this Policy. Sales of discontinued roads and ROWs and former reserves are reported monthly through budget review processes. Reporting will be incorporated into an Annual Property Performance report noting the type of land being sold and the sale prices.

The Policy will be reviewed every 4 years or on significant changes to legislation or Council objectives related to property management.

6. Policy statement
The following general principles apply to roads, ROWs and drainage reserves:

   (i) Land required for the following uses will be retained for that ongoing need:
       • An ongoing need for access, both vehicular and pedestrian;
       • Is constructed and maintained as a road or ROW by Council and is still required for that purpose;
       • Has strategic value to Council;
       • Provides recreational linkages or linked pathways;
       • Is required to increase existing parkland;
       • Is required for drainage or flood mitigation or location of other services;
       • Is required to be preserved for significant vegetation; or
       • Is generally required for municipal purposes.

   (ii) Council discourages the unauthorised occupation of roads or ROWs or drainage reserves and will take steps to remove such illegal occupation.

   (iii) Council will encourage the sale of such land that is not being used for pedestrian or vehicular access or is no longer required for other strategic or public use.
(iv) Council will only sell such land holdings to abutting property owners.

(v) Generally, all abutting owners will be given an equal opportunity to purchase such land holdings that abut their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land (i.e. occupation that could otherwise give rise to an adverse possession claim).

(vi) Council will seek to optimise value from the sale of land and will pass on all costs associated with the transfer of the land.

(vii) Council reserves the right to retain any such land holdings once Council takes title to such land if it is seen to be appropriate. This land may be retained to:

○ Meet a strategic need,

○ Protect Council’s rights of ownership, or

○ Sell at some point in the future in accordance with this Policy.

(viii) Council has the right to place an easement, covenant, or create an easement on or over the land parcel in order to protect existing rights or future requirements. If there is a requirement by statutory authorities to relocate any assets located underneath the subject land (e.g. drains), all costs will be borne by the purchaser.

(ix) All legislative requirements for the discontinuance of roads and ROW’s and the removal of reserve status and the sale of such land are met, including appropriate consultation and valuation processes;

6.1 Assessment of sale prices

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

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

(i) The land area and dimensions of the land;

(ii) The increase in value of any property which occurs as a result of the transfer of the extra land;

(iii) The potential the abutting property has for redevelopment as a result of the transfer of land; and

(iv) Any easements, encumbrances or other assets retained on the land as a requirement of Council or other statutory authorities.

If a property owner can demonstrate continuous exclusive occupation of the road or reserve for 15 years or longer and they have adverse possession rights, consideration may be given to discounting the purchase price by up to 50% of the current market value.

Council may, at its discretion, decide to waive fully or partially the valuation component of the land parcel being transferred if it deems the land transfer will serve some “public purpose”. Such action will require a resolution of Council.
6.2 Costs
All costs associated with the discontinuance and sale of roads or right of ways or the sale of drainage reserves are to be shared by the applicants.

These costs include: -
- Legal fees;
- Title Registration costs; and
- Relocation of fences.

6.3 Replacement costs
The relocation or replacement costs of any assets within a section of land will be borne by the purchaser. These will include the following: -
- Statutory authority assets such as those belonging to water, gas or telecommunications organisations.
- Bluestone pitchers (if any), or other re-useable materials as these remain the property of Council.
- Replacement drainage or new storm water drainage, if required.

6.4 GST
In accordance with the provisions of the Goods and Services Tax Act 1999, the sale of Council property, including the sale of discontinued ROWs, roads and the sale of former drainage reserves, will generally attract GST. This obligates Council to ensure that GST is added on to the sale price or that the sale price is inclusive of GST.

6.5 Terms payment
The full purchase price will be paid to Council at the time of settlement, except at the discretion of the responsible officer when, in special circumstances, the terms may be extended to allow equal payments over a period of time, not exceeding three years. In relation to terms payments, an additional service charge will be assessed to cover any administration costs. The transfer of land will not be passed on to the purchaser until the purchase price plus any costs or additional amounts are paid in full.

7. Related documents

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8. Definitions & Abbreviations

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<td>ROAD</td>
<td>Is as defined in Section 3 of the Local Government Act 1989. The term</td>
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<tr>
<td></td>
<td>&quot;road&quot; includes, but is not limited to, a right of way, a street or a</td>
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<tr>
<td></td>
<td>footpath etc.</td>
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<tr>
<td>RESERVE</td>
<td>Is a drainage and other reserve not set aside for other recreational</td>
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<td></td>
<td>purposes.</td>
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</table>

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

Purpose and background

The purpose of this report is to inform Council of the need to cancel the 29 May 2018 Planning and Amenity Committee.

Council at its Annual Meeting adopted a meeting schedule which includes twice monthly meetings of the Planning and Amenity Committee with the exception including a third Planning and Amenity Committee given 5 Tuesday nights are within May.

Council also resolved to undertake a review of twice monthly Planning and Amenity Committee meetings at the May Ordinary Meeting of Council. This review will take place at the May meeting.

Key issues

Council is undertaking an upgrade to the AV sound system within the Council Chambers and mezzanine level. As part of this upgrade it is necessary for the contractor to have access to the building for at least two weeks. This can be achieved if the Planning and Amenity Committee scheduled for 29 May is cancelled.

Discussions have taken place with the Manager Development Services to ensure that the cancellation of this meeting will not impact upon the workflow of the Committee. Given that two meetings are still scheduled in May, the cancellation of this meeting will have no impact.

It is also proposed to re-locate the proposed Section 223 Hearings in relation to the draft 2018/19 Budget and 2018 Review of the Council Plan to be held at the Corporate Centre, Royal Avenue Sandringham instead of the Council Chambers. Formal public notice will be provided as part of the public notice requirement.

Recommendation

That Council:

1. gives public notice of the cancellation of the 29 May 2018 Planning and Amenity Committee; and

2. notes the proposed relocation of the Section 223 Hearings in relation to the Draft 2018/19 Budget and 2018 Review of the Council Plan to be held at the Corporate Centre Sandringham on the basis that formal public notice be provided as part of the advertising requirements.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
It is proposed that public notice will be given on the cancellation of the 29 May 2018 Planning and Amenity Committee on Council's website.

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

Legal
There are legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
There are no links to Council policy or strategy in relation to the content of this report.
10.20 FEBRUARY 2018 FINANCIAL REPORT

Executive summary

Purpose and background
This report provides a summary and analysis of Council’s financial performance for eight (8) months to 28 February 2018.

The report is designed to analyse actual results against the 2017/18 Adopted Budget to ensure consistency and compliance with the Budget, and to measure Council’s overall financial performance.

Please refer to the Detailed Financial Report attached for full analysis.

Key issues

2017/18 Year to date operating result
The February 2018 result is a surplus of $19M which is $6.2M favourable to budget.

2017/18 Forecast operating result
The current forecast for the year represents a surplus of $23.8M which is $1.74M favourable to Budget.

The underlying forecast is favourable to budget by $508k and excludes the following one off or timing items totalling $1.232M:

- $2.0M increase in the Open Space levy due to increased development activity.
- ($269k) Operating Grant funding received in prior year for 2017/18 programs.
- ($812k) Capital grants and contributions received in advance or deferred to align with the expected completion of capital projects (Blackspot, Brighton Library Interior Upgrade, Elsternwick Park No 1 Oval Precinct and Dendy Street Beach).
- $148k net income due to the timing of grant funding for Aged and Disability Regional projects.
- $165k due to the sale of discontinuances.

It should be noted that Council budgets for a surplus in its operating budget each year so as to fund capital works and debt reduction. Any end of year surplus that is favourable to budget is also quarantined in Council’s infrastructure reserve which is used to fund capital works in future years.

Emerging risks associated with the cost of waste services

Global changes in the recycling market are expected to increase the cost of waste services in 2017/18 by $900k. This cost pressure has now been included in the year end forecast and will be recovered through the waste charge in 2018/19.
Cash and Investments
The cash position as at February 2018 is $101.8M
The YTD favourable variance to budget of $24.3M as at February 2018 is mainly due to:

- $19.2M greater opening cash balance than budgeted:
  - $11.6M Favourable capital works underspend including Rollover of 2016/17 capital projects of $11.1M (to be spent in 2017/18).
  - $7.6M Favourable cash underspend for operating activities including $3.1M transferred to the Infrastructure Reserve.

There will be a significant drawdown on these cash reserves over the next 4 years to fund an expansion of major capital projects.

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

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

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

<table>
<thead>
<tr>
<th>$'000's</th>
<th>Adjusted Budget</th>
<th>YTD Actuals</th>
<th>Variance</th>
<th>2017/18 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Forecast Actual Variance</th>
<th>Forecast rollover to 2018/19</th>
<th>Variance including rollover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditure</td>
<td>28,798</td>
<td>25,460</td>
<td>3,337</td>
<td>48,409</td>
<td>46,839</td>
<td>1,571</td>
<td>1,506</td>
<td>65</td>
</tr>
</tbody>
</table>

The forecast for capital expenditure to 30 June 2018 is favourable by $1.571M. The forecast at the end of February indicates that 97% of the 2017/18 adjusted budget will be spent by June 2018.

Recommendation
That Council notes the operating and capital financial report for eight months to 28 February 2018.

Support Attachments
1. February 2018 Finance Report ↓
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with this report.

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

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

Customer Service and Community Engagement
There are no impacts to customer service.

No community engagement has been undertaken in preparing this report.

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

Legal

Section 138 of the *Local Government Act 1989* prescribes that, at least every three months, a financial report of revenue and expenditure be presented to Council.

Finance
The year-end forecast operating result is a surplus of $23.8M which is $1.74M favourable to budget. Taking into account one off and timing issues the underlying operating result is $508K favourable to budget.

The forecast for capital expenditure to 30 June 2018 is favourable by $1.571M and indicates that 97% of the 2017/18 adjusted budget will be spent by June 2018.

Links to Council policy and strategy
The monthly financial report is identified within Goal 8 Governance in the Council Plan 2017-2021. We want an organisation that is financially stable and with decision making that is open, transparent, and informed by the community.
Bayside City Council Financial Report 28 February 2018

Operating Result

2017/18 Year to date operating result

The February 2018 result is a surplus of $19M which is $6.2M favourable to budget.

2017/18 Forecast operating result

The current forecast for the year is a surplus of $23.8M which is $1.74M favourable to Budget. The forecast result increased by $342k from $1.396M last month and includes:

- $750k increase in the Open Space levy due to increased development activity.
- $275k forecast increase in interest income from penalty interest charged on late payment of Council rates and interest earned on bank term deposits.
- $90k increase in Supplementary Rates Revenue.
- $165k increase in forecast for additional Sale of Discontinuances.
- ($71k) parking fine decrease.
- ($900k) changes in the global recycling industry have increased the cost of recycling.

The underlying forecast is favourable to budget by $508k and excludes the following one off or timing items totalling $1.232M:

- $2.0M increase in the Open Space levy due to increased development activity.
- ($269k) Operating Grant funding received in prior year for 2017/18 programs.
- ($812k) Capital grants and contributions received in advance or deferred to align with the expected completion of capital projects (Blackspot, Brighton Library Interior Upgrade, Elsternwick Park No 1 Oval Precinct and Dendy Street Beach).
- $148k net income due to the timing of grant funding for Aged and Disability Regional projects.
- $165k due to the sale of discontinuances.
## Operating Services & New Initiatives Budget

### Income

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates and Charges</td>
<td>59,114</td>
<td>59,584</td>
<td>470</td>
<td>88,707</td>
<td>89,091</td>
<td>384</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>4,251</td>
<td>5,010</td>
<td>759</td>
<td>6,296</td>
<td>6,634</td>
<td>338</td>
</tr>
<tr>
<td>User Fees</td>
<td>5,045</td>
<td>5,152</td>
<td>107</td>
<td>7,829</td>
<td>7,789</td>
<td>(40)</td>
</tr>
<tr>
<td>Rental Income</td>
<td>3,391</td>
<td>3,395</td>
<td>4</td>
<td>4,099</td>
<td>4,002</td>
<td>(97)</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>6,593</td>
<td>7,067</td>
<td>474</td>
<td>9,130</td>
<td>9,666</td>
<td>536</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>10</td>
<td>-</td>
<td>(10)</td>
<td>2,280</td>
<td>1,918</td>
<td>(362)</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>63</td>
<td>10</td>
<td>(53)</td>
<td>109</td>
<td>109</td>
<td>-</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,333</td>
<td>3,598</td>
<td>2,265</td>
<td>5,380</td>
<td>6,953</td>
<td>1,573</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,341</td>
<td>1,796</td>
<td>455</td>
<td>1,975</td>
<td>2,420</td>
<td>445</td>
</tr>
<tr>
<td>Other Income</td>
<td>646</td>
<td>785</td>
<td>139</td>
<td>1,616</td>
<td>1,924</td>
<td>308</td>
</tr>
<tr>
<td><strong>Net Profit/(Loss) on Disposal of assets</strong></td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
<td>(31)</td>
<td>(31)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>81,787</strong></td>
<td><strong>86,365</strong></td>
<td><strong>4,578</strong></td>
<td><strong>127,421</strong></td>
<td><strong>130,475</strong></td>
<td><strong>3,054</strong></td>
</tr>
</tbody>
</table>

### Expenditure

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>28,106</td>
<td>27,050</td>
<td>1,056</td>
<td>43,047</td>
<td>42,843</td>
<td>204</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>29,102</td>
<td>28,292</td>
<td>810</td>
<td>44,466</td>
<td>45,785</td>
<td>(1,318)</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>(0)</td>
<td>0</td>
<td>170</td>
<td>170</td>
<td>(0)</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>11,448</td>
<td>11,667</td>
<td>(219)</td>
<td>17,178</td>
<td>17,362</td>
<td>(184)</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>224</td>
<td>250</td>
<td>(26)</td>
<td>432</td>
<td>449</td>
<td>(17)</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>112</td>
<td>111</td>
<td>1</td>
<td>112</td>
<td>111</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>68,990</strong></td>
<td><strong>67,368</strong></td>
<td><strong>1,623</strong></td>
<td><strong>105,406</strong></td>
<td><strong>106,720</strong></td>
<td><strong>(1,315)</strong></td>
</tr>
</tbody>
</table>

### Operating Result - Surplus

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Result - Surplus</strong></td>
<td><strong>12,797</strong></td>
<td><strong>18,997</strong></td>
<td><strong>6,201</strong></td>
<td><strong>22,015</strong></td>
<td><strong>23,755</strong></td>
<td><strong>1,740</strong></td>
</tr>
</tbody>
</table>
Operating Result by Division

<table>
<thead>
<tr>
<th>Division (in '000s)</th>
<th>YTD Budget</th>
<th>YTD Actuals</th>
<th>Budget variance</th>
<th>2017/18 Adjusted Budget</th>
<th>Current Forecast</th>
<th>Variance to Current Forecast</th>
<th>2017/18 Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>5,868</td>
<td>5,387</td>
<td>481</td>
<td>9,103</td>
<td>8,711</td>
<td>392</td>
<td>4.3%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>5,043</td>
<td>4,838</td>
<td>205</td>
<td>8,620</td>
<td>8,636</td>
<td>(17)</td>
<td>-0.2%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>21,948</td>
<td>21,582</td>
<td>366</td>
<td>33,094</td>
<td>33,967</td>
<td>(872)</td>
<td>-2.6%</td>
</tr>
<tr>
<td>City Planning &amp; Community Services</td>
<td>5,416</td>
<td>3,857</td>
<td>1,559</td>
<td>8,767</td>
<td>8,831</td>
<td>(64)</td>
<td>-0.7%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(1,920)</td>
<td>(2,913)</td>
<td>993</td>
<td>(2,235)</td>
<td>(2,992)</td>
<td>757</td>
<td>-33.9%</td>
</tr>
<tr>
<td><strong>Underlying Operating</strong></td>
<td><strong>36,354</strong></td>
<td><strong>32,750</strong></td>
<td><strong>3,604</strong></td>
<td><strong>57,349</strong></td>
<td><strong>57,152</strong></td>
<td><strong>197</strong></td>
<td><strong>0.3%</strong></td>
</tr>
<tr>
<td>Rates</td>
<td>(59,256)</td>
<td>(59,839)</td>
<td>583</td>
<td>(88,882)</td>
<td>(89,421)</td>
<td>539</td>
<td>-0.6%</td>
</tr>
<tr>
<td>Capital Income</td>
<td>(1,343)</td>
<td>(3,575)</td>
<td>2,232</td>
<td>(7,660)</td>
<td>(8,848)</td>
<td>1,188</td>
<td>-15.5%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>11,448</td>
<td>11,667</td>
<td>(218)</td>
<td>17,178</td>
<td>17,362</td>
<td>(184)</td>
<td>-1.1%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>(12,797)</strong></td>
<td><strong>(18,997)</strong></td>
<td><strong>6,201</strong></td>
<td><strong>(22,015)</strong></td>
<td><strong>(23,755)</strong></td>
<td><strong>1,740</strong></td>
<td><strong>7.9%</strong></td>
</tr>
</tbody>
</table>

**Executive forecast favourable $392k**
- $277k favourable variance in salaries due to the timing of appointment for unfilled Innovation position, lower banding for secondment roles, as well as vacancies in Arts and Culture and Customer Experience.
- $26k additional Library State grant funding received.
- $(28k) additional resource for the Community Engagement projects, this is fully offset by savings in research and survey expenditure across divisions.

**Corporate Services forecast unfavourable ($17k)**
- $90k local government election failure to vote fine income higher than anticipated.
- $58k reduction in vehicle fringe benefits tax associated with a reduction in fleet vehicles.
- $(54k) reduction in lease income due to water harvesting for the Brighton Golf Course still underway.
- $(88k) increase in software operating costs represents a transition to best of breed cloud solutions as an alternative to capital investment.

**Environment, Recreation and Infrastructure forecast unfavourable ($872k)**
- $(571k) increase in waste management resulting from:
  - $(561k) reduction in sales of recycling income due to the uncertainty that is occurring in the recycling sector effecting all recycling processors.
  - $(550k) increase in waste disposal charges associated with the cost of processing recyclable materials at $150 per tonne for the remainder of 2017/18.
  - $222k increase in grant funding from March to June 2018 to assist Councils with the cost of processing kerbside recyclables.
  - $(53k) net increase in tipping fees due to the temporary change in landfill site. $(153k) increase in the disposal rate offset by $100k savings in transportation costs.
- $(60k) reduction in Plant Nursery sales income.
- $50k decrease in water and sewage utilisation.
City Planning and Community Services forecast unfavourable ($64k)

- $280k increase in parking fines issued around school crossing areas and beach car parks.
- $258k increase in planning fee income due to the number of planning applications lodged.
- $148k increase related to the timing of grant funding for Aged and Disability Regional projects.
- ($209k) School Crossing grant funding received in advance in 2016/17.
- ($155k) increase in a number of Urban Strategy projects including Southland Structure Plan, Highett Plan review and employee costs due to community and council expectations.
- ($94k) increase in Amenity Protection agency costs for Service Review implementation.
- ($80k) advertising of planning notifications due to increased activity, recouped through fee income.
- ($79k) decrease in the number of Bayside Business Networks (BBN) memberships and sponsorship.
- ($66k) for the development of Early Years Plan as requested from Councillors.
- ($46k) Family Services for additional staffing and purchasing of vaccines to rollout new immunisation program, grant funding received in 2016/17.
- ($30k) additional Arborist required to assist with the increase in planning applications and backfill staff on leave. This was identified in the Amenity Protection Service Review adopted by Council in August 2017.

Corporate Finance forecast favourable $757k

- $290k increase in interest income from general bank accounts and term deposits due mainly to a favourable opening cash position for the year.
- $165k forecast increase for sale of discontinuances.
- $129k savings in 2017/18 workcover premium due to improved claims history.
- $56k increase in Victorian Grants Commission funding.
Bayside City Council

Ordinary Council Meeting - 24 April 2018

Attachment 1

Cash and Investments

The cash position as at February is $101.8M.

The cash position of $101.8M has increased by $12.4M from the 2016/17 ending balance of $89M. The YTD favourable variance to budget of $24.3M as at February 2018 is mainly due to:

- $19.2M greater opening cash balance than budgeted:
  - $11.6M Favourable capital works underspend including Rollover of 2016/17 capital projects of $11.1M (to be spent in 2017/18).
  - $7.6M Favourable cash underspend for operating activities including $3.1M transferred to the Infrastructure Reserve.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30-Jun-17 Actual $'000</th>
<th>31-Jan-18 Actual $'000</th>
<th>Variance $'000</th>
<th>Full Year Budget $'000</th>
<th>Variance $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>38,437</td>
<td>50,170</td>
<td>9,733</td>
<td>28,938</td>
<td>30,798</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>58,974</td>
<td>51,633</td>
<td>7,341</td>
<td>36,419</td>
<td>46,905</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>89,411</strong></td>
<td><strong>101,803</strong></td>
<td><strong>24,393</strong></td>
<td><strong>65,357</strong></td>
<td><strong>77,703</strong></td>
</tr>
</tbody>
</table>

Cash & cash equivalents (including investments) consists of:

- Retail banks: 77,026
- Community banks: 3,000
- Cash on hand and at bank: 9,777

**Total cash and cash equivalents:** 89,411

<table>
<thead>
<tr>
<th>Statutory Reserves</th>
<th>30-Jun-17 Actual $'000</th>
<th>31-Jan-18 Actual $'000</th>
<th>Variance $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational Land Reserve</td>
<td>15,009</td>
<td>17,142</td>
<td>2,133</td>
</tr>
<tr>
<td>Car Parking Reserve</td>
<td>398</td>
<td>398</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Statutory Reserves</strong></td>
<td>15,407</td>
<td>17,540</td>
<td>2,133</td>
</tr>
</tbody>
</table>

Funds Subject to Intended Allocation

<table>
<thead>
<tr>
<th>Infrastructure Reserve</th>
<th>8,220</th>
<th>8,220</th>
<th>3,106</th>
<th>5,179</th>
<th>6,324</th>
<th>1,145</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental Reserve</td>
<td>1,561</td>
<td>1,561</td>
<td>2,200</td>
<td>(639)</td>
<td>2,207</td>
<td>2,109</td>
</tr>
<tr>
<td>Community Facilities Enhancement Reserve</td>
<td>947</td>
<td>947</td>
<td>3</td>
<td>948</td>
<td>968</td>
<td>20</td>
</tr>
<tr>
<td>Early Childhood Facilities Reserve</td>
<td>5,522</td>
<td>5,434</td>
<td>3,437</td>
<td>(3)</td>
<td>5,361</td>
<td>5,556</td>
</tr>
<tr>
<td>Defined Superannuation Shortfall</td>
<td>2,000</td>
<td>2,000</td>
<td>2,333</td>
<td>(333)</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>Unspent Conditional Grants Reserve</td>
<td>5,992</td>
<td>5,992</td>
<td>-</td>
<td>5,992</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Capital Works Carried Forward Reserve</td>
<td>14,764</td>
<td>5,808</td>
<td>2,825</td>
<td>2,983</td>
<td>-</td>
<td>7,695</td>
</tr>
<tr>
<td>Street and Park Tree Management Carried Forward Reserve</td>
<td>87</td>
<td>87</td>
<td>87</td>
<td>87</td>
<td>87</td>
<td>7,695</td>
</tr>
<tr>
<td><strong>Total Funds Subject to Intended Allocation</strong></td>
<td>39,093</td>
<td>30,049</td>
<td>18,853</td>
<td>11,196</td>
<td>16,195</td>
<td>25,152</td>
</tr>
</tbody>
</table>

Total Other Reserves: 54,500

Committed Funds

| Trust Funds and Deposits | 4,474 | 4,045 | 5,522 | (477) | 4,563 | 4,594 |
| **Total Committed Funds** | 4,474 | 4,045 | 5,522 | (477) | 4,563 | 4,594 |

Total Restricted, Committed and Allocated funds: 58,974

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

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Definitions</th>
<th>VAGO Target (to maintain low risk)</th>
<th>Forecast Performance</th>
<th>Forecast Achievable</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Liquidity</strong></td>
<td>The ability to pay liabilities within the next 12 months. (current assets/current liabilities)</td>
<td>&gt; 150%</td>
<td>518.66%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Self-financing</strong></td>
<td>The ability to replace assets using cash generated from day to day operations (net operating cash flow/underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>29.06%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Capital Replacement</strong></td>
<td>To ensure sufficient spending on capital renewal and new capital works. (Total capital spend: Depreciation)</td>
<td>&gt; 150%</td>
<td>269.77%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Indebtedness</strong></td>
<td>The ability to repay debt from own source revenue not tied to specific projects. (not current liabilities / own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.93%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Underlying result</strong></td>
<td>Sufficient operating income to cover operating expenses (new surplus/revenue)</td>
<td>&gt; 0%</td>
<td>17.12%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Renewal gap</strong></td>
<td>To ensure sufficient spending on existing capital assets. (Renewal capital spend: depreciation)</td>
<td>&gt; 100%</td>
<td>218.51%</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Local Government Performance Reporting Framework Indicators

<table>
<thead>
<tr>
<th>LGPRF Performance Indicators</th>
<th>Expected Range</th>
<th>2017/18 Forecast</th>
<th>Within Range?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average residential rate per residential property assessment</td>
<td>$700 to $2,000</td>
<td>$1,988</td>
<td>✔</td>
</tr>
<tr>
<td>Expenses per property assessment</td>
<td>$2,000 to $5,000</td>
<td>$2,352</td>
<td>✔</td>
</tr>
<tr>
<td>Unrestricted cash compared to current liabilities</td>
<td>10% to 300%</td>
<td>247.1%</td>
<td>✔</td>
</tr>
<tr>
<td>Loans and borrowings compared to rates</td>
<td>0% to 70%</td>
<td>0.0%</td>
<td>✔</td>
</tr>
<tr>
<td>Loans and borrowings repayments compared to rates</td>
<td>0% to 20%</td>
<td>2.5%</td>
<td>✔</td>
</tr>
<tr>
<td>Adjusted underlying surplus (or deficit)</td>
<td>-20% to 20%</td>
<td>12.6%</td>
<td>✔</td>
</tr>
<tr>
<td>Rates compared to adjusted underlying revenue</td>
<td>30% to 80%</td>
<td>72.9%</td>
<td>✔</td>
</tr>
<tr>
<td>Rates compared to property values</td>
<td>0.15% to 0.75%</td>
<td>0.15%</td>
<td>✔</td>
</tr>
</tbody>
</table>
June 2018 capital forecast expenditure - favourable to budget $1.57M includes:

Increases in forecast expenditure ($3.87M) which is fully funded
- ($2.5M) Purchase of the Sandringham Masonic Hall funded from the infrastructure reserve.
- ($1.37M) Stormwater Harvesting Brighton Golf Course overspend funded from savings in Sandringham Village Activity Centre Streetscaping.

Forecast savings/overspend in project delivery $4M
- $2.29M Sandringham Village Activity Centre Streetscaping delayed due to redesign. Works will commence in 2018/19
- $696k Dendy Park Soccer/Cricket Pavilion Redevelopment to be completed under budget in 17/18.
- $350k Ardoyne Street Drain Black Rock due to favourable tender results.
- $296k Activity Centre Hawthorn Rd Village delayed due to VicRoads drainage works.
- $272k Kindergarten upgrades completed under budget.
- $240k Highton Road Activity Centre Streetscaping delayed due to discussions with Public Transport Victoria.
- $231k North Road Drain Brighton due to favourable tender results.
- $221k Shared Path Stability Works 357 Beach Rd Black Rock due to favourable tender results.
- $200k Sportsground Reconstruction – Spring St Reserve due to favourable tender results.
- $200k Durrant St Drainage, Pavement and Tree Improvements due to change in original scope.
- ($500k) Variations required for safety elements not included in original scope for the Banksia Reserve Beaumaris Pavilion Redevelopment.
- ($440k) Unfavourable tender result for the Playground Renewal Projects.

Forecast carry forward of projects $1.5M
- $700k Chisholm Reserve Pavilion to be completed in 18/19.
- $500k Sandringham Library Redevelopment will commence with design works in 2018/19 and will be incorporated into the Sandringham Hub project from 2019/20.
- $246k Sandringham Harbour Masterplan Implementation will commence in 2018/19 due to additional approvals required in 2017/18 (ChMP). Implementation is foreshadowed to be carried out over three years with completion in 2020/21.
- $33k Mobile Permit Verification to be completed in 2018/19 when software is available.
- $27k Purchase of High Resolution Aerial Imagery to be completed in 2018/19 due to weather conditions in 2017/18.
### Detailed Schedules

#### 1. Income Statement

<table>
<thead>
<tr>
<th>Line Item $'000s</th>
<th>2017/18 YTD Adjusted Budget</th>
<th>2017/18 YTD Actuals</th>
<th>2017/18 Adjusted Budget Variance</th>
<th>Current Forecast 2017/18</th>
<th>Adjusted Budget less forecast variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates and Charges</td>
<td>59,114</td>
<td>59,584</td>
<td>470</td>
<td>88,707</td>
<td>89,091</td>
</tr>
<tr>
<td>Statutory Fees and Fines</td>
<td>4,251</td>
<td>5,010</td>
<td>759</td>
<td>6,296</td>
<td>6,634</td>
</tr>
<tr>
<td>User Fees</td>
<td>5,045</td>
<td>5,152</td>
<td>107</td>
<td>7,829</td>
<td>7,789</td>
</tr>
<tr>
<td>Rental Income</td>
<td>3,391</td>
<td>3,395</td>
<td>4</td>
<td>4,099</td>
<td>4,002</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>6,593</td>
<td>7,067</td>
<td>474</td>
<td>9,130</td>
<td>9,666</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>10</td>
<td>-</td>
<td>(10)</td>
<td>2,280</td>
<td>1,918</td>
</tr>
<tr>
<td>Contributions - Cash - Operating</td>
<td>63</td>
<td>10</td>
<td>(53)</td>
<td>109</td>
<td>109</td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,333</td>
<td>3,598</td>
<td>2,265</td>
<td>5,380</td>
<td>6,953</td>
</tr>
<tr>
<td>Interest Income</td>
<td>1,341</td>
<td>1,796</td>
<td>455</td>
<td>1,975</td>
<td>2,420</td>
</tr>
<tr>
<td>Other Income</td>
<td>646</td>
<td>785</td>
<td>139</td>
<td>1,616</td>
<td>1,924</td>
</tr>
<tr>
<td>Net Profit(Loss) on Disposal of assets</td>
<td>-</td>
<td>(31)</td>
<td>(31)</td>
<td>(31)</td>
<td>(31)</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>81,787</strong></td>
<td><strong>86,365</strong></td>
<td><strong>4,578</strong></td>
<td><strong>127,421</strong></td>
<td><strong>130,475</strong></td>
</tr>
</tbody>
</table>

#### Operating Services & New Initiatives Budget

<table>
<thead>
<tr>
<th>Line Item $'000s</th>
<th>2017/18 YTD Adjusted Budget</th>
<th>2017/18 YTD Actuals</th>
<th>2017/18 Adjusted Budget Variance</th>
<th>Current Forecast 2017/18</th>
<th>Adjusted Budget less forecast variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>28,106</td>
<td>27,050</td>
<td>1,056</td>
<td>43,047</td>
<td>42,843</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>29,102</td>
<td>28,292</td>
<td>810</td>
<td>44,466</td>
<td>45,785</td>
</tr>
<tr>
<td>Bad and Doubtful Debts</td>
<td>-</td>
<td>(0)</td>
<td>0</td>
<td>170</td>
<td>170</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>11,448</td>
<td>11,667</td>
<td>(219)</td>
<td>17,178</td>
<td>17,362</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>224</td>
<td>250</td>
<td>(26)</td>
<td>432</td>
<td>449</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>112</td>
<td>111</td>
<td>1</td>
<td>112</td>
<td>111</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>68,990</strong></td>
<td><strong>67,368</strong></td>
<td><strong>1,623</strong></td>
<td><strong>105,406</strong></td>
<td><strong>106,720</strong></td>
</tr>
</tbody>
</table>

#### Operating Result - Surplus

<table>
<thead>
<tr>
<th>Line Item $'000s</th>
<th>2017/18 YTD Adjusted Budget</th>
<th>2017/18 YTD Actuals</th>
<th>2017/18 Adjusted Budget Variance</th>
<th>Current Forecast 2017/18</th>
<th>Adjusted Budget less forecast variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Result - Surplus</td>
<td><strong>12,797</strong></td>
<td><strong>18,997</strong></td>
<td><strong>6,201</strong></td>
<td><strong>22,015</strong></td>
<td><strong>23,755</strong></td>
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</tbody>
</table>
## Statement of Capital Works

<table>
<thead>
<tr>
<th>CAPITAL in $'000's</th>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance</th>
<th>2016/17 Adjusted Budget</th>
<th>Current Forecast</th>
<th>2017/18 Adjusted Budget less Forecast variance</th>
<th>2017/18 Carry Forward Balance to 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>7,776</td>
<td>6,960</td>
<td>816</td>
<td>11,975</td>
<td>10,421</td>
<td>1,555</td>
<td>500</td>
</tr>
<tr>
<td>Building Improvements</td>
<td>1,700</td>
<td>883</td>
<td>817</td>
<td>2,327</td>
<td>2,319</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Heritage Buildings</td>
<td>-</td>
<td>250</td>
<td>(250)</td>
<td>-</td>
<td>2,500</td>
<td>(2,500)</td>
<td></td>
</tr>
<tr>
<td><strong>Plant &amp; Equipment Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixtures, Fittings and Furniture</td>
<td>614</td>
<td>166</td>
<td>447</td>
<td>891</td>
<td>941</td>
<td>(50)</td>
<td></td>
</tr>
<tr>
<td>Arts and Culture</td>
<td>60</td>
<td>28</td>
<td>32</td>
<td>130</td>
<td>147</td>
<td>(17)</td>
<td></td>
</tr>
<tr>
<td>IT Systems, Network, Servers and Communication</td>
<td>460</td>
<td>467</td>
<td>(7)</td>
<td>1,445</td>
<td>1,618</td>
<td>(172)</td>
<td>60</td>
</tr>
<tr>
<td>Library Assets</td>
<td>287</td>
<td>302</td>
<td>(16)</td>
<td>430</td>
<td>430</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Infrastructure Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreshore and Conservation</td>
<td>265</td>
<td>104</td>
<td>161</td>
<td>764</td>
<td>401</td>
<td>363</td>
<td></td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>8,823</td>
<td>7,744</td>
<td>1,079</td>
<td>15,896</td>
<td>13,096</td>
<td>2,800</td>
<td>946</td>
</tr>
<tr>
<td>Off-Street Car Parks</td>
<td>425</td>
<td>133</td>
<td>282</td>
<td>1,125</td>
<td>1,125</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Drainage Infrastructure</td>
<td>3,530</td>
<td>3,821</td>
<td>(312)</td>
<td>5,273</td>
<td>5,637</td>
<td>(364)</td>
<td></td>
</tr>
<tr>
<td>Road Infrastructure</td>
<td>4,889</td>
<td>4,600</td>
<td>289</td>
<td>8,153</td>
<td>8,203</td>
<td>(50)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>28,798</td>
<td>25,460</td>
<td>3,337</td>
<td>48,409</td>
<td>46,839</td>
<td>1,571</td>
<td>1,506</td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>(10)</td>
<td>-</td>
<td>(10)</td>
<td>(2,280)</td>
<td>(1,918)</td>
<td>(362)</td>
<td>(500)</td>
</tr>
<tr>
<td>Other Income</td>
<td>-</td>
<td>(17)</td>
<td>17</td>
<td>-</td>
<td>(17)</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Contributions - Cash - Capital</td>
<td>1,333</td>
<td>3,557</td>
<td>2,225</td>
<td>(5,380)</td>
<td>(6,163)</td>
<td>783</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>(1,343)</td>
<td>(3,575)</td>
<td>2,232</td>
<td>(7,660)</td>
<td>(8,098)</td>
<td>438</td>
<td>(500)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>27,455</td>
<td>21,885</td>
<td>5,569</td>
<td>40,749</td>
<td>38,741</td>
<td>2,008</td>
<td>1,006</td>
</tr>
</tbody>
</table>
### 3. Statement of Cash Flows

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-17</th>
<th>31-Jan-18</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Inflows</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Outflows)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and charges</td>
<td>85,358</td>
<td>69,274</td>
<td>68,456</td>
</tr>
<tr>
<td>Statutory fees and fines</td>
<td>6,399</td>
<td>4,511</td>
<td>4,492</td>
</tr>
<tr>
<td>User charges</td>
<td>7,074</td>
<td>8,375</td>
<td>7,318</td>
</tr>
<tr>
<td>Rental income</td>
<td>4,057</td>
<td>3,395</td>
<td>3,700</td>
</tr>
<tr>
<td>Contributions - monetary</td>
<td>3,818</td>
<td>3,608</td>
<td>1,410</td>
</tr>
<tr>
<td>Grants - Operating</td>
<td>12,192</td>
<td>7,103</td>
<td>6,500</td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>4,303</td>
<td>44</td>
<td>44</td>
</tr>
<tr>
<td>Interest</td>
<td>2,254</td>
<td>1,777</td>
<td>1,863</td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>153</td>
<td>2,902</td>
<td>81</td>
</tr>
<tr>
<td>Other receipts</td>
<td>1,221</td>
<td>255</td>
<td>1,056</td>
</tr>
<tr>
<td>Net GST refund</td>
<td>5,756</td>
<td>4,876</td>
<td>4,216</td>
</tr>
<tr>
<td>Employee costs</td>
<td>(38,970)</td>
<td>(28,670)</td>
<td>(28,581)</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(46,845)</td>
<td>(34,172)</td>
<td>(36,232)</td>
</tr>
<tr>
<td><strong>Net cash provided by (used in) operating activities</strong></td>
<td>47,370</td>
<td>43,334</td>
<td>33,843</td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for property, infrastructure, plant &amp; equipment</td>
<td>(27,514)</td>
<td>(29,692)</td>
<td>(24,305)</td>
</tr>
<tr>
<td>Proceeds from sale property, infrastructure, plant &amp; equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from term deposit investments</td>
<td>(10,024)</td>
<td>(12,000)</td>
<td>(9,000)</td>
</tr>
<tr>
<td><strong>Net cash used in investing activities</strong></td>
<td>(37,540)</td>
<td>(40,692)</td>
<td>(33,305)</td>
</tr>
<tr>
<td><strong>Cash flows from financing activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance costs</td>
<td>(437)</td>
<td>(124)</td>
<td>(149)</td>
</tr>
<tr>
<td>Proceeds from borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Repayment of borrowings</td>
<td>(5,193)</td>
<td>(2,133)</td>
<td>(2,133)</td>
</tr>
<tr>
<td><strong>Net cash used in financing activities</strong></td>
<td>(5,630)</td>
<td>(2,250)</td>
<td>(2,280)</td>
</tr>
<tr>
<td><strong>Net increase(decrease) in cash and cash equivalents</strong></td>
<td>4,200</td>
<td>392</td>
<td>(1,742)</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the beginning of the period</strong></td>
<td>5,183</td>
<td>9,383</td>
<td>5,212</td>
</tr>
<tr>
<td><strong>Cash and cash equivalents at the end of the period</strong></td>
<td>9,385</td>
<td>9,777</td>
<td>3,470</td>
</tr>
<tr>
<td><strong>Term Deposits</strong></td>
<td>80,028</td>
<td>92,026</td>
<td>74,000</td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents at the end of the period</strong></td>
<td>89,411</td>
<td>101,803</td>
<td>77,470</td>
</tr>
<tr>
<td><strong>Unallocated and unrestricted</strong></td>
<td>30,437</td>
<td>50,170</td>
<td>41,051</td>
</tr>
<tr>
<td><strong>Restricted, committed and allocated funds</strong></td>
<td>58,974</td>
<td>51,633</td>
<td>36,419</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>89,411</td>
<td>101,803</td>
<td>77,470</td>
</tr>
</tbody>
</table>
4. Balance Sheet

<table>
<thead>
<tr>
<th></th>
<th>30-Jun-17 Actual $'000</th>
<th>28-Feb-18 Actual $'000</th>
<th>Budget $'000</th>
<th>Variance $'000</th>
<th>Budget $'000</th>
<th>Forecast $'000</th>
<th>Variance $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>9,385</td>
<td>9,777</td>
<td>3,470</td>
<td>6,307</td>
<td>2,574</td>
<td>3,677</td>
<td>1,103</td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>8,969</td>
<td>22,751</td>
<td>24,693</td>
<td>(1,942)</td>
<td>6,718</td>
<td>9,595</td>
<td>2,877</td>
</tr>
<tr>
<td>Other financial assets</td>
<td>80,026</td>
<td>92,026</td>
<td>74,000</td>
<td>18,026</td>
<td>60,000</td>
<td>74,026</td>
<td>14,026</td>
</tr>
<tr>
<td>Inventories</td>
<td>108</td>
<td>108</td>
<td>77</td>
<td>31</td>
<td>78</td>
<td>110</td>
<td>32</td>
</tr>
<tr>
<td>Non-current assets classified as held for sale</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other assets</td>
<td>1,354</td>
<td>700</td>
<td>980</td>
<td>(280)</td>
<td>1,505</td>
<td>1,578</td>
<td>73</td>
</tr>
<tr>
<td><strong>Total current assets</strong></td>
<td>99,842</td>
<td>125,362</td>
<td>103,220</td>
<td>22,142</td>
<td>70,875</td>
<td>88,986</td>
<td>18,111</td>
</tr>
<tr>
<td><strong>Non-current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>167</td>
<td>167</td>
<td>153</td>
<td>14</td>
<td>153</td>
<td>154</td>
<td>1</td>
</tr>
<tr>
<td>Property, Infrastructure, plant and equipment</td>
<td>3,372,475</td>
<td>3,386,235</td>
<td>2,925,902</td>
<td>460,333</td>
<td>2,941,544</td>
<td>3,401,952</td>
<td>460,408</td>
</tr>
<tr>
<td>Financial assets</td>
<td>230</td>
<td>230</td>
<td>230</td>
<td>-</td>
<td>230</td>
<td>230</td>
<td>-</td>
</tr>
<tr>
<td>Other assets</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total non-current assets</strong></td>
<td>3,372,927</td>
<td>3,386,687</td>
<td>2,926,340</td>
<td>460,347</td>
<td>2,941,982</td>
<td>3,402,391</td>
<td>460,409</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>3,472,769</td>
<td>3,512,049</td>
<td>3,029,560</td>
<td>482,489</td>
<td>3,012,857</td>
<td>3,491,377</td>
<td>478,520</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables</td>
<td>12,688</td>
<td>6,835</td>
<td>4,708</td>
<td>(2,127)</td>
<td>9,148</td>
<td>8,646</td>
<td>502</td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>4,474</td>
<td>4,045</td>
<td>4,522</td>
<td>477</td>
<td>4,563</td>
<td>4,594</td>
<td>(31)</td>
</tr>
<tr>
<td>Provisions</td>
<td>8,272</td>
<td>8,057</td>
<td>9,029</td>
<td>972</td>
<td>8,776</td>
<td>8,786</td>
<td>(10)</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>2,126</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Income in Advance</td>
<td>430</td>
<td>29,477</td>
<td>30,103</td>
<td>626</td>
<td>-</td>
<td>600</td>
<td>(600)</td>
</tr>
<tr>
<td><strong>Total current liabilities</strong></td>
<td>27,990</td>
<td>48,414</td>
<td>48,362</td>
<td>(52)</td>
<td>22,487</td>
<td>22,626</td>
<td>(139)</td>
</tr>
<tr>
<td><strong>Non-current liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provisions</td>
<td>980</td>
<td>836</td>
<td>1,328</td>
<td>492</td>
<td>1,406</td>
<td>1,197</td>
<td>209</td>
</tr>
<tr>
<td>Interest bearing loans and borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>980</td>
<td>836</td>
<td>1,328</td>
<td>492</td>
<td>1,406</td>
<td>1,197</td>
<td>209</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>28,970</td>
<td>49,250</td>
<td>49,690</td>
<td>440</td>
<td>23,893</td>
<td>23,823</td>
<td>70</td>
</tr>
<tr>
<td><strong>Net assets</strong></td>
<td>3,443,799</td>
<td>3,462,799</td>
<td>2,979,870</td>
<td>482,929</td>
<td>2,988,964</td>
<td>3,467,554</td>
<td>478,590</td>
</tr>
<tr>
<td><strong>Equity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td>844,778</td>
<td>870,689</td>
<td>869,895</td>
<td>794</td>
<td>881,813</td>
<td>880,722</td>
<td>(1,091)</td>
</tr>
<tr>
<td>Asset revaluation reserve</td>
<td>2,544,521</td>
<td>2,544,522</td>
<td>2,078,078</td>
<td>466,444</td>
<td>2,078,078</td>
<td>2,544,521</td>
<td>466,443</td>
</tr>
<tr>
<td>Other reserves</td>
<td>54,500</td>
<td>47,588</td>
<td>31,897</td>
<td>15,691</td>
<td>29,073</td>
<td>42,311</td>
<td>13,238</td>
</tr>
<tr>
<td><strong>Total equity</strong></td>
<td>3,443,799</td>
<td>3,462,799</td>
<td>2,979,870</td>
<td>482,929</td>
<td>2,988,964</td>
<td>3,467,554</td>
<td>478,590</td>
</tr>
</tbody>
</table>
10.21 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/81199

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 24 April 2018.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.11.14</td>
<td><strong>Home and Community Care (HACC) Service Review</strong> 8. receives further reports as information becomes available on the arrangements to be put in place in subsequent years, in order to consider Council's future role and contribution to meeting the needs of its community for home support services;</td>
<td>DCPCS</td>
<td>Report to proceed to the June 2018 Council Meeting.</td>
</tr>
<tr>
<td>24/05/16</td>
<td><strong>Sandringham Village Streetscape Masterplan</strong> 3. in the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption.</td>
<td>DCPCS</td>
<td>In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented at a future Council meeting for adoption.</td>
</tr>
<tr>
<td>24/05/16</td>
<td><strong>Childrens’ Sensory Garden Investigation</strong> That Council: 1. notes the typical elements of a suburban sensory garden; 2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside; 3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and 4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
<td>DERI</td>
<td>A further report will be provided to a future Council meeting.</td>
</tr>
<tr>
<td>21/06/16</td>
<td><strong>Bayside Public Transport Advocacy Statement</strong> That Council: 2. receives further updates of the Bayside Public Transport Advocacy Statement as part of the annual Integrated Transport Strategy (ITS) update report required as part of Council’s resolution for adopting the ITS to seek the</td>
<td>DERI</td>
<td>Further updates on the Bayside Public Transport Advocacy Statement will be provided to Council for adoption for any new advocacy issues when they arise.</td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
</tr>
<tr>
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<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>28/02/17</td>
<td><strong>10.4 Potential Land Purchase</strong></td>
<td>DCorp</td>
<td>A further report will be submitted to Council following the negotiations.</td>
</tr>
<tr>
<td></td>
<td>1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. receives a further report on the outcomes of these negotiations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25/7/17</td>
<td><strong>10.9 Bayside Environmental Sustainability Framework 2016-2025 Annual Progress Report</strong></td>
<td>DERI</td>
<td>A report will be submitted to the August 2018 Council meeting.</td>
</tr>
<tr>
<td></td>
<td>That Council receives a further report in the first quarter of the 2018/19 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22/8/17</td>
<td><strong>10.1 Future Provision of Netball Facilities - Site Assessment Outcomes</strong></td>
<td>DERI</td>
<td>A report on this matter is included in the April 2018 Ordinary Meeting Agenda.</td>
</tr>
<tr>
<td></td>
<td>That Council receive a report before or at the April 2018 Council meeting on the establishment of a netball centre on the site of the Sandringham Golf Driving Range;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22/8/17</td>
<td><strong>10.3 Brighton Secondary College Synthetic Hockey facility - Management Committee Financials Update</strong></td>
<td>DERI</td>
<td>A report will be submitted to the July 2018 Council meeting.</td>
</tr>
<tr>
<td></td>
<td>That Council receives a further report no later than July 2018 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>19/9/17</td>
<td>Amendment C126 – Small Activity Centres Strategy 2014</td>
<td>DCPCS</td>
<td>• Work is progressing to finalise the material for the Council Briefing report to be presented on 5 December 2017.</td>
</tr>
<tr>
<td></td>
<td>That Council:</td>
<td></td>
<td>• Notification of decision was mailed out and emailed to submitters on 2 October 2017.</td>
</tr>
<tr>
<td></td>
<td>1. Considers the submissions to Amendment C126 at a future Council meeting.</td>
<td></td>
<td>• A meeting with the Pennydale Action Group is to be organised following the Council Briefing on 5 December 2017.</td>
</tr>
<tr>
<td></td>
<td>2. Receives a briefing on the outcome of the review at its 5 December 2017 Councillor briefing.</td>
<td></td>
<td>• A report was presented to Council in March 2018 for a decision.</td>
</tr>
<tr>
<td></td>
<td>3. Writes to submitters and advises of its decision.</td>
<td></td>
<td>• The amendment will now be re-exhibition in May 2018.</td>
</tr>
<tr>
<td></td>
<td>4. Engages with the Pennydale Action Group to further discuss the implications of Amendment C126 prior to the December meeting.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24/10/17</td>
<td>Amendment C151 – Hampton East (Moorabbin) Structure Plan</td>
<td>DCPCS</td>
<td>A report will be submitted to Council following the Minister for Planning’s decision in 2018.</td>
</tr>
<tr>
<td></td>
<td>That Council following the Minister for Planning decision in relation to the above receives a report that outlines the scope for an additional study for precincts 3, 5 and 6 including costs, funding options and timing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE OF MEETING</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------</td>
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<td>-----------------</td>
</tr>
<tr>
<td>24/10/17</td>
<td><strong>10.16</strong> HMVS Cerberus – Heritage Works Permit Update</td>
<td>DERI</td>
<td>A further report will be presented to a future Council meeting following Heritage Victoria’s assessment of the Planning Application.</td>
</tr>
<tr>
<td></td>
<td>2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9/11/17</td>
<td><strong>8</strong> Determining the Meeting Cycle of Council Meetings and Committee Meetings</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. That Council review the frequency of the Planning and Amenity Committee at the May meeting cycle.</td>
<td></td>
<td>A further report will be presented in May 2018.</td>
</tr>
<tr>
<td>21/11/17</td>
<td><strong>10.1</strong> National Disability Insurance Scheme</td>
<td>DCPCS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>That Council</td>
<td></td>
<td>That Council consider a report at the May 2018 Council Meeting.</td>
</tr>
<tr>
<td></td>
<td>5. Receives a further report prior to June 2018, with options for Council’s ongoing role in relation to disability inclusion, advocacy and planning beyond the cessation of the Inclusive Communities funding in June 2018.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21/11/17</td>
<td><strong>10.3</strong> Statutory Planning Service and Delegations</td>
<td>DCPCS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>That Council receives a further report in June 2018 reporting on the outcomes of the trial and any further recommendations.</td>
<td></td>
<td>That Council consider a report at the June 2018 Council meeting.</td>
</tr>
<tr>
<td>19/12/17</td>
<td><strong>10.15</strong> Bayside Film Festival</td>
<td>DCCCS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Pending the outcome of the grant application, a further report be provided to Council which includes the findings of the work undertaken should the application be successful, and in the event that it is not, Council receive a further report.</td>
<td></td>
<td>A report will be submitted to Council at the October 2018 meeting</td>
</tr>
</tbody>
</table>

Item 10.21 – Reports by the Organisation
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>20/3/18</td>
<td>10.2 Proposed Sale of Land 31 &amp; 33 Orlando Street Hampton, and 49 &amp; 51 Beach Road Hampton</td>
<td>DCS</td>
<td>A further report to be considered in May 2018.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 consisting of all Councillors with a quorum of four Councillors to consider any submissions received at a meeting to be held on Wednesday, 16 May 2018 at 6:30 pm in the Council Chambers, Boxshall Street Brighton in relation to the proposed sale.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>That Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>That Council defer consideration of the draft Bayside Biodiversity Action Plan, incorporating the review of the Bushland Strategy, to a future meeting in 2018 after finalising a number of matters with Parks Victoria.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20/3/18</td>
<td>10.23 Rescission of Bayside Gaming Machines policy 2010</td>
<td>DCPCS</td>
<td>That Council considers this report in May 2018.</td>
</tr>
<tr>
<td></td>
<td>That Council defer the consideration of this item until the May 2018 meeting cycle.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11. Reports by Delegates

1. Association of Bayside Municipalities – Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Cr Clarke Martin
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – The Mayor Cr Laurence Evans
6. Metropolitan Local Government Waste Forum – Cr Michael Heffernen

12. Urgent Business

13. Notices of Motion

13.1 NOTICE OF MOTION - 271 - ELSTERNWICK PARK SOUTH OVALS 3 AND 4

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/84576

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 24 April 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion
That Council receives a report at its June 2018 Ordinary Meeting of Council on the implications and costs of activating Elsternwick Park Ovals 3 and 4 for competition based sport.

Cr Rob Grinter

Support Attachments
Nil
14. Confidential Business

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayers;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 16 APRIL 2018
(LGA 1989 Section 89(2)(a) and (d) personnel matters and contractual matters.)

As Acting Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins

Acting Chief Executive Officer