Ordinary Meeting of Council

Council Chambers
Civic Centre
Boxshall Street Brighton

Tuesday 21 May 2019 at 7pm

Agenda
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
8. Minutes of Advisory Committees
   8.1 Assembly of Councillors Record
9. Reports by Special Committees
   9.1 Minutes of the Special Committee of Council to Hear Submissions on: Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett
   9.2 Minutes of the Special Committee of Council to Hear Submissions on: Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton
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    10.1 Bayside Netball Centre - Project Update
    10.2 Response to Petition - Control parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment for sale
    10.3 Beaumaris Arts and Sports Pavilion - Project Update
    10.4 North Road Foreshore Masterplan
    10.5 Submission to the State Environment and Planning Committee’s Inquiry into Recycling and Waste Management
    10.6 Corrections and Anomalies to the Bayside Planning Scheme, Amendment C161 Submissions
    10.7 Black Rock Village Neighbourhood Activity Centre Strategic Framework Plan Review
    10.8 Bayside Planning Scheme Review 2019
    10.9 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett with consideration to submissions received
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1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

   We acknowledge that the original inhabitants of this land that we call Bayside were the Boon wurrung people of the Kulin nation.

   They loved this land, they cared for it and considered themselves to be part of it.

   We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 23 April 2019.

6. **Public Question Time**

7. **Petitions to Council**
8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Executive summary

Purpose and background
To formally report to Council on the Assembly of Councillors records in accordance with the Local Government Act 1989.

Key issues
This report fulfils the requirements of reporting an Assembly of Councillors to the next practical Ordinary Meeting of Council in accordance with the Local Government Act 1989.

Recommendation
That Council notes the Assembly of Councillor records submitted as required by the Local Government Act 1989:
- 7 May 2019 CEO and Councillors only Briefing

Support Attachments
1. Assembly of Councillors Record - 7 May 2019 CEO and Councillors only Briefing
## Record of Assembly of Councillors

Record in accordance with section 80A(1) of the Local Government Act 1989

<table>
<thead>
<tr>
<th><strong>Meeting Information</strong></th>
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<tr>
<td><strong>Meeting Name/Type</strong></td>
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<td><strong>Meeting Date</strong></td>
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<td><strong>Start Time</strong></td>
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| **Matters discussed**   | - Results of 2019 Community Satisfaction Survey  
- Sandringham Golf Driving Range – Subtenancy  
- Bayside Planning Scheme Review 2019  
- North Road Foreshore Masterplan  
- Bayside Netball Centre - Project Update  
- Bayside Tennis Strategy 2019 – 2028  
- Beaumaris Arts and Sports Pavilion - Project Update |

<table>
<thead>
<tr>
<th><strong>Attendees</strong></th>
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| **Councillors** | Mayor Cr Michael Heffernan  
Cr Sonia Castelli  
Cr Laurence Evans  
Cr Rob Grinter  
Cr Clarke Martin |
| **Staff**      | Mick Cummins  
Jill Colson  
Steven White  
Hamish Reid  
Bryce Craggs  
Chief Executive Officer  
Director Corporate Services  
Director Environment, Recreation and Infrastructure  
Director City Planning and Amenity  
Director Community and Customer Experience |

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<th><strong>Apologies</strong></th>
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| **Councillors** | Cr Alex del Porto  
Cr James Long |

**Conflict of Interest disclosures**

Nil
9. Reports by Special Committees

9.1 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL TO HEAR SUBMISSIONS ON: PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHETT ROAD, HIGHETT

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/110275

Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett.

Council, at its meeting on 19 February 2019, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett 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 16 April 2019. It is proposed that Council considers the submissions received in conjunction with the report listed as part of this agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 16 April 2019 to hear submissions in relation to the Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett.

Support Attachments

1. 16 April 2019 Special Committee of Council Minutes ↓
Considerations and implications of recommendation

Liveable community

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

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

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

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

Human Rights
The implications of this report 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 associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

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

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

to hear submissions in relation to:

Proposed Discontinuance & Retention of Part of
Road at Rear of 457-465 Highett Road, Highett

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 16 April 2019

The Meeting commenced at 6:30pm

Chairperson: Cr Michael Heffernan (Mayor)

Present: Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans
Cr Rob Grinter
Cr James Long BM JP

Officers in attendance:  Jill Colson  Director Corporate Services
Jason Stubbs  Manager Commercial Services
Terry Callant  Governance Manager
Nicholas Beck  Property Coordinator
Robert Lamb  Governance Officer
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1. Welcome and opening of the meeting
2. Apologies
3. Disclosure of any Conflict of Interest
4. Submissions
   4.1 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett - Submission – Mr George & Mrs Nora Boghikian, of 457 Highett Road, Highett
   4.2 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett - Submission – Mr Robert Fallon (on behalf of Mrs Rachel Fallon, of 459 Highett Road, Highett)
   4.3 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Highett Road, Highett - Submission – Ms Hilary Bland, of 461 Highett Road, Highett
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,

- Mr George Boghikian (in support of Submission 4.1)
- Mr Robert Fallon (in support of Submission 4.2)
- Ms Hilary Bland (in support of Submission 4.3)
1. **Welcome and opening of the meeting**

The Mayor welcomed members of the Special Committee and the submitters to the meeting.

2. **Apologies**

An apology from Cr Clarke Martin was submitted to the meeting, in accordance with Cr Martin’s substantive leave of absence, at the March Ordinary Meeting of Council.

**Apology**

Moved: Cr del Porto  Seconded: Cr Evans

That the apology from Cr Clarke Martin be received and leave of absence be granted for this Special Committee of Council Meeting.

**CARRIED**

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

There were no conflicts of interest submitted to the meeting.

4. **Submissions**

In accordance with Section 223 of the *Local Government Act 1989*, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received three (3) written submissions in relation to the Proposed Discontinuance & Retention of Part of the Road at Rear of 457-465 Highett Road, Highett.

All three (3) submitters requested to be heard in support of their written submission:

1. Mr George Boghikian (in support of Submission 4.1)
2. Mr Robert Fallon (in support of Submission 4.2)
3. Ms Hilary Bland (in support of Submission 4.3)

The Mayor reminded speakers that Section 223 (b)(i) of the *Local Government Act 1989* indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council’s Governance Local Law No. 1 (2013) submissions in relation to section 223 of the *Local Government Act* be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHETT ROAD, HIGHETT - SUBMISSION - GEORGE & NORA BOGHIKIAN, OF 457 HIGHETT ROAD, HIGHETT

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/93541

It is recorded that Mr George Boghikian spoke for four minutes in support of his submission.

4.2 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHETT ROAD, HIGHETT - SUBMISSION - ROBERT FALLON (ON BEHALF OF RACHEL FALLON, OF 459 HIGHETT ROAD, HIGHETT)

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/93541

It is recorded that Mr Robert Fallon spoke for six minutes in support of his submission.

4.3 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHETT ROAD, HIGHETT - SUBMISSION - HILARY BLAND, OF 461 HIGHETT ROAD, HIGHETT

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/93550

It is recorded that Ms Hiliary Bland spoke for four minutes in support of his submission.

The Mayor thanked all speakers for their comprehensive submissions and presentations.
Moved: Cr del Porto  Seconded: Cr Long

That the three (3) written submissions received in relation to the Proposed Discontinuance & Retention of Part of the Road at Rear of 457-465 Highett Road, Highett be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 21 May 2019.

CARRIED

Following the hearing of submissions, the Chairperson declared the meeting closed at 6.48pm.
Executive summary

Purpose and background

To note the Minutes of the Special Committee of Council established to hear submissions in relation to the Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton.

Council, at its meeting on 19 February 2019 (and later revised at the 23 April 2019 meeting), established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton 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 30 April 2019. It is proposed that Council considers the submissions received in conjunction with the report listed as part of this agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 30 April 2019 to hear submissions in relation to the Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton.

Support Attachments

1. 30 April 2019 Special Committee of Council Minutes
Considerations and implications of recommendation

Liveable community

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

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

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

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

Human Rights
The implications of this report 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 associated with the proposed sale of land has been undertaken in accordance with Section 189 and Section 223 of the Local Government Act 1989.

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

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

to hear submissions in relation to:

Proposed Discontinuance & Sale of Part of the
Road at Rear of 70 Esplanade, Brighton

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 30 April 2019

The Meeting commenced at 6:30pm

Chairperson: Cr Michael Heffeman (Mayor)

Councillors: Cr Sonia Castelli
Cr Laurence Evans
Cr Rob Grinter
Cr James Long BM JP
Cr Clarke Martin

In attendance: Jill Colson Director Corporate Services
Hamish Reid Director City Planning and Amenity
Karen Brown Acting Manager Governance
Nicholas Beck Property Coordinator
Robert Lamb Governance Officer
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1. Welcome and opening of the meeting
2. Apologies
3. Disclosure of any Conflict of Interest
4. Submissions
   4.1 Mr Fuong Yang Lew, Owner of 72 Esplanade, Brighton .....................4
5. Requests to be heard in support of submissions
   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting:
   • Mr Travers Nuttall (on behalf of Mr Fuong Yang Lew) in support of Submission 4.1
1. **Welcome and opening of the meeting**

The Mayor welcomed members of the Special Committee of Council and the submitter to the meeting.

2. **Apologies**

An apology from Cr Alex del Porto was submitted to the meeting, in accordance with Cr del Porto’s substantive leave of absence, at the April Ordinary Meeting of Council.

**Apology**

Moved: Cr Long  
Seconded: Cr Evans

That the apology from Cr Alex del Porto be received and leave of absence be granted for this Special Committee of Council Meeting.

**CARRIED**

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

There were no conflicts of interest submitted to the meeting.

4. **Submissions**

In accordance with Section 223 of the *Local Government Act 1989*, Council must consider any submissions received by the Council following the 28 days after the publication of the public notice. At the closing date of submissions, Council received two (2) written submissions in relation to the Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton.

The following submitter requested to be heard in support of these submissions:

1. Mr Travers Nuttall (on behalf of Mr Fuong Yang Lew) in support of Submission 4.1

The Mayor reminded speakers that Section 223 (b)(i) of the *Local Government Act 1989* indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council’s Governance Local Law No. 1 (2013) submissions in relation to section 223 of the *Local Government Act* be granted up to fifteen (15) minutes to speak in support of their submission.

A copy of the submissions received has been circulated to all councillors for their consideration prior to the meeting.
4.1 MR FUONG YANG LEW, OWNER OF 72 ESPLANADE, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/93985

It is recorded that Mr Travers Nuttall (on behalf of Mr Fuong Yang Lew) spoke for seven minutes in support of Mr Lew’s submissions.

Moved: Cr Martin         Seconded: Cr Long

That the written submissions received in relation to the Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton be received and noted, and a report be submitted to the Ordinary Meeting of Council to be held at 7pm on 21 May 2019.

CARRIED

Following the hearing of submissions, the Chairperson declared the meeting closed at 6.41pm.
Executive summary

Purpose and background
The purpose of this report is to provide an update on the project timeline and expected costs for establishing a netball centre on the site of the Sandringham Driving Range.

At the 24 April 2018 Ordinary Meeting, Council confirmed the Sandringham Golf Driving Range as the site for a two indoor and 12 outdoor court netball centre with a future expansion for an additional one indoor and three outdoor courts. In addition to this, Council also resolved to prioritise the Stage 1 development of 12 outdoor courts with night match floodlighting and supporting facilities for administration, control centre, storage, canteen/kiosk, first aid, umpires facilities, toilets, change areas and committee room with a desired completion by the end of 2020.

Key issues

Design Development (Outdoor Courts) and project timeline
The head consultant and design team, planning consultant and quantity surveyor have progressed the design of 12 outdoor netball courts, court night match lighting, car parking and water-sensitive urban design elements. The latest concept design is shown in Attachment 1.

The design sites the netball centre on the George Street side of the site to improve buildability, access and avoid constructing a 5m retaining wall that would have been required if the indoor element was built on the cemetery side of the site. The design has incorporated 235 car parking spaces, exceeding the traffic assessment requirements by 35 car spaces; however, the requirement for additional shade in the car park area may reduce this figure.

Modelling is currently underway to determine the capacity of the water detention system required to address the flood overlay at the site.

Soil Testing
All soil testing results have now been obtained and as expected a level of contamination has been identified. With the use of appropriate building methods, the area has been deemed appropriate for use as a netball centre.

Vapour testing results indicate that gases are being emitted from the site and options to address this issue have been developed. Review of the mitigation recommendations is currently underway.

Soil testing indicates some movement of the site will continue into the future and to address this risk it has been recommended that piles of 9m (depth of quarry) are used as foundations across the site to ensure structural integrity. To minimise disturbance of contaminated soil, the piles will be driven into site to minimise soil removal. It has been recommended by the designers that the piles required for Stage 2 are undertaken now to minimise the risk of structural damage to Stage 1 when Stage 2 is constructed.
Planning Permit

The planning application for Stage 1 has been lodged and the project team and planning consultant are working through questions relating to the submission.

Design Development (Amenities and Indoor Courts) and project timelines

The design team has commenced detailed design for the amenities (Stage 1) and concept design for indoor courts (Stage 2) and schematic plan for a third indoor court (Stage 3).

Federal Government Commitment

In March 2019 the Federal Government committed $4.7m to the development of indoor courts at the proposed netball centre. This commitment cannot be used for the delivery of Stage 1 of the proposal. Council and Sandringham District Netball Association (SDNA) continue to advocate to the State Government for matched funding.

Project Timing

It is anticipated that detailed design of the outdoor components and amenities (Stage 1) of the site will be completed in July 2019, with the tender package for construction to be advertised in September, with the recommendation for preferred contractor presented at the December 2019 Council Meeting.

At this time, it is not expected that construction will be completed by the initial date of late 2020 timeline, with current timelines indicating an early 2021 completion date.

Current Cost Estimates

Early cost estimates (Cost plan A) indicate the following project construction costs:

<table>
<thead>
<tr>
<th>Stage 1:</th>
<th>$15,795,000</th>
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<tbody>
<tr>
<td>Stage 2:</td>
<td>$  7,383,000</td>
</tr>
<tr>
<td>Stage 3:</td>
<td>$  4,119,000</td>
</tr>
<tr>
<td>Total Cost:</td>
<td>$27,297,000</td>
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Additional cost pressures have continued to escalate as site related issues are identified and appropriate construction methods are determined. In addition, the current large scale building projects throughout Victoria, including metro tunnel and level crossing removal works, have materially increased the demand for construction labour and materials (particularly concrete) resulting in significant cost increases across the construction industry. This new cost base is now being utilised in project cost estimates.

The most recent Stage 1 Quantity Surveyor details a total project cost of $15,795,000 to construct 12 outdoor courts, floodlighting, amenities, car park and vehicle and pedestrian access points. Council’s four year capital works program includes an allocation of $14,276,000 resulting in a $1,519,000 budget shortfall. This is currently being assessed by the project team to determine if any cost saving measures are available.

Options

Options currently being considered include:

1. Reducing the scope of Stage 1 works by reducing the number of courts constructed and maintaining the Thomas Street courts; and
2. Council allocating additional funding in future year budgets.
At this time it is proposed to continue the design and procurement based on the 12 outdoor courts but provide options within the tender documentation to enable tenderers to price varied elements relating to the number of courts and Stage 2 piling requirements.

**Recommendation**

That Council:

1. Continues the design and tender process for the construction of Stage 1 of the Bayside Netball Centre.
2. Receives a report at the December 2019 Council meeting on the results of the tender for Stage 1 of the netball centre and associated budget requirements.

**Support Attachments**

1. Attachment 1 - Netball Centre Site Layout (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.

The design of the new facility will incorporate energy efficient lighting, water sensitive urban design (WSUD) treatments to manage overland storm water and revegetation of a large area currently unused in the south.

Built Environment
The location of the proposed netball facility is on a previous quarry and landfill site. Soil tests conducted at the site confirm the land is contaminated, therefore a comprehensive Environmental Management Plan is required to be prepared. Geo-technical testing has confirmed the depth of the quarry and found that it is suitable for construction. This work has informed the extent of engineering and structural design required to construct the courts, lighting, car parking and building to avoid future movement in the structures or cracking on the courts.

Customer Service 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 various dates in 2018 to discuss funding models, operational costs and netball centre management. Meetings were held on:

- 2 March 2018
- 19 March 2018
- 20 June 2018
- 27 July 2018
- 17 November 2018
- 2 April 2019

Correspondence via email and phone has regularly occurred throughout the planning stages of the outdoor courts.

Future development of a netball centre will be conducted in line with Council’s Community Engagement Framework.

To date, engagement with residents has occurred including two direct mail outs, one to immediate residents only and one to 5000 residents in the vicinity of the site. Council’s Have Your Say page has been live since March and face to face information sessions will be facilitated by an external company in late May 2019. Leading up to the drop in sessions, all questions received through Council’s Have your Say page will be made available for review.

All interested parties have been directed to the planning permit process to lodge any formal objections to the proposed netball centre.
The SDNA has been informed about the current cost estimates for this project.

**Human Rights**

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

**Legal**

Council has negotiated the early surrender of the current lease agreement at the site so that access will be available in September 2019. Legal agreements have been documented to support these arrangements.

**Finance**

Concept designs for netball facilities at the Sandringham Golf Driving Range have identified development costs in excess of $27 million, including a project cost of $15,795,000 to construct 12 outdoor courts, floodlighting, amenities, car park and vehicle and pedestrian access points. Council’s four year Capital Works Program includes a funding allocation of $14,276,000 towards the development of netball facilities in Bayside, resulting in a $1,519,000 budget shortfall.

Council and SDNA continue to advocate to State Government for match the funding committed by the Federal Government ($4.7m) in March 2019. Council is currently preparing a submission to the Regional Development Fund, to finalise the $4.7m Federal commitment for stage 2 indoor courts.

**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
   Responding to identified recreational needs of the community.
Executive summary

Purpose and background

The purpose of this report is to respond to a petition received by Council and present consideration and implications in proceeding with the preparation of a Local Law to manage parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment on a road.

At the Ordinary Council meeting on 23 April 2019, Council received a petition containing 35 signatories seeking Council to:

“Develop bylaws controlling parked mobile billboards and "for sale" cars, caravans, boats and other equipment in designated Bayside Streets except where cars, caravans, boats and other equipment for sale are parked adjacent to the owner's house.”

A range of considerations need to be addressed before Council can determine if a Local Law specific to controlling parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment is required. The considerations include: having sufficient and appropriate resources to implement the Local Law; the commonality of the problem being addressed; and measures to ensure any new regulation can achieve the characteristics of better practice Local Law.

Key issues

The petitioners refer to the presence of permanently parked mobile billboards on South Rd, Brighton East on the southern perimeter of Brighton Golf Course (between Creswick Street and Glencairn Avenue).

Permanently parked mobile billboards and for sale goods can represent visual pollution and decrease the amenity of the surrounding community. The use of public land to promote private businesses and vehicles, boats and caravans for sale alienates public space for private purposes.

Since 2015, Council has received 22 enquiries/complaints regarding the parking of ‘for sale’ cars, caravans and trailers on a road in Bayside, 12 of these enquiries/complaints specifically related to South Road, Brighton East on the southern perimeter of Brighton Golf Course (between Creswick Street and Glencairn Avenue).

Bayside Planning Scheme

The Bayside Planning Scheme governs permanent/fixed signs on private and public land. The Bayside Planning Scheme outlines where signs can be lawfully erected with or without a planning permit; however, it does not control signs on vehicles (eg. cars, caravans and trailers) parked on a road.

Council’s Local Law No.2 ‘Neighbourhood Amenity’.

Clause 57 of Council’s Local Law No.2 ‘Neighbourhood Amenity’ (‘Council’s Local Law’) stipulates that a Person must not, without a Permit, erect or place an Advertising Sign on any part of a road or Council Land except within a municipal reserve.
Mobile billboards and ‘for sale’ cars, caravans, boats and other equipment parked on a road are not defined as advertising signs in Council’s Local Law. Therefore, Council is unable to regulate these under Council’s Local Law. Council’s Local Law is due to sunset in April 2022.

Parking Controls

Council’s Traffic Engineers have inspected the existing parking conditions on South Road adjacent to Brighton Golf Course to determine the need for any parking restrictions.

Currently, South Road has a shared parking/bicycle lane of 3.8m which is sufficiently wide for both on-street parking and cyclists safety. The traffic assessment also found that the parked vehicles at this location did not impede sight lines or turning movements from local side streets.

Based on the above, Traffic Engineers have determined that the existing conditions are considered satisfactory and the installation of regulatory parking signs at this location to limit parking is not considered necessary at this time.

Whilst parking restrictions are not considered necessary for the current management of on-street parking or safety, their introduction could disrupt the parking of mobile billboards ‘for sale’ vehicles long term at this location. This is a short term solution which would require vehicles to be moved on a regular basis.

Local Law Process

A Local Law to control the parking of mobile billboards and ‘for sale’ cars, caravans, boats and other equipment on a road or Council Land can be introduced. However, Council must comply with the statutory requirement relating to the introduction of a Local Law and ensure there is no unintended impact on vehicles lawfully parked for social and entertainment reasons which are being offered ‘for sale’ or adorned with promotional signage.

The preparation and introduction of a new Local Law or the addition a new clause is an extensive and costly process. It includes:

- Informing community on the intent to commence the preparation of a Local Law;
- Developing a community impact statement to assist the community in understanding the proposed Local Law and its intent;
- Establishing a robust engagement process to involve affected parties including public notice, seeking submissions;
- Hearing and considering submissions;
- Reviewing and final drafting of the Local Law;
- Presenting a report to Council for adoption; and
- Implementing and enforcing Local Law.

Council has not allocated resources for the preparation of a Local Law to address this issue in the 2019/20 budget. Due to the low number of complaints and the localised nature of this issue, it is recommended to address the parking of mobile billboards and ‘for sale’ vehicles on a road when next reviewing Council’s Local Law. Council’s Local Law is due to sunset in April 2022 and the review of the Local Law will commence in late 2020.
Recommendation

That Council refer consideration to regulate parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment on a road or Council land to the next scheduled review of Council's Consolidated Local Law No.2 ‘Neighbourhood Amenity’.

Support Attachments

Nil
Considerations and implications of proposition

Liveable community

Social
Council’s Local Law No.2 ‘Neighbourhood Amenity’ is designed to secure community safety, protect public assets and enhance neighbourhood amenity.

The introduction of a control to regulate parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment on a road or Council land has the ability to reduce visual clutter and undue amenity impacts on the community. However, Council must be cognisant of the impact of such regulation on the broader community.

Natural Environment
There are no Natural Environment implications as a result of this report.

Built Environment
There are no Built Environment implications as a result of this report.

Customer Service and Community Engagement
In accordance with s. 223 of the Local Government Act 1989, a process is required to be undertaken prior to endorsing any Local Law. This provides the community with an opportunity to make submissions in favour or against proposed provisions of a Local Law.

Human Rights
Council has the power to make Local Laws for or with respect to any Act, matter or thing in response of which the Council has a function or power under the Local Government Act 1989. In doing so, a Local Law must not be inconsistent with any Act or regulation including Human Right considerations.

Legal
A Local Law must not be inconsistent with any Act or regulation and Council must comply with any prescribed details relating to the preparation and content of a local Law in accordance with the Local Government Act 1989.

Finance
There is no current budget to undertake an immediate Local Law Review. However, future budgets would include the allocation of funding to undertake the scheduled complete/holistic review.

Links to Council policy and strategy
This report has been prepared having regard to Local Government Act 1989 and Council’s Local Law No. 2 ‘Neighbourhood Amenity’.
## Options considered

### Option 1 - Recommended option

<table>
<thead>
<tr>
<th>Summary</th>
<th>Refer the introduction of a Local Law to manage parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment on a road to scheduled review of the Local Law, to commence in late 2020.</th>
</tr>
</thead>
</table>
| Benefits | A consistent approach to control the parking of all mobile billboards, vehicles for sale throughout the municipality.  
This issue can be considered a holistic approach, taking into consideration the severity and commonality of the matter and how it matter relates to existing and other controls. |
| Issues | This will cover the parking of all mobile billboards, all vehicles for sale and all vehicles adorned with business or promotional signage throughout the municipality including private vehicles.  
Council’s Local Law is due to sunset in April 2022 and the review of the Local Law will commence in late 2020.  
Until a Local Law is introduced there will be no controls in place to manage this issue. |

### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Immediately commence the process to introduce a Local Law to manage parked mobile billboards and ‘for sale’ cars, caravans, boats and other equipment on a road.</th>
</tr>
</thead>
</table>
| Benefits | The Local Law will be introduced earlier than waiting for the holistic review of Council’s Local Law scheduled to commence in late 2020.  
A consistent approach to control the parking of all mobile billboards, vehicles for sale throughout the municipality. |
| Issues | There is no budget allocation to commence the process.  
This will cover the parking of all mobile billboards, all vehicles for sale and all vehicle adorned with business or promotional signage throughout the municipality including private vehicles.  
Council’s Local Law is due to sunset in April 2022 and the review of the Local Law will commence in late 2020.  
Until a Local Law is introduced there will be no controls in place to manage this issue. |
**Option 3**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Investigate the introduction of parking restrictions on South road (between Creswick Street and Glencairn Avenue), Brighton East.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The introduction of short term parking would require the turnover of vehicles. Hence, parking of mobile billboards and ‘for sale’ cars, caravans, boats and other equipment at this specific/geographic location would be discouraged. Improve amenity of the specific/geographic local area. This is a quicker, easier and low cost option compared to the introduction and/or amendment of a Local Law. Allows for enforcement and the issuing of parking infringements to control parked vehicles.</td>
</tr>
<tr>
<td>Issues</td>
<td>There is a potential that the parking of mobile billboards and ‘for sale’ cars, caravans, boats and other equipment be relocated to nearby residential properties or other areas of the municipality. The introduction of parking restrictions would be applied to all vehicles (including residents and visitors), not only mobile billboards and ‘for sale’ cars, caravans, boats and other equipment.</td>
</tr>
</tbody>
</table>

**Option 4**

<table>
<thead>
<tr>
<th>Summary</th>
<th>No change, do nothing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Avoid the costs of preparing and enforcing the Local Law or installing parking restrictions to control parked mobile billboards and ‘for sale’ vehicles at this location.</td>
</tr>
<tr>
<td>Issues</td>
<td>South Road to be seen as an uncontrolled area for the promotion and sale of other goods. There is no enforcement or deterrent. Decrease the amenity of the surrounding area due to the prevalence of mobile billboards and ‘for sale’ cars, caravans, boats and other equipment.</td>
</tr>
</tbody>
</table>
10.3 BEAUMARIS ARTS AND SPORTS PAVILION - PROJECT UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/19/11 – Doc No: DOC/19/63209

**Executive summary**

**Purpose and background**

The purpose of this report is to provide an update on the proposed redevelopment of the sports pavilion and arts building within the Beaumaris Reserve precinct and to recommend that these be redeveloped as two separate buildings, not as a community hub.

The buildings currently used by Beaumaris Soccer Club, Beaumaris Cricket Club and Beaumaris Art Group are no longer fit for purpose.

At the 21 November 2017 Ordinary Council meeting it was resolved that Council:

*Continues to explore the feasibility of establishing a community hub within the Beaumaris Reserve precinct including the Beaumaris Soccer Club, Beaumaris Arts Group and Beaumaris Community Centre Tennis Club;*

1. *Does not include Beaumaris RSL in the feasibility study into establishing a community hub at Beaumaris Reserve; and*

2. *Notifies the Beaumaris RSL, Beaumaris Soccer Club, Beaumaris Arts Group and Beaumaris Community Centre Tennis Club of the outcomes of this report.*

Following this resolution, the feasibility study of a community hub has included a detailed analysis of the individual requirements of each of the three stakeholders: Beaumaris Soccer Club, Beaumaris Arts Group and Beaumaris Tennis Club. This analysis included access to social space, storage and changeroom facilities and identified significant challenges in meeting incompatible needs between the groups.

In mid-2018 the Beaumaris Community Centre Tennis Club advised that it would not relocate into a Hub, but rather stay in its existing building with consideration of an accessible toilet on the south-west corner of the Hub to support its all-abilities and casual tennis programs. Since this advice, design has focused on meeting the needs of the Beaumaris Soccer Club and Beaumaris Arts Group.

The concept design has been through several iterations in an attempt to find a solution to meet the needs of the users.

**Key issues**

**Site constraints**

There are a number of site constraints that have been considered while developing concept designs for the proposed Hub building, including:

- Native vegetation and a VPO3 overlay;
- Central position of existing telecommunications tower and kiosk; and
- Central location of existing cenotaph.
A number of Hub designs were completed working around these constraints; however, each were unacceptable and impacted areas including the sportground playing surface and the Cenotaph. Despite all efforts, the only feasible Hub designs required the relocation of the Cenotaph and this is not supported by the Beaumaris RSL.

**Project scope and costs**

Meeting the prescribed needs of the sporting and arts stakeholders resulted in a concept design of a large scale two storey building. There is little to no compatibility between the two proposed users and the Hub design resulted in 90% of floor space being exclusive use of each group. For example the clay art and kiln room is not required for soccer use and the four changerooms and wet areas are not required by the Arts group.

A stakeholder agreed concept design was costed at approximately $9 million, well in excess of the approximately $6 million allocated to the project in Council’s four year Capital Works Program.

**Beaumaris RSL feedback**

A meeting was held on 30 November 2018 with Beaumaris RSL representatives to discuss the Hub project and possible relocation of the Cenotaph. Council officers detailed the site constraints and variety of concept designs that had been completed to work around these constraints. Officers also described that the proposed relocation of the Cenotaph could include significant improvements including landscaping and the placement of outdoor RSL memorabilia and interpretive signage.

The Beaumaris RSL is opposed to any proposal to relocate the Cenotaph to accommodate the Hub project.

**Proposed way forward**

It is proposed to discontinue the Hub project and in its place design and develop two separate buildings. These facilities will be referenced as:

- Beaumaris Reserve Sports Pavilion; and
- Beaumaris Arts Centre.

An expression of interest process has commenced for suitably experienced architectural firms to design the sports and arts buildings as a single package to ensure complementary design elements.

While the sports pavilion specifications including room type and size are determined by the recently adopted Sportsground Pavilion Improvement Plan, further work is required to determine the specifications of the arts centre. It is anticipated a future briefing will be presented to Councillors concerning the arts centre following further project scope work with internal and external stakeholders.

The combined project scope and costs of both buildings is expected to be accommodated within the current $6 million capital works program allocation.
Recommendation

That Council:

1. Develops separate arts and sporting facilities at Beaumaris Reserve by demolishing the existing buildings and constructing new buildings.
2. Commences a design and tender process for the construction of new, separate arts and sporting facilities at Beaumaris Reserve in accordance with Council's current budget allocation for the Beaumaris Community Hub project.

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
The development of improved community art and sporting facilities provides positive benefits for young people and adults, particularly through their participation and engagement in sport and art activities at Beaumaris Reserve.

Natural Environment
Building concept designs will be developed to minimise impacts on surrounding native vegetation.

Built Environment
The current arts and sporting buildings are no longer fit for purpose and it is proposed to design and construct two separate buildings being an arts centre and a sporting pavilion. It is also proposed to locate each building in its current location of the existing buildings to be replaced. Both existing buildings will be demolished.

Customer Service and Community Engagement
A Project Reference Group was established including representatives from Beaumaris Art Group, Beaumaris Community Centre Tennis Club, Beaumaris Soccer Club and Council. Separate consultation with stakeholders including Beaumaris Arts Group and Beaumaris Soccer Club will continue as new standalone concept designs are developed for each proposed facility.

On site community consultation sessions were held at Beaumaris Reserve in late November/early December 2018. Feedback at these sessions indicated strong community support for the improvement of arts and sports facilities at the site.

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

Legal
There are no legal implications associated with this paper.

Finance
Council’s four year Capital Works Program includes total funding of $6.136 million for the development of a Beaumaris Reserve Hub. This funding will be utilised to redevelop the sporting pavilion and arts centre.

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, Recreation Strategy 2013, and Wellbeing for All Ages and Abilities Strategy 2013 – 2017. The Bayside Library, Arts and Culture Strategy 2012-2017 recognises that artistic and
cultural expression can grow when there are the right facilities for arts practice. The improvement of arts facilities at Beaumaris Reserve would provide appropriate spaces for artistic endeavour.
Executive summary

Purpose and background

The purpose of this report is to provide an update on the outcomes of public consultation (Attachment 1) for the North Road Foreshore Masterplan (Attachment 2), to summarise key issues arising from the community, and to present the final draft of the North Road Foreshore Masterplan 2019 for adoption.

The draft North Road Foreshore Masterplan (the Masterplan) covers the foreshore precinct between Head Street and Chelsea Street, Brighton and is the northern most section of Bayside foreshore, connecting to the urban foreshore areas of the City of Port Phillip.

Included within this precinct is the popular year round dog off-leash beach at Sandown Street Spit, Royal Brighton Yacht Club, North Point Café and associated public toilet block, the North Road playground (recently upgraded), and a public boat ramp and jetty.

A remnant stand of indigenous tea tree is adjacent to the North Point Café and Council owns the small section of land adjacent to the Café at the end of North Road. The remainder of this section of foreshore is Crown Land with Council as the Committee of Management.

Key issues

Proposed tree planting

Additional tree planting was proposed in the initial Masterplan that went out for consultation. The proposed planting plan aimed to retain open grassy areas for picnics while providing additional shade for foreshore users and also creating supplementary habitat for native bird species.

Although the location of proposed specimen trees was carefully selected to (where possible), maintain existing views of the Bay from abutting properties, this proposal generated a high amount of opposition from residents from properties immediately adjacent to the foreshore reserve.

This was primarily due to widespread perceptions that shade trees along the foreshore would block desirable seascape and city skyline views from private property, decrease property values and drop branches. The provision of shade was deemed unnecessary, with the general consensus in feedback being that people visit the foreshore for sun, not shade.

As a result, the proposal to plant additional shade trees has been removed from the final Masterplan.

Vegetation Management

Over time, some of the existing vegetation in this precinct has aged, detracting from the visual amenity of the overall area. Feedback from the community also indicated that some garden beds needed rejuvenating.

The Masterplan proposes revegetating selected defined garden bed areas with a mix of lower, mid and upper storey indigenous coastal species to not only improve the overall amenity and appearance of this precinct but to also provide habitat for local birds. In some areas, garden
bed rejuvenation will include mulching as well as the removal and replacement of some plant species.

Another issue within this precinct is a small number of private properties that have extended their private gardens into the public foreshore reserve.

Over the years, these private garden beds have been planted with inappropriate coastal plants, including many environmental weed species. These areas are also increasing in size and encroaching public open space. While the majority of these residents state that they maintain the garden beds at their own cost, future maintenance of these garden beds could become problematic as they are out of scope with Council’s Open Space contract. It also sets and maintains a precedent of private occupation of public open space.

In consultation with the applicable residents, the Masterplan proposes removal of the inappropriate plant species from these garden beds and revegetation with more appropriate indigenous coastal species. The intention is that the replacement species would be selected from the Bayside Community Nursery (at Council’s cost) in consultation with the residents and to establish an ongoing relationship with continuing involvement with the relevant residents, possibly forming a ‘Friends of’ group in the future to maintain the interface between the public open space and private property.

Proposed lighting

The Masterplan notes that lighting throughout the precinct needs upgrading. The Bay Trail is a major recreational commuter path for cyclists and pedestrians. The rate of usage has increased and is forecast to continue increasing with corresponding demands from the community to increase the level of safety and security which is already enjoyed along the rest of the Bay Trail. Continuous public lighting is provided along the trail through City of Port Philip and extension of lighting along the Bay Trail through the North Road foreshore precinct from Head Street through to Middle Brighton Baths will improve visibility, increase safety and will provide additional sustainable travel choices. Some respondents expressed concern about the visual impact of pole lighting on views from adjoining property, potential increase in anti-social behaviour and the general loss of ambience on the foreshore.

Following the feedback received, the Masterplan was amended to remove reference to new pole lighting and use only low level bollard lighting (<1.5m high) along the Bay Trail removing redundant pole mounted fittings in other areas through the precinct where possible.

Proposed B1 car park modifications

The Masterplan proposes modifications of the existing car park (B1) layout to create more usable pedestrian space adjacent to the Café, including a new zebra crossing providing right-of-way to pedestrians and a trafficable roundabout to reduce the complexity and improve sightlines at the entrance to the car park. Other amendments include:

- Investigating the provision of two additional accessible parking bays and one five-minute drop off bay on North Road at the Café to improve access and reduce congestion in the B1 car park.

- Investigating a trial reduction of signed boat trailer only parking spaces to increase available spaces for cars, especially mid-week (subject to further traffic engineering assessment and investigation).

These proposals acknowledge feedback from the community that demand for car parking has increased with the upgrade of the new playground.
North Point Café

The Masterplan notes that redevelopment of the Café (including a public toilet facility upgrade) is required in the near future. Although planning and detailed design for this work will be undertaken via a separate process, consultation for the future of the North Point Café was conducted concurrently during consultation for the draft North Road Foreshore Masterplan.

The outcomes of community feedback and proposed options for the future of the Café were presented separately to Council at its Ordinary Meeting on 23 April 2019.

The final recommendation for the Café has been incorporated into the final Masterplan.

Proposed coastal protection works, including new coastal steps

The coastal promenade along this precinct is in vital need of repair and upgrade, as this section of foreshore is prone to over-topping and wash-out during storm surges. The proposed actions for the promenade and seawall identified in the Masterplan aim to deliver a sustainable and cost effective response to the existing and future impacts of coastal erosion (taking future rising sea levels into account) while ensuring that the landscape amenity and access to the Bay are retained and enhanced. These proposals include:

- Strengthening and raising the height of the existing seawall while maintaining views to the Bay;
- Strengthening rock revetments and restoring low indigenous coastal vegetation;
- Replacing sections of coastal walking path and providing additional seating; and
- Providing improved public access to the Bay via a proposed concrete terrace on the foreshore in place of rock revetment.

All of these proposals were well supported by the community during consultation, especially the concept drawings of the terraced steps to the water, which received very positive feedback.

All proposed coastal protection works will require further consultation with the Department of Environment, Land, Water and Planning (DELWP) before proceeding, and require the necessary approvals and consents.

While feedback received from DELWP during consultation indicated in-principle support for coastal protection works, it also provided the following advice:

*In order for DELWP to co-contribute funding to such works, proposals will need to be assessed against other State-wide coastal priority projects using DELWP’s Coastal Programs risk-based decision making framework. This location could be considered for assessment when the next program budget is determined, which will cover the period 2020-2022, or in subsequent programs should it be unsuccessful at that time.*

*Funding for coastal projects is becoming more competitive, and projects with significant co-contribution from the land manager rate higher in the priority list. Council should be considering funding requirements for these works well in advance and consult with DELWP early in the planning phase to try to secure co-funding. Availability of funds and forward planning for significant co-contribution should be considered by Bayside in the implementation of this document.*

Sandown Street Dog Beach

Sandown Street beach is a year round dog off-leash beach. Although there were no proposed changes to dog on-leash and off-leash areas in the Masterplan, a number of submissions were
received to relocate the dog off-leash beach to Green Point. This suggestion was generated by one local resident who then approached other residents to support this proposal.

There were some concerns with parking congestion in local streets adjacent to the dog beach and perceptions that the beach had degraded in quality and amenity since it became a dog off-leash beach and was no longer desirable as a swimming beach for families.

Relocating the dog beach has not been tested during development of the North Road Foreshore Masterplan as this was considered beyond the scope of the original project brief. This issue could emerge during the upcoming Dog Off-leash Feasibility Study, which is intended to commence later this calendar year.

The proposal to fence areas of significant vegetation (Strand Sedge Carex pumila) on Sandown Spit as required, is retained in the Masterplan pending the outcomes of monitoring and further investigation on the impacts of trampling.

**Recommendation**

That Council:

1. Notes the outcomes of community feedback on the North Road Foreshore Masterplan contained within the Community Consultation Report as shown in Attachment 1.

2. Adopts the North Road Foreshore Masterplan 2019 as shown in Attachment 2 and authorises the Director Environment Recreation and Infrastructure to make any necessary minor editorial amendments.

**Support Attachments**

1. Attachment 1 - North Road Foreshore Masterplan Consultation Report 2019
2. Attachment 2 - North Road Foreshore Masterplan Final 2019 (separately enclosed)
3. Attachment 3 - North Road Foreshore Masterplan Implementation Schedule 2019 (separately enclosed)
Considerations and implications of recommendation

Liveable community
This section of foreshore is the gateway to Bayside from the City of Port Philip. It is highly utilised and the Bay Trail that runs through the precinct is in constant use. Upgrade of the playground has created a new tourist attraction for the precinct and has increased visitation from both locals and visitors alike. The initiatives identified in this report are intended to enhance and protect the foreshore area within this precinct.

Social
The landscape within this precinct has progressively been developed since the 1950s with public facilities including bike paths, walking paths, public boating launching ramps and a public jetty. The newly upgraded playground and North Point Café is very popular with local residents and visitors. The convergence of all of these activities within this relatively small area creates potential conflict between pedestrians, cyclists, cars and boat trailers.

The initiatives identified within the Masterplan are intended to improve the experience, access and safety of visitors to this area.

Natural Environment
The North Road foreshore has been highly modified from its pre-settlement character, but salt tolerant regrowth areas and open lawns have been well established in a manner that softens the housing and fences to the eastern side, while maintaining views and a preferred open character.

Little remains of the original vegetation and character in this highly modified landscape, except the stands of Tea-Tree to the rear of the North Point Café, some of which are remnant and as such, considered significant. The park space between North Road and Chatsworth Avenue is an attractive landscape of small lawn areas within a Tea-Tree woodland.

Planting has been a mix of indigenous and native coastal species and it now has habitat value for a limited number of birds and animals. Current maintenance includes weed management and supplementary planting and plant maintenance. Lawn areas are unirrigated but maintain their cover despite drying off over Summer. Stormwater harvesting for irrigation is a consideration of the Masterplan.

Although the planting of shade trees was not supported by the community during consultation, revegetation with a range of other indigenous vegetation within defined garden bed areas is proposed within the final Masterplan. This includes replacement of unsuitable non-native species with local indigenous species.

Rakali Hydromys chrysogaster (native water rat) are known to frequent this precinct and utilise the rock revetments as shelter, feeding platforms and habitat. Rakali are the only native mammal to remain in Bayside with the exception of possums, and they are unique in being one of only two amphibious mammals in Australia, the other being the platypus. Increased planting of indigenous vegetation and ensuring dogs are kept on-leash (with the exception of the designated off-leash beach at Sandown Street) is vital to preserving Rakali habitat in this precinct.

Built Environment
The North Point Café is located within this precinct and is housed within what was previously a coast guard building and has been extended and altered over the years. It is in need of significant refurbishment and could need to be demolished and rebuilt on the same site. The current lease for the Café is due to expire in 2021.
The outcomes of community feedback for the future of the Café were separately presented to Council at its Ordinary Meeting on 23 April 2019.

**Customer Service and Community Engagement**

Extensive consultation was undertaken during development of the draft North Road Foreshore Masterplan 2019.

The consultation period ran from 3 December 2018 until 17 February 2019 and comprised of the following:

- An article in Let’s Talk Bayside distributed in the last week of November 2019
- Have Your Say platform on Council website
- Signage on site – both freestanding and stickers on the footpath
- Two postcard letterbox-drop to 6000 residents: beginning 10 December 2018; second distribution beginning 28 February 2019
- Drop-in sessions on site on Thursday 17, Saturday 19 and Sunday 20 January 2019 (200 attendees)
- Meeting at Gallery on 4 February 2019, regarding the North Point Café proposal (43 attendees)
- Face-to-face meetings with specific neighbouring residents (planting in garden beds adjoining private property and the coastal reserves and residents abutting the duplication section of the Bay Trail)
- Brochures at ‘Summer by the Sea’ Dogs’ Breakfast event on Saturday 19 January 2019
- Postcards at North Point Café, Brighton Library and Council’s Corporate Centre
- Website news articles
- Social media – organic and paid advertising
- Three updates through Have Your Say email blast
- Emails and phone calls to and from key stakeholders
- Digital screens at the Corporate Centre

A full copy of the North Road Foreshore Masterplan Consultation Summary Report detailing the feedback received is at Attachment 1.

**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 known legal implications associated with this Masterplan.

**Finance**

The proposed opportunities identified in the North Road Foreshore Masterplan 2019 will renew, upgrade or improve existing facilities and assets to improve amenity, usability and performance for the community.

The total estimated cost of the North Road Foreshore Masterplan 2019 is $5,179,934.
Of this total, $1,687,200 is identified to be funded by others (DELWP, Melbourne Water and onsite lessees), and a total of $3,492,734 is proposed to be funded by Council over a ten year period. Many of the identified actions will be funded via ongoing renewal budgets while other upgrades and new items will need to be considered for funding. Allocation of funding during the annual budget process will assess the needs of these works against other projects.

A detailed Implementation Schedule can be found at Attachment 3.

An Implementation Schedule Summary of proposed works and priorities for the North Road Foreshore Masterplan 2019 over a ten year period is shown below.

<table>
<thead>
<tr>
<th>NORTH ROAD FORESHORE MASTER PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>MASTER PLAN WORKS SUMMARY</td>
</tr>
<tr>
<td>STUDY AREA</td>
</tr>
<tr>
<td>STAGE 1: NORTH ROAD TO MARTIN STREET</td>
</tr>
<tr>
<td>STAGE 2: MARTIN STREET TO COLE STREET</td>
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<tr>
<td>STAGE 2: NORTH ROAD</td>
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<tr>
<td>STAGE 4: NORTH ROAD TO BOAT RAMP</td>
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<tr>
<td>STAGE 5: BOAT RAMP TO DUDLEY STREET</td>
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<tr>
<td>NORTH POINT CAFE</td>
</tr>
<tr>
<td>NORTH ROAD FORESHORE B1 CAR PARK</td>
</tr>
<tr>
<td>BRIGHTON BATHS TO SANDOWN STREET PATH WORKS</td>
</tr>
<tr>
<td>VEGETATION MANAGEMENT</td>
</tr>
<tr>
<td>LIGHTING</td>
</tr>
<tr>
<td>SUBTOTAL NORTH ROAD FORESHORE WORKS</td>
</tr>
</tbody>
</table>

| CONTINGENCIES (20%) | $519,212 | $281,200 |

| TOTAL NORTH ROAD FORESHORE MASTER PLAN - CAPITAL IMPLEMENTATION WORKS | $3,492,734 | $1,067,200 |

Links to Council policy and strategy

The North Road Foreshore Masterplan 2018 addresses the following areas of the Council Plan 2017-2021:

Goal 1: Infrastructure – Council will work together with the community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

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.

The Bayside Open Space Strategy 2012 classifies this foreshore precinct to be of municipal and regional importance in Bayside, with its primary use defined as a Social Family and Recreational space. Municipal and Regional spaces are intended to cater for a diverse range of interests and often have a wide catchment because of the unique features they offer.

The Bayside Coastal Management Plan 2014 included extensive consultation within the Bayside community and has informed development of the draft Masterplan. The BCMP 2014 provides the strategic direction for actions and works proposed within the draft Masterplan.
North Road Foreshore Master Plan

COMMUNITY CONSULTATION REPORT

Prepared by
Thompson Berrill Landscape Design Pty Ltd
for
Bayside City Council
April 2019
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REV DATE AMENDMENT

A 11/4/19 Draft for comment
1. Consultation Process

Initial consultation was completed at North Road Foreshore Precinct as part of Bayside Coastal Management Plan 2014 and this informed development of the Draft Master Plan. The Draft North Road Foreshore Master Plan was displayed for broader community consultation between December 2018 and February 2019. Feedback received will be used to finalise the Master Plan recommendations, staging and implementation priorities for completion of on ground works on Council managed land.

1.1 Community consultation

Community consultation on the Draft Master Plan was completed over a fourteen-week period from 3 December 2018 to 17 February 2019. This included:

- **Site Walkover with adjoining residents** notified by letter box drop.
  - Thursday 15 November 6:00-7:30pm
  - Saturday 18 November 2018 10:00-11:30am
  This was to discuss vegetation management adjoining private property prior to release of the Draft Masterplan.

- **Article in Let's Talk Bayside** was distributed in November 2018.

- **Leader Advertising**: 3 xads in Leader on 11 December 2018, 8 and 15 January 2019. An Editorial in the Leader was also published on 15 January 2019.

- **Postcards letterdrop** to 6000 residents were issued on 10 December 2018, with second distribution on 28 February 2019.

- **Postcards display** at North Point Café, Brighton Library and Council’s Corporate Centre.

  The draft Master Plan and full report was displayed on Council’s website for community feedback via the ‘Have Your Say’ online portal.

- **On site signage displays** (both freestanding and stickers on footpath)

- Website news articles and via social media advertising between December 2018-February 2019.

- **Have Your Say** provided 3 updates via email.

- Digital screens at the Corporate Centre.

- **Community Drop in Session**
  - Thursday 17 January 2019 from 5:00pm-7:00pm
  - Saturday 19 January 2019 from 9:00-11:00am
  - Sunday 20 January 2019 from 9:00-11:00am
  These provided an opportunity for interested people to attend and ask questions, provide direct feedback to Council officers and the consultant team. Attended by 200 people.

- **Community Meeting**
  - Monday 4 February 2019 from 5:30pm at the Brighton Library
  This provided an opportunity for interested people to attend and ask questions, provide direct feedback to Council officers regarding the North Point Café proposal. Attended by 43 people.

- **Brochures distributed at Dogs’ breakfast event at the dog beach on Saturday 19 January 2019.**
1.2 Summary of response to consultation

There was extensive community feedback on the Draft Master Plan during the consultation period from 3 December 2018 to 17 February 2019. Over 240 people attended the community drop in sessions, over 200 provided written feedback via the ‘have your say’ link on Council’s website and there were numerous other written submissions supplied via letter and e-mail.

The following is a summary of key themes and proposed changes to the masterplan arising from community consultation. For a more detailed summary of community feedback and the response to key issues raised refer to Section 2 of this report.

1.2.1 Vegetation Management - Trees
72% of the 72 respondents did not support the planting of the 50 additional shade trees on the foreshore as shown on the Draft Master Plan. There were numerous written submissions from residents opposed to new tree planting with the majority suggesting that the existing level of tree cover and shade on the foreshore is sufficient and that the impacts on their views far outweighed the benefits of new tree planting.

Recommendation:
- Remove all proposed new tree planting from the master plan.
- Amend the Vegetation Management recommendations on Pg 14 as follows - Retain the existing mix of garden beds and open grass areas. Protect existing trees and replace only as needed within existing garden bed areas using similar indigenous species.

1.2.2 Vegetation Management – Garden Beds Adjoining Private Property
51% of respondents supported the replanting of garden beds with appropriate indigenous species while 21% were opposed. Some residents are extremely passionate this issue having spent time and resources on planting of garden beds adjoining their property. As the foreshore is Crown land and subject to the provisions of a Vegetation Protection Overlay (VPO) in the Bayside Planning Scheme there are restrictions on pruning/removal of native vegetation and on what can be planted by residents in these garden beds.

Recommendation:
- Maintain a consistent approach to maintenance of garden beds directly adjoining the private property boundaries and fences in accordance with the Vegetation Protection Overlay and Council’s Nature Strip Planting Policy as with other areas within Bayside.
- Retain existing native and indigenous shrubs. Residents may apply to Council for permission to prune only where the tree branches overhang or impact on existing fencing or buildings.
- Continue to liaise with residents to replace existing exotic and weed species with local indigenous species over time.
- Infill garden bed planting with drought tolerant indigenous low shrubs, groundcovers and grasses (available at Bayside Community Nursery or other indigenous plant nursery).

1.23 Bay Trail Duplication
89% of the 178 respondents supported duplication of the Bay with only 6% opposed and a further 5% unsure of the concept design. Council resolved to proceed with the duplication at the Ordinary Council Meeting on 19 February 2019.
1.2.4 Lighting
62% of the 34 respondents indicated lighting would increase/improve their use of the Bay Trail with 29% opposed. The Bay Trail is a major recreational commuter path for cyclists and pedestrians. The rate of usage has increased and is forecast to continue to increase with corresponding demands from the community to increase the level of safety and security which is already enjoyed along the rest of the Bay Trail. Continuous public lighting is provided along the trail through City of Port Philip and extension of lighting along the Bay Trail through the North Road foreshore precinct from Head Street through to Middle Brighton Baths will improve visibility, increase safety and will provide additional sustainable travel choices. Some respondents expressed concern about the visual impact on pole lighting on views from adjoining property, potential increase in anti-social behaviour and the general loss of ambience on the foreshore.

Recommendation:
Amend the master plan to remove reference to new pole lighting and use only low level bollard lighting (<1.5m high) along the Bay Trail removing redundant pole mounted fittings in other areas through the precinct where possible.

1.2.5 Parking and Vehicle Access
85% of the 26 respondents agreed that the proposed changes would improve pedestrian safety and 73% indicated that changes would make it easier for vehicle movement and parking. Issues raised by respondents included requests for additional accessible parking bays closer to the café and changes to the existing mix of car and boat trailer parking to reflect increasing need for car parking following redevelopment of the playground.

Recommendation:
• Investigate provision of two more accessible parking bays and one 5 minute drop off bay on North Road at the Café to improve access and reduce congestion in the B1 car park.
• Investigate a trial reduction of signed boat trailer only parking spaces to increase available spaces for cars, especially mid-week. (subject to further traffic engineering assessment and investigation)

1.2.6 Water Access and Coastal Management
87% of the 53 respondents supported establishment of improved access to the water and Bay at the end of North Road as part of broader recommendations to address coastal erosion, repair of the seawall and path and improved stormwater management. Issues raised by respondents included potential conflicts between pedestrians and cyclists, litter and suggestions for establishment of a sand beach.

1.2.7 North Point Café Water Access and Coastal Management
80% of the 177 respondents supported redevelopment of the North Point Café including expansion of the footprint to include the rear car park area with 13% opposed. 67% of respondents supported extension of the current operating hours and liquor licence with 21% opposed. This redevelopment of the café is being considered by Council as a separate process with recommendations from this process to be adopted to the final masterplan.
2. **Response to the key issues raised during the consultation on the Draft Master Plan**

The following summarises the relevant key issues raised in community consultation on the Draft Master Plan as displayed for comment. The number of respondents for each issue, including those received via the website, via e-mail, at the drop in session and walk around, are noted in brackets where more than one person commented. Where comments have been supplied by the same person via multiple platforms (website/letter/email) 1 response is recorded per issue rather than per platform. The response column outlines the proposed recommendation for changes to the plan for consideration in finalisation of the Master Plan.

<table>
<thead>
<tr>
<th>ITEM COMMENT</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1 BAY TRAIL DUPLICATION</strong></td>
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</table>

**Have Your Say - Do you use the Bay Trail?**

| 178 Respondents | Responses | |
|-----------------|-----------|
| Use trail as a pedestrian | 80% 142 | |
| Use trail as a cyclist | 62% 111 | |
| Live between Sandown St & RBYC | 33% 58 | |

**Have Your Say - Rate your support for the design**

| 178 Respondents | Responses | |
|-----------------|-----------|
| Fully support concept | 74% 131 | |
| Somewhat support concept | 15% 27 | |
| Don't support concept | 6% 10 | |
| Unsure about concept | 5% 9 | |

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<thead>
<tr>
<th>ITEM COMMENT</th>
<th>RESPONSE</th>
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<tbody>
<tr>
<td><strong>2.1.1 Why isn’t the path in front of the Yacht Club being widened – this is a congestion point. The design for duplication doesn’t address a way to make cyclists slow down when moving from existing trail in front of yacht club to the duplicated path even with the sharp turn (25 responses)</strong></td>
<td>The intent is to provide a new separate pedestrian path on the beach side of the existing path. This approach was endorsed by Council at meeting 19 February 2019. <strong>Recommendation</strong> Amend Figure 15 pg 14 to show duplicated path in front of Royal Brighton Yacht Club as per Council endorsed plan.</td>
</tr>
</tbody>
</table>

| **2.1.2 Agree with recommendations to duplicate the Bay Trail from a safety perspective (15 responses)** | **Recommendation** No change to plan. |

<p>| 2.1.3 Duplication will increase usage, adding to the congestion that already exists – it is dangerous. (2 responses) Duplication of the path is a waste of money | Assessment of existing use of the Bay Trail indicates that provision of separate pedestrian and cycle paths through this narrow confined over the |</p>
<table>
<thead>
<tr>
<th>ITEM</th>
<th>COMMENT</th>
<th>RESPONSE</th>
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<tbody>
<tr>
<td>10.4</td>
<td>Disagree with duplication stop making changes to path, find an alternative route for cyclists</td>
<td>long and medium term area is the most sustainable method to improve safety and meet continuing increase in use of the Bay Trail.</td>
</tr>
<tr>
<td></td>
<td>Duplication of trail to the rock revetment is unnecessary</td>
<td></td>
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<tr>
<td></td>
<td>How do you reduce the environmental impact on the landscape from the works and increased usage?</td>
<td></td>
</tr>
<tr>
<td>2.1.4</td>
<td>Disagree with the addition of more concrete and rock from an aesthetic perspective at the expense of decreasing the beach/foreshore amenity around Sandown Street (5 responses)</td>
<td>This area is subject to ongoing coastal erosion which is expected to worsen with impacts of forecast sea level rise. Protection of the beach and public access is not possible without the rock groynes and concrete boardwalk.</td>
</tr>
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<tr>
<td>2.1.5</td>
<td>Improve signage for cyclists and pedestrians regarding speed, paths, including multi-lingual signs, and being aware of all users of paths (6 responses)</td>
<td>Signage and surface line marking will be used to guide priority for cyclists and pedestrians as part of implementation of new works. Use of raised strips is not preferred as they can increase trip hazards.</td>
</tr>
<tr>
<td></td>
<td>Consider adding “rumble strips” to slow cyclists down through this section (2 responses)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Textured line markings do not allow rollerbladers to travel safely, as the textured strips lessen the grip on the path – consider a different way to slow traffic down</td>
<td></td>
</tr>
<tr>
<td>2.1.6</td>
<td>Pedestrian path needs to be widened to reduce congestion.</td>
<td>The new Bay Trail duplication path between Sandown Street and Royal Brighton Yacht Club will be a 3 metre wide path and will be developed in accordance with current Austroads standards.</td>
</tr>
<tr>
<td></td>
<td>Paths should be at least 3m wide</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Path should be at least 3 times wider than they currently are to accommodate all types of users</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consider two types of pedestrian users of trail – walkers and runners (walkers are too slow, and runners end up using cycle path)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Have stopped using this area because it is too short and too narrow – I’m a local so it is a shame</td>
<td></td>
</tr>
<tr>
<td>2.1.7</td>
<td>Sharp turn on cycle path (right angles) are dangerous do not include these in new sections.</td>
<td>Duplications of the boardwalk will remove the need for right angle merge sections.</td>
</tr>
</tbody>
</table>

**Recommendation**

No change to plan.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>COMMENT</th>
<th>RESPONSE</th>
</tr>
</thead>
</table>
| 2.1.8 | • Design for duplication of trail doesn’t take into account sand/gravel build up on the path which is a safety hazard for cyclists. Especially winter evenings when visibility is low.  
• Duplication design – slightly camber the new section to encourage run off when the sea level is high. | Build-up of sand is an ongoing challenge to path management in foreshore areas. New path will be cambered to reduce build up however, ongoing maintenance will be required to address sand build up after windy days.  
*Recommendation*  
No change to plan. |
| 2.1.9 | Based on works down near ‘Ostend’ changes to the paths will increase the amount of sand intruding on our fences – this is will require more clearing. | Build-up of sand can vary due to prevailing wind conditions. New path and boardwalk levels and approach to sand management will be confirmed as part of detailed for the new section of path.  
*Recommendation*  
No change to plan. |
| 2.1.10 | Cyclists to use the bridge/boardwalk instead of pedestrians | The duplication will mean a new boardwalk section will be provided to separate pedestrian and cyclist traffic. Pedestrians will use the existing boardwalk as this aligns better with the coastal side walking path.  
*Recommendation*  
No change to plan. |
| 2.1.11 | Path surfaces/colour should be different for cyclists and pedestrians  
• Cycle path should be concrete  
• Pedestrian path should be soft fall, so when pedestrians are knocked down by cyclists the surface is soft  
• Surface should be all ability access friendly (3 responses) | Path surfaces will be differentiated at intersections only. All paths will meet all ability access requirements.  
*Recommendation*  
No change to plan. |
| 2.1.13 | People regularly leave their dog off lead on the pedestrian and cycle paths early in the mornings causing a hazard – why aren’t Council officers there to enforce regulations (i.e. before 8am in the morning) (2 responses) | This issue has been referred to local laws.  
*Recommendation*  
No change to plan |
| 2.1.14 | What legalities (if any) are there of pedestrians using the path labelled “Cycle Only” | Signage seeks to provide clear guidance to cyclists and pedestrian about which path to use to maximise safety. Punitive measures for |
### 2.2 LIGHTING

**Have Your Say – How do you use the Bay Trail**

<table>
<thead>
<tr>
<th>Item</th>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walk</td>
<td>47%</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Walk and Cycle</td>
<td>47%</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Cycle</td>
<td>6%</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>I don’t use the Bay Trail</td>
<td>0%</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**Have Your Say – Will the addition of lighting on the Bay Trail increase/improve your use?**

<table>
<thead>
<tr>
<th>Item</th>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>62%</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>29%</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Maybe/unsures</td>
<td>9%</td>
<td>3</td>
<td></td>
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</tbody>
</table>

**Have Your Say – Will the addition of lighting in the foreshore reserve increase/improve your use?**

<table>
<thead>
<tr>
<th>Item</th>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>59%</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>24%</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Maybe/unsures</td>
<td>26%</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

### ITEM 2.2.1

- Low level lighting is better (if you have to have any lighting). *(5 responses)*
- Overhead lighting is unattractive. *(4 responses)*
- Current lighting in this precinct is adequate. *(4 responses)*
- Need ambient lighting on the trail. *(2 responses)*
- Add lighting for safety reasons. *(3 responses)*
- Lighting in the winter months is great for exercising/improved safety on the trail when it is dark. *(2 responses)*
- Artificial lighting will ruin watching the sunset, walks in the dark to enjoy the starts and city lights and increase glare levels.
- Bright lighting is bad for ecology and biodiversity especially bats and insects.
- Subtle lighting should be considered if lighting must be added

The Bay Trail is a major recreational commuter path for cyclists and pedestrians. The rate of usage has increased and is forecast to continue to increase with corresponding demands from the community to increase the level of safety and security which is already enjoyed along the rest of the Bay Trail. Continuous public lighting is provided along the trail through City of Port Philip and extension of lighting along the Bay Trail through the North Road foreshore precinct from Head Street through to Middle Brighton Baths will improve visibility, increase safety and will provide additional sustainable travel choices.

The draft plan currently shows a proposed mix of low level bollard
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<tr>
<th>ITEM</th>
<th>COMMENT</th>
<th>RESPONSE</th>
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</table>
| 10.4 | Reports by the Organisation | lighting (approx. 1.2-1.5m high) where the Bay Trail is located close to private property and taller more widely spaced standard pole mounted lighting (approx. 6.0-8.0m high) where the foreshore reserve is wider, and the path is located away from private property. All proposed lighting will use high performance LED technology to minimise power consumption costs and marine grade aluminium fittings with corrosive protection and sealing technology to maximise the service asset life. Installation of new lighting will also enable removal of scattered older energy inefficient pole lighting other areas to minimise glare and impact on evening views.  

**Recommendation**  
Amend plan to remove reference to new pole lighting and use only low level bollard lighting (<1.5m high) along the Bay Trail removing redundant pole mounted fittings in other areas through the precinct where possible. |
| 2.2.2 | Low level lighting has been installed before and stolen, do not waste money installing new low level lighting. | Independent low level solar bollard lighting units can be subject to theft.  

**Recommendation**  
Confirm that new low level lighting will be fixed mains power. |
| 2.2.3 | The right type of lighting for vision impaired users of the walking path and the cycle trail is important. The lighting at Elwood Canal along the path is an excellent example (low key sodium luminaires) | New lighting where required will meet requirements of AS11158. Use of energy efficient LEDs is preferred to sodium luminaires.  

**Recommendation**  
No change to plan. |
| 2.2.4 | • Additional lighting will encourage people to be in the area longer and later at night – which will create more noise, and potentially increase anti-social behaviour.  

(3 responses)  

• Lighting at night will increase the presence of seagulls – their noise and droppings. | The plan indicates new lighting is only proposed to the Bay Trail and on local path connections. Lighting will be focused on the path surface to minimise overspill and glare.  

**Recommendation**  
No change to plan. |
2.3 PARKING AND VEHICLE ACCESS

Have Your Say – The Improvements will make it safer for pedestrians
26 Respondents

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>85%</td>
<td>22</td>
</tr>
<tr>
<td>No</td>
<td>2%</td>
<td>2</td>
</tr>
<tr>
<td>Maybe</td>
<td>2%</td>
<td>2</td>
</tr>
</tbody>
</table>

Have Your Say – The Improvements will make it easier for vehicle movement and parking
26 Respondents

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>73%</td>
<td>19</td>
</tr>
<tr>
<td>No</td>
<td>12%</td>
<td>3</td>
</tr>
<tr>
<td>Maybe</td>
<td>15%</td>
<td>4</td>
</tr>
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</table>

ITEM | COMMENT | RESPONSE
---|---------|------------------
2.3.1 | Improve pedestrian access/safety to the car park, café, playground and toilets (4 responses) | The master plan recommends a trial change to the line markings on the long spaces along the southern side to indicate that there are no further restrictions on standard parking to increase availability for cars, especially mid week where the popularity of the recently upgraded playground is impacting on capacity.
\[Recommendation\] Trial increasing available spaces for car parking by reducing boat trailer only parking mid-week to accommodate high levels of use of the playground and café subject to further traffic counts and assessment.

2.3.2 | Increase all ability access parking closer to the café. | Accessible parking bays are to be provided closer to the café and a new accessible parking bay on North Road in accordance with AS1428. Future redevelopment of the B1 car park will also enable provision of more direct accessible pedestrian
\[Ensure all kerbs in the car park are constructed to DDA standard – very difficult with wheelchairs and wheelie-walkers to move between car park and café area.\]
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<tr>
<th>ITEM</th>
<th>COMMENT</th>
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<tbody>
<tr>
<td></td>
<td>• Provide a drop off bay on North Road adjacent to the café to reduce traffic movement and congestion in the car park.</td>
<td>paths to and from the car park to the café and playground.</td>
</tr>
<tr>
<td>2.3.3</td>
<td>Reduce vegetation to increase parking.</td>
<td>Foreshore vegetation including tree planting within the car park is protected by a Vegetation Protection Overlay (VPO) in the Bayside Planning Scheme. Removal of trees to expand car parking is not proposed or supported in this plan.</td>
</tr>
<tr>
<td>2.3.4</td>
<td>Car park needs re-surfacing (2 responses)</td>
<td>Asphalt surfaces subject to salt water inundation after boats are removed from the bay are subject to higher levels of wear. Existing surface will be managed/maintained with reactive maintenance until the full car park redevelopment is undertaken. This is currently a longer-term priority.</td>
</tr>
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</table>

### 2.4 VEGETATION MANAGEMENT

**Have Your Say – Do you support the planting of shade trees?**

72 Respondents

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>22%</td>
<td>16</td>
</tr>
<tr>
<td>No</td>
<td>72%</td>
<td>52</td>
</tr>
<tr>
<td>Probably</td>
<td>4%</td>
<td>3</td>
</tr>
<tr>
<td>No response/blanks</td>
<td>1%</td>
<td>1</td>
</tr>
</tbody>
</table>

**Have Your Say – Do you support the replanting of garden beds with appropriate species?**

72 Respondents

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>51%</td>
<td>37</td>
</tr>
<tr>
<td>No</td>
<td>21%</td>
<td>15</td>
</tr>
<tr>
<td>Probably</td>
<td>21%</td>
<td>15</td>
</tr>
<tr>
<td>No response/blanks</td>
<td>7%</td>
<td>5</td>
</tr>
<tr>
<td>ITEM</td>
<td>COMMENT</td>
<td>RESPONSE</td>
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| 2.4.1 | • Planting of trees along walking path will take away the sense of openness of the area and diminish the 180° views across the bay (for residents and visitors alike). (18 responses)  
• Don’t need shade trees in this area. (9 responses).  
• The number and distance apart of the proposed tree planting cannot physically allow for maximising bay views for adjacent residents. (7 responses)  
• Paid high property price for to live directly opposite the water – planting trees will block the bay view. (6 responses)  
• Existing levels of shade are sufficient for the area. (3 responses)  
• Planting of trees will diminish the value of my property. (3 responses)  
• Nominated tree species are not going to provide much shade.  
• Nominated tree species in the plan do not provide an attractive option for planting in area. (3 responses)  
• What information is available to explain why more shade is needed. (2 responses)  
• Don’t want big trees to cast shadows over houses/deprive home owners of sunlight. (2 responses)  
• Any new planting should not impede any current views. (2 responses)  
• Planting of trees in the proposed locations shown in the plan to provide shade is incorrect - the path travels in a north/south direction and the sun rises and sets in the east/west so during the hottest parts of the day mid afternoon (generally) there will be no shade on the path anyway. (2 responses)  
• We need a plan to see how these huge trees will be integrated into the existing landscape. (2 responses)  
• Visitors to the area do not come to sit under shaded trees. (2 responses)  
• Inadequate space for large trees to be planted as shown next to the cycle path.  
• Trees will be hazard next to the cycle path – and Council will be liable if the plantings lead to an accident.  
• Inadequate space for planting trees next to the cycle path  
• Do not plant Plane trees.  
• Plant only indigenous trees no palms. | The Draft Masterplan proposed planting of 59 new trees on the foreshore. The trees were to be planted along the coast walking path to improve shade, air quality, habitat and to offset the impacts of urban heat island effect. The trees were to be evenly spaced 30m apart to retain views through to the bay and city from adjoining private property.  
Extensive community feedback during the consultation process confirmed that the majority of respondents are opposed to new tree planting suggesting that the existing level of tree cover and shade on the foreshore is sufficient and that the impacts on views far outweighed the benefits of new tree planting.  
Recommendation  
Remove proposed new tree planting from the master plan and amend Vegetation Management Pg 12 as follows:  
• Retain the existing mix of garden beds and open grass areas. Protect existing trees and replace only as needed within existing garden bed areas using similar indigenous species |
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| 10.4 | The risk of falling limbs will become an issue in the future.  
Additonal trees will require more maintenance (and cleaning up after strong winds) this will cost more money.  
It would be great to have the tree planting open to the community  
This (tree planting) is a ridiculous proposal and not supported by any ‘community feedback’ that I am aware of.  
Ratepayers money would be better spent by investing in more cleaning of beaches, emptying of bins than on trees.  
Council should be spending money on facilities for rate payers, not shade for visitors.  
Money for tree planting should be re-directed to restoring the beach between Sandown Street and RBYC where the Council has failed to maintain. | Native Vegetation on the foreshore is protected by a Vegetation Protection Overlay (VPO) in the Bayside Planning Scheme.  
Recommendation  
Council will continue to protect and manage foreshore vegetation in accordance with the requirements of the Vegetation Protection Overlay (VPO). New and replacement revegetation will be completed using local indigenous species. |
| | Please keep existing shrubs and planting they are in important habitat for birds. (3 responses)  
Happy for planting of low shrub trees consistent with what already exists. (2 responses)  
Existing low-lying shrubs and garden beds need to be cleared as they are a trap for rubbish and provide a place for people to hide – reduces sightlines for women and children. (2 responses)  
Additional native vegetation planting will improve cooling through shade, protect wind-blown loss of sand/soil and improve aesthetics. (2 responses)  
If you have to plant a tree at least a Banksia is good for the birds.  
Removal of existing planting will mean loss of habitat for birds | |
| 2.4.3 | Leave area in its current natural appearance, do not create an homogenous urban landscape | The North Road foreshore is a highly modified landscape built largely on reclaimed land. The existing landscape has been developed over many years and includes a mix of older exotic planting and grass areas associated with early development of the area and more recent natural regeneration of coastal species.  
Refer 2.4.1 Proposed Master Plan recommendations will retain existing landscape character.
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<th>ITEM</th>
<th>COMMENT</th>
<th>RESPONSE</th>
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</table>
| 2.4.5 | Significant areas of underused grassy areas around the foreshore that could be utilised for planting of native vegetation – especially in Zone 1 between Sandown Street and the dog beach. | The high volumes of cycle and pedestrian traffic in this area limit opportunities for additional revegetation. However, some areas of low coastal planting could be considered given new tree planting will not proceed.  
**Recommendation**  
Add note to indicate investigation of opportunities for additional low Coastal revegetation between Sandown Street and the dog beach. |
| 2.4.6 | Improve weed management in the area – looks to be weeds growing in fenced off areas from discarded grass clippings post mowing. | Temporary foreshore storage areas utilised by Melbourne Water during recent sewer upgrade works will be rehabilitated.  
**Recommendation**  
No change to plan. |
| 2.4.7 | Ensure tea-tree is protected | Please refer to page 11 and Figure 10 of the North Road Foreshore Masterplan regarding the Coast Tea tree. Council already monitors the ongoing health of these old trees and efforts are aimed at promoting natural regeneration and enhanced habitat value.  
**Recommendation**  
No change to plan. |
| 2.4.8 | Put shade structures over seating if you want shade – not trees. | A new picnic shelter is proposed adjacent to the playground.  
**Recommendation**  
Refer to item 2.4.1 |
### 2.5 WATER ACCESS AND COASTAL MANAGEMENT

**NORTH ROAD STEPPED TERRACE DESIGN**

**Have Your Say – Do you think Introducing steps to the water is a good idea?**

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>87%</td>
<td>46</td>
</tr>
<tr>
<td>No</td>
<td>9%</td>
<td>5</td>
</tr>
<tr>
<td>Maybe</td>
<td>4%</td>
<td>2</td>
</tr>
<tr>
<td>No response</td>
<td>0%</td>
<td>0</td>
</tr>
</tbody>
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<th>COMMENT</th>
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</tr>
</thead>
</table>
| 2.5.1 | The stepped terrace at the end of North Road is an excellent idea and improved water/Bay access is much needed in this area. (11 responses) • Unnecessary waste of money. • People can go and swim elsewhere. (2 responses) • This will just end up with an increase in littering as it will provide an inviting place to sit/stop. (2 responses) • The steps serve no useful purpose. | The master plan recommends removing the existing rocks which are already subject to wash out and replace with a precast concrete terrace. The terrace will both minimise erosion from wave action and erosion from stormwater flows.  
**Recommendation**  
No change to plan. |
| 2.5.2 | Please consider all ability access here (for elderly and disabled). (3 responses) | The proposed stepped terrace at the end of North Road will include ramp between terraces to provide all ability access.  
**Recommendation**  
No change to plan. |
| 2.5.3 | • Stepped terrace needs to be natural looking/in keeping with its environment.  
• The steps are another unnecessary intrusion on the natural environment. | The proposed stepped terrace at the end of North Road will be subject to both stormwater and tidal inundation and wave action. Unfortunately, only concrete will be durable enough to provide long term sustainability in this situation as existing rockwork will continue to fail.  
**Recommendation**  
No change to plan. |
| 2.5.4 | • Concerned about combining a structure to manage stormwater overland flows and provides people access to the water – can stormwater be captured and treated elsewhere for irrigation in the precinct? | The foreshore at North Road is low lying and the depth of the underground drainage system makes it difficult to bring it to the surface for treatment and/or reuse for irrigation. |
### ITEM 10.4 – Reports by the Organisation

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</table>
| 2.5.5 | Location is a poor choice due to proximity to existing paths/crossovers – there will be accidents (2 responses)  
Design must take into consideration the long-term plan/management of the area – protection for planting, stormwater rubbish, “people” rubbish. | There are no drains directly outfalling to the bay at North Road and the terrace will only be activated when water is flowing overland down North Road. This only happens during heavy rainfall and is no different to what happens now with flows over the rockwork and path.  
**Recommendation**  
No change to plan. |
| 2.5.6 | Will it be possible to introduce sand to this section as the seafloor is very rocky in this area? (4 responses) | The stepped terrace is planned for the end of North Road to address the existing erosion problems created by both stormwater overland flow and high tide wave action.  
**Recommendation**  
No change to plan |
| SEAWALL AND PROMENADE REPAIRS AND UPGRADE | 2.5.7 | Agree sea wall and promenade repair/upgrade works – much needed (9 responses) | In areas where the path is close to the shoreline and rockwork is already subject to regular over-topping causing a loss of coastal vegetation, establishment of a concrete block work seawall along the edge of the existing path is recommended.  
**Recommendation**  
No change to plan |
| 2.5.8 | Would be good to maximise revegetation opportunities between the sea wall and the rock erosion barrier – needs more green and less hard surfaces. (2 responses) | In the section south of North Road boat ramp coastal revegetation between the path and rock sea wall will be reinstated. Refer Figure 8 from the master plan.  
Between Head Street and North Road, it will not be possible to revegetate on the Bay side of the path. A higher wall will be needed to |
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<th>COMMENT</th>
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</table>
| 2.5.10 | Design must include a protective fence for the planting areas | Temporary fencing will be used to protect new planting areas until established.  
*Recommendation*  
No change to plan |
| 2.5.11 | Prioritise the sea wall repair works over the stepped terrace – this is what our rates should be used for. | Foreshore protection measures including the sea wall are a State Government, (DELWP) responsibility while Council is responsible for managing the path.  
*Recommendation*  
No change to plan |
| 2.5.12 | Additional/new signage to explain the native plants and animals in this area to help people understand how the environment works even in an urban zone. | Rakali habitat will be protected as part of future seawall reconstruction works.  
*Recommendation*  
Install interpretative signage to improve community understanding and appreciation of the difference between indigenous Rakali and Black Rats and other vermin. |
| 2.5.13 | Address volume of waste that pours out of Head Street drain during a rain event. | The Head Street drain is a Melbourne Water asset and there are no works proposed by Council within the North Road Foreshore Masterplan area.  
*Recommendation*  
No change to plan |
## Item 10.4 – Reports by the Organisation

### 2.6 Sandown Street Dog Beach

**What do you like about the Sandown Street Dog Beach?**

**Have Your Say – How do you use Sandown Street dog beach?**

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least once a week</td>
<td>34</td>
<td>13</td>
</tr>
<tr>
<td>Less than once a week</td>
<td>34</td>
<td>13</td>
</tr>
<tr>
<td>Don’t use dog beach</td>
<td>18</td>
<td>7</td>
</tr>
<tr>
<td>Don’t have a dog but use dog beach</td>
<td>13</td>
<td>5</td>
</tr>
</tbody>
</table>

**Have Your Say – How do you get to Sandown Street dog beach?**

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walk</td>
<td>53</td>
<td>20</td>
</tr>
<tr>
<td>Drive</td>
<td>39</td>
<td>15</td>
</tr>
<tr>
<td>Cycle</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

**Have Your Say – Do you support the introduction of fencing in some areas to protect plants?**

<table>
<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>53</td>
<td>20</td>
</tr>
<tr>
<td>No</td>
<td>21</td>
<td>8</td>
</tr>
<tr>
<td>Maybe/unsure</td>
<td>26</td>
<td>10</td>
</tr>
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</table>

### Item 2.6.1

- Safe area for dogs due to being fenced in. (5 responses)
- Great community space. (5 responses)
- Good fun/good exercise for dogs. (4 responses)
- Accessible (24hrs a day, 7 days a week, 365). (4 responses)
- Large area. (2 responses)
- Well looked after by users. (2 responses)
- Off lead. (2 responses)
- Free of kids and organised sports. (2 responses)
- Get to really interact with my dog. (2 responses)
- Great location.
- Good for all sizes of dogs.
- Keeps dogs away from other beaches and foreshore users.
- Close to home.
- Like the natural environment.
- Access to the wildlife in the marina.
- Increase off lead areas on the foreshore.
- No change, it is fine as it is. (2 responses)

**Response**

The Sandown Street Dog friendly beach provides an all year round off-leash dog area. The dog beach is popular with Bayside residents as well as other dog owners from all over Melbourne. The area is fenced along the beach and rubbish bins and ‘poo’ bag dispenser’s area maintained by Council. The current facility and amenity are sufficient for the area.

**Recommendation**

No change to plan

### Item 2.6.2

- Removal of seaweed build up (and smell). (5 responses)
- Poor water quality at this beach.

**Response**

The boat harbour and breakwater can trap seaweed on the beach under normal tidal conditions and very little
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<th>RESPONSE</th>
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<tbody>
<tr>
<td>2.6.3</td>
<td>The area needs lights and CCTV along the path</td>
<td>Additional low-level bollard lighting is proposed. CCTV is not proposed for this area.</td>
</tr>
</tbody>
</table>

**Recommendation**  
No change to plan

| 2.6.4 | Return Sandown Street Dog beach to a beach for residents to use, and not dogs.  
(4 responses)  
Move dog beach to Green Point. (3 responses)  
Oldest residents and children could enjoy the area if there were no dogs/no fear of getting knocked over.  
People need to look out for their children while at the dog beach.  
Concerned about volume of 'visitors' to the area who come to see dog beach, bathing  
boxes houses on the golden mile – and spend no money in the area. | Investigation of additional Dog off lead areas at Green Point is outside the scope of this project.  
The Sandown Street Dog Beach is a popular local facility providing facilities for both dogs and beach use. There are no changes proposed as part of the North Road Foreshore Masterplan. |

**Recommendation**  
No change to plan

| 2.6.5 | Enforce dog regulations – dogs off lead on paths/picking up after dog. (3 responses) | Complaints have been referred to Bayside Local Laws. |

**Recommendation**  
No change to plan

| 2.6.7 | Policing of illegal parking by non-ratepayers. (3 responses)  
Littering by non-ratepayers on local streets. (3 responses)  
Non-ratepayers use the local amenity but don’t spend any money in the area – there is no benefit to council. (2 responses) | Complaints have been referred to Bayside Local Laws. |

**Recommendation**  
No change to plan

| 2.6.8 | Replenish 'poo-bags' more frequently.  
Council should apply DNA regulations used in Elwood to ensure owners are responsible for removing dog droppings.  
Provide more bins. | There are bin facilities at both north and south end of the dog beach. The current provision is adequate for this area and does not require additional bins.  
Poo bag dispensers are provided a both north and southern end of the dog beach. The current provision is adequate for this area and does not require additional dispensers. |

**Recommendation**
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| 2.6.9 | • Include a shower and/or hose to rinse off humans and dogs. (2 responses) • Improve signage for dog drinking stations. • More drinking fountains spaced at regular intervals are needed. | There are two drinking fountains with dog drinking stations along the Bay trail at both north and south end of the dog beach. The drinking stations are located on the coastal edge of the path which are visible along the Bay Trail. There are 6 drinking fountains along the foreshore located throughout Head Street, Dawson Avenue, North Point Café, Bay Street, Sandown Street and at the Middle Brighton Baths. The current provision of drinking facilities is sufficient for the area.  

Recommendation  
No change to plan |
| 2.6.10 | • There should be wheelchair access to beach. | The Sandown Street dog beach is soft sand which restricts access by wheelchair off the path. Accessible beach facilities are provided at Half Moon Bay and Hampton Beach.  

Recommendation  
No change to plan |
| 2.6.11 | • Congestion on paths near dog beach gates needs to be improved. | Separation of the cycle paths away from the coastal path and the Bay Trail will improve a safe access into the dog beach.  

Recommendation  
No change to plan |
| 2.6.12 | • Provision of some seating for older people around dog beach so they can enjoy comfortably. | Noted.  

Recommendation  
Add note regarding establishment of two new bench seats within the Sandown Street Dog Beach Area. |
<p>| 2.6.13 | • Big gap under the middle gate easy for small dogs to escape. | Build-up of sand means that a larger clearance is needed for the gate. |</p>
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<tr>
<th>ITEM</th>
<th>COMMENT</th>
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<tr>
<td>2.7 GENERAL</td>
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</table>
| 2.7.1 | The groyne/seaweed issue needs to be addressed. *(10 responses)* | The boat harbour and breakwater can trap seaweed on the beach under normal tidal conditions and very little can be done to address this without removing the boat harbour.  
*Recommendation*  
No change to plan |
| 2.7.2 | Would like to see additional seating between dog statue and sea wall – provide more rest stops for elderly. | Noted  
*Recommendation*  
Add note regarding establishment of two new bench seats within the Sandown Street Dog Beach Area. |
| 2.7.3 | Maintenance required to memorial seating is required – the seating is used often. | Issue has been referred to Council parks maintenance department.  
*Recommendation*  
No change to plan |
| 2.7.4 | Include more picnic tables and seating so more people can enjoy the grassed areas. | Noted.  
*Recommendation*  
Add additional beach seat and tables to grassland areas near the carpark. |
| 2.7.5 | Outdoor exercise equipment would be a good inclusion for the community. | Council currently focuses the provision of exercise equipment to its park areas and does not currently support provision of exercise as it is not a coastal dependent use.  
*Recommendation*  
No change to plan |

**PROCESS**

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<th>COMMENT</th>
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| 2.7.6 | • In your introduction it says, ‘Council has met with neighbouring property owners and residents to discuss options for replacing some of the plants and possible models for the future management of these garden beds’. We live right on the foreshore and no one contacted us, we only became aware of the proposal via a mail drop from a fellow concerned resident. *(2 responses)*  
Community consultation on the Draft Master Plan was completed over a fourteen-week period from 3 December 2018 to 17 February 2019. This included:  
• Site walkover with adjoining residents of the foreshore notified by letter box drop on Thursday 15 and Saturday 18 November 2018. |
### Attachment 1

#### Item 10.4 – Reports by the Organisation

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| 10.4 | • The only way we got access to the proposed masterplan was via a Google search. This plan could not be found on the Bayside website  
• More consultation with residents is needed. (2 responses) | • Community Drop in session held on 17,19,20 January, and 4 February 2019.  
• On site displays along the foreshore, Leader advertising between 11 December to 15 January 2019, Postcards letterdrop to 6000 residents in December 2018 and February 2019.  
• Draft Master Plan and full report was displayed on Council’s website via ‘Have Your Say’ online portal.  
• Digital screens at the corporate centres.  
**Recommendation**  
No change to plan |

## 2.8 NORTH POINT CAFÉ REDEVELOPMENT

### Have Your Say – I support the expansion of the café footprint into the rear car park

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<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No.</th>
</tr>
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<tbody>
<tr>
<td>Yes</td>
<td>80%</td>
<td>141</td>
</tr>
<tr>
<td>No</td>
<td>13%</td>
<td>23</td>
</tr>
<tr>
<td>Probably</td>
<td>6%</td>
<td>11</td>
</tr>
<tr>
<td>No response/blank</td>
<td>1%</td>
<td>2</td>
</tr>
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</table>

### Have Your Say – What is your connection to the North Point Café?

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<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live nearby the café/foreshore</td>
<td>50%</td>
<td>88</td>
</tr>
<tr>
<td>Regular customer</td>
<td>42%</td>
<td>75</td>
</tr>
<tr>
<td>Occasional customer</td>
<td>33%</td>
<td>59</td>
</tr>
<tr>
<td>Visit the foreshore not the café</td>
<td>9%</td>
<td>16</td>
</tr>
<tr>
<td>Other</td>
<td>2%</td>
<td>4</td>
</tr>
</tbody>
</table>

### Have Your Say – I support the extension of operating hours and amendment of the liquor licence

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<thead>
<tr>
<th>Responses</th>
<th>%</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>67%</td>
<td>119</td>
</tr>
<tr>
<td>No</td>
<td>21%</td>
<td>37</td>
</tr>
<tr>
<td>Probably</td>
<td>2%</td>
<td>4</td>
</tr>
<tr>
<td>No response/blank</td>
<td>10%</td>
<td>17</td>
</tr>
</tbody>
</table>

The North Point Café is being considered by Council as a separate process with recommendations to be adopted to the final master plan as follows:

**Recommendations:**
- Provide additional bicycle parking facilities at the Café.
- Investigate redevelopment of the café and public toilet facility in accordance with the Victorian Coastal Strategy and Design Guidelines to reduce flooding and improve visitor facilities. The planning and detailed design for these works will be undertaken via a separate process.

- Reduce vehicle speed and remove the car park access road central median to increase footpath width and improve pedestrian safety and amenity adjacent to the Café and public toilet facilities. Upgrade the existing crossing to pedestrian priority.

- Establish two accessible parking bays (minimum 3.6m wide) and a short term (5mins) drop off/pick up bay in the grass nature strip on North Road at North Point Café.
Executive summary

Purpose and background
The purpose of this report is to endorse a submission to the Victorian Parliament Environment and Planning Committee’s Inquiry into Recycling and Waste Management.

On 6 March 2019, the Victorian Legislative Council agreed to the following motion:

That this house requires the Environment and Planning Committee to inquire into, consider and provide an urgent interim report, as the committee deems necessary, on the current circumstances in municipal and industrial recycling and waste management, and provide a final report, by Tuesday, 13 August 2019, on the crisis in Victoria’s recycling and waste management system, partly resulting from the China waste importation ban, including, but not limited to:

1. the responsibility of the Victorian government to establish and maintain a coherent, efficient and environmentally responsible approach to solid waste management across the state, including assistance to local councils;

2. whether the China National Sword policy was anticipated and responded to properly;

3. identifying short and long-term solutions to the recycling and waste management system crisis, taking into account:
   a. the need to avoid dangerous stockpiling and ensure recyclable waste is actually being recycle
   b. the cleaning and sorting capabilities and the processing capabilities in Victoria and the potential to expand the local recycling industry
   c. how to better enable the use of recycled materials in local manufacturing;
   d. the existing business model and economic challenges facing the existing industry;
   e. the quantifiable benefits, including job creation and greenhouse gas emissions reduction, of pursuing elements of a circular economy in Victoria;
   f. the existing Sustainability Fund and how it can be used to fund solutions to the waste crisis;

4. strategies to reduce waste generation and better manage all waste such as soft plastics, compostable paper and pulp, and commercial waste, including, but not limited to:
   a. product stewardship;
b. container deposit schemes;

c. banning single-use plastics;

d. government procurement policies

5. relevant reviews, inquiries and reports into the waste and recycling industry in other Australian jurisdictions and internationally; and

6. any other related matters.

Submissions to the inquiry are required by 31 May 2019. This date was extended from 10 May 2019.

Key issues
A draft submission by the Municipal Association of Victoria (MAV) was prepared in consultation with relevant Council officers and circulated to Councils for comment on 24 April 2019. An update to the draft MAV submission based on feedback from Councils (Attachment 1) was provided on 10 May 2019. The information provided in MAV’s draft submission is well considered, well-articulated and set an urgent tone, which is appropriate given the seriousness of the situation. The comments are a call to action for all levels of government to prioritise an urgent coordinated response to address the vulnerabilities and failings of the recycling and waste sector and to support the commitment to the waste hierarchy, which is an expectation of the Bayside community. For these reasons, a letter was sent to MAV on 7 May 2019 indicating Bayside’s support for this submission.

To meet the original deadline, Bayside City Council made a submission to the Environment and Planning Committee (Attachment 2) on 7 May 2019 confirming Council’s support for the MAV submission and including more detail on the requirement for the inquiry to recommend a whole-of-government, multi-ministry intervention to support a circular economy solution to the recycling crisis.

Recommendation
That Council notes and endorses the Municipal Association of Victoria’s submission as shown in Attachment 1 and the letter from Council as shown in Attachment 2 made to the Victorian Parliament Environment and Planning Committee’s Inquiry into Recycling and Waste Management.

Support Attachments
1. Attachment 1 - MAV Draft Submission to the Environment and Planning Committee Inquiry into Recycling and Waste Management
2. Attachment 2 - Bayside City Council Submission to the Environment and Planning Committee Inquiry into Recycling and Waste Management
Considerations and implications of recommendation

Liveable community

Social
Residential recycling and domestic waste management services help residents to keep their property safe and hygienic through the regular removal of waste. These services rely on having reliable receivers and processors of waste and recyclables to ensure the long term viability of the service to the community. The increase in local demand for recyclables through State government support of a circular economy is expected to generate growth in new industries and boost local employment opportunities.

Natural Environment
The appropriate disposal of waste and processing of recyclables assists to keep the natural environment, including our beaches and waterways, free of litter and waste. The Environmental Sustainability Framework sets waste reduction targets over the next ten years. The increase in local demand for recyclables through State government support of a circular economy will reduce reliance on stockpiling of recyclables and eliminate the need to dispose of unprocessed recyclables to landfill.

Built Environment
Appropriate waste and recycling facilities contribute to the amenity of urban streetscapes by ensuring they remain free of waste and are clean, safe and tidy for the community, through the processing or disposal of recycling and waste at an appropriately managed facility.

Customer Service and Community Engagement
The Victorian Legislative Council have consulted with Councils on the Terms of Reference for the Inquiry and the MAV have sought input from Councils on a draft submission.

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 Human Rights and Responsibilities Act 2006.

Legal
The implications of this report have been assessed and are not considered likely to have any legal implications.

Finance
There are no financial implications to this report.

Links to Council policy and strategy
The provision of waste collection and disposal services is a core function of Council. The Environmental Sustainability Framework sets out a goal to increase diversion from landfill to 60% by 2020, and to 75% by 2025. The Recycling and Waste Management Strategy 2018-27 identifies a number of issues within the waste and recycling sector including the vulnerability of recycling markets as key issue within the sector.

Options considered
No options have been considered in the preparation of this report.
Inquiry into Recycling and Waste Management

Submission

April 2019

Dear council colleagues,

We welcome your feedback and input on all aspects of this draft submission. The terms of reference for this inquiry are very broad which has made it tricky to respond to. We know this draft needs more work and we value your input.

Please send through your comments and suggestions by COB 8 May to Claire Dunn – cdunn@may.anu.au – and/or Emlyn Breese – ebreese@may.anu.au. We’ll then finalise the submission and lodge it on 10 May.

Thanks in advance,

Claire and Emlyn
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Introduction

The Municipal Association of Victoria (MAV) welcomes the opportunity to provide a submission in response to the Victorian Parliament Environment and Planning Committee’s inquiry into recycling and waste management.

The MAV is the statutory peak body for local government in Victoria. Formed in 1879, we have a long and proud tradition of supporting councils to provide good government to their communities.

In relation to waste and recycling, the MAV’s primary role is to lead advocacy on behalf of the sector to the state and federal governments; to provide guidance and support to councils; and to facilitate information-sharing between councils.

In early 2019, prior to the temporary closure of SKM’s materials recovery facilities (MRFs), the MAV consulted member councils regarding the development of the new MAV strategic plan. Waste and resource recovery was identified as the second highest priority issue for the sector, with the clear message being councils need and want the MAV to do more in this space.

As the provider of waste services and infrastructure, local government plays a critical role in our waste and resource recovery system and must therefore be considered a key stakeholder for this inquiry. We anticipate several councils will make their own submissions to the inquiry in addition to having provided highly valuable input to this submission.

The last 16 or so months have been very costly and difficult for councils as the recycling sector struggles to adjust to a post-China National Sword world. It is our great hope that the current challenges facing our recycling system will serve as a catalyst for significant reform and investment to help expedite the transition to a circular economy. We hope the Committee’s findings from this inquiry will help further accelerate that transition.

Perhaps one of the greatest frustrations for local government in relation to waste and resource recovery is that it is the other two tiers of government – federal government and state government – that hold the most important levers to transform our waste and resource recovery system into a strong, sustainable and fair system.

In March this year the MAV launched our Rescue Our Recycling Action Plan. The plan reflects our view that all three levels of government as well as the private sector and the community are responsible for managing our resources sustainably. The plan identifies five key actions each tier of government should take to achieve lasting beneficial change to our system. These actions are referenced throughout the submission.

Finally, while the terms of reference for this inquiry are broad and refer to the waste management system as a whole, this submission largely focuses on the challenges and
opportunities for our kerbside recycling system. We consider this appropriate given the short timeframe to provide a response and the recent disruptions to kerbside recycling triggered by China National Sword.

That said, as strong supporters of the waste hierarchy, we and councils ask that the Committee not lose sight of the fact that our first priority should be to avoid waste generation altogether. As consumers, we have a tendency to view recycling as a panacea that can make any level of consumption sustainable. This thinking needs to change.

ToR 1: The responsibility of the Victorian government to establish and maintain a coherent, efficient and environmentally responsible approach to solid waste management across the state, including assistance to local councils

There is no question that the Victorian government has a critical role to play in ensuring we have a strong and sustainable waste and resource recovery system across the state.

We consider core waste-related responsibilities of the State to include:
- environmental regulation;
- community education;
- infrastructure planning and investment;
- market development;
- advocacy to the federal government; and
- industry / essential service regulation.

Except for the last dot point, the Victorian government already performs each of the abovementioned duties, albeit with varying degrees of commitment and investment. Indeed, despite a tendency for Victorian governments past and present to often characterise waste management as a “local government issue”, there always has been and continues to be a myriad of state agencies actively involved in waste management-related activity.

Under the current government there are no fewer than ten state agencies with high profile waste management-related roles, namely the Department of Environment, Land, Water and Planning (DELWP), Sustainability Victoria (SV), the Environment Protection Authority (EPA), and the seven waste and resource recovery groups (WRRGs).

Environmental regulation

The MAV and councils respect the EPA’s role as the independent environmental regulator for Victoria, and we support the EPA’s prioritisation of community health and safety when dealing with waste and resource recovery facilities. Although the EPA’s mid-February decision to issue pollution abatement notices to two SKM facilities resulted in significant disruption and cost to councils, councils understood and respected the EPA’s decision.
The need for the EPA to be well-resourced, proactive and strong has been further underlined with the recent discovery of enormous illegal stockpiles of hazardous chemical waste across the state. The alleged involvement of organised crime in this activity 1 indicates that there is much money to be made doing the wrong thing in waste management. It is clear that the current regulatory settings and sanctions are failing to act as a deterrent to illegal operators. This needs to be addressed as a matter of priority.

While we are hopeful that the new Environment Protection Act, due to come into effect on 1 July 2020, will strengthen the EPA’s capacity and remit to deal with rogue and poor-performing operators, it is highly concerning that we are still more than 12 months away from that new Act becoming operational. The need for harsher penalties and a stronger regulatory framework is urgent and immediate.

One challenge for councils during the recent closure of SKM’s MRFs was that councils had not been advised or aware of non-compliance issues at the sites until after EPA notices had been served and receipt of material was no longer permitted.

We understand that in other jurisdictions, including NSW, the environmental regulator publicly shares details of notices issued on their website, so anyone can check the compliance history of a site. We think it essential that Victoria’s EPA likewise be able to publicly share details of notices issued.

Another challenge for councils during the SKM shutdowns was the lack of access to timely and accurate information that could help them gauge when they might expect operations to recommence. On several occasions SKM advised councils that they expected to be back in business by a certain date only for that date to pass without any resumption of service or further communication. While we do not seek to downplay the scale of the task SKM faced to achieve compliance, councils would have greatly benefited from reliable information from an independent source to help them understand the state of play. In the absence of such information, councils could rely only on the limited information that SKM chose to share.

There’s no doubt it would have been helpful to councils if EPA had been permitted to brief them directly to convey what they were observing at the closed sites in terms of the size of remaining stockpiles and the level of activity occurring to clear those stockpiles. This kind of information-sharing is critical to enable councils to plan and to communicate with their residents.

Community education

In our view the Victorian government has a critical role to play in providing state-wide waste education to build the community’s understanding of the waste management system and the impacts of their own behaviour on the system. We consider this to be one area where the State could and should be doing much more.

While we understand both SV and the seven waste and resource recovery groups are funded to develop and provide waste education, for the last several years’ waste education seems to have largely been left to local government to deliver. In our view, the complete absence of highly visible state-wide waste education campaigns has almost certainly been a

1 “Complete disregard for safety” Toxic chemicals dumped in city’s north”, The Age, 2 January 2019
key contributing factor to the relatively high rates of contamination in our kerbside recycling and to the public’s low level of understanding of sustainable consumption.

One of the key lessons from the ABC “War on Waste” series was that individuals are often oblivious to the fact that their day-to-day behaviours and purchasing decisions are unsustainable and appallingy wasteful. The series demonstrated that, if presented with the information in a clear and visually engaging way, individuals will change their behaviour.

In order to strengthen our waste and resource recovery system, we urgently need the Victorian government to step up and deliver state-wide waste education via mainstream mass-reaching channels, including prime time television.

Infrastructure planning and investment

According to the SV website, SV is responsible for planning for Victoria’s waste and resource recovery system at a statewide level with the Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) as the heart of that planning. The SWRRIP sets out goals and strategic direction for the next 30 years required to ensure we have the right infrastructure in the right place to manage the waste we generate in a manner that maximises recovery and minimises adverse impacts on the community, environment and public health\(^2\).

Councils are supportive of the SWRRIP but are frustrated by the slow pace of its implementation. The cost and disruption experienced as a result of the recent temporary closure of SKM MRFs served to highlight how limited our kerbside recycling sorting and processing capacity is in Victoria and how overly dependent we’ve become on one operator.

The costs of building and modernising waste and resource recovery facilities are extremely high. There can be little doubt that 10+ years of underinvestment by successive state governments into resource recovery infrastructure has contributed to the underdeveloped recycling system we have in Victoria today. This is extremely frustrating given that the State has long had and continues to have a ready stream of revenue to support development of our system in the form of the landfill levy.

Market development

Critical to a stable and sustainable resource recovery system is the existence of strong markets for recycled materials. While SV is responsible for the Victorian Market Development Strategy for Recovered Resources, it is clear that all Victorian government departments and agencies, and indeed all levels of government, can and must play a key role in market development through their purchasing power.

\(^2\) Statewide Waste and Resource Recovery Infrastructure Plan at a glance (p.5) -
While we understand that work is underway within SV to bolster markets for recycled materials, it is clear this is another area where more than a decade of underinvestment by successive state governments has left our resource recovery system too vulnerable to offshore market changes. The State can and should send a clear signal to the market by setting minimum recycled content procurement targets and by incentivising others, including local government, to do the same.

**Advocacy to the federal government**

While the Victorian government has several critically important roles to play in the waste and resource recovery system, it is the federal government that perhaps has the greatest power to drive upstream change to avoid and minimise generation of waste.

We need the Victorian government to be a strong advocate for national leadership on waste issues including by calling on the federal government to establish, strengthen and expand product stewardship schemes; to ban the importation and production of hard-to-recycle materials; to set minimum recycled content procurement targets; and to also deliver community education campaigns.

For too long the federal government has dismissed waste management as a "state issue", with the Victorian government often then shrugging it off as a "local government issue" as well. This must change. All three levels of government have important roles to play.

The MAV has recently written to the Shadow Minister for Environment and Water, the Hon. Tony Burke MP, to congratulate him on the Australian Labor Party’s pre-election commitments on waste and recycling.

**Industry / essential service regulation**

One key learning from the recycling challenges over the last 16 or so months is that the Victorian community value their kerbside recycling service and want and expect that service to be reliable and responsible, resulting in the recovery of resources. For all intents and purposes, Victorians consider kerbside recycling to be an essential service.

In Victoria currently, we have three dominant MRF operators and a handful of smaller operators. When the impacts of China National Sword began to be felt locally early last year, MRF operators started to demand contract variations from councils in order to compensate them for the significant drop in commodity prices. When councils resisted those demands, they were threatened with cessation of services. When councils sought to verify that the cost variations were reasonable, industry refused to provide detailed cost and income data on the basis that it was commercially sensitive. Likewise, when councils sought information on whether the material MRF operators sorted was being on-sold locally or overseas, the MRF operators provided little if any detail, again citing commercial sensitivity.

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3 The Hon. Tony Burke MP,
As the procurer of kerbside recycling services, local government is obliged to seek to secure the best value for their communities. It is very difficult for councils to be confident that they are achieving this however when the few MRF operators that exist in Victoria refuse to operate transparently. While there is a push from certain quarters of the Victorian government for councils to adopt a cost-sharing/risk-sharing price model with MRF operators, we do not see how councils could responsibly do this in the absence of regulation of the industry.

The Essential Services Commission (ESC) describes itself as ‘an independent regulator that promotes the long-term interests of Victorian consumers with respect to the price, quality and reliability of essential services.’ We think consideration urgently needs to be given to what role ESC or another state agency could play in regulating our waste and resource recovery industry.

ToR 2: Whether the China National Sword policy was anticipated and responded to properly

With the benefit of hindsight, it is now clear that there was little appreciation or understanding within any level of government of the implications of the China National Sword policy for the Victorian recycling system.

In July 2017 the Chinese Government notified the World Trade Organisation that it would impose significant restrictions on the import of waste products beginning in 2018. In the six-month period between notification and implementation, little if anything appears to have been done to prepare Victoria for the impacts of China’s decision.

We understand that Australia was among five World Trade Organisation members who formally queried the National Sword policy in October 2017. However, we are unaware of what steps, if any, the Federal Government then took to plan for potential impacts or to communicate and work with other levels of government regarding the incoming restrictions.

In addition to a lack of action in anticipation of National Sword, we believe there has been a broader failure to consider the overall health and robustness of the recycling system over a long period of time. While National Sword has been the most significant recycling market shock, there has been at least three other downturns in the last decade.

Given the system has been built on the back of strong export prices, market downturns should have been recognised as a significant vulnerability. Long-term investment and planning to reduce waste generation and to create a strong domestic recycling sector should have been treated as a priority for all levels of government.

Despite there being numerous state agencies for which this sort of planning might be considered a core role, it appears little was done prior to the current crisis to strengthen our

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4 China’s import ban on solid waste queried at import licensing meeting. World Trade Organization
5 Recovered Resources Market Bulletin March 2019. Sustainability Victoria, p.8

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Item 10.5 – Reports by the Organisation

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system in case of structural adjustments. Based on our own experience of working with the State, we question whether the lack of role clarity of the various state agencies working on waste issues may have contributed to this. We also wonder whether the fact that local government bears most cost and risk for waste management meant there was limited appetite within the Victorian government to prioritise waste management issues.

Whilst, as discussed earlier, there are no fewer than ten state agencies involved in waste management issues, it is of great concern to the MAV that none of these agencies necessarily work or have worked in the best interests of local government and ratepayers.

In responding to National Sword, both we and councils have often been frustrated by an apparent lack of understanding within government and state agencies of the seriousness and urgency of the challenges in this space. Again, we believe this is, at least in part, due to a resistance within the State to take responsibility for waste management issues despite having the levers to create meaningful system-wide change.

In relation to recent state initiatives in response to China National Sword, we are concerned that the experiences of councils over the last year are being ignored or are still poorly understood. For example, much of the State’s focus since early last year has been on “improving” council contracts for recycling services.

In positing that councils would best be served by entering into collective procurement processes run by the waste and resource recovery groups, state agencies have largely ignored the fact that those councils that are already party to a collective contract managed by the Metropolitan Waste and Resource Recovery Group have experienced the same challenges as councils on individual contracts.

While we see collective procurement as a potentially useful strategy to attract new recycling operators and/or investment into Victoria, we consider it disingenuous for the State to suggest this as a standalone solution to strengthening recycling in Victoria. Furthermore, the MAV has some misgivings about state agencies, in the form of the waste and resource recovery groups, undertaking this role on behalf of local government.

On a related note, earlier this year the Metropolitan Waste and Resource Recovery Group and Local Government Victoria (LGV) published guidance and model contract clauses for councils to use in their recycling contracts. This guidance completely ignores the experience of councils in terms of MRF operators’ willingness to share cost and income data and, more worryingly, appears to prioritise the interests of industry ahead of councils and ratepayers.

We understand that the genesis of the guidance was the Recycling Industry Strategic Plan and that MAV was intended to be a partner for this work. Unfortunately, we were only consulted briefly when the documentation was at a final draft stage. At such a late stage it’s perhaps not surprising that much of our feedback was not taken on board.

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To backtrack slightly, in July 2018 the Victorian government released the Recycling Industry Strategic Plan (RISP). The RISP’s stated goals are to stabilise the recycling sector; increase the quality of recycled materials; improve the productivity of the recycling sector; and develop markets for recycled material. We consider the plan to be a positive and important step by the State and welcome the $24 million (or $37 million if including the $13 million announced in February 2018) investment attached to its implementation.

The MAV and local government are identified as partners for six of the 10 actions outlined in the RISP. To date we and councils have had limited involvement in the work being led by state agencies to progress these actions. We are hopeful however that this will change following recent meetings with the Minister for Energy, Environment and Climate Change.

Councils have a responsibility to act in the best interests of their community and to achieve best value for ratepayers. This perspective as well as councils’ operational knowledge should be considered key inputs in the development of policy, programs and resources by the State.

One new initiative, only launched very recently, we consider worthy of commendation is a monthly bulletin on the state of recyclable material markets being piloted by SV. Our preliminary thinking is that this could be a potentially very useful tool to enable stakeholders, including local government, to make more informed decisions.

ToR 3: Identifying short and long-term solutions to the recycling and waste management system crisis

In March the MAV published the Rescue Our Recycling Action Plan. The plan outlines five key actions each level of government should take to achieve lasting beneficial change to our recycling system. Much of what is included in the plan are long-held positions of the local government sector that have been articulated in various MAV submissions and advocacy over the last few years.

As already mentioned earlier in this submission, we consider all three levels of government, as well as industry and the community, to have key roles to play to achieve a sustainable and strong waste and resource recovery system.

Victorian Government

Key actions for the Victorian government to take include:

- Investment in recycling infrastructure
  There is a pressing need for increased sorting and processing capacity across Victoria. One of the key lessons from the temporary closure of SKM facilities in early 2019 was that there is little spare capacity in Victorian MRFs to accommodate temporary redirection of material from one MRF to another. This left several councils with no choice but to send kerbside recycling to landfill and increased the strain placed on those facilities receiving increased

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material. The SKM closures also highlighted the vulnerability of our recycling system to
single points of failure. We urgently need the State to expedite implementation of the
Statewide Waste and Resource Recovery Infrastructure Plan.

- Fund and support market development
  Strong domestic markets for recycled content are a necessity for a sustainable recycling
  system. We need the State to bolster support for research and development, to set and meet
  whole-of-government procurement targets for Australian recycled content and to incentivise
  procurement of Australian recycled content by others, including local government.

- Introduce a container deposit scheme
  Victoria and Tasmania are now the only Australian states yet to commit to a container
  deposit scheme (CDS). The Victorian Government must work with the MAV and councils, as
  well as industry, to introduce a Victorian CDS that achieves the best outcomes for the
  community.

- Bolster community education
  A consistent state-wide community education campaign is required to empower Victorians to
  make waste-wise decisions, pressure producers to reduce waste, and recycle correctly in
  their home and workplace.

- Strengthen industry oversight / regulation
  Recycling is an essential service and should be treated as such in terms of regulation and
  oversight. In Victoria we have just a few large recycling providers and these providers
  operate with limited transparency and accountability. State oversight is needed to enable
  councils and other stakeholders to make informed decisions with regards to recycling
  services.

In relation to dangerous stockpiles of material, a lack of industry oversight, appropriate
enforcement tools and resourcing within enforcement agencies have all contributed to the
current challenges we face. We support the adoption of the Waste Management and Resource
Policy (Combustible Recyclable and Waste Materials) and the establishment of the Resource
Recovery Audit Taskforce led by the EPA. We are concerned however that the resourcing
afforded to the Taskforce is not commensurate to the risks these stockpiles pose to the
community. The penalties attached to illegal storage and non-compliant stockpiling are also
grossly inadequate.

More proactive consideration of the movement of waste materials is needed longer-term,
including better tracking of waste from generators right through to eventual disposal or
beneficial use. This should allow the EPA and other agencies to intervene earlier to address
risk, as well as improve the state of knowledge for our recycling system.

Federal Government

As already mentioned above, the federal government has a critical role to play in providing
national leadership on waste issues and in achieving upstream change to minimise the
amount of waste generated in the first place. Key actions the Victorian Government should
advocating for the federal government to take include:

- Mandate product stewardship
  Our current waste and resource recovery system provides little or no incentive for designers,
  manufacturers, importers, distributors and consumers of products to take responsibility for
  the environmental impacts of products throughout their lifecycle, from design to disposal.
Instead, for most municipal waste and resource recovery services, ratepayers bear the cost regardless of their individual consumption choices. This is neither fair nor efficient, and certainly does not accord with the polluter-pays principle. Product stewardship schemes can and do offer a better alternative. By internalising the environmental costs involved in managing products throughout their lifecycle, producers and consumers are incentivised to use resources more efficiently. We need the State to advocate for the federal government to establish, strengthen and expand product stewardship schemes.

- **Tackle consumer packaging**
  The federal government should work in partnership with state and territory ministers to review the National Environment Protection (Used Packaging Materials) Measure 2011 and introduce mandatory participation and binding obligations across the consumer packaging chain. As an interim measure, existing obligations on industry should be clarified so it is easier to hold them to account.

- **Strengthen the National Waste Policy**
  In partnership with state and territory ministers, an action plan should be developed for the National Waste Policy that includes firm and ambitious targets and timelines that fast-track our transition to a circular economy.

- **Regulate / ban production and importation of hard-to-recycle materials**
  The federal government is uniquely placed to ban or regulate hard-to-recycle materials in Australia.

- **Standardise package labelling and certify use of recycled content**
  The adoption of the Australian Recycling Label should be mandated for all consumer packaging sold in Australia. In addition to this, a consistent certification system for recycled content should be adopted in line with the US or European models.

**Local Government**

Finally, councils recognise that they have a critical role to play in strengthening our waste and resource recovery system. Key opportunities include:

- **Collaboration for market expansion**
  MAV and councils are seeking to work with the Victorian government to investigate and support options to collaboratively procure kerbside recycling services with the aim of enhancing competition and attracting new investment in recycling in Victoria.

- **Community education**
  Councils are the level of government closest to the community, and have long track records in delivering effective waste and recycling education. Councils should continue to develop and support this education to complement state-wide campaigns.

- **Buy recycled**
  Councils should be procuring recycled content where feasible for corporate operations, services, and infrastructure programs. We need a stronger pull-through for recycled content to support the recycling industry.

- **Explore stream separation**
  Working with industry, we need to explore changes to collections that further separates material, particularly glass, to create a less contaminated and more useful recyclable product.
Advocate to and work with the federal and state governments to achieve the reforms outlined above. Many of the actions required can ultimately only be taken by State and federal government. As representatives of their communities, local government has a key role to play advocating for reform and investment by other levels of government to create a responsible and sustainable recycling system.

**Landfill levy / Sustainability Fund**

Since the introduction of the Municipal and Industrial Landfill Levy (MILL) in 1992, successive Victorian governments have generated significant revenue from the disposal of waste to landfill. The levy, payable on each tonne of material sent to landfill, was introduced by the State to provide an incentive to Victorians to increase their recycling and reduce waste. Councils pay the levy on municipal waste sent to landfill, with the cost passed through to ratepayers via waste service charges, gate fees at landfills and transfer stations, or through general rates.

The lack of investment of Sustainability Fund monies back into the Victorian waste and resource recovery system has long been of concern and frustration to councils. The MAV has repeatedly called on successive State governments to use landfill levy income for its intended purpose. Instead successive governments have chosen to stockpile Sustainability Fund monies to bolster the Government’s bottom line or, as has occurred more recently, to pay for initiatives not at all related to waste and resource recovery.

Since 2005, approximately $1.7 billion has been collected through the levy\(^9\). According to the 2017-18 DELWP annual report, the State generated $228.9 million in landfill levy income in 2018 alone. After funding State environment agencies, the remaining $80 million of the levies went into the Sustainability Fund — a hypothecated fund set up to foster sustainable use of resources, best practice waste management, and reduction of greenhouse gas emissions. The total money accrued in the Sustainability Fund as at 30 June 2018 was $511 million.

In 2018, the Victorian Auditor-General’s Office (VAGO) released its report *Managing the Municipal and Industrial Landfill Levy*. VAGO concluded that there was potential risk that the levy and the Sustainability Fund are not always used for their intended purposes and that activities that receive fund monies are not achieving the legislative objectives. VAGO also identified that there was an opportunity cost associated with the large portion of unspent money in the Sustainability Fund, noting that if this situation were to persist the public may reasonably question the quantum of the charge on every tonne of waste that goes to landfill.

This failure to invest greater amounts of landfill levy income back into our waste and resource recovery sector has no doubt contributed to the recent and ongoing challenges in the recycling sector. Had the landfill levy been used to improve resource recovery in Victorian — including via community waste education, investment in sorting and processing capacity and market development — the recycling system would surely be in a far stronger position than it is today.

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\(^9\) Victorian Auditor-General’s Office (VAGO). *Managing the Municipal and Industrial Landfill Levy*. 2018
ToR 4: Strategies to reduce waste generation and better manage all waste such as soft plastics, compostable paper and pulp, and commercial waste, including, but not limited to product stewardship, container deposit schemes, banning single-use plastics and government procurement policies

As noted in previous sections, the MAV considers product stewardship, including introduction of a container deposit scheme in Victoria, as well as the banning of hard-to-recycle materials and the setting of procurement targets for Australian recycled content across government to be critical to achieving a sustainable and strong recycling system.

...to be drafted – opportunity to showcase initiatives councils are taking and supporting to reduce generation of waste including plastic wise events and policies...

ToR 5: Relevant reviews, inquiries and reports into the waste and recycling industry in other Australian jurisdictions and internationally

Resources potentially of interest to the Parliamentary Committee include:

- Previous MAV Submissions on topics including the National Waste Policy Update, the Product Stewardship Act review, managing e-waste in Victoria, reducing the impacts of plastics on the Victorian environment, and waste to energy.

- The June 2018 Senate Environment and Communications References Committee report ‘Never waste a crisis: the waste and recycling industry in Australia’. The Committee recommended the Australian Government prioritise the establishment of the circular economy, prioritise waste reduction and recycling above waste-to-energy, and agree to a phase out of petroleum-based single-use plastics by 2023.

- The 2018 VAGO Managing the Municipal and Industrial Landfill Levy report.

- A European Strategy for Plastics in a Circular Economy - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions

... more resource to be added ...

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16 Submissions, Municipal Association of Victoria
ToR 6: Other related matters

Waste to energy

Given the growing interest and promise of investment in advanced waste processing facilities in Victoria, it would perhaps be remiss of the MAV not to articulate our position on waste to energy. In summary, councils are excited about the potential opportunities that waste to energy technologies present but also strongly support the waste hierarchy as the guiding principle for how waste should be managed.

Councils are firmly of the view that to achieve the best environmental outcomes for Victoria the primary goal should be waste avoidance, followed by reuse and recycling. Energy recovery should not and cannot be allowed to become an excuse for diverting our efforts and investment away from waste reduction and improved resource recovery.

In December 2017 the MAV provided a submission in response to the DELWP ‘Turning waste into energy’ discussion paper. The MAV was supportive of the preliminary position presented in the paper, noting that clarity around the Victorian government’s position is needed to provide some certainty to industry, community and also to local government. As of late April 2019, the Victorian government is yet to release its policy position on waste to energy.

As was acknowledged in the 2017 DELWP discussion paper, there is a risk that demand for feedstock for waste to energy facilities will:

- create perverse incentives to generate additional waste;
- undermine more valuable resource recovery alternatives; and
- deter innovation and development of reuse and recycling options.

If the State is serious about supporting a shift to a circular economy, we urgently need a State policy that clearly articulates where and how waste to energy might fit in that circular economy.
7 May 2019

The Secretary
Environment and Planning Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Via email: recyclinginquiry@parliament.vic.gov.au

Dear Secretary

Submission to the Inquiry into Recycling and Waste Management

I welcome the opportunity for Bayside City Council to provide support to the Environment and Planning Committee’s inquiry into recycling and waste management.

An inquiry into recycling and waste management is both important and long overdue. Demand for mixed recyclables on the global commodities market has been waning for over two years now and with the decision by China and other Asian countries to ban or limit the importation of recyclable material, intervention by the State government in this sector is critical to ensure valuable resources are effectively recovered and to help restore the community’s faith in waste management and recycling.

Bayside City Council supports the submission by the Municipal Association of Victoria (MAV) on the Inquiry into Recycling and Waste Management.

In addition, a critical factor in the recycling crisis is the lack of local demand for recyclable materials, which necessitates a reliance on foreign commodity markets for local processors to achieve throughput of the material. As the sharp reduction in demand for recyclable materials from Asia recently has caused instability for local recyclers and resulting incidents of stockpiling and landfilling of recyclables, there is urgency for the Victorian State Government to respond with a whole-of-government Circular Economy initiative to support the generation of local demand for recyclable materials. Such an initiative is well beyond the scope of the Minister for Energy, Environment and Climate Change and needs to involve the following Ministries:

- Economic Development
- Resources
- Small Business
- Creative Industries
- Jobs, Innovation and Trade
- Training and Skills
- Higher Education
- Roads
A coordinated, cross-ministry taskforce is needed with the goal of stimulating local demand for recyclable materials. Each relevant agency can be allocated respective accountability for owning their part of the solution to this crisis. This comment relates to the ToR1 under Market Development 2 section, paragraph 7 of ToR2 and the second point Fund and Support Market Development under ToR3.

Thank you for your support in this critical advocacy effort and I look forward to the outcomes of the inquiry.

Should you have any questions and require further information, please contact Steven White, Director Environment, Recreation and Infrastructure on 9599 4430 or via email at swhite@bayside.vic.gov.au.

Yours sincerely

[Signature]

Mick Cummins
Chief Executive Officer

Copy: Steven White
Executive summary

Purpose and background
To present Council with the submissions received in relation to Planning Scheme Amendment C161, which seeks to correct a number of errors and anomalies in the Bayside Planning Scheme, as well as implementing the review of the ‘Temporary Advertising Signs on Recreation Reserves Policy 2004’.

The anomalies that the amendment seeks to address include:
- removing and modifying several boundaries of the Heritage Overlays to correct mapping errors;
- correcting several street addresses in the Schedule to the Heritage Overlay, including where the suburb is listed incorrectly and the street address has changed as a result of new development and/or subdivision;
- correcting zone anomalies where land is incorrectly split between two zones; and
- correcting other, similar minor errors throughout the Planning Scheme.

The Amendment applies the recommendations identified in the review of the ‘Temporary Advertising Signs on Recreation Reserves Policy 2004’, an Incorporated Document to the Bayside Planning Scheme. It updates outdated reserve names and adds additional Council owned recreation reserves which are currently not included within the policy.

Amendment C161 was publicly exhibited between 14 March 2019 and 15 April 2019.

Key issues

Outcomes of Public Exhibition
Following advertising of the amendment, two submissions were received from affected property owners. One submission was received in support of the amendment from a property owner, where it is proposed to correct the zoning of their property from the Neighbourhood Residential Zone to the General Residential Zone.

A second submission was received from an owner opposing the changes proposed to their property. The property at 1A Murphy Street, Brighton, is partially affected by the HO662 which relates to the North Road Heritage Precinct. The Statement of Significance state that the Precinct ‘is of historical significance because the buildings, gardens and streetscape together produce a remarkably cohesive and intact example of high quality nineteenth century suburban development’. Additionally, the citation for the North Road Heritage Precinct highlights the significance of the ‘mature avenue of elm and pine trees’ which can be found on their property. There is a large elm tree on this property which sits behind the original John Knox Church designed by architect Charles Webb.

Amendment C161 proposes to increase the existing Heritage Overlay so that it covers the full extent of the property as originally intended rather than just partially. The property owner has provided the following reasons for opposing the amendment:
- The submitter considers that their property presents no heritage value;
• The presence of the Heritage Overlay will present multiple difficulties for any future potential redevelopment of the site; and
• A permit for redevelopment has already been granted in 2008 but they had decided to delay it.

The submitter is requesting that the Heritage Overlay be removed from the property altogether. Whilst the property itself presents no immediate heritage significance, it is part of a heritage Precinct where it is important to ensure that any future development respects the heritage characteristics of the broader precinct. As this property is already partially within the Heritage Overlay, a planning permit is already required to undertake works at the site under this control and no additional burden is being placed on the property as a result of the change to the boundary of the overlay.

Through negotiations, Council officers were unable to negotiate an outcome that could have resulted in the submission being withdrawn. As a result, Council will need to request an independent Planning Panel be appointed to consider the submission.

The preferred approach to dealing with the amendment will be to split the amendment, so that all other changes can proceed directly to the Minister for Planning for approval, with this site forming a separate part of the amendment to be considered by an independent Planning Panel appointed by the Minister for Planning.

**Changes post exhibition**

It has been identified that a heritage significant tree (HO713) at 38 Grosvenor Street, Brighton was removed in 2010. The amendment was originally seeking to correct the Schedule to the Heritage Overlay to reflect this, as when the Heritage Overlay was applied to the tree, the mapping was applied without the Schedule being updated. Further investigations have identified that the removal of this tree was approved by Council at its meeting on 13 April 2010. A retrospective planning permit was approved for the removal; however, the Heritage Overlay affecting the tree was never removed from the Planning Scheme Map 01HO. As a result, HO713 will be removed from the Planning Scheme Map 01HO.

**Recommendation**

That Council:

1. Split the amendment into two parts.
2. Adopt Amendment C161 Part 1 as it relates to all sites except 1A Murphy Street, Brighton.
3. Request the Minister for Planning appoint an independent Planning Panel to consider Amendment C161 Part 2 to consider the mapping change proposed for 1A Murphy Street, Brighton.
4. Writes to all submitters to advise them of Council’s decision.

**Support Attachments**

1. C161 Explanatory Report - Track Changes - 38 Grosvenor Street, Brighton ↓
2. Extension of HO662 to align with property boundary ↓
Considerations and implications of recommendation

Liveable community

Social
The proposed changes to the ‘Temporary Advertising Signs on Recreation Reserves Policy’ are intended to improve the monitoring of signs on recreation reserves for events that positively impacts the community’s social wellbeing. These events include sporting events and festivals which can contribute to the connectedness of the community.

Natural Environment
A planning permit is not required for temporary signs given that it meets all of the policy’s conditions. These conditions include that no vegetation is removed to accommodate the sign or its supporting structures and the sign is not attached to any vegetation. The policy prevents destruction to the natural environment and helps protect it.

Built Environment
Amendment C161 ensures that planning controls such as built form requirements and land use controls are applied correctly throughout the municipality. The amendment will also ensure recreation reserves meet the needs and expectations of the community in regards to aesthetics, infrastructure and functionality.

Customer Service and Community Engagement
The exhibition process was in accordance with that prescribed under the Planning and Environment Act 1987. Letters were sent to affected property owners and occupiers with notices provided in the Bayside Leader and Government Gazette.

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

Legal
There are no legal implications associated with this report.

Finance
Budget and resources to conduct this planning scheme amendment have been absorbed through Council’s operational Budget. Any Panel hearing cost can be accommodated within the existing budget.

Links to Council policy and strategy
Implementation of Amendment C161 will ensure neighbourhood housing development across Bayside will respect and enhance Bayside’s valued built and natural heritage and neighbourhood character to meet the objectives of the ‘Council Plan 2017-2021’ under Housing and neighbourhoods.
Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Split Amendment C161 and:</th>
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<tbody>
<tr>
<td></td>
<td>1) Submit Part 1 of Amendment C161 to the Minister for Planning for approval;</td>
</tr>
<tr>
<td></td>
<td>2) Request that Part 2, which relates to 1A Murphy Street, Brighton, be considered by an independent Planning Panel.</td>
</tr>
</tbody>
</table>

| Benefits | A large number of anomalies within the Bayside Planning Scheme could be resolved. |
|          | This allows the issue raised by the submitter to be considered by an independent Planning Panel. |
|          | The cost associated with the Planning Panel hearing has already been accounted for in the 2018/19 Budget and officer time has also been considered in the Urban Strategy department work plan. |

| Issues | There are no issues associated with this approach. |

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon Amendment C161</th>
</tr>
</thead>
</table>

| Benefits | There are no benefits associated with this option. |
| Issues | The anomalies would remain unresolved and accuracy of the Planning Scheme is impeded. |
Bayside City Council

Ordinary Council Meeting - 21 May 2019

Attachment 1

Planning and Environment Act 1987

BAYSIDEx PLANNING SCHEME

AMENDMENT C161

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Bayside City Council, which is the planning authority for this amendment.
The Amendment has been made at the request of the Bayside City Council.

Land affected by the Amendment

The Amendment applies to:

- 15 Wright Street, Brighton
- 14 and 16 Chelsea Street, Brighton
- 31 Service Street, Hampton
- 33 Service Street, Hampton
- Land behind 305 Hampton Street, Hampton
- 2A Seaview Avenue, Brighton
- 15A Linacre Road, Hampton
- 15 Beach Road, Hampton
- 2/81 Martin Street, Brighton
- 3/91 Martin Street, Brighton
- 69 North Road, Brighton
- 1A Murphy Street, Brighton
- 38 Grosvenor Street, Brighton
- 2 Cambridge Street, Brighton East
- 41 Black Street, Brighton
- 25 Mele Street, Brighton
- 60 Carpenter Street, Brighton
- 10 Railway Walk, Hampton;
- Municipal Recreation Reserves:
  - Brighton Recreation Centre
  - Highett Recreation Centre
  - Highett Tennis Club
  - Moorabbin West Oval
  - Sandringham Athletic Centre

What the amendment does

The Amendment proposes to implement various corrections to the mapping of zones and overlays, wording that is inconsistent with current zoning and spelling errors in order to resolve anomalies in the Bayside Planning Scheme.

The Amendment removes and modifies several Heritage Overlays to clarify boundaries and correctly apply controls based on the citations. It also amends the Schedule to the Heritage Overlay according to these changes, corrects a number of addresses and removes repeated addresses.

The Amendment applies the recommendations identified in the review of the incorporated document Temporary Advertising Signs on Recreation Reserves Policy. It removes one redundant reserve, updates outdated reserve names and adds the remaining Council owned recreation reserves omitted from the policy.
The Amendment proposes to implement the following corrections:

- Replace text “A subdivision in a business zone” in Clause 22.08 Water Sensitive Urban Design with “A subdivision in a commercial zone”.

- Replace the Map 1: Bay Street Centre Framework Plan in Clause 21.11-2 with a new map that shows the south western area as Precinct B.

- Delete the Heritage Overlay from 15 Wright Street, Brighton (HO637).

- Delete the Heritage Overlay from 14 and 16 Chelsea Street, Brighton (HO297).

- Rezone 10 Railway Walk, Hampton from Public Use Zone 4 (PUZ4) to Commercial 1 Zone (C1Z).

- Fix up property boundary for the land behind 305 Hampton Street, Hampton and rezone the portion of the parcel that is Commercial 1 Zone (C1Z) to Public Use Zone Category 4 (PUZ4).

- Delete the Heritage Overlay from 2A Seaview Avenue, Brighton from (HO258).

- Delete the Heritage Overlay from 15A Linacre Road, Hampton (HO214).

- Replace the address ‘15 Beach Road, Sandringham” in the Schedule to Clause 43.01 Heritage Overlay with “15 Beach Road, Hampton” (HO61).

- Delete the Heritage Overlay from 2/91 and 3/91 Martin Street, Brighton and amend the Schedule to Clause 43.01 to reflect application of 1/91 Martin Street, Brighton (HO228).

- Delete HO134 and HO135 duplicates from the Schedule to Clause 43.01 Heritage Overlay.

- Replace the address “394 New Street, Brighton” in the Schedule to Clause 43.01 Heritage Overlay with “69 North Road, Brighton” (HO280).

- Apply the Heritage Overlay to cover the extent of 69 North Road, Brighton and 1A Murphy Street, Brighton (HO662).

- Amend the Schedule to Clause 43.01 Heritage Overlay to include Planning Scheme Map 01HO to remove HO713 from the tree at 38 Grosvenor Street, Brighton, (HO713) to reflect the 01HO map.

- Rezone the land, previously a laneway, west of 2 Cambridge Street, Brighton East from Commercial 1 (C1Z) to Neighbourhood Residential Zone (NRZ).

- Delete the Heritage Overlay from 25 Male Street, Brighton (HO437).

- Apply the Heritage Overlay to cover the extent of 41 Black Street, Brighton (HO437).

- Replace spelling error “Bankia integrafolia” in the Schedule 3 to Clause 42.02 Vegetation Protection Overlay (VPO3) with “Bankia integrafolia”.

- Rezone 31 Service Street, Hampton from Neighbourhood Residential Zone 3 (NRZ3) to General Residential Zone 2 (GRZ2).

- Delete the Design Development Overlay Schedule 3 (DDO3) from 31 Service Street, Hampton and apply Design Development Overlay Schedule 12 (DDO12).

- Replace the Map 1: Hampton Street Major Activity Centre Built Form Precincts in Clause 43.02 Schedule 12 to the Design and Development Overlay (DDO12) with a new map that includes 31 Service Street, Hampton within the Major Activity Centre.

- Amend Planning Scheme Maps 02ZN, 02DDO and 02HO to reflect changes to 31 and 33 Service, Hampton.
• Apply the Heritage Overlay to cover the extent of 33 Service Street, Hampton (HO331).

• Delete the Heritage Overlay from 60 Carpentar Street, Brighton (HO89).

• Replace "424 St Kilda Street, Brighton" in the Schedule to Clause 43.01 Heritage Overlay with "42A Cole Street, Brighton".

• Replace text "revised March 2005" in the Schedule to Clause 72.04 Table of Documents Incorporated in this Scheme with "revised July 2018".

• Replace the names of several Council reserves to reflect corrected and updated reserve names, and add additional reserves to the list of sites affected by the Temporary Advertising Signs on Recreation Reserves Policy Incorporated Document.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to correct various anomalies and mapping errors in the Bayside Planning Scheme, to ensure that planning controls are accurate, correct and consistent. This will improve the effectiveness and efficiency of achieving the objectives of planning in Victoria.

There are additional Council owned sports reserves which are to be included in the incorporated document Temporary Advertising Signs on Recreation Reserves Policy to extend the exemptions provided within the incorporated document to other Council sports grounds. These additional reserves are Council owned and are proposed to be subject to the same controls as the reserves listed in the policy in order to ensure a consistent approach to the management of signage on Council owned reserves.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria by improving the effectiveness and efficiency of the Bayside Planning Scheme. The amendment implements the objectives of providing "for the fair, orderly, economic and sustainable use, and development of land" under Section 4 of the Planning and Environment Act 1987, by ensuring the consistency and accuracy of the Planning Scheme.

How does the Amendment address any environmental, social and economic effects?

The amendment will not have any significant environmental, social or economic effects, as the amendments is largely correctional in nature.

The amendment ensures consistency of the use of the land and provides certainty for land owners. The correct zoning of the land will also minimise the need for planning permits when the use is consistent with the zoning, which will have a beneficial economic effect for both land owners and Council.

The proposed Temporary Advertising Signs on Recreation Reserves Policy is intended to improve the monitoring of signs on recreation reserves for events that positively impacts the community's social wellbeing. These events include sporting events and festivals which can contribute to the connectedness of the community. By ensuring one consistent approach across all Council reserves, this will allow for efficiencies in the administering of new signage requests.

Does the Amendment address relevant bushfire risk?

The proposed amendment will not result in any increased bushfire risk.
Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes Under section 7(5).

The amendment is not affected by any of the Minister's Directions under Section 12 of the Planning and Environment Act 1987.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment will ensure that the Bayside Planning Scheme remains consistent with the State Planning Policy Framework, which seeks to support the objectives of planning in Victoria.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) of the Bayside Planning Scheme.

Clause 21.12 (Monitoring) of the MSS states that Council will regularly review part of the MSS to ensure that it is relevant and reflects current issues. The proposed corrections have been identified through an on-going review of the Bayside Planning Scheme.

The amendment ensures that the planning controls which apply to land within the municipality are consistent with the LPPF.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment has two elements – firstly, the amendment is corrective in nature and seeks to resolve anomalies and mapping errors in the Bayside Planning Scheme. Secondly, it updates the outdated list of reserves within the Temporary Advertising Signs on Recreation Reserves Policy which operates in addition to the provisions of Bayside Planning Scheme Clause 52.05 ‘Advertising Signs’. All proposed changes to the Bayside Planning Scheme are consistent with the Victorian Planning Provisions.

The amendment seeks to ensure that the Victorian Planning Provisions are correctly applied through the correct application of zones, overlays and local policies.

How does the Amendment address the views of any relevant agency?

There are unlikely to be any impacts on relevant agencies as the amendment seeks to correct errors and anomalies through the Planning Scheme, as well as updating place names to avoid confusion.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any significant impact on the transport system or the requirements of the Transport Integration Act 2010.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?
There is no significant impact on the resource and administrative costs of the responsible authority in correcting the identified anomalies. There will be increased efficiencies as a result of a consistent approach to temporary advertising signs in recreation reserves across all municipal sports grounds.

**Where you may inspect this Amendment**
The Amendment is available for public inspection, free of charge, during office hours at the following places:

- During office hours, at the office of the planning authority,
  Bayside City Council
  Corporate Centre
  76 Royal Avenue
  SANDRINGHAM VIC 3191


**Submissions**
Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **5pm Monday 15 April 2019**.

A submission must be sent to:

- Bayside City Council
  Planning Scheme Amendment C161
  PO Box 27
  SANDRINGHAM VIC 3191

Or

- A submission may be emailed to 
  [planningstrategy@bayside.vic.gov.au](mailto:planningstrategy@bayside.vic.gov.au) (please include 'Amendment C161' in the email title/subject line)

**Panel hearing dates**
In accordance with clause 4(2) of Ministerial Direction No. 15 the following panel hearing dates have been set for this amendment:

- Directions hearing: Monday 3 June 2019
- Panel hearing: Monday 1 July 2019

**ATTACHMENT 1 - Mapping reference table**

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<thead>
<tr>
<th>Location</th>
<th>Land/Area Affected</th>
<th>Mapping Reference</th>
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<tbody>
<tr>
<td>Brighton</td>
<td>15 Wright Street, Brighton</td>
<td>Bayside C161 008d-hoMap01 Exhibition</td>
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<tr>
<td></td>
<td>14-16 Chelsea Street, Brighton</td>
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<td>2A Seaview Avenue, Brighton</td>
<td>Bayside C161 011d-hoMap01 Exhibition</td>
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<td>2/91 Martin Street, Brighton</td>
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<td></td>
<td>3/91 Martin Street, Brighton</td>
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<td>69 North Road, Brighton</td>
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<td>1A Murphy Street, Brighton</td>
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<td>41 Black Street, Brighton</td>
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<td>25 Mace Street, Brighton</td>
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<td>Brighton East</td>
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<tr>
<td>Hampton</td>
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<tr>
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<tr>
<td>33 Service Street, Hampton</td>
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<tr>
<td>10 Railway Walk, Hampton</td>
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</tbody>
</table>
Executive summary

Purpose
To present Council with the review of the Black Rock Village Neighbourhood Activity Centre (NAC) Strategic Framework Plan 2012 (‘the Framework Plan’). As the Framework Plan has been in place for a number of years, it is now timely to conduct a review to assess the effectiveness in achieving its direction and intent.

Background
In July 2012, Council adopted part of the Black Rock Village NAC Strategic Framework Plan.

The Plan had originally proposed:
- an additional third storey of shop top housing in the shopping centre to accommodate urban growth;
- reduced requirements for provision of on-site car parking for new shops, offices and restaurants; and
- rezoning of Residential land to Mixed Use along Beach Road and along the south side of Sylvia Crescent to increase the commercial area of the centre.

The public consultation process associated with the development and adoption of the Black Rock Village NAC Strategic Framework Plan 2012 indicated that maintaining existing building heights and adequate car parking supply within the Black Rock Village Shopping Centre and its surrounds were most important to the community.

In response to the community feedback, Council determined that existing building height controls and on-site parking requirements should remain unchanged and those aspects of the Framework Plan were not taken forward.

The Framework Plan and its content were included within the Planning Scheme through Amendment C90 (Part 1), which was gazetted on 21 March 2013.

Key issues

Approach to Review
Given the size of the Black Rock Village NAC, its role in the activity centre hierarchy and the limited amount of change that has occurred within the centre since the adoption of the Framework Plan, only a relatively limited review is necessary in order for Council to determine the effectiveness of the Framework Plan and how it has been implemented.

The review included analysing the planning permits that have been issued both within and proximate to the centre to understand built form changes, application types, parking provision, active frontages, consistency with policy and the extent of residential development. Council also undertook an audit to understand land use changes and other changes that have occurred within the centre over time. Feedback from the community in relation to key issues was also considered.
What were the findings from the Review?

Although the Bayside Housing Strategy identified potential capacity of 32 additional dwellings within the Black Rock Village NAC, this has not been realised due to a lower rate of development than was expected when the Strategic Framework Plan was prepared. However, the development that has occurred within the centre has been consistent with the outcomes sought by the Framework Plan and the policy is working effectively.

More residential development has occurred in residential precincts outside the centre to the north east and east, taking advantage of the views to Port Phillip Bay. As such, Council’s decision to maintain the low rise coastal village feel of the Black Rock Village shopping centre and its surrounds has been well adhered to.

A survey of land use change within the centre indicates the proportion of retail uses at ground floor level has remained high over the last seven years with a high business retention rate. This indicates that the objectives around reinforcing local convenience retailing is succeeding and are contributing to the vibrancy of the centre.

Monitoring of planning approvals granted by Council, since the adoption of the Black Rock Village NAC Strategic Framework Plan 2012, indicates the parking requirement for 89 on-site car spaces associated with development at the Black Rock Village has been waived by Council between 2012–2019.

Measures have been installed in the centre to improve pedestrian safety and amenity, through reduced road speeds, signalised pedestrian crossings and a dedicated cycle lane along Beach Road. These have contributed to the achievement of several of the transport and access objectives from the Strategic Framework Plan.

Council is currently preparing the Black Rock Village Streetscape Masterplan 2019 to inform the public realm upgrades at the centre. Council officers consulted with the community throughout February 2019 to establish community preferences for improvement works. This will inform the final Streetscape Masterplan to be presented to Council in late 2019.

Further Implementation Actions

Whilst the land use planning outcomes are generally being achieved, there are still areas for Council to continue to focus, including:

- Delivering the streetscape works that are currently being planned through the Streetscape Master Plan exercise;
- Monitoring the parking and traffic conditions within and around the centre, to establish the adequacy of car and bike parking provision; and
- Continuing to advocate to VicRoads the actions from the Framework Plan, prioritising pedestrian safety, access and amenity along Beach Road, Bluff Road and Balcombe Road.

Given that the strategic direction of the Framework Plan remains relevant, prioritising these actions will ensure that Council continues to deliver the objectives of the Plan as built form changes continue to slowly evolve in the centre.

Recommendation

That Council adopts the findings of the review of Black Rock Village NAC Strategic Framework Plan 2012 (contained in Attachment 1) and continues to implement the Further Implementation Actions outlined in the report.
Support Attachments

1. Review of Black Rock Village Neighbourhood Activity Centre (NAC) Strategic Framework Plan ↓
Considerations and implications of recommendation

Liveable community

Social
Implementation of the Black Rock Village NAC Strategic Framework Plan 2012 was intended to manage moderate urban growth at the Black Rock Village to help meet Bayside’s future housing needs. Since 2012 housing growth has mainly occurred in the residential areas surrounding the commercial core (although at a generally low scale of development) outside the shopping centre rather than in the preferred location at the shopping centre as specified in the Bayside Housing Strategy.

Natural Environment
The planning controls in place have had regard to protecting views to the foreshore from nearby residential areas and preserving the low rise nature of the centre.

Built Environment
The current planning controls in place for the Black Rock Neighbourhood Activity Centre will ensure that the built environment meets community expectations for the centre as outlined within the Framework Plan. Future streetscape works proposed will continue to improve the public realm built environment within the centre.

Customer Service and Community Engagement
The Planning Scheme Amendment associated with implementation of the Black Rock Village NAC Strategic Framework Plan 2012 was advertised to the local community from 10 March 2011 until 31 August 2011. The Review has not included any community engagement as it is largely a technical review and community feedback has been provided through other exercises, including the development of the Community Plan.

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

Legal
There are no legal implications arising from the review of the Strategic Framework Plan 2012.

Finance
Council may need to allocate resources to undertake the future actions outlined within this report, however these will be subject to future Budget processes.

Links to Council policy and strategy
The Black Rock Village NAC Strategic Framework Plan 2012 was reviewed in accordance with the following goals and strategies of the Bayside City Council Plan 2017-2012:

- Goal 3 - Housing and Neighbourhoods. It is a Council Plan strategy to review structure plans to ensure localities are developed in line with Council’s Housing Strategy.
- Goal 2 - Transport. It is a Council Plan strategy to facilitate transport options to meet community needs.
Review of Black Rock Village Neighbourhood Activity Centre Strategic Framework Plan

2019
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Adequacy of Parking............................................4
Centre Access...................................................5
Socio-economic Performance............................6
Infrastructure Provision...................................6
Review of Audit Findings.................................7

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Attachment 3 ...................................................10
Background

In July 2012 Council adopted part of the Black Rock Village NAC Strategic Framework Plan. Council only adopted a limited set of objectives under the Black Rock Village NAC Strategic Framework Plan 2012 which were inserted into Clause 21.11-8 of the Bayside Planning Scheme, as follows:

i) Retention of the Design and Development Overlay 1 (DDO1), maintaining a 9 metre/two storey building height limit within the shopping centre and its surrounds;

ii) Encouragement of new shop top housing in the shopping centre;

iii) Encouragement of a mix of active retail and commercial uses at ground floor with residential and office uses above;

iv) Development of articulated built forms that provide an appropriate interface with adjoining residential areas and protect key views to the foreshore from the main roads;

v) Promote pedestrian safety, access and amenity within the centre and improve pedestrian connectivity between the centre and the foreshore;

vi) Maintain the supply of publicly available car parking spaces;

vii) Encourage public transport and cycling as alternative means of access to the centre;

viii) Widen selected rear laneways and consider one way access to them from the main roads or another safety treatment; and

ix) Development shall demonstrate that basement car park entrances are not located at the low point of the street.

This review considers the findings collected from the current review of the Black Rock Village Neighbourhood Activity Centre Strategic Framework Plan 2012.

List of Attachments:

- Attachment 1: Height Changes Map
- Attachment 2: Recorded Planning and Building Permits since 2012 and Land Use Changes.
- Attachment 3: Framework Plan Audit
Maintenance of Low Scale Buildings

The public consultation process associated with the development and adoption of the Black Rock Village NAC Strategic Framework Plan 2012 indicated that maintaining existing building heights and adequate car parking supply within the Black Rock Village Shopping Centre and its surrounds were most important to the community.

Since 2012 only three properties at the Black Rock Village NAC have increased in height. Only four properties have increased in height directly east of the centre within the DDO1 and only eight properties have increased in height directly south and south east of the centre. However, residential neighbourhoods north and north east of the centre have experienced substantially more redevelopment comprising increased building height.

(Refer: Attachment 1 -- Map of Height Changes since 2012, Black Rock Village NAC and Residential Opportunity Area)

Given that views of Port Phillip Bay from residential neighbourhoods east, south and south east of the Black Rock Village shopping centre have remained relatively uninterrupted, Council’s decision to maintain the low rise coastal village feel of the Black Rock Village shopping centre and its surrounds under DDO1 has been relatively well adhered to.

The Bayside Housing Strategy 2012 (‘BHS’) predicted that an additional yield of 32 dwellings could be developed in the Black Rock Village NAC if a moderate increase in building height to three storey was facilitated by changes to DDO1.

Planning Practice Note 60: Height and setback controls for activity centres recognises that sensitive coastal locations or precincts with significant topographical characteristics can justify more stringent limitations on building height and built form.

Given the marginal contribution to urban growth expected at Black Rock Village under the BHS and the lower order public transport servicing the shopping centre, it is considered appropriate to continue to protect the coastal views surrounding the Black Rock Village using the built form controls of DDO1.

Inspections of development at Black Rock Village indicates that new development has not impacted on key views to the coast from the main roads and that nearby residential areas have not been affected.

Adequacy of Parking

As part of the preparation of the Strategic Framework Plan, a number of parking and traffic studies of the Black Rock Village were undertaken between 2010 and 2012. The studies determined current and future parking and access needs. While there was some variation in the findings, they can be summarised, as follows:

- A high to very high level of parking demand was recorded during a Thursday lunch time survey. The centre’s operation did not appear to be unduly affected by the high parking occupancy rates.

- Based on the shopping centre’s existing floor space and surveys of customer usage patterns the centre could support lower on site car parking provision rates for new development than required under the Bayside Planning Scheme provided that on street parking permits are denied to new occupants of the shopping centre.
- Given the moderate amount of new development anticipated under the Strategic Framework Plan 2012, the Plan’s outcomes would not adversely impact on the function of the arterial and local roads servicing the Black Rock Village.

- Laneways at the rear of shops will be able to cope with increased traffic associated with new development. Widening of laneways via provision of an easement of carriageway along the rear would provide increased vehicular passing opportunities and facilitate loading and waste collection.

- Poor sight lines where laneways meet arterial roads should be addressed by one way access points until sight triangles can be established.

Monitoring of planning approvals granted by Council, since its adoption of the Black Rock Village NAC Strategic Framework Plan 2012, indicates the parking requirement for 89 on site car spaces associated with development at the Black Rock Village has been waived by Council between 2012–2019.

Given, the negative local community reaction to reduced on-site car parking provision for new use and development originally proposed under the Black Rock Village NAC Strategic Framework Plan 2012 and the high car parking occupancy rates recorded at the centre at the time, further parking surveys should be undertaken to determine whether parking waivers granted by Council over the last seven years have adversely affected the centre’s operation.

Centre Access

The Black Rock Village shopping centre fronts three VicRoads arterial roads (ie: Beach, Bluff and Balcombe Roads). Management of these roads is VicRoads responsibility.

The Black Rock Village shopping centre is on the state Principle Bicycle Network with Balcombe Road being a Bicycle Priority Route. According to VicRoads Network Operating Plan, Bluff Road and Balcombe Road are Bus Priority Routes and a Pedestrian Priority Zone through the Black Rock Village. In accordance with state transport policy for the shopping centre area and the 2008 Black Rock Village Masterplan, the Strategic Framework Plan reiterated the need to:

- Prioritise pedestrian safety, access and amenity though provision of formal pedestrian crossings on Bluff and Balcombe Roads, investigating options to lower speed limits along Bluff and Balcombe Roads and improve safety at the Bluff, Balcombe and Beach Road intersection;

- Encourage public transport and cycling as alternative means of access to the shopping centre; and

- Improve pedestrian connectivity between the shopping centre and the foreshore.

A recent inspection of the Black Rock Village shopping centre indicates that signalised pedestrian crossings have been provided on Bluff and Balcombe Roads to improve pedestrian access and safety within the shopping centre. An additional signalised pedestrian crossing has been provided on Beach Road at the northern approach to the shopping centre for pedestrian access between the foreshore and the shopping centre. A dedicated cycling lane has been provided on Beach Road from the northern approach to the shopping centre.

Reduced speed signs are located on the eastern and northern approaches to the Black Rock Village on Balcombe Road and on Bluff Road, respectively.
Council's Traffic Engineers have advocated to Vicroads for installation of reduced speed signs along Beach Road at the approaches to the Black Rock Village intersection with Bluff and Balcombe Roads.

Council is currently preparing the Black Rock Village NAC Masterplan 2019 to upgrade the public realm at the shopping centre. Council officers consulted with the local community in February 2019 to establish community preferences for improvement works. Improvements that support alternative modal access to the centre will be considered if the community expresses a preference for it during the public consultation.

**Socio - Economic Performance**

The Black Rock Village NAC Strategic Framework Plan 2012 identified key strategic directions to improve the shopping centre's social and economic performance as a neighbourhood shopping centre with a strong tourism focus.

The Strategic Framework Plan emphasised the need to protect and reinforce the shopping centre's local convenience function. Built form measures sought to preserve active commercial frontages with conversion of shop fronts to non-retail uses discouraged.

Monitoring of land uses within the centre indicates the proportion of retail uses at ground floor level has remained high over the last seven years with a high business retention rate.

The shopping centre’s land use mix displays a high rate of active frontages that continue to complement the centre’s function as a local convenience shopping centre.

(*Refer: Attachment 2 – Summary of Recorded Planning, Building Permits and Land Use Changes since 2012*)

**Infrastructure Provision**

Public realm improvements identified in the Black Rock Village Streetscape Masterplan 2008 and nominated for provision under the Black Rock Village NAC Strategic Framework Plan 2012, included:

- Water Sensitive Urban Design comprising swales and bio-retention pits, greening using median and garden bed planting in streets and car parks and planting of shade trees in selected locations;
- Undergrounding of overhead powerlines along the main roads;
- New public amenities, such as, seats, bins, bike racks, drinking fountains, bollards, an additional toilet facility, upgrading of footpaths and street lighting to illuminate key features of the shopping centre; and
- Directional signs to key heritage sites.

Public realm improvements to the shopping centre area may incorporate infrastructure improvements recommended under the Strategic Framework Plan if the local community expresses a preference for it during the public consultation being undertaken to inform the preparation of the Black Rock Village Masterplan 2019.
Review of Audit Results

An audit of the objectives of the Black Rock Village NAC Strategic Framework Plan 2012 indicates that preferred building height limits and built form for the centre, as adopted by Council in 2012, have been achieved. Land use mix indicates the Black Rock Village is performing well as a local convenience neighbourhood centre and pedestrian access and amenity at the centre has improved in accordance with the objectives of the 2012 Strategic Framework Plan.

Further measures to support pedestrian access and amenity at the centre may be achieved through the preparation and implementation of the Black Rock Village Masterplan 2019.

New shop top housing has not been developed to a substantial level at the shopping centre with significantly more medium density housing developed outside the centre in close proximity to it. Therefore traffic management measures at the centre, including laneway widening and one way access to laneways from main roads, as specified under the 2012 Strategic Framework Plan, have not been required.

Should future demand for housing exceed capacity in Bayside’s other activity centres then development controls and traffic management measures at the Black Rock Village may need to be re-evaluated and it would be prudent to review potential for housing growth at the centre in the future.

There is no evidence that alternative transport modal access to the Black Rock Village has improved. Due to a lack of regular or fixed rail public transport servicing the shopping centre an adequate parking supply is important in maintaining the centre’s ability to service local resident needs.

In view of the continuing reliance of the shopping centre and its patrons on private vehicular access, it is recommended that a parking survey be undertaken to establish the adequacy of car and bike parking provision at the Black Rock Village. The survey findings and any recommended actions will be reported to Council.

Attachment 3 provides a detailed assessment of the outcomes achieved under the Black Rock Village NAC Strategic Framework Plan 2012
Map of Building Height Changes since 2012
Black Rock Village Neighbourhood Activity Centre (NAC) and Residential Opportunity Area

Legend
New Heights
- 2
- 3
- 4
- DDO1
- Black Rock Village NAC
- Black Rock Village NAC and Residential Opportunity Area

Source: Black Rock Village NAC Background Report: Issues and Options 2009, Fig.3, Page 12.
Prepared by CPG Australia for Bayside City Council.
Black Rock Village - Recorded Planning, Building Permits and Land Use Changes since 2012

<table>
<thead>
<tr>
<th>Category</th>
<th>2012</th>
<th>2019</th>
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<tr>
<td>Total Building Permits in Study Area (excluding demolition)</td>
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<td></td>
</tr>
<tr>
<td>Total Planning Permits in Study Area</td>
<td>177</td>
<td></td>
</tr>
<tr>
<td>Properties with Increased Height in Study Area</td>
<td>45</td>
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</tr>
<tr>
<td>Properties with Increased Height in Black Rock Village NAC</td>
<td>3</td>
<td>4</td>
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<tr>
<td>Properties with Parking Reduction / Waivers</td>
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<tr>
<td>Total Parking Spaces Reduced / Waived</td>
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</table>

Note: Study Area = Black Rock Village Neighbourhood Activity Centre (NAC) and surrounding Residential Opportunity Area
### The Black Rock Village (NAC) Strategic Framework Plan 2012 – Assessment Table

<table>
<thead>
<tr>
<th>Objective</th>
<th>Achieved</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Preferred 2 storey building height (ie: DDO1).</td>
<td>Yes</td>
<td>Only 1 development above 2 storeys developed within the Black Rock Village since 2012.</td>
</tr>
<tr>
<td>ii) Encourage new shop top housing</td>
<td>No</td>
<td>Only 5 new shop top dwellings developed within the Black Rock Village since 2012. 50 new dwellings developed in the surrounding area since 2012.</td>
</tr>
<tr>
<td>iii) Mix of active retail and commercial uses at ground floor.</td>
<td>Yes</td>
<td>In 2012 there were 68 retail uses, comprising 61 active frontages at ground floor in the shopping centre. In 2019 there are 64 retail uses at ground floor, comprising 57 active frontages with one additional site under construction.</td>
</tr>
<tr>
<td>iv) Development of articulated built forms that provide an appropriate interface with adjoining residential areas and protect key views to the foreshore from the main roads</td>
<td>Yes</td>
<td>Three properties in the Black Rock Village have been developed since 2012. Key views to the coast along Beach, Bluff and Balcombe Roads will not be affected by these developments. Two of the developments have no residential abutts. The development at Beach Road fits in well with the scale and character of the adjoining properties.</td>
</tr>
<tr>
<td>v) Promote pedestrian safety, access and amenity within the centre and improve pedestrian connectivity between the centre and the foreshore.</td>
<td>Yes</td>
<td>Signalised pedestrian crossings have been installed in Bluff and Balcombe Roads and an additional signalised pedestrian crossing has been provided north of the Black Rock Village intersection on Beach Road. Reduced speed limit signs are located on Balcombe Road and Bluff Road on the eastern and northern approaches, respectively. Council advocated for lower speed limits along Beach Road approaching Black Rock Village but VicRoads have not consented to it. Additional seats have been provided on the footpath at Black Rock Village since 2012 and existing seats on the footpath have been upgraded. Installation of drinking fountains is being considered as part the preparation of the Black Rock Village Masterplan 2019.</td>
</tr>
<tr>
<td>vi) Maintain the supply of publicly available car parking spaces.</td>
<td>No</td>
<td>Car parks for shopping centre patrons provided by Council have been maintained since 2012. Car parks for patrons provided by development have not been maintained with waivers granted by Council for provision of 89 on-site parking spaces since 2012.</td>
</tr>
<tr>
<td>vii) Encourage public transport and cycling as alternative means of access to the centre.</td>
<td>No</td>
<td>The cycling lane provided on Beach Road approaching Black Rock Village from the north supports cyclist safety on Beach Road but the design does not encourage access to the Black Rock Village. No change to bus services and facilities is recorded. There is high demand for footpath space at the Black Rock Village for seating and other public amenities which has made it difficult to deliver cycle parking racks in optimal locations within the centre.</td>
</tr>
<tr>
<td>viii) Widen selected rear laneways and consider one way access to them from the main roads or another safety treatment.</td>
<td>No</td>
<td>Level of new development undertaken at the shopping centre since 2012 has not required it.</td>
</tr>
<tr>
<td>ix) Development shall demonstrate that basement car park entrances are not located at the low point of the street.</td>
<td>No</td>
<td>Level of new development undertaken at the shopping centre since 2012 has not required it.</td>
</tr>
</tbody>
</table>
10.8 BAYSIDE PLANNING SCHEME REVIEW 2019

City Planning & Amenity - Urban Strategy
File No: FOL/17/6440 – Doc No: DOC/19/116131

Executive summary

Purpose Background
To present Council with the Bayside Planning Scheme Review 2019 and provide an update on the State Government changes to the Planning Scheme, which integrate the State and Local Planning Policy Frameworks into the new Planning Policy Framework (PPF).

Background
Section 12B of the Planning and Environment Act 1987 (‘the Act’) requires a planning authority to review its Planning Scheme within one year of approving a Council Plan. The 2017-2021 Council Plan was adopted in June 2017. The Bayside Planning Scheme was reviewed by Council officers during the 2017/2018 financial year; however, the review has not yet been adopted by Council. The delays are due to State Government changes which are outlined later in this report.

Council’s most recent review of the Planning Scheme was adopted by Council at its 22 September 2015 Ordinary Meeting, with an Implementation Plan adopted at its 15 December 2015 Ordinary Meeting. Given this review work was completed in parallel with significant community consultation for the ‘Community Plan’ it was not necessary for Council to undertake detailed community consultation as part of its 2017/2018 review. Instead, an approach which draws upon the data already held by Council was used to ensure that the current and future direction of the Planning Scheme aligned with the community’s expectations.

The Deputy Secretary for Planning from the Department of Environment, Land, Water and Planning (DELWP) wrote to Councils in April 2018 to advise that DELWP intended to implement changes to the form and content of planning schemes in June 2018 in accordance with its Smart Planning Program. Recognising that this work coincided with the 30 June 2018 requirements for Planning Scheme reviews, the date for completion of the reviews was extended to incorporate “Smart Planning” changes to the content of the Planning Scheme.

Planning Scheme Amendment VC148 was gazetted in July 2018. The Ministerial Amendment made substantial changes to the structure of all Planning Schemes. In addition to a substantial editing process to relocate and remove sections of the Scheme, the State and Local Planning Policy Frameworks are to be integrated into one section (now to be known simply as the Planning Policy Framework) with a new Municipal Planning Strategy clause which provides for the local vision of a municipality (restricted to 5,000 words). The timing for each Council to translate into the new format varied, with Bayside now currently undergoing the translation process.

Councillors were briefed in June 2018 on the outcomes of the 2018 Planning Scheme Review; however, adopting the review was delayed so that Council could have a better understanding of the implications of the translation to the new Planning Policy Framework.

Key issues

Review Methodology
The methodology undertaken to inform the 2017/2018 Planning Scheme Review included the following:
• Reviewing the status of the actions from the 2015 Scheme Review;
• Analysing the community feedback received through the Community Plan to understand the community vision for Bayside, and whether the Planning Scheme needs to be modified to deliver this vision;
• Undertaking stakeholder interviews with all internal Council Departments that have a role in implementing or informing various local sections of the Planning Scheme to ensure an alignment of policy and manage any emerging issues that may need to be resolved through the Scheme;
• Considering Planning Panel reports recommendations completed since the 2015 review;
• Considering VCAT trends since 2015 and reviewing the decisions on consistent themes for appeals;
• Reviewing the status of the further strategic work identified in the Scheme;
• Reviewing Planning Scheme changes made by the State government to date and identifying any local implications; and
• Evaluating Council’s adopted strategies and policies since 2015 to determine whether these should be included within the Planning Scheme.

The analysis of the Community Plan data and internal stakeholder interviews identified the following primary themes for consideration:
• Open space and the environment, particularly in relation to the preservation and increase in open space;
• Impact of new development on Bayside, particularly in relation to building height and form, parking and traffic and design outcomes at activity centre interfaces;
• Accessibility, particularly in terms of long term parking and congestion; and
• Protection of amenity, particularly in relation to vegetation and landscape character.

Council resolution of 18 December 2019
At its 18 December 2018 Ordinary Meeting, it was resolved that Council:
‘Continues to review the current planning provisions in the context of the Planning Scheme Review project that is already underway and provide a report in May 2019 on identified opportunities to strengthen policy provisions relating to tree protection and regeneration.’

Council is currently progressing a case study of a suburb to inform a potential future urban forest strategy. As this work is currently being scoped and is to be reported to Council’s 17 December 2019 Ordinary Meeting, it is considered appropriate to defer consideration of tools to strengthen vegetation policy until the case study has been finalised. This case study will explore the effectiveness of the existing tools in the Planning Scheme relating to vegetation and investigate the outcomes that are being delivered and how these align with community expectations on this subject. Any review of vegetation controls independent of and prior to the completion of the case study is likely to be limited in scope as it will look primarily at the effectiveness of the existing controls, whereas ensuring that this is incorporated into the case study will ensure that the issues are considered more robustly and strategically.

It is expected that the case study will identify the appropriate planning tools to implement any actions arising from the study which may necessitate changes to the current suite of tools within the Bayside Planning Scheme.

Planning Scheme Review Findings
Findings of the Planning Scheme Review have indicated the following future planning policy priorities to address the key planning matters facing the municipality, including:
• Review the ‘Bayside Housing Strategy 2012’ (currently underway);
• Review the existing Neighbourhood Character Policy and Overlays (scheduled to commence 2019/20);
• Provide greater clarification on the built form character expected for residential precincts in the Major Activity Centres (to be included as part of the Neighbourhood Character Review);
• Develop a municipal Parking Strategy (scheduled to commence in 2019/20);
• Implement the transport and laneway improvements identified in Structure Plans;
• Implement identified opportunities to increase public open space in Bayside, particularly in Major Activity Centres and other locations for growth;
• Prepare a master plan for the Bayside Business District to guide future commercial growth;
• In consideration of Council’s resolution to prepare a case study to inform a potential future urban forest strategy, continue with this action prior to scoping and undertaking a comprehensive review of Bayside’s vegetation management controls; and
• Continue the ongoing data collection to improve the monitoring and review processes. Whilst several of these actions have commenced, others will be incorporated into department service plans/work programs to ensure these are scheduled for completion over the coming years.

State Government Changes to Planning Policy Framework
Council officers have been regularly meeting with DELWP and their consultants undertaking the Planning Scheme rewrite since late 2018, when Bayside was announced as part of the Group 2 Councils to be translated to the new format Planning Scheme. The rewrite is to be a policy neutral translation so that no new content will be added, and only duplicated or irrelevant content is to be removed, to ensure that the Scheme is consistent with the updated Ministerial Direction on the Form and Content of Planning Schemes.

In October 2018, Council engaged a consultant to undertake an analysis of the existing Bayside Planning Scheme to assist Council to understand areas of potential risk as part of the translation to the new format Planning Scheme. The review included identifying:
• Content that could reasonably be deleted;
• Content that should or could be relocated to elsewhere in the Scheme;
• Content that is out of date and should be reviewed, updated or deleted;
• Provisions that are difficult to understand or interpret, or may not lead to practical or beneficial outcomes; and
• Content relating to actions that sit outside the Scheme and may not be able to be appropriately included in the new PPF Structure.

The audit highlighted potential issues with the drafting of Local Planning Policy Framework content, including:
• The structure and content of the Bayside Business District and Neighbourhood Character policies will be difficult to fit within the new format Planning Scheme and will require substantial redrafting;
• The introduction of State standard requirements in relation to stormwater management and water sensitive urban design may have superseded Bayside’s ‘Water Sensitive Urban Design Policy’; however, clarification is required; and
• Bayside’s Discretionary Uses in Residential Areas Policy contains car parking requirements for uses and application requirements that are no longer appropriately located in a policy. These will be required to be removed as part of the translation to the new format Planning Scheme.

There are a range of other actions from Council’s review that will inform how Council provides input into the Planning Policy Framework translation process.

Council has now received its first draft of the new Scheme from DELWP’s consultants for review. This will be subject to comprehensive review by officers before a series of workshops with DELWP to continue to refine the content, before presenting Council with the outcome.
Next Steps
The Bayside Planning Scheme Review undertaken in 2018 has been updated to reflect the outcomes of the processes that have occurred since the draft report was finalised. The adopted findings of the updated 2019 Planning Scheme Review will be reported to the Minister for Planning in accordance with legislative requirements. This will allow Council to continue to confirm its future work program and commence implementation whilst the Planning Policy Framework translation process continues.

Recommendation
That Council:
- Reports the findings of the Bayside Planning Scheme Review in accordance with legislative requirements.
- Considers the proposed changes to the local and state sections of the Bayside Planning Scheme proposed under the Smart Planning Program in a further report to be presented to Council in the 2019/2020 financial year.

Support Attachments
1. Bayside Planning Scheme Review Report ❘
**Considerations and implications of recommendation**

**Liveable community**

**Social**
Recommendations of the Bayside Planning Scheme Review are intended to improve Bayside’s living environment which will positively impact the community’s social wellbeing.

**Natural Environment**
Re-examination of the Vegetation Protection Overlay, identification of significant trees for protection under an Overlay and potential acquisition of additional public open space, will be a key piece of the Planning Scheme Review in response to the community feedback and in ensuring the liveability of Bayside is enhanced and protected.

**Built Environment**
Revision of the ‘Bayside Housing Strategy 2012’, the ‘Neighbourhood Character Policy’ and Overlays, Bayside’s Design and Development Overlays, as recommended by the Review, is designed to improve Bayside’s built environment. These projects will be scoped as they arise to understand the implications each project will have on the built environment and Bayside’s existing planning framework.

**Customer Service and Community Engagement**
Given the extensive consultation undertaken through the development of the Community and Council Plans and the reasonably short timeframe between the last Scheme Review, the data compiled from these documents has been used to align the Review with community sentiment.

Council will undertake broad community engagement for each project resulting from the Planning Scheme Review in accordance with the scope of the project.

Larger projects such as the Neighbourhood Character Review and Parking related actions will be subject to robust community engagement processes.

**Human Rights**
The Review of the Bayside Planning Scheme will not breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Legal**
Section 12B of the Act requires a planning authority to review its planning scheme no later than one year after approval of the Council Plan. The ‘Council Plan 2017 – 2021’ was adopted by Council in June 2017. An extension to complete the review has been granted to facilitate State Government changes to be incorporated as part of this process.

**Finance**
Financial implications associated with the recommendations for future strategic projects will be considered in future Budget processes. Unexpected costs relating to the implementation of State Government changes will be covered within existing operational budget.

**Links to Council policy and strategy**
Recommendations of the Bayside Planning Scheme Review will assist Council to achieve the following Goals and Strategies of the ‘Bayside Council Plan 2017- 2021’:
- Seek to make discretionary planning controls stronger and ensure new development responds to preferred neighbourhood character;
- Build our open space network to support biodiversity, improve health and well-being and community connections;
- Protect and enhance the natural environment; and
- Seek improvement of sustainable transport modes to lessen resident reliance on cars and explore opportunities to increase parking capacity in activity centres.

Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the Planning Scheme Review prior to the PPF Translation process being completed.</th>
</tr>
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<tbody>
<tr>
<td>Benefits</td>
<td>Avoids potential for further delays in completion of the Planning Scheme Review.</td>
</tr>
<tr>
<td></td>
<td>Will allow Council more time to adequately scrutinise the likely impact of changes to Bayside’s local planning policies proposed by the State government’s Smart Planning Program.</td>
</tr>
<tr>
<td></td>
<td>Council has a strong understanding of the issues likely to arise from the PPF Translation process and can incorporate the high level issues into the current Planning Scheme review.</td>
</tr>
<tr>
<td>Issues</td>
<td>There are no issues within this option.</td>
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Option 2

<table>
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<tr>
<th>Summary</th>
<th>Delay consideration of the Planning Scheme Review until completion of the translation of the Bayside Planning Scheme into the new format Planning Scheme.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Will allow Council the certainty of having a new format Scheme to review, though the commencement of any further work may be delayed until the PPF translation process has been completed.</td>
</tr>
<tr>
<td>Issues</td>
<td>Any further delays to completion of the Bayside Planning Scheme Review may render the community engagement data elicited from the Council and Community Plans outdated.</td>
</tr>
<tr>
<td></td>
<td>Given the evolving context, it is likely that Council will complete and start other strategic work, which will result in large parts of the material prepared irrelevant.</td>
</tr>
<tr>
<td></td>
<td>Given Council has a strong understanding of the current issues in the Scheme, there is little benefit in delaying the Planning Scheme Review further.</td>
</tr>
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Bayside Planning Scheme Review Report

May 2019
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List of Abbreviations

Am  Amendment
BBD  Bayside Business District currently known as the Bayside Business and Employment Area
BHS  Bayside Housing Strategy
MSS  Municipal Strategic Statement
PPF  Planning Policy Framework
PPN  Planning Practice Note
PPV  Planning Panels Victoria
VCAT  Victorian Civil and Administrative Appeals Tribunal

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<td>Summary of VCAT Decisions since 2015</td>
<td>18</td>
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Executive Summary

Section 12B of the Planning and Environment Act 1987 (the Act) requires a planning authority to review its planning scheme no later than one year after approval of the Council Plan. Upon completion of a review the planning authority must report the findings to the Minister for Planning.

Council prepared this Planning Scheme Review which has updated the previous findings of the 2015 Review and recommended actions to address the key planning matters facing the municipality.

Results of community surveys elicited from the Community Plan demonstrated that the planning policy related issues of most concern to the Bayside community are:

- Overdevelopment;
- The importance of open space to the community’s satisfaction with living in Bayside;
- A need to improve access to transport; and
- Inadequate parking provision.

Most of Bayside’s residential areas achieved relatively restrictive controls under the Bayside Housing Strategy 2012 (BHS). Given that the scale of new development remains a significant community concern this report recommends a review of the BHS.

Community and stakeholder responses, an analysis of decisions of state planning bodies and recommendations of the 2015 Planning Scheme Review, indicated there was justification for re-examining the following local policies:

- Neighbourhood Character Policy and Overlays;
- Bayside’s Design and Development Overlays;
- Vegetation Protection Overlay; and
- Discretionary Uses in Residential Areas Policy.

Further Council actions recommended to achieve outcomes more consistent with the amenity expectations of the Bayside community, included:

- Use of Heritage Overlay or Significant Landscape Overlay to identify significant trees for protection; and
- Acquisition of additional public open space in parts of Bayside.

Community and stakeholder feedback also supported increased monitoring by Council of traffic and parking conditions in and around activity centres to manage parking and traffic needs as new development occurs. Accordingly Council’s Transport and Sustainability Department will undertake work identified in the 2015 Planning Scheme Review and in this Review, as follows:

- Preparation of a municipal parking strategy and parking precinct plans for key activity centres to manage on street and off street parking;
- Actions to encourage alternative travel modes in Bayside required under the Integrated Transport Plan,
- An assessment of Council’s ability to implement the transport related actions recommended under structure plans.
- Increased monitoring of traffic and parking conditions in and around activity centres and compilation of evidence to convince state planning decision making bodies of the need for new development to provide adequate parking.
1.0 Introduction

1.1 What is the Bayside Planning Scheme?

A planning scheme is a legal instrument that guides decisions about land use and development.

Information contained in the planning scheme includes where and how people can develop their land and what restrictions or controls might be on the land. It is the framework in which Council as the Responsible Authority makes decisions on planning permit applications. The planning scheme includes a combination of both State and Local planning policies and provisions.

1.2 Planning Scheme Review Requirements

Section 125 of the Planning and Environment Act 1987 (‘the Act’) requires a planning authority to review its planning scheme no later than one year after approval of the Council Plan. The objective of a review under this section is to enhance the effectiveness and efficiency of the planning scheme in achieving:

a) the objectives of planning in Victoria; and

b) the objectives of the planning framework established by the Act.

Section 12(B)(4) of the Act provides that the planning scheme review must evaluate the planning scheme to ensure that it:

a) is consistent in form and content with the directions or guidelines issued by the Minister under section 7; and

b) sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and

c) makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Bayside City Council adopted its new Council Plan in June 2017. Consequently under the provisions of the Act, Council was required to review the Bayside Planning Scheme by June 2018.

As part of VC148, gazetted in July 2018, the Minister for Planning changed the form and content of all Victorian Planning Schemes to implement the planning reforms recommended by the Smart Planning Program. A further report will outline the implementation of the State reforms to the Bayside Planning Scheme.

This report provides a summary of Council’s review of the Bayside Planning Scheme and provides a series of recommendations for Council to consider.

1.3 Scope of this Review

The scope of the 2018 Bayside Planning Scheme Review is limited to providing an update of the findings of the previous planning scheme review completed in 2015 and to considering the state policy changes and their effect on the Bayside Planning Scheme.
This review will be informed by:
- the community’s views elicited from the Community Plan and Council Plan engagement exercises;
- consultation with relevant internal Council departments;
- the planning policy decisions of independent planning bodies including the Victorian Civil and Administrative Appeals Tribunal (VCAT) and Planning Panels Victoria (PPV); and
- an evaluation of the Bayside Planning Scheme provisions in meeting the needs and aspirations of the Bayside community.

The review will update the 2015 review findings by outlining:
- planning policy outcomes achieved since the last planning scheme review; and
- further strategic work to be undertaken to address the key planning matters facing the municipality.

This review will also recommend actions to address:
- the key planning matters facing the municipality;
- policy gaps and areas for improvement not currently being addressed; and
- operational or process improvements that will better achieve the planning policy outcomes.
2.0 Context of the Review

2.1 Background

In 2011 a comprehensive review of the Bayside Planning Scheme Review was completed. It provided a detailed assessment of all aspects of the planning scheme and formed the basis of the current Bayside Municipal Strategic Statement.

Council also completed a review of the Bayside Planning Scheme in 2015 following completion of extensive community consultation, comprising:

- First round consultation using an online survey, direct notification of 24 community interest groups and all registered users of Council’s website and public drop in sessions; and
- Second round consultation using advertisements in the local newspaper, direct email and mail to interested parties and a survey on Council’s website.

Whilst important changes were acknowledged, there remained community concern about the impact of new development on neighbourhood character, the impact on traffic and car parking of new development, adequacy of open space, fairness of allocating specific areas for accommodating growth and a desire for new development to acknowledge environmental sustainability and climate change. Additionally, community engagement and awareness of planning issues remained a concern.

This report also outlines Council’s efforts to address these issues of community concern since the completion of the 2011 and 2015 Planning Scheme reviews.

2.2 Outcomes of this Review

In addition to Council’s statutory requirement to review the Bayside Planning Scheme, the scheme review provides opportunity for an audit of the performance of the planning scheme at a particular point in time and will inform the continuous improvement of the planning process by addressing:

- What has been achieved since the last review?
- Where are we now?
- Where to from here?

Upon completion of a review under section 12B of the Planning and Environment Act, the planning authority must report the findings of the review to the Minister for Planning.
3.0 Methodology of the Review

3.1 Review of Planning Schemes General Practice Note Requirements

In accordance with the Review of Planning Schemes General Practice Note and the Continuous Improvement Review Kit for planning and responsible authorities, both published in 2006 by the Department of Sustainability and the Environment, this review has adhered to the following methodology:

Scope of the Review
The scope was determined and documented at the outset of the project with the aims of the review, the methodology and approach to consultation agreed by the project team.

Data Collection
Surveys conducted as part of the preparation of the development of the Community Plan 2025 have been analysed to identify key planning matters facing the Bayside community and any gaps in planning policy. They are presented in this report.

Council’s success in implementing the recommendations from the 2015 Review was considered as well as actions which remain outstanding or no longer relevant.

An investigation of State policy changes and Council’s adopted strategy and policy position was undertaken to determine where gaps may exist due to State policy changes, and where Council may need to translate strategic projects completed into the Planning Scheme.

An audit of VCAT and PPV decisions has been completed having regard to the key planning matters affecting the Bayside community including an analysis of whether the Bayside Planning Scheme is adequately giving effect to state and local planning policy objectives.

An audit of further strategic work referred to within the Bayside Planning Scheme was conducted. An assessment was made of whether the key issues and recommendations of the 2015 Bayside Planning Scheme Review have been addressed and whether any key actions remain outstanding.

The form and content of the schedules, overlays and the Municipal Strategic Statement of the Bayside Planning Scheme was vetted for consistency with changes in state planning policy. Redundancies and anomalies were also identified.

Consultation
Consultation is an important part of the monitoring and review process, as reviewing existing documentation can sometimes not be enough to measure the performance of the planning scheme and planning processes.

The purpose of undertaking consultation is to understand the community’s expectations, how they perceive the planning scheme and processes and how they can be improved. The Continuous Improvement Review Kit acknowledges that the level and extent of consultation is up to each Council to decide.
Since the completion of the Planning Scheme Review 2015, Council has undertaken a significant number of community engagement exercises which has provided many opportunities for feedback in relation to planning issues facing Bayside.

Community engagement conducted as part of the development of the Community Plan 2025 provided the community input used to inform the recommendations of this Planning Scheme Review.

Community engagement since the last Planning Scheme Review has included, surveys and drop in sessions associated with the development and preparation of the Hampton East, Martin Street and Southland Structure Plans and the Highett Structure Plan Review. Community feedback elicited during preparation of the structure plans has also informed Council and internal stakeholders of the planning concerns of the Bayside community.

Further, with the proposed changes to the structure of the Planning Scheme proposed through the Smart Planning reforms, there is expected to be substantial changes to how the Scheme operates and opportunities to simplify policy and remove duplication. These changes are discussed further in later sections of this report.

Given the vast amount of material available for Council to consider, consultation with Council's Community Engagement department indicated that targeted workshops seeking to understand community issues would largely be redundant, as the community regularly provides this information to Council evidenced through the material gathered throughout this Review.

Meetings with relevant Council Departments were conducted to identify key planning related policies that require further strategic work and any operational and process improvements to be undertaken.

Data Review and Analysis
Data collected has been used to evaluate the performance of the Bayside Planning Scheme in responding to the concerns of the local community and in implementing Council’s strategic direction and desired outcomes.
Community Plan survey responses have been summarised and analysed to identify the key planning matters facing Bayside.

No data has been collected through the Scheme Review to facilitate a review of Council’s internal planning permit processes. An evaluation of Council’s planning processes is not part of the scope of this review and is largely being addressed through the Development Services Service Review implementation process and will continue to be addressed through that mechanism.

Implementing the Findings
In accordance with the recommendation of the General Practice Note, Review of Planning Schemes 2006, any proposed improvements to the planning scheme that flow from the review will be carried out separately as planning scheme amendments (as required).
4.0 Data Collection and Analysis

4.1 Key Planning Matters Facing the Bayside Community

Community engagement conducted as part of the development of the Community Plan 2025 provided the community input needed to inform the recommendations of this Planning Scheme Review.

Results of in-person, online and telephone surveys were collated by tallying the planning related comments from the Community Plan 2025 consultation. Tallied comments were either negative, positive or of a neutral nature.

Detailed analysis of the community responses received in relation to planning matters is provided in Appendix 1.

The planning policy related issues most often cited by the community were:

Overdevelopment
Concerns regarding development in general and increasing density was raised in 16% of in-person and online responses, and in 33% of telephone survey responses. Many respondents raised concerns about the construction of apartments and development over two storeys and the associated impacts that new development has on character, traffic and general amenity. Although some respondents were more accepting of higher densities within activity centres, the prevalent view was that such developments were generally excessive in either height, built form or density. Also acknowledged as part of overdevelopment were issues relating to car parking, traffic management and adequacy of community infrastructure to deal with the forecast population growth in local areas.

Preservation of Open Space
29% of in-person and online responses and 8% of telephone survey responses identified open space as being a high priority. The majority of these respondents expressed the importance of open space provision in reflecting their satisfaction with living in Bayside. The importance of supporting the natural ecosystems was also a strong focus on retaining vegetation and significant landscapes. This also related to the management of mature vegetation on private land, and how this contributes to the garden landscape character of the municipality.

Inadequate Car Parking Provision
Concerns about parking was cited in 8% in-person and online 10% of telephone survey respondents with many citing a lack of parking provided by new development and a lack of publicly accessible parking in general. Suggestions for improvements to car parking issues included removing parking restrictions in activity centres to support commercial growth, but imposing greater restrictions in residential areas near train stations. Others valued the higher turnover of parking in activity centres as it encourages economic trade. These dilemmas do not translate into a need for more parking places but the need to more efficiently manage the available parking while encouraging other ways to get around in Bayside.

Access to Public Transport
11% of in-person and online responses and 6% of telephone survey responses raised concerns about public transport often referring to the need to improve its frequency and connectivity. A need
for improved accessibility was the underlying issue concerning public transport. Respondents also mentioned the need to improve safety around train stations and access hubs.

**Other Transport Matters**

Traffic congestion and insufficient cycling infrastructure were the next most commonly identified issues raised by the community.

**Figure 1 | Community Plan Survey Response Summary**

*IN-PERSON CONVERSATIONS AND ONLINE SURVEYS: COMMUNITY RESPONSES RELATED TO PLANNING (FROM COMMUNITY PLAN 2025 CONSULTATION)*

This chart illustrates a summary of comments related to planning sourced from community engagement activities during 2015 as part of engagement for the 2025 Community Plan. 1,005 responses including comments from online surveys and in-person conversations were filtered according to their relevance to planning.
Figure 2 | Community Plan Telephone Survey Response Summary

TELEPHONE SURVEY RESPONSES - COMMUNITY PLAN DATA

This chart illustrates a summary of comments related to planning sourced from community engagement activities during 2015 as part of engagement for the 2025 Community Plan. 502 responses from telephone surveys were filtered according to their relevance to planning.

4.2 Key Planning Matters Facing Internal Stakeholders

Representatives of the following Council departments were interviewed in relation to key planning related matters:

- Development Services;
- Transport and Sustainability;
- Open Space Recreation and Wellbeing;
- Amenity Protection;
- Commercial Services; and
- City Assets and Projects.

Comments from Council department representatives have been analysed and compared with the community survey results to verify the findings of this report.
Development Services

Responses from Development Services indicated that increased levels of development and built forms considered appropriate by VCAT were often unacceptable to the Bayside community.

Similarly, car parking provision and the capacity of the road network to accommodate new development was often considered inadequate by the Bayside community but considered adequate by VCAT.

Despite the gap between the expectations of the Bayside community and planning decision making bodies, local controls were generally seen to be operate effectively in achieving the best possible outcome.

A re-examination of the following planning policy areas was suggested by Development Services with a view to potentially improving future planning outcomes:

- Review of a number of Design and Development Overlays that control built form so they are easier to understand and more consistent with State planning policy;
- Providing more in depth assessment of the habitat values of existing trees when applications are made for tree removal, to better inform planning decision making;
- Develop Environmentally Sustainable principles for new development to improve the city’s environmental sustainability;
- Review the Water Sensitive Urban Design policy to ensure it is effective in meeting Council’s strategic objectives for water quality;
- Review the Discretionary Uses in Residential Areas Policy to ensure consistency with State policy and to reduce the impact on residential amenity of large scale non-residential development in residential areas; and
- Review the Neighbourhood Character Policy and Overlay. There were mixed views regarding the effectiveness of the existing policy and the need to review it. The current policy provides qualitative standards to be met by new development which has benefited the community. However the policy does not identify existing elements of character to be protected. There is a need to clarify some of the requirements which are difficult to interpret.

Sustainability and Transport Services

Responses from Transport Services echoed the community’s view of inadequate parking availability and road capacity to accommodate new development. Transport Services advised that road capacity problems can only be addressed by reducing car trips as in most cases Bayside’s roads cannot be widened.

Traffic management solutions recommended by structure plans to ameliorate the impact of increased traffic are often not financially viable or impractical. There is a need to review traffic management solutions recommended by structure plans and ensure that these are achievable and that Council has the appropriate tools in place to deliver these improvements.

Through the Integrated Transport Strategy 2014, Council considered an approach to require Green Travel Plans from new development to ensure sustainable travel is considered early in new development. Since this recommendation was prepared, there has been little evidence that Green Travel Plans are reducing vehicular trips to and from new development, as intended.
The main concerns with parking adequacy related to new large multi-level mixed use developments within or near shopping centres and visitor spaces for large residential apartments.

Currently Council has insufficient parking survey data to convince State planning decision makers of the veracity of the Bayside community's concerns that parking provided by new development is inadequate or to assess the cumulative effect on accessibility of lower parking rates currently being provided by new development. Council has commenced obtaining a greater level of base data that will give it greater insight into how parking is being managed in activity centres and take action accordingly. This will inform the development of Council's scheduled Parking Strategy.

Open Space and Recreation

Responses from Open Space and Recreation indicated that the open space contribution received from new development is primarily used for upgrades to existing parks and reserves rather than costly land acquisitions. There was an identified need to consider how Council approaches new open space acquisition, particularly in activity centres where need is expected to be highest however there are generally limited tools in place to ensure these new spaces are acquired.

This may be further addressed as part of the scheduled review of the Bayside Open Space Strategy, expected to occur in 2019/2020.

It is expected that additional public open space will be transferred to Council as an open space contribution when the CSIRO site in Highett is redeveloped. This land will need to be rezoned to facilitate its optimal management by Council once boundaries are confirmed.

Additional comments were provided in relation to the review of the Temporary Advertising Signs on Recreation Reserves Policy, outlined further within this report.

Actions to protect the Bayside foreshore required under the Coastal Management Plan 2014 are ongoing as is the implementation of a number of master and management plans for Council reserves.

Amenity Protection

Council's Amenity Protection department highlighted some of the challenges in achieving Council's strategic objectives relating to vegetation protection. Vegetation protection on development sites could be improved if building coverage was reduced to ensure trees are not detrimentally affected. However most land owners are only willing to design around existing vegetation to a point. In most cases, the development outcome will be prioritised over vegetation retention, with these issues being the majority of vegetation related applications before VCAT.

Council's adopted Landscape Guidelines which require replacement planting and associated retention of garden area are also negated by VCAT as they are not referenced within the Scheme. Providing greater clarity between what constitutes 'pruning' and what constitutes 'limbing' would also be useful to monitor compliance.

There is a need to define the extent of tree pruning that can be undertaken without needing a permit. Managing tree removals from building sites where no planning permit is required is a challenge and ensuring that replacement planting is provided and maintained is too resource intensive.
Suggestions to improve tree protection outcomes included:

- Protection in the planning scheme under an overlay for the most significant trees; and
- Improving data collection on existing tree canopies to better support Council’s tree protection requirements and monitor canopy loss/gain.

Other concerns expressed by Amenity Protection related to:

- Increased noise complaints from residents in activity centres regarding noise from businesses in activity centres. Policy outcomes should be considered to help to minimise conflict between commercial and residential land uses;
- Improving the way that overlooking measures are defined on endorsed plans. There have been several instances where compliance has been challenging due to vague or inconsistent measures specified to minimise overlooking;
- Construction management plans required under planning permit conditions could benefit from a more consistent format. A Council developed template may assist;
- Recent State planning policy changes to home occupation provisions will allow businesses of increased size to operate from home. The impact on residential amenity of these changes will need to be monitored;
- Administration of the display of signage in Council’s reserves is not managed consistently and community groups don’t always remove the signs in a timely manner. This issue is considered in more detail further in this report;

Other Stakeholders

Economic Development advised that the Tourism Strategy and the Economic Development Strategy are scheduled for updating from 2019-2024. Due to rapid change in the business environment targeted action plans were considered to respond better to business needs than an updated strategy. These are both referenced within the Municipal Strategic Statement as further strategic work.

Given the increasing importance of a digital presence rather than physical location to business, activity centres need to act as social places rather than just as places of business.

Businesses, particularly personal services, still rely on parking availability.

Council could provide arrival kits for new activity centre residents to encourage them to use local business as the activity centres do not always benefit from new residential development in their centre. However this would sit outside the Scheme Review process.

*A summary of internal stakeholder responses received as part of the Planning Scheme Review is provided in Appendix 2.*
4.3 Key Planning Matters Facing Victoria

Melbourne’s Metropolitan Strategy, “Plan Melbourne 2017-2050” provides that Melbourne’s urban growth needs are to be met, largely, by infill development comprising compact higher density neighbourhoods near public transport, jobs and services. Planning support for greater housing diversity and increased social and affordable housing is also a key focus of the Plan.

Land use and transport policy is to encourage people to meet most of their needs locally and be less reliant on private transport.

Plan Melbourne also calls for Melbourne to be a more sustainable city by use of renewable energy technology and it seeks to make Melbourne cooler and greener by greening urban areas and strengthening the integrated open space network.

The Bayside Housing Strategy 2012 met the State’s population growth targets for Bayside and transport integration policy requirements by directing large scale new development to activity centres with train stations and seeking to minimise higher density development in areas outside these locations.

Further policy initiatives are needed to encourage more affordable and diverse housing and environmental sustainable development in Bayside in accordance with Plan Melbourne 2017-2050.

4.4 Effects of State Planning Decisions on Bayside

VCAT Decisions in relation to Bayside from 2015 to 2018

Under the Victorian planning system any Council planning decision can be reviewed by VCAT at the request of the proponent of the development or at the request of an objector. After considering the merits of the development proposal, VCAT may affirm or overrule Council’s decision.

The planning decisions of VCAT in relation to Bayside since the last review have been analysed and the key themes are summarised below.

A comprehensive review of VCAT decisions relevant to the Review are outlined at Appendices 3 & 4.
Figure 3 | Summary of VCAT Decisions from 2015-2018

This chart shows the proportion of Council decisions overruled by VCAT in relation to type of development between January 2015 – January 2018.

A total of 205 Council decisions were overruled by VCAT since the last planning scheme review in 2015. The vast majority of overruled decisions were Council refusals that were overturned in favour of granting a permit.

44% of Council’s decisions overruled by VCAT were in relation to multi-storey residential development with 21% of Council’s decisions in relation to car parking provision also being overruled by VCAT. 15% of VCAT overruled decisions related to vegetation removal and 11% related to the granting of waivers for loading bays. Other planning issues including, construction in a heritage overlay, additions or extensions to dwellings on small lots and mixed use development in shopping centres were not overruled by VCAT to a significant extent.

The data indicates the main discord between Bayside Council’s expectations and state decision making bodies, such as VCAT, was in relation to multi-level development.
The Bayside community’s view of acceptable planning policy outcomes is not shared by VCAT in relation to:

- Perceptions of what is acceptable built form or density for new multi storey residential development;
- The amount of car parking that should be provided by new development and loading bay requirements for commercial development; and
- The need to retain existing vegetation.

Further detail of VCAT’s decision making and reasoning is outlined in Appendix 5.

Planning Panel decisions in relation to Bayside from 2015 to 2018

Since the last Planning Scheme Review, Planning Panels Victoria (PPV) have considered the following proposed amendments to the Bayside Planning Scheme:

- Amendment C139, which implemented the Bayside Drainage Development Contributions Plan into the Scheme;
- Amendment C140, which proposed to implement the Bayside Housing Strategy 2012 into the Scheme with additional restrictions on density and provisions for increased open space;
- Amendment C151, which proposed to implement the Hampton East (Moorabbin) Structure Plan 2016 into the Scheme;
- Amendment 152, which proposed to implement the Martin Street Structure Plan 2016 into the Scheme;
- Amendment C153, which proposed to update the boundaries of the Special Building Overlay and remove the Land Subject to Inundation Overlay;
- Amendment C155, which proposed to apply an Environmental Audit Overlay to properties identified at being at risk of potential contamination;
- Amendment C150, which proposed to insert the policy outcomes of the Retail, Commercial and Employment Strategy in the Bayside Planning Scheme; and
- Amendment C126, which proposed development controls over Bayside’s Small Activity Centres.

A summary of Planning Panel Victoria decisions relevant to the Review are outlined at Appendix 6.

During the hearing of the amendments implementing structure plans and the BHS, the community’s concerns regarding excessive building height were rejected by Planning Panels Victoria. The Panel for Amendment C151 rejected mandatory building heights within the residential parts of the activity centre citing Planning Practice Note 60: Height and Setback Controls for Activity Centres which supports the use of discretionary controls that provide more flexibility to accommodate contextual variations and innovative design. Similarly, the Panel for Amendment C152 thought that for a number of sites Council’s proposed heights were too restrictive and that higher built forms could be acceptable in their particular context.

Restrictions on density and requirements for increased open space and garden areas for new development proposed by Bayside under Amendment C140, was considered to be inadequately justified by the Planning Panel.
The Planning Panels for Amendments C151 and C152 acknowledged the need for traffic management improvements to support new development within the structure plans. The Panel for Amendment C151 expected that these improvements would be undertaken by the relevant authorities as development proceeds. The Panel for Amendment C152 supported such improvements where the outcome and justification is clearly spelled out.

The Panel for Amendment C152 supported limited building height increases within heritage areas of the shopping centre as recommended under the structure plan.

Amendments C153 and C155 were required to manage urban flooding and any potential risks of land contamination when commercial land is redeveloped. Although these matters were not identified as being of significant concern by the Bayside community, the amendments were needed to maintain community health and safety when land is redeveloped. Council’s positions on both these amendments were supported by the Planning Panel and they have been approved by the Minister for Planning.

Amendment C150 was required to provide broad policy direction for the future of Bayside’s employment land, including the Bayside Business District and the Major Activity Centres.

Amendment C126 was required to manage new development and growth demands at Bayside’s Small Activity Centres. Council had some success in achieving mandatory controls where these were able to be justified however the Panel’s recommendations were primarily for performance based controls in the majority of centres.

Planning decisions of PPV indicated a mixed response to the key matters of concern to the Bayside community.

- The Planning Panel considered Council’s proposed building heights and the setbacks intended to limit building bulk in structure plans to be too restrictive, contrary to Bayside’s expectations;
- There was support for maintaining Bayside’s heritage values within identified heritage precincts;
- The Panel expected that traffic management requirements of new or increased development would be managed by responsible authorities. This approach assumes adequate parking will be provided by new development and that road upgrades are achievable and affordable which may not necessarily be the case;
- The Panel favoured infrastructure upgrades to meet future population needs rather than constraining development, contrary to the community’s expectation;
- The Panel advocated identification of the Laminex site at 332 Bay Road, Cheltenham for potential mixed use development contrary to the vision for the Bayside Business District (BBD) set out in Bayside’s Retail Commercial and Employment Strategy. The Strategy supports retention of the BBD for employment purposes and discourages residential encroachment;
- The Panel supported Bayside’s need to supplement planning policy and impose more detailed planning controls for Small Activity Centres. However, the Panel did not support the use of mandatory height and setback controls in most of the centres advocating preferred height limits and setbacks instead. The Panel only supported mandatory controls in the limited circumstances of heritage or coastal environments.
4.5 Audit of 2015 Planning Scheme Review

A detailed implementation plan was prepared as part of the 2015 Review of the Bayside Planning Scheme which has guided the delivery of strategic projects since 2015. Council has progressed the majority of the actions from the 2015 Review, with others scheduled to commence beyond 2018/19 as forecast in the Implementation Plan.

Some of the actions completed to date include:

- Completion of the Hampton East (Moorabbin) Structure Plan;
- Completion of an Amendment to implement the Hampton East (Moorabbin) Structure Plan (currently with the Minister for Planning);
- Completion of the Martin Street Structure Plan;
- Completion of an Amendment to implement the Martin Street Structure Plan (currently with the Minister for Planning);
- Completion of the Retail, Commercial and Employment Strategy;
- Completion an amendment to implement the Retail, Commercial and Employment Strategy into the Scheme;
- Completion of the Heritage Action Plan;
- Review of the Bay Street, Church Street, Hampton Street and Sandringham Village Major Activity Centre Structure Plans;
- Completion of an amendment to include the Bayside Drainage Development Contributions Plan into the Scheme;
- Completion of an amendment to apply an Environmental Audit Overlay to land identified as being potentially contaminated;
- Completion of an amendment to implement the Integrated Transport Strategy into the Scheme;
- Completion of an amendment to include the Bayside Coastal Strategy 2014 into the Scheme;
- Completion of the Small Activity Centres Strategy;
- Completion of an amendment to implement the Small Activity Centres Strategy 2014 into the Scheme (currently with the Minister for Planning);
- Completion of an amendment to update the Special Building Overlay boundaries;
- Completion of the Environmental Sustainability Framework;
- Completion of the Southland Pennsylvan Structure Plan; and

Further scheduled and unscheduled actions from the 2015 Scheme Review implementation plan which are underway or still required to be completed, included:

- A social and community infrastructure needs assessment that meets future population requirements;
- A review of the Neighbourhood Character Policy that preserves important built form and open space features of local neighbourhoods valued by the Bayside community;
- Review of the Discretionary Uses in Residential Areas Policy to optimise integration of large scale uses within residential neighbourhoods;
- Protection of coastal Aboriginal heritage sites;
• Guidelines to encourage recognition of principles of environmental sustainability by development proposals;
• Investigate potential for inserting guidelines from the Bayside Climate Change Strategy including, Coastal Vulnerability for a 0.2m sea level rise by 2040 and 0.8m sea level rise by 2100;
• A review of the built form controls for land within the Bayside Business District;
• An urban Design Strategy for land within the Bayside Business District;
• Implementation of heritage protection for mid modern century period properties in Black Rock and Beaumaris voluntarily nominated by landowners after the community rejected Council nomination of properties for heritage protection; and
• A range of other lower priority actions identified in the Implementation Plan from the 2015 Review.

Some actions identified in the 2015 Review will not proceed in the manner outlined in that review. They include:
• Implementation of the Review of Vegetation Controls – due to the changes to the residential zones, the preparation of Landscape Guidelines and Council’s upcoming Neighbourhood Character Review, the implementation of the initial work undertaken now requires further justification before it can proceed. Council has resolved to undertake a suburb level case study to assess the effectiveness of vegetation controls at that scale and consider the development of an urban forest strategy for the suburb to determine how controls should be strengthened. Rather than simply undertaking a ‘review’ as initially forecast by the Planning Scheme Review, this will assist in defining a more robust strategic framework for vegetation management which is expected to result in changes to the policy framework for vegetation management in the Scheme;
• Implementation of the Bayside Housing Strategy into the Scheme – due to Council’s decision to abandon Amendment C140, Council will need to prepare a separate amendment to translate other aspects of the Housing Strategy into the Scheme. This is expected to be addressed through the current Housing Strategy Review project, the outcomes of which will be reported to Council in due course; and
• Preparation of Major Activity Centre Car Parking Plans – due to Council’s consideration of the Future Management of Car Parking within Bayside report, a decision was made to prepare a Parking Strategy prior to this action being completed. The development of a Parking Strategy is to commence in 2019/20.

Council will continue to implement the ongoing and scheduled actions as part of its work program.

An audit of policy and actions recommended by the 2015 Planning Scheme Review and under Bayside’s Municipal Strategic Statement, is provided in Appendix 7.

4.6 State Planning Policy Changes

Key State government driven changes to planning policy since the 2015 Planning Scheme Review include:
• The introduction of planning requirements for apartments above four storeys to ensure minimum standards of amenity are met;
• The introduction of mandatory height controls for dwellings and residential buildings in residential areas, limiting building heights to 2 storey in the Neighbourhood Residential Zone and 3 storey in the General Residential Zone;
• The introduction of minimum garden areas at ground floor for residential allotments;
• Nursing Home and Residential Aged Care facilities now being exempt from particular planning requirements within residential areas (particularly height);
• Home occupation provisions amended to facilitate larger floor areas and more staff permitted to work on a premises;
• Various changes to the requirements for advertising signs;
• Deletes the requirements for service stations and car wash premises;
• Reduction in car parking provision for new uses in existing buildings in Commercial zones without a permit; and
• Reduced car parking requirements for uses on land located within the Principal Public Transport Network (ie. land located on or near train, tram and bus routes).

The new State changes support the intent of a number of Bayside’s Design and Development Overlays in seeking to control the scale and design of new residential development to better conform to the community’s aspirations. Bayside’s existing Design and Development Overlays will need to be reviewed to incorporate the effects of these changes.

A summary of key local and state policy changes made since the 2015 Review is included within the list of key amendments in Appendix 8.

Smart Planning Reforms
In response the Auditor General’s Managing Victoria’s Planning System for Land Use and Development 2017, the Smart Planning Program to reform Victoria’s planning system commenced. The program sought to simplify the planning rules and deliver a suite of modern digital tools to improve its operation.

The objectives of Smart Planning included:
• Simplified planning schemes that are easier to navigate and understand;
• The planning system will be more responsive to emerging issues in Victoria;
• Greater consistency between State and Local policy, leading to fewer errors and conflicting planning decisions;
• Simple and automated planning applications and enquiries; and
• Better access to planning information and policy, that is easier to understand.

In 2017, the planning rules reforms included:
• Doubling the number of applications that could take advantage of faster assessment times through changes to VicSmart criteria;
• Streamlined regional policy, removing 3,000 pages from planning schemes across the State;
• Consultation on the discussion paper Reforming the Victorian Planning Provisions, which received over 250 submissions;
• Preparing the first of two amendment packages (VC142) that will remove unnecessary clutter from planning rules and reduce red tape; and
• A range of digital planning initiatives to improve access and interpretation of policy.

In July 2018 the State Government reformed the Victoria Planning Provisions (VPP) under Amendment VC148. The reforms introduced a new integrated Planning Policy Framework (PPF) and simplified the VPP structure by
• restructuring particular provisions;
• integrating VicSmart into applicable zones, overlays and particular provisions; and
• consolidating operational and administrative provisions.

The new Integrated Planning Policy Framework (PPF) merged state, regional and local policy levels. It sought to respond to the following issues across schemes identified through various reviews:
• A disconnected State Planning Policy Framework and Local Planning Policy Framework structure and operation, and a growing inconsistency between them;
• Inclusion of policies that operate beyond the scope of a planning scheme;
• Expansive local policies that seek to compensate for gaps in zone and overlay controls;
• Inconsistent application of policy by decision makers;
• Insufficient weight being given to local planning policy;
• Overlap of policy with other interlocking regulatory regimes;
• Terminology being used in different ways;
• A large volume of planning policy that is difficult to navigate, understand and apply;
• Outdated policy content;
• An absence of state planning policy on various matters of local policy interest; and
• Confusion over the role of reference documents.

Figure 4 | The Three levels of policy under new reforms
For example:

| 17.03 Tourism |
| 17.03-1 [State] Facilitating tourism |
| 17.03-1 [Regional] Tourism in the Gippsland Region |
| 17.03-1 [Local] Nature-based tourism in the Shire |

To implement the new PPF, existing regional and local planning policies would need to be reviewed and appropriately redistributed under the relevant policy themes.

A reformed PPF will start with a new “municipal context and vision” that provides a concise description of the municipality and an overview of Council’s strategic planning direction. This would set the scene for the Scheme and establish the policy basis, containing municipality specific information such as location and regional context, history, assets and strengths, key attributes and influences.
Some existing policies at the State and Regional level have been recast to fit the new framework. Any policy will also need to avoid including provisions that act as controls, as these are properly implemented in appropriate zones, overlays or particular provisions and their local schedules.

Each level of policy includes an objective, strategy and a new ‘policy documents’ section for each policy matter. Local and regional policy need only include objectives that expand on the corresponding State objective. They do not need to repeat the State objective. Two new headings are to be included in the local sections, being ‘policy application’ and ‘policy context’:

- Policy application explains where a policy is applied – such as policies that only apply within a mapped area, in certain zones, etc; and
- Policy context provides a brief background to the issues that generated the local policy.

The consequence of these changes are substantial for Council. It will require Council to redraft almost all of its local policy content to give effect to the changes.

In October 2018 Council engaged a consultant to undertake an analysis of the existing Bayside Planning Scheme to assist Council to understand areas of potential risk as part of the translation to the new format Planning Scheme. The review included identifying:

- Content that could reasonably be deleted;
- Content that should or could be relocated to elsewhere in the Scheme;
- Content that is out of date and should be reviewed, updated or deleted;
- Provisions that are difficult to understand or interpret, or may not lead to practical or beneficial outcomes; and
- Content relating to actions that sit outside the Scheme and may not be able to be appropriately included in the new PPF Structure.

The audit highlighted potential issues with the drafting of Local Planning Policy Framework content, including:

- The structure and content of the Bayside Business District and Neighbourhood Character policies will be difficult to fit within the new format Planning Scheme and will require substantial redrafting.
- The introduction of standard State requirements in relation to stormwater management and water sensitive urban design may have superseded Bayside’s Water Sensitive Urban Design Policy, however further clarification is required.
- Bayside’s Discretionary Uses in Residential Areas Policy contains car parking requirements for uses and application requirements that are no longer appropriately located in a policy. These will be required to be removed as part of the translation to the new format Planning Scheme.
- Clause 21.11-5 (Beaumaris Concourse) includes a number of strategies under ‘economic development’ that are quite restrictive and don’t appear to support the relevant objective.
- General Residential Zone – Schedules 2, 3, 6, and 7 contains ‘Section 6 Transitional Provisions’. There is no ability to include Transitional Provisions in the current format of the Schedule to the General Residential Zone.
- Most of the overlay schedules do not conform to the revised format and will need to be ‘translated’ into the new structure.
• DDO5 contains requirements relating to Clause 55 that may be best located within the relevant residential zone schedule.
• Schedules 8 and 10, 11, 12 to the DDO contain a definition of storey that is not consistent with the definition of storey contained in Clause 73.01 General Terms. Local definitions should be reviewed for consistency with state definitions.
• Sites included in the Specific Controls Overlay will need to be mapped.

As indicated, there are a range of actions from Council’s review that will inform how Council provides input into the PPF translation process.

4.7 Form and Content Corrections to Planning Scheme

Since the 2015 Planning Scheme Review a number of errors and redundancies (ie: anomalies) have been identified in the Bayside Planning Scheme that should be corrected. Errors or inconsistencies in the planning scheme are commonly identified after new policies are implemented or when policy positions change or evolve.

Anomalies identified under this review that need to be addressed include:
• Removal of a number of properties from the Heritage Overlay due to development/subdivision approvals or mapping errors;
• Redundancies and inconsistencies in the Design and Development Overlays due to the introduction by the State government of mandatory height controls for residential development in residential areas;
• Updating of references to ‘business zones’ to ‘commercial zones’;
• Updating of the Water Sensitive Urban Design Policy to reflect Council’s Stormwater Water Management on site detention requirements for new development;
• Rezoning of public land sold for private use or development;
• Removal of the Gaming Machines Policy 2010 as a reference document at Clause 22.09, as Council has rescinded this policy;
• Correction of the zoning controls affecting 31 Service Street, Hampton, to be within the General Residential Zone;
• Correction of the zoning affecting land behind 305 Hampton Street, as it is split between the Public Use Zone and the Commercial 1 Zone;
• Correction of the zoning affecting part of a discontinued laneway at 2 Cambridge Street, Brighton East to be within the Neighbourhood Residential Zone;
• A number of other minor format or spelling changes to the Planning Scheme.

The majority of these are to be addressed through a current amendment to the Planning Scheme, Amendment C161, with others expected to be resolved through the PPF translation process.

*Details of required form and content corrections to the Bayside Planning Scheme is contained in Appendix 9.*
4.8 Review of Incorporated Documents

The documents incorporated into the Scheme at Clause 81.01 are:

- Bayside Drainage Development Contributions Plan (amended March 2017), included in the Scheme through Amendment C139;
- Cheltenham Level Crossing Removal Project Incorporated Document, July 2017, included in the Scheme through Amendment GC70;
- Site Specific Control – 120-130 Bay Street, Brighton July 1991 – included prior to NPS1; and
- Temporary Advertising Signs on Recreation Reserves Policy (revised 2005), included in the Scheme through Amendment C41.

Given that the first two have been in the Scheme for less than a year, it is considered premature to undertake a review of these documents.

The site specific control for 120-130 Bay Street affords uses not permissible within the Neighbourhood Residential Zone to continue to operate from the site. There are also building requirements associated with the continued operation of those (or new) shop/office uses. These continued to be complied with and assist with managing the extent of the uses and ensuring the architectural significance of the building is preserved.

Council’s Temporary Advertising Signs on Recreation Reserves Policy (“the policy’) adopted in 2004 was last reviewed in March 2005. A review of the policy suggests that the policy’s purpose, requirements and exemptions remain relevant since it is consistent with the Clause 52.05 Advertising Signs (Bayside Planning Scheme) purpose and objectives which essentially protects amenity and regulates signs. Furthermore, the policy does not repeat any exemptions or requirements from Clause 52.05. This is justification to retain the policy.

To better understand how the policy functions and to inform this review, meetings were held between Strategic Planning and Open Space, Recreation and Wellbeing and Amenity Protection departments. Open Space, Recreation and Wellbeing raised concerns about the ability to enforce the policy, including a lack of procedures to guide enforcement, as the signs don’t require planning permission. They reported that many signs installed as Temporary Advertising Signs on Recreation Reserves breach policy requirements by exceeding the time restrictions. The policy’s content was supported, however concern was expressed regarding whether the policy is followed. To improve the performance of the policy, it is considered that Council should undertake the following:

- Undertake more frequent monitoring and enforcement of signs allowed by the policy;
- Add additional Council sportsgrounds to the list of reserves to which the policy applies for the purpose of having a consistent approach across reserves;
- Undertake process mapping to ensure that the roles of Council departments are clear in implementing and enforcing the policy; and
- Investigate whether a bond or fee from proponents is appropriate to ensure signs are taken down in a timely manner.

An update to this incorporated document is proposed through current Amendment C161 to give effect to the outcome of the review of this policy.
4.9 Planning Policy Gaps and Areas for Improvement

Gaps in planning policy and areas for improvement identified both during or following the 2015 Scheme Review include:

- Lack of implementation of traffic management actions from Bayside’s adopted structure plans, particularly around the creation of new laneways and provision of new traffic infrastructure;
- Lack of height controls for non-residential development in residential zones when there are mandatory controls for residential development;
- The Bayside Housing Strategy has only been partly implemented in the Scheme. Whilst the application of the residential zones represents a significant achievement in delivering the vision of the Housing Strategy, the scheduled review of the Strategy and the opportunities in relation to affordable housing policy present Council with an opportunity to increase its role in advocating for affordable housing in Bayside;
- Other than the height controls, there are limited built form guidelines controlling the interface between land within Major Activity Centres where it abuts a Neighbourhood Residential Zone;
- In 2018 the state government amended all planning schemes by specifying that new development should not unreasonably reduce the capacity of existing solar panels. This matter is currently assessed at VCAT on a case by case basis often using overshadowing diagrams at the equinox as a basis for determining whether the amount of shadow cast by new development on neighbouring solar panels is reasonable without input from a technical expert. More specific local policy requirements or changes to planning application requirements could afford better protection of existing solar panels from potential overshadowing by new development; and
- An assessment of the impact of mandatory residential height limits in the General Residential Zone on the provision of lift access to multi-storey developments. It is important to verify that lift over-runs can be reasonably accommodated by three-storey apartments within the 11m mandatory height limit of the zone.
5.0 Summary of Findings

The majority of Council’s completed strategic work program from the 2015 Bayside Planning Scheme Review has centred on managing expected urban growth needs with a view to maintaining access to services and minimising negative impacts on the Bayside community.

Structure planning to help manage Bayside’s expected high residential growth areas is largely complete as is the vision for Bayside’s economic future.

Data collected from community surveys, internal Council Departments and outcomes from planning decision making bodies, indicates that further work is required to meet the aspirations of the Bayside community whilst also meeting state planning reform requirements.

The community’s aspirations and planning’s response was analysed from the data and grouped into four broader themes, discussed below, in section 5.

5.1 Open Space and the Environment

Open space is a highly valued commodity by the community. The preservation and maintenance of open space is supported by state and local planning policies which are administered by Council departments.

Open space is provided in Bayside within Council and State parks and reserves, and within private land through the maintenance of private gardens.

Bayside’s existing local planning policies already contribute toward the preservation of open space through vegetation protection requirements within the southern parts of the city (eg: Vegetation Protection Overlay), neighbourhood character requirements aimed at preserving the garden character of specific neighbourhoods (eg: Neighbourhood Character Policy and Overlay) and the public open space contribution paid by development to help fund public open space upgrades and acquisitions.

Bayside City Council has tried to increase and maintain open space levels in the city through improvements to the local planning policies that effect it. In the past open space contributions made by new development have been increased and the Bayside Housing Strategy sought increased provision of open space and soft landscaped areas by new development but they were rejected by Planning Panels Victoria and the state government.

Data collected from community surveys that informed this review did not flag vegetation loss as a significant issue of community concern. However, internal stakeholder responses, VCAT data on overturned Council requirements to retain vegetation and recommendations of the 2015 Planning Scheme Review, indicate there is justification for reviewing the following local policies and Council actions:

- Neighbourhood Character Policy;
- Vegetation Protection Overlay;
- Heritage Overlay or the Significant Landscape Overlay;
- The need to acquire additional public open space in parts of Bayside; and
- Implementation of master plans and management plans for Bayside’s parks and reserves.
Council’s case study to inform an urban forest strategy methodology is expected to result in an improved understanding of the effectiveness of vegetation controls to understand how these policies can be improved.

Upgrades to existing public spaces or acquisition of additional land for outdoor or indoor recreation within or near activity centres will provide opportunities for social interaction needed to support the socio-economic role and performance of Bayside’s activity centres.

Acquisition of additional public open space and optimal management of Council’s parks and reserves will increase availability and usage of public open space and help mitigate the impact of expected future population growth.

5.2 Impact of New Development On Bayside

An analysis of planning policy, public hearings and the community survey responses from the Community Plan indicate that new infill development encouraged by state policy and found to be acceptable by State planning authorities is not considered acceptable by the Bayside community and it is a significant community concern.

State planning authorities have often found building height and scale of new development to be acceptable when the Bayside community considered it excessive. Similarly, parking provision provided by new development accepted by State planning authorities was considered insufficient by Bayside.

Bayside Council has adopted local policies, such as, the Bayside Housing Strategy (BHS), the Neighbourhood Character Policy and Design and Development Overlays to limit either the location or the size and scale of new infill development to minimise its impact on the community.

The BHS enabled the majority of Bayside’s residential areas to be zoned Neighbourhood Residential by the State government in 2014. This zone contains relatively restrictive controls designed to limit the size and scale of new development, including two storey height limits on new residential development in accordance with the Bayside community’s preference for lower scale development. Residential areas in and around activity centres were zoned General or Residential Growth due to their proximity to shops and a train station. These zones also contain height controls on residential development, however the controls are less restrictive and they are intended to accommodate new development.

Since the last Planning Scheme review a number of structure plans have been developed to manage new development expected close to train stations and within and around activity centres in accordance with the BHS and state planning policy. As part of Council’s ongoing monitoring and review program, development trends will continue to be monitored to ensure that Council is accommodating its anticipated level of growth.

Despite the restrictive nature of controls on most of Bayside’s residential areas achieved under the BHS the size and scale of new development remains a significant community concern according to recent community surveys and stakeholder comments. Given the community’s ongoing concerns in
relation to this matter, it would be appropriate through the review of the BHS to explore whether there are other feasible options to provide for future population growth in a manner more acceptable to the Bayside community that also meets State planning policy requirements.

Apart from the Housing Strategy, the Neighbourhood Character Policy and Overlay have been used to limit the size and scale of development in specific areas to preserve an identified character. Whilst the existing Neighbourhood Character Policy and Overlay provide scope for Council and the community to influence the size and scale of new development within these areas, there is concern that the policy needs to be more precise and clearer in identifying important existing characteristics and associated limitations on development.

Other local policies that have been used to limit the scale of development include Design and Development Overlays which can still be used to control overdevelopment, in the absence of State controls, by:

- limiting the height of non-residential development in residential zones; and
- imposing design controls to limit the impact of new three storey development on the periphery of the residential part of activity centres or where it interfaces with neighbourhood residential areas.

Stakeholder responses elicited during the Planning Scheme Review recommended a review of the Design and Development Overlays, the Neighbourhood Character Policy and Overlays and the Discretionary Uses in Residential Areas Policy to achieve better development outcomes more consistent with the amenity expectations of the Bayside community.

5.3 Accessibility in Bayside

Council has limited capacity to address community concerns regarding access to public transport as it is a state government responsibility. State planning policy seeks to increase the community’s access to public transport and reduce traffic congestion on road networks by facilitating urban growth, through multi-level higher density housing, near public transport and shopping centres. The Bayside Housing Strategy and structure plans are intended to assist Council to achieve this. Any review of the BHS and options for future growth will need to consider the impact of those options on access to transport.

With regard to traffic and parking concerns. Although there was significant community concern, these matters were of less importance than matters associated with open space and the scale of new development taking place. Furthermore, parking requirements for new development is determined by state planning authorities and state planning policy. Decision making favours the provision of alternative transport options to policies that facilitate use of the private car.

Existing and future traffic and parking conditions have also been evaluated as part of the development of a number of structure plans. Expert consultants have recommended traffic management devices and road treatments to help accommodate additional traffic expected from new development. Council’s implementation of these actions has been limited and it is expected that the future Parking Strategy will go further to address the car parking related concerns. Other actions from strategic documents will continue to be implemented as relevant.
Community and stakeholder feedback supports increased monitoring by Council of traffic and parking conditions in and around activity centres to manage parking and traffic needs as new development occurs. Improved data on traffic and parking may assist Council to convince state planning authorities to require adequate parking provision by new development.

Accordingly Council’s Sustainability and Transport Department will undertake the work identified in the 2016 Planning Scheme Review, as follows:

- Preparation of a municipal parking strategy and parking precinct plans for key activity centres to manage on street and off street parking;
- Actions to encourage alternative travel modes in Bayside required under the Integrated Transport Plan;
- An assessment of Council’s ability to implement the transport related actions recommended under structure plans;
- Increase monitoring of traffic and parking conditions in and around activity centres and compile evidence to convince State planning bodies of the need for new development to provide adequate parking.

5.4 Amenity Protection in Bayside

Bayside’s Design and Development Overlays that cover a Commercial 1 zone could be altered to require double glazed windows or other sound proofing (above building regulation requirements) of residential properties to minimise noise conflicts between residential and commercial land uses. Other recommendations made to protect amenity are procedural matters for the attention of relevant Council departments. They are not matters that can be addressed by the planning scheme review. Nonetheless, they are assessed, below:

- More consistency in Construction Management Plans through use of a Council template could improve the plans and minimise disturbances caused by construction.
- Overlooking requirements set out in the Planning Scheme are State requirements that cannot be altered. However, more detailed specification of privacy screening proposed to be provided by the development on the advertised and approved plans would assist planning inspectors in dealing with complaints.
- Better Council procedures for administering the display of temporary advertising signs on Council land would benefit the community and stakeholders. It should be noted that the display of temporary advertising signs for community or special events does not require a planning permit and is not administered under the Bayside Planning Scheme.
6.0 Recommendations

6.1 Planning Policy Priorities

This report's findings indicate that despite, State policy changes and Council's implementation of a suite of local policies intended to limit the size and scale of new development in accordance with the community's aspirations, concerns persist in relation to overdevelopment. Therefore, a re-evaluation of a number of existing local planning policies and a number of new actions to better manage the impacts of new development on the community, are recommended below:

- Undertake a social and community needs analysis to ensure that community spaces and facilities are appropriately planned across Bayside;
- Review the Bayside Housing Strategy to ensure it continues to meet housing needs and identifying opportunities to increase community understanding of how Bayside is planning for population growth.
- Investigation of alternative approaches for regulating neighbourhood character to improve its performance in preserving important physical built form and landscape characteristics within identified neighbourhoods where they predominate.
- Review of the Discretionary Uses in Residential Areas Policy to better protect residential amenity.
- Review of Bayside’s existing Design and Development Overlays to incorporate:
  - the effects of State planning policy changes;
  - sound proofing measures for residential development in commercial zones to protect residential amenity; and
  - re-drafts to improve clarity.
- Insertion of controls within Bayside’s Design and Development Overlays to ensure development proposals consider their impact on neighbouring solar panels and recognise the location of neighbouring solar panels as a design consideration.
- Verification that lift over-runs for three storey buildings can be reasonably accommodated within the 11m mandatory height limit to encourage lift access to 3 storey development.
- Insertion of height controls for non-residential development in residential zones to be more consistent with existing mandatory height controls for residential development.
- Investigate the feasibility of additional design guidelines to better integrate new development within existing residential neighbourhoods zoned General Residential at the interface of activity centres with abutting Neighbourhood Residential Zones;
- Clarification on the built form outcomes sought within the Bayside Business District (BBD) to ensure objectives are able to be achieved in relation to both buildings and the public realm.

Environmental and heritage policy priorities that will contribute to Bayside’s environmental sustainability and to the city's valued open spaces and garden character were recommended by stakeholders and the previous scheme review, as follows:

- Undertake a case study at a suburb level to identify opportunities to improve the effectiveness and clarity of vegetation controls and to more clearly articulate Council’s strategic objectives in relation to vegetation management.
- Following the case study, investigate the potential for an overlay to protect Bayside’s most significant trees to help maintain the garden character of the city.
- Examine options for utilisation of the open space contribution from new development to acquire additional public open space and to provide new recreation or open space opportunities in or near activity centres.
• Evaluate the potential for inserting guidelines from the Bayside Climate Change Strategy including, coastal vulnerability for a 0.2m sea level rise by 2040 and 0.8m sea level rise by 2100.
• Update the Water Sensitive Urban Design Policy to reflect Council’s, “stormwater water management,” on site detention requirements for new development.
• Identify sites of Aboriginal Heritage for protection along the coast.

6.2 Policy Priorities Related to Planning

The level of importance of optimal accessibility to the Bayside community and open space provision means that the measures and actions to improve the situation, as specified, should be undertaken.
• Preparation of a municipal parking strategy, parking precinct plans for key activity centres.
• An assessment of Council’s ability to implement the transport related actions recommended under structure plans.
• Continuation of actions to encourage alternative travel modes in Bayside required under the Integrated Transport Plan.
• Increased monitoring of parking and traffic conditions in and around Bayside’s activity centres and compilation of data to convince state decision making bodies of the need for new development to adequately provide for parking and traffic needs.
• Continued preparation and implementation of master and management plans for Bayside’s public open spaces.

6.3 Policy Priorities Related to Planning

Analysis of community and stakeholder responses determined that the following policies from the last review were not considered to be a current priority but should be reconsidered in the future.

<table>
<thead>
<tr>
<th>Policies For Future Consideration</th>
<th>Reasons for Lower Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>A review of the Bayside Tourism Strategy. Council actions</td>
<td>The current strategy developed in 2013 is scheduled for review from 2019-2024.</td>
</tr>
<tr>
<td>Rezone land set aside for public open space as part of the redevelopment of the CSIRO land.</td>
<td>To be undertaken when future rezoning of the site occurs.</td>
</tr>
<tr>
<td>Guidelines to encourage environmentally sustainable design by development.</td>
<td>State provisions are expected to be developed in the near future. Any local policy work undertaken by Council at this time may be duplicated by the state.</td>
</tr>
<tr>
<td>Potential for use of developer contributions towards parking provision.</td>
<td>Any potential for use of development contributions for parking provision could be considered after completion of a municipal parking strategy and parking precinct plans for activity centres scheduled for 2021.</td>
</tr>
</tbody>
</table>
10.9 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHETT ROAD, HIGHETT WITH CONSIDERATION TO SUBMISSIONS RECEIVED

Executive summary

Purpose and background

Council, at its 19 February 2019 Ordinary Council Meeting, considered a report to discontinue and retain part of the right of way (road) at the rear of 457-465 Highett Road, Highett and resolved to:

1. Commence the statutory procedures in accordance with the Local Government Act 1989, for the discontinuance of the road adjoining the Livingstone Street Kindergarten Highett generally in accordance with attachment 1.
2. Give Public Notice of the Proposal in the appropriate newspapers and on Council’s website;
3. If no submissions are received, authorise the Director Corporate Services to complete the formal procedures for the discontinuance of the road and consolidation of land into the Livingstone Street Kindergarten and Highett Neighbourhood Community House title; and
4. In the event submissions are received, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 to consider any submissions received at the Council Chambers, Boxshall Street, and Brighton on 16 April 2019 at 6.30pm.

In accordance with the resolution, Council gave public notice of the proposal in the Bayside Leader, The Age and Council’s website. Officers received three written submissions from the owners of 457, 459 and 461 Highett Road Highett.

A Special Committee of Council was held on 16 April 2019 to consider the submissions and hear persons who requested to be heard in accordance with Section 223 of the Local Government Act 1989 (Act).

This report recommends that Council discontinue and retain the land incorporating the former ‘road’ into the Livingston Street Kindergarten to enable Council to address a strategic ‘future need’ of redeveloping and expanding the kindergarten’s outdoor space.

Key issues

In January 2018, following receipt of an enquiry from residents adjoining the road, preliminary consultation commenced on a proposal to sell part of the road adjoining 457-465 Highett Road Highett, and the Livingston Street Kindergarten and Highett Neighbourhood Community House.

Abutting owners, internal Council Departments and external service providers were invited to provide feedback on the proposal. Initial responses received from adjoining owners were supportive of the discontinuance and potential acquisition by abutting owners of part or all of the land. However, subsequent internal consultation with Council’s Community Services Department revealed that the land was required by Council’s Livingston Street Kindergarten.

Livingston Street Kindergarten is landlocked and has a small and limited outdoor play area. Enrolments are restricted by the outdoor regulatory space requirements of 7m2 per child.
The Livingston Street Kindergarten needs to increase its outdoor play area to accommodate the expanded program. An additional 77 square metres of outdoor space, made available by utilising the abutting road area, would allow the kindergarten to expand from 44 to 55 places. This equates to an additional 22 children per weekly timetable, as two sessions operate each day. These functionality and future demands were identified in Council's Early Years Infrastructure Plan 2018-2028.

Additionally, the Victorian Government has recently introduced 15 hours per week of funded kindergarten for all three-year-old children. This will commence in 2022 in Bayside with five hours per week leading to 15 hours by 2029. The acquisition of the additional land will ensure that the kindergarten can provide a three-year-old community delivered kindergarten option in the Highett area.

After giving public notice under Section 223 of the ‘Act’, three submissions were received from adjoining residents who expressed interest in purchasing the road or retaining the status quo of the road as an accessible laneway. The submissions were received, heard and noted by Council at a Special Committee Meeting held on 16 April 2019.

The primary objections and response are outlined below.

**Inability of adjoining owners to purchase**

Council’s Discontinuance and sale of Right of Ways, Roads, and Reserves Policy (Policy) provides direction on whether discontinued roads should be sold, or retained and transferred to Council for strategic or municipal purposes.

The Policy provides for land that is generally required for municipal purposes or has strategic value to Council to be retained for that ongoing need.

Whilst the initial consultation related to the proposal to sell the land to the abutting residents, the internal review identified a strategic need to discontinue the ‘road’ and retain it for municipal purposes by integrating the land with the adjoining Livingston Street Kindergarten and Highett Neighbourhood Community House for the purposes of redeveloping and expanding the existing kindergarten’s outdoor space.

**Certificate of Title entitlements and usage as a lane**

The Certificates of Title to 457, 459 and 461 Highett Road, Highett provide for a right of carriageway over the road. The existence of a right of carriageway is a relevant consideration in Council’s determination of whether or not the ‘road’ should be discontinued and disposed of. However, a key consideration for Council is whether or not the right of way is reasonably required for public use. If Council considers that the right of way is not reasonably required for public use and seeks to retain it for municipal purposes, the effect of a gazettal of the Notice of Road Discontinuance for the right of way is to extinguish all existing rights of carriageway and other rights over the land.

The consultation on the initial discontinuance process to sell the land to the abutting owners would also have extinguished use rights if the land was not retained but sold. Without this request from abutting landowners, the internal referral, which identified the future need for the kindergarten, would not have been undertaken.

Investigations by Council officers identified that whilst the road is physically ‘open’ and unconstructed, few if any adjoining properties appear to use the road for vehicle or pedestrian access. At the time of inspection on 4 December 2018, the road appeared to have limited use and had garden rubbish, wood stockpiles and some narrow vegetable garden beds in sections. Whilst
there is evidence of pedestrian and vehicle access gates, low hanging branches from existing vegetation would make it difficult to traverse.

**Parking restrictions on Highett Road**

Council acknowledges that ‘no stopping’ restrictions apply to Highett Road. Residents in this area are not eligible for parking permits; however, Council further notes that each property that adjoins the proposed road discontinuance has access to parking on their block via a cross over from Highett Road. Again, it is noted that the residents were prepared to forego rear access if they were able to purchase the land.

**Loss of valuable land**

Objectors are not able to claim compensation following a road discontinuance proposal where Council has complied with all relevant statutory procedures.

**Lack of consultation**

The consultation phase comprised abutting owners, internal Council departments and external service authorities including gas, water, electricity and telecommunication service providers.

On 3 January 2018, the adjoining property owners; 457, 459, 461, 463 and 465 Highett Road were notified that Council had received a proposal to discontinue and sell part of the road, and invited comment on the proposal. Initial responses were all supportive by abutting owners of the discontinuance and potential acquisition of part or all of the land.

Subsequent internal consultation with Council’s Community Services Department revealed that the road was required by Council’s Livingston Street Kindergarten to address a strategic ‘future need’. No specific community consultation on the extension of the kindergarten has been undertaken.

As a result of the consultation process, the initial proposal to discontinue and sell part of the road changed to a discontinuance and retention proposal.

Public notice on the proposal to discontinue the road and retain it has been given in the Bayside Leader, The Age and Council’s website.

A Special Committee Meeting of Council was held on 16 April 2019 to receive, hear and consider submissions.

**Public utility infrastructure**

There is a South East Water sewer main and a Council drainage pipe traversing the road. Appropriate easement encumbrances will be required to be placed on title. This will not impact the use of the land for outdoor space associated with a kindergarten.

**Status quo request**

Failing a proposal to sell to the abutting land owners, the preferred position of the residents is that the status quo be retained. Council officers have identified a strategic need to discontinue the ‘road’ and retain the land for municipal purposes by integrating the land with the adjoining Livingston street Kindergarten and Highett Neighbourhood Community House for the purpose of redeveloping and expanding the existing Kindergarten’s outdoor space.

The incorporation of the additional road allows for the kindergarten to address functionality and future demand needs as outlined in Council’s ‘Early Years Infrastructure Plan 2018-2018’.
Recommendation

That Council:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Act), discontinue the road adjoining 457-465 Highett Road Highett, shown hatched in Attachment 1.
2. Direct a public notice to be published in the Victorian Government Gazette.
3. Consolidate the land into the Livingston Street Kindergarten and Highett Neighbourhood Community House title.
4. Authorise the Chief Executive Officer, or such other person as delegated by the Chief Executive Officer, to undertake the necessary procedural steps to complete the formal procedures for the discontinuance and consolidation of the title including the execution of all relevant documentation.
5. Advise any party who lodged a submission in relation to the proposal of Council’s decision and provide the following reasons for the decision to proceed with the discontinuance and retention of the road:
   i. Council considers the road is not reasonably required as a road for public use;
   ii. Council considers it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives, particularly in relation to the efficient management of resources in Council’s control and in accordance with its policy; and
   iii. Council discontinue and retain the land incorporating the former ‘road’ into the Livingston Street Kindergarten to enable Council to address a strategic ‘future need’ of redeveloping and expanding the kindergarten’s outdoor space - addressing the functionality and future demand needs as outlined in Council’s ‘Early Years Infrastructure Plan 2018-2028’.

Support Attachments

1. Attachment 1-Land at rear Livingston Street Kindergarten Highett - Location Plan
2. Attachment 2 - Agenda - 16 April 2019 - Special Committee of Council
Considerations and implications of recommendation

Liveable community

Social
The discontinuance of the right of way will remove the need for Council to regularly maintain land that is rarely used and appears to be no longer required.

Should Council discontinue the road and incorporate the land as part of the Livingston Street Kindergarten and Highett Neighbourhood House, this would allow future service enhancement to the Kindergarten. The Neighbourhood House would have improved security noting that the lane is unfenced with a number of windows opening directly onto the lane.

The land is also used for drainage and sewerage purposes. This drainage and sewerage services will still continue to operate if the road is discontinued through the current easement rights, and any additional easements required by service authorities.

Natural Environment
There are no impacts associated with this report.

Built Environment
The Proposal could provide Livingston Street Kindergarten with additional private open space.

All necessary service authorities and Council Departments have been consulted and no objections have been received. All drainage and sewerage easements will remain in favour of the relevant authorities. The land is encumbered by Council Drainage Assets and South East Water sewerage pipes running through the road and are protected through easements on title.

Customer Service and Community Engagement
Consultation has been undertaken with relevant Council departments and external service authorities.

Statutory procedures required Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties. In addition, all abutting property owners were advised of the proposal in writing and informed of their right to make a submission. Notification was also provided on Council’s website.

Submitters were invited to be heard by Council, or a committee of Council, prior to a decision being made to proceed or otherwise with the proposal. Submissions received have been considered and reported to Council to enable Council to make 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
The Subject land is described as being part of a road more particularly described as part of Lot 1 on Title Plan 888176S Parent Title Volume 084347 and Folio 297 (Parent Title Volume 02485 Folio 843). In accordance with schedule 1 of the Road Management Act 2004, Council has the statutory powers to discontinue the road.
Finance
Council’s independent valuer, Opteon, has valued the road at $35,000 including GST as at August 2018 if it was incorporated into the kindergarten.

Should discontinuance and sale to the abutting owners be preferred, a valuation would be required to determine the value to each property. In this instance, all costs in relation to the sale would be recoverable by Council.

Links to Council policy and strategy
Council’s ‘Discontinuance and sale of Right of Ways, Roads and Reserves Policy’ provides direction on the discontinuance of roads and potential sale of land.

Council’s Property Strategy Principle One
Seeks Council to maximise community benefit and public value from the property portfolio.

Council Plan Goal 7 – Financial Responsibility and Good Governance
7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
### Options considered

#### Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not proceed with discontinuance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Lane remains open and useable noting that there are a number of pedestrian and vehicle gates. The residents which sought to have the land discontinued to purchase but object to the land being retained by Council for the kindergarten will not be disaffected.</td>
</tr>
<tr>
<td>Issues</td>
<td>Road is not reasonably required.</td>
</tr>
<tr>
<td></td>
<td>Residents have expressed a desire to purchase the land abutting properties.</td>
</tr>
<tr>
<td></td>
<td>Income from part sale beyond neighbourhood house not achieved.</td>
</tr>
<tr>
<td></td>
<td>Council should take action to remove any encroachments on the lane related to garden and apparent storage of wood.</td>
</tr>
<tr>
<td></td>
<td>Kindergarten is not able to expand on current site to meet functionality and future needs.</td>
</tr>
</tbody>
</table>

#### Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Discontinue and retain ownership of the land abutting the Kindergarten and Neighbourhood house.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Enables redevelopment of current site to a two room 55 place kindergarten facility which addresses kindergarten functionality and future needs.</td>
</tr>
<tr>
<td></td>
<td>Ensures the kindergarten redevelopment meets education and care service regulations.</td>
</tr>
<tr>
<td>Issues</td>
<td>Abutting residents unable to purchase additional land.</td>
</tr>
<tr>
<td></td>
<td>Abutting residents object to Council retaining the land for the kindergarten.</td>
</tr>
</tbody>
</table>

#### Option 3

<table>
<thead>
<tr>
<th>Summary</th>
<th>Discontinue and sell to abutting residents where possible.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Meets outcome sought by the abutting owners who have expressed an interest in acquiring part of the lane.</td>
</tr>
<tr>
<td></td>
<td>Derives income from the sale of those portions of the lane which can be sold.</td>
</tr>
<tr>
<td></td>
<td>Improves security to Neighbourhood House.</td>
</tr>
<tr>
<td>Issues</td>
<td>Kindergarten is not able to expand on current site to meet functionality and future needs.</td>
</tr>
</tbody>
</table>
PROPOSED DISCONTINUANCE AND RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHETT ROAD, HIGHETT
Agenda

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

Proposed Discontinuance & Retention of Part of
Road at Rear of 457-465 Highett Road, Highett

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

on

Tuesday, 16 April, 2019
at 6:30pm
Order of Business

1. Welcome and opening of the meeting

2. Apologies

3. Disclosure of any Conflict of Interest

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

   4.1 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Hightett Road, Hightett - Submission - George & Nora Boghikian, of 457 Hightett Road, Hightett ............................................. 5

   4.2 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Hightett Road, Hightett - Submission - Robert Fallon (on behalf of Rachel Fallon, of 459 Hightett Road, Hightett) .........................11

   4.3 Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Hightett Road, Hightett - Submission - Hilary Bland, of 461 Hightett Road, Hightett ..........................................................17

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.

   • Mr George Boghikian (in support of Submission 4.1)

   • Mr Robert Fallon (in support of Submission 4.2, and in support of Submission 4.3 on behalf of Ms Hilary Bland)
1. Welcome and opening of the meeting

2. Apologies

3. Declarations of any Conflict of Interest
4. Submissions

4.1 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHTETT ROAD, HIGHTETT - SUBMISSION - GEORGE & NORA BOGHIKIAN, OF 457 HIGHTETT ROAD, HIGHTETT

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/93769

Purpose and Background:

At the Ordinary Meeting of Council held on 19 February 2019, Council resolved to commence the statutory procedures in accordance with the Local Government Act 1989 to discontinue part the road adjoining Livingston Street Kindergarten generally in accordance with Point 4 of the same resolution stated as follows: '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 to consider any submissions received, at the Council Chambers, Boxshall Street, Brighton on 16 April 2019 at 6:30pm.'

In accordance with the resolution, Council gave public notice of the proposal in the Bayside Leader, The Age and Council's website, inviting any interested parties to make a submission in writing before 5:00pm Friday 5 April 2019.

On 19 March 2019, Council received a written submission (Attachment 1) from Mr and Mrs Boghikian of 457 Hightett Road, Hightett. Within the submission Mr Boghikian requested to be heard in support of their submission at the Special Meeting of Council on Tuesday 16 April at 6.30pm, at the Council Chambers, Boxshall Street, Brighton.

<table>
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<th>Date of receipt</th>
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<tr>
<td>19 March 2019</td>
<td>Yes</td>
<td>5 April 2019</td>
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Organisation’s comments

Response to ‘wish to obtain, at a reasonable price, the segment of the laneway at the rear of our property’

In January 2018, following receipt of an enquiry from residents adjoining the laneway – preliminary consultation commenced on a proposal to sell part of the road.

The consultation phase comprised of abutting owners, internal Council departments and external service authorities including, gas, water, electricity and telecommunication service providers.

The internal consultation revealed that the Livingston Street Kindergarten and Hightett Neighbourhood Community House abut the lane. The kindergarten is landlocked and has a small outdoor play area which could be enhanced by expanding the play area into the rear laneway. The kindergarten accommodates 44 places which has been restricted to date by the outdoor space requirements of 7m2 per child – total area of 308m2. By incorporating an
additional 77 square metres of the abutting road area into the existing outdoor play area, and with the proposed future redevelopment of the kindergarten, 55 places could be offered on the basis of 3.25m² per child for indoor space and 7m² per child for outdoor space. Outdoor space regulations require 7m² per child. The incorporation of the additional ‘road’ allows for the kindergarten to address functionality and future demand needs as outlined in Council’s Early Years Infrastructure Plan 2018-2028.

Response to ‘request to purchase full width of the laneway at rear or our property’

Council’s Discontinuance and sale of Right of Ways, Roads, and Reserves Policy (Policy) provides direction on whether discontinued roads should be sold, or retained and transferred to Council for strategic or municipal purposes.

The achievement of the objectives of the Policy will protect roads for use by the wider community when there is an ongoing need for them.

The Policy provides for land that is generally required for municipal purposes or has strategic value to Council – to be retained for that ongoing need.

Council officers have identified a strategic ‘future need’ to discontinue the land and retain it for municipal purposes by integrating the land with the adjoining Livingston Street Kindergarten and Hightett Neighbourhood Community House for the purposes of redeveloping and expanding the existing kindergarten’s outdoor space and increasing places from 44 to 55.

Response to ‘No change in order to maintain our rear access as Land title entitlement’

The Certificate of Title to 457 Hightett Road, Hightett provides for a right of carriageway over the road. The existence of a right of carriageway is a relevant consideration in Council’s determination of whether or not the Road should be discontinued and disposed of. However, a key consideration for Council is whether or not the right of way is reasonably required for public use. If Council considers that the right of way is not reasonably required for public use and seeks to retain it for municipal purposes, the effect of a gazettal of the Notice of Road Discontinuance for the right of way is to extinguish all existing rights of carriageway and other rights over the land.

Investigations by Council officers identified that whilst the road is physically ‘open’ and unconstructed, few if any adjoining properties appear to use the road for vehicle or pedestrian access. At the time of inspection on 4 December 2018, the road appeared to have limited use and had garden rubbish, wood stockpiles and some narrow vegetable
garden beds in sections. Whilst there is evidence of pedestrian and vehicle access gates, low hanging branches from existing vegetation would make it difficult to traverse in a vehicle.

**Response to restricted parking at the front of 457 Highett Road, Highett**

Council acknowledges that ‘no stopping’ restrictions apply to Highett Road. Residents in this area are not eligible for parking permits; however, Council further notes that each property that adjoins the proposed road discontinuance has access to parking on their block via a cross over from Highett Road.

**Response to potential compensation claim**

The objector is not able to claim compensation following a road discontinuance proposal where Council has complied with all relevant statutory procedures.

**Support Attachments**

1. Submission - George & Nora Boghian - 457 Highett Road Highett
18/03/2019

Dear Chief Executive Officer

Sending you the submission required to be heard before the Special Committee of Council on Tuesday April 16th in regards to the:

"Proposed Discontinuation and Retention of Part of the Road of 457-465 Highett Rd Highett."

We, George & Nora Boghikian are owners of the property 457 Highett rd Highett.

Laneway in question backs onto our property and ends here.

Please see our position on this matter in the enclosed submission.

George & Nora Boghikian

[Signature]
SUBMISSION RELATED TO: COUNCIL PROPOSAL BELOW 17/03/19

RE: PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGHTETT ROAD.

SUBMISSION TO THE ABOVE PROPOSAL & REQUEST TO BE HEARD BEFORE A SPECIAL COMMITTEE OF COUNCIL IN THIS REGARD ON TUESDAY 16TH APRIL 2019 AT 6:30PM

We, George & Nora Boghilian owners of 457 Hightett Rd Hightett, wish to register our submission, in regards to the above as advised by your email 13/3/19 & Public Notice in Leader dated 5/3/19.

We had expressed to council over a year ago our wish to obtain, at a reasonable price, the segment of the laneway at the rear of our property. We did not hear from council for some time in this regard until we and neighbouring properties commenced a group communication with your Property Officer; Kenton Shoe.

Since our initial enquiry, council has now developed various plans/intentions in regards to the laneway in question. Plans which are contrary to our initial request/enquiry which was interest in obtaining/purchasing full width of laneway at rear of #457

Our position is as follows:

- Request to purchase full width of laneway at rear of our property [at a reasonable & affordable price]
- If this is not an option, then we request that NO CHANGE is made in order to maintain our rear access as/Land title entitlement of our block #457
- Should council go ahead with its plans to absorb the part of the laneway at the rear of our property, with disregard, at the expense of OUR loss of rear access, then we propose and request that council offer an expression of compensation for this loss.

The rear access feature of this block was one of our criteria for purchasing this block of land, hence when we erected a new back fence we have included a gate to allow a vehicle access.

Particularly in view of the fact that Council changed the parking provisions on Hightett Rd, we felt we could at the very least, drive 1 vehicle into our property via the back lane.

We anticipate to be present in this regard, before the Special Committee of Council on Tuesday 16th April at 06:30pm in the Council Chambers, Boxshall St, Brighton.

George & Nora Boghilian
457 Hightett Rd
HIGHETT 3190.
4.2 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT
REAR OF 457-465 HIGHETT ROAD, HIGHETT - SUBMISSION - ROBERT
FALLON (ON BEHALF OF RACHEL FALLON, OF 459 HIGHETT ROAD,
HIGHETT)

Corporate Services - Commercial Services
File No: PSF/19/865 – Doc No: DOC/19/93541

Purpose and Background:

At the Ordinary Meeting of Council held on 19 February 2019, Council resolved to
commence the statutory procedures in accordance with the Local Government Act 1989 to
discontinue part of the road adjoining Livingston Street Kindergarten generally in accordance
with Point 4 of the same resolution stated as follows: '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 to consider any submissions received, at the
Council Chambers, Boxshall Street, Brighton on 16 April 2019 at 6.30pm.'

In accordance with the resolution, Council gave public notice of the proposal in the Bayside
Leader, The Age and Council's website, inviting any interested parties to make a submission
in writing before 5:00pm Friday 5 April 2019.

On 5 April 2019, Council received a written submission (Attachment 1) from Mr and Mrs
Fallon of 459 Highett Road, Highett and Mr Fallon has requested to be heard in support of
their submission at the Special Meeting of Council on Tuesday 16 April at 6.30pm, at the
Council Chambers, Boxhall Street, Brighton.

<table>
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<tr>
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<tbody>
<tr>
<td>5 April 2019</td>
<td>Yes</td>
<td>9 April 2019</td>
</tr>
</tbody>
</table>

Organisation’s comments

Response to importance following permanent no standing zone along Highett Road frontage to the properties

Council acknowledges that ‘no stopping’ restrictions apply to Highett Road. Residents in this
area are not eligible for parking permits; however, Council further notes that each property
that adjoins the proposed road discontinuance has access to parking on their block via a
cross over from Highett Road.

Response to right of carriageway over the road stipulated on owners’
respective certificates of title

The Certificate of Title to 459 Hightett Road, Highett provides for a right of carriageway over
the road. The existence of a right of carriageway is a relevant consideration in Council’s
determination of whether or not the road should be discontinued and disposed of or not. However, a key consideration for Council is whether or not the right of way is reasonably required for public use. If Council considers that the right of way is not reasonably required for public use and that it seeks to retain it for municipal purposes, the effect of a gazetted Notice of Road Discontinuance for the right of way is to extinguish all existing rights of carriageway and other rights over the land.

Response to reports lack of substantiation as to why the road should be discontinued

In January 2018, following receipt of an enquiry from residents adjoining the laneway, preliminary consultation commenced on a proposal to sell part of the road.

The consultation phase comprised of abutting owners, internal Council departments and external service authorities including gas, water, electricity and telecommunication service providers.

The internal consultation revealed that the Livingston Street Kindergarten and Highbury Neighbourhood Community House abut the lane. The kindergarten is landlocked and has a small outdoor play area which could be enhanced by expanding the play area into the rear laneway. The kindergarten accommodates 44 places which has been restricted to date by the outdoor space requirements of 7m² per child – total area of 308m². By incorporating an additional 77 square metres of the abutting road area into the existing outdoor play area, and with the proposed future redevelopment of the kindergarten, 55 places could be offered on the basis of 3.25m² per child for indoor space and 7m² per child for outdoor space. Outdoor space regulations require 7m² per child. The incorporation of the additional ‘road’ allows for the kindergarten to address functionality and future demand needs as outlined in Council’s Early Years Infrastructure Plan 2018-2028.

Council’s Discontinuance and sale of Right of Ways, Roads, and Reserves Policy (Policy) provides direction on whether discontinued roads should be sold, or retained and transferred to Council for strategic or municipal purposes.

The achievement of the objectives of the Policy will protect roads for use by the wider community when there is an ongoing need for them.

The Policy provides for land that is generally required for municipal purposes or has strategic value to Council – to be retained for that ongoing need.

Council acknowledges that there is a South East Water sewer main, and a Council drainage pipe traversing the road. Appropriate easement encumbrances will be required to be placed on title.
Response to the valuable and safe rear vehicular access requirement, ‘road appears to have limited use’ and ongoing need for vehicular and pedestrian use – all properties have rear access gates

Investigations by Council officers identified that whilst the road is physically ‘open’ and unconstricted, few if any adjoining properties appear to use the road for vehicle or pedestrian access. At the time of inspection on 4 December 2018, the road appeared to have limited use and had garden rubbish, wood stockpiles and some narrow vegetable garden beds in sections. Whilst there is evidence of pedestrian and vehicle access gates – low hanging branches from existing vegetation would make it difficult to traverse in a vehicle.

Response to ‘council officers have not sought input from the Owners as to their use of the Road’

On 3 January 2018, all abutting property owners were advised that Council had received a proposal to discontinue part of the road, and invited comment on the proposal.

Public notice on the proposal has been given in the Bayside Leader, The Age and Council’s website.

Response to ‘status quo’ request

Council officers have identified a strategic ‘future need’ to discontinue the road and retain the land for municipal purposes by integrating the land with the adjoining Livingston Street Kindergarten and Highton Neighbourhood Community House for the purpose of redeveloping and expanding the existing kindergarten’s outdoor space and increasing places from 44 to 55.

The incorporation of the additional ‘road’ allows for the kindergarten to address functionality and future demand needs as outlined in Council’s Early Years Infrastructure Plan 2018-2028.

Support Attachments
1. Submission - Robert Fallon - 459 Highett Road, Highett 8
Chief Executive Officer  
Bayside City Council  
PO Box 27  
Sandringham VIC 3191  

Dear Sir  

Re: Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Hightett Road,  
Hightett  

I am writing on behalf of Rachel Fallon, the registered proprietor of 459 Hightett Road, Hightett.  

This letter is a formal submission to the Public Notice in respect to the above matter.  

Background  

The road at rear of 457-465 Hightett Road, Hightett (the "Road") runs along the northern boundary of  
457 – 465 Hightett Road, Hightett (the "Properties") providing valuable and safe rear vehicular and  
pedestrian access to the owners of the Properties (the "Owners"). The vehicular access has become  
increasingly important post the introduction of a permanent No Standing Zone along the Hightett  
Road frontage to the Properties.  

The Owners have a right of carriageway over the Road stipulated on their respective certificates of  
title. This right of carriageway is an easement over the Road to the benefit of the Owners.  

Council Officer Report and Adopted Resolution  

I have reviewed the report tabled in the Council meeting Agenda (19 February 2019) and comment  
as follows: -  

- The report does not substantiate the Road is not required for access, drainage purposes or  
other strategic purposes as required by Council’s Discontinuance and sale of Right of Ways,  
Roads, and Reserves Policy ("Discontinuance Policy") and in-turn why the Road should be  
discontinued.  

Item 4.2 – Submissions  

Page 14 of 22  

Item 10.9 – Reports by the Organisation  

Page 185 of 313
• The report does not acknowledge the right of carriageway over the Road enshrined in the Owners certificates of title and discussed above.

• The report states "The road appears to have limited use".

Council's Discontinuance Policy states that

- Land will be retained where there is "An ongoing need for access, both vehicular and pedestrian".

Item (i) of the general principles applying to roads, ROW's and reserves stipulates:

- Land required for the following uses will be retained for that ongoing need: -
  - An ongoing need for access, both vehicular and pedestrian.

Council officers have not sought input from the Owners as to their use of the Road nor has a traffic count or similar traffic study been tabled for review and discussion.

I formally submit, as discussed above, the Road provides valuable and safe rear vehicular and pedestrian access to the Properties. The vehicular access has become increasingly important post the introduction of a permanent No Standing Zone along the front of the Properties.

In addition, existing built form on the various properties restricts the ability for vehicles, tradespeople and machinery to access rear yards from Hightt Road. All properties have rear gates to utilize the Road and the Road is regularly maintained by the owners and council staff.

The Road and the rear access it provides is valuable and was a factor in Rachel Fallon's decision to acquire 459 Hightt Road, Hightt approximately four years ago.

Submission

Having regard to the matters raised above, on behalf of Rachel Fallon I request:

• The Proposed Discontinuance & Retention of Part of Road at Rear of 457-465 Hightt Road, Hightt Road ceases and the Road is maintained as per status quo;

• Both Rachel Fallon and I have the opportunity to be heard in support of this submission before the Special Committee of Council to be held on Tuesday 16 April 2019 at 6:30pm in the Council Chambers, Boxhall Street, Brighton.
Yours Sincerely

Robert Fallon
459 Hightt Road, Hightt
0403 731 333
4.3 PROPOSED DISCONTINUANCE & RETENTION OF PART OF ROAD AT REAR OF 457-465 HIGGERTY ROAD, HIGGERTY - SUBMISSION - HILARY BLAND, OF 461 HIGGERTY ROAD, HIGGERTY

Corporate Services - Commercial Services
File No: PSF/19/865 – Doc No: DOC/19/93550

Purpose and Background:

At the Ordinary Meeting of Council held on 19 February 2019, Council resolved to commence the statutory procedures in accordance with the Local Government Act 1989 to discontinue the road adjoining Livingston Street Kindergarten generally in accordance with Point 4 of the same resolution stated as follows: ‘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 to consider any submissions received, at the Council Chambers, Boxshall Street, Brighton on 16 April 2019 at 6:30pm.’

In accordance with the resolution, Council gave public notice of the proposal in the Bayside Leader, The Age and Council’s website, inviting any interested parties to make a submission in writing before 5:00pm Friday 5 April 2019.

On 5 April 2019, Council received a written submission (Attachment 1) from Ms Bland of 461 Higgett Road, Higgett and Ms Bland has invited Mr Robert Fallon to speak on her behalf in support of her submission at the Special Meeting of Council on Tuesday 16 April at 6.30pm at the Council Chambers, Boxshall Street, Brighton.

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<tr>
<td>5 April 2019</td>
<td>Yes</td>
<td>9 April 2019</td>
</tr>
<tr>
<td>(via proxy Robert Fallon)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Organisation’s comments

Response to ‘various public utilities passing under the road preventing any development of the land’

Council acknowledges that there is a South East Water sewer main and a Council drainage pipe traversing the road. Appropriate easement encumbrances will be required to be placed on title.

Response to ‘property owners have a right of carriageway over the road and this is stipulated in the respective Certificates of Title’

The Certificate of Title to 461 Higgett Road, Higgett provides for a right of carriageway over the road. The existence of a right of carriageway is a relevant consideration in Council’s determination of whether or not the road should be discontinued and disposed of or not. However, a key consideration for Council is whether or not the right of way is reasonably
required for public use. If Council considers that the right of way is not reasonably required for public use and that it seeks to retain it for municipal purposes, the effect of a gazettal of the Notice of Road Discontinuance for the right of way is to extinguish all existing rights of carriageway and other rights over the land.

Response to Council retaining the land for the use of the Council operated kindergarten – ‘failure of the council report to offer substantial evidence supporting the discontinuance’

In January 2018, following receipt of an enquiry from residents adjoining the laneway, preliminary consultation commenced on a proposal to sell part of the road.

The consultation phase comprised of abutting owners, internal Council departments and external service authorities including, gas, water, electricity and telecommunication service providers.

The internal consultation revealed that the Livingston Street Kindergarten and Highett Neighbourhood Community House abut the lane. The Kindergarten is landlocked and has a small outdoor play area, which could be enhanced by expanding the play area into the rear laneway. The Kindergarten accommodates 44 places which has been restricted to date by the outdoor space requirements of 7m2 per child – total area of 308m2. By incorporating an additional 77 square metres of the abutting road area into the existing outdoor play area, and with the proposed future redevelopment of the kindergarten, 55 places could be offered on the basis of 3.25m2 per child for indoor space and 7m2 per child for outdoor space. Outdoor space regulations require 7m2 per child. The incorporation of the additional ‘road’ allows for the kindergarten to address functionality and future demand needs as outlined in Council’s Early Years Infrastructure Plan 2018-2028.

Council’s Discontinuance and sale of Right of Ways, Roads, and Reserves Policy (Policy) provides direction on whether discontinued roads should be sold, or retained and transferred to Council for strategic or municipal purposes.

The achievement of the objectives of the Policy will protect roads for use by the wider community when there is an ongoing need for them.

The Policy provides for land that is generally required for municipal purposes or has strategic value to Council – to be retained for that ongoing need.

Response to ‘this proposal was developed without any consultation with the property owners affected’

On 3 January 2018, all abutting property owners were advised that Council had received a proposal to discontinue part of the road and, invited comment on the proposal.

Public notice on the proposal has been given in the Bayside Leader, The Age and Council’s website.
Response to ‘the road is regularly used and maintained to a satisfactory standard and offers useful and convenient access’

Investigations by Council officers identified that whilst the road is physically ‘open’ and unconstrained, few if any adjoining properties appear to use the road for vehicle or pedestrian access. At the time of inspection on 4 December 2018, the road appeared to have limited use and had garden rubbish, wood stockpiles and some narrow vegetable garden beds in sections. Whilst there is evidence of pedestrian and vehicle access gates, low hanging branches from existing vegetation would make it difficult to traverse in a vehicle.

Response to ‘extreme parking restrictions’

Council acknowledges that ‘no stopping’ restrictions apply to Hightt Road. Residents in this area are not eligible for parking permits; however, Council further notes that each property that adjoins the proposed road discontinuance has access to parking on their block via a cross over from Hightt Road.

Response to ‘no acknowledgement of the consequent loss of financial value that discontinuance would impose on the properties concerned’

The objector is not able to claim compensation following a road discontinuance proposal where Council has complied with all relevant statutory procedures.

Support Attachments
1. Submission - Hiliary Bland - 461 Hightt Road, Hightt 8
Mr Mick Cummins  
Chief Executive Officer  
Bayside City Council  
Po Box 27  
Sandringham Vic 3191

461 Highett Rd  
Highett Vic 3190.

4th April 2019

Dear Mr Cummins,

**Proposed discontinuation and Retention of Part Road at Rear of 451-465 Highett Rd.**

This letter is a formal response to the Public Notice that deals with this proposal.

**Background**

The road at the rear of 457-485 Highett Rd provides a safe, useful and convenient access to these properties and has been in use for approximately 100 years.

The conduits of various public utilities pass under the road and this prevents any development of the land involved.

Property owners have a right of carriageway over this road and this is stipulated in the respective Certificates of Title.

Council Staff are now proposing that the road be discontinued on the grounds that the road is not used and that the land should be acquired by Council, for the use of the Council operated Kindergarten.

This proposal was developed without any consultation with the property owners who are affected.

**Council Officer Report and Adopted Resolution**

I have studied this report that was tabled at the Council meeting held on 19th February 2019, and offer the following comments:

The Report does not offer any substantial evidence supporting the proposed discontinuation. The road is regularly used and it is maintained to a satisfactory standard. There is no proof given that it is derelict or is not being used for the purpose for which it was established.

There is a failure to acknowledge that the Certificates of Title, which define the properties at 457-465 Highett Rd, confer an unambiguous right to use the road.
There is no mention of the extreme parking restrictions that have
been applied to the Highett Rd frontages of the affected properties and
the adverse effect that the proposed discontinuation would have on the
residents’ ability to provide third party access to their properties.

There is no acknowledgement of the consequent loss of financial value
that discontinuation would impose on the properties concerned.

Discussion

The failure of Council Staff to observe the provisions of Bayside Council policy
on Community Consultation and Stakeholder Engagement, compromises the
integrity of the proposal, beyond repair.

Apart from a general reference to the use of the land by the Council operated
kindergarten, there are no specific details given on what that use might be.
Unless Council Staff can demonstrate that there is an urgent, particular and
thoroughly documented need for this piece of land, then the proposal must be
regarded as nothing more than an opportunistic land grab.

As things stand, if the discontinuation is approved now, Council staff would
have complete discretion on how the land might be used. Considering the
long and narrow configuration of the land in question, it would come as no
surprise if it was subsequently discovered that it was in fact, not suitable for
kindergarten use. By then, it would be too late.

Conclusion

To my mind, the manner in which this proposal has been put forward fails to
meet the standards which one is entitled to expect from a local Council. It has
been developed in breach of Council policy and it is vague and unconvincing
in its justification. Moreover, there seems to be an expectation that it will be
simply “waved through” at the next meeting of the Councillors.

Recommendation

I recommend that the proposal be Not Approved.

Appearance at Council Meeting

It is my intention to attend the Council Meeting and I will be inviting Mr Robert
Fallon of 451 Highett Rd to speak on my behalf.

Yours sincerely

Sincerely

Hilary Bland
Executive summary

Purpose and background
Council, at its 19 February 2019 Ordinary Council Meeting, considered a report to discontinue and sell part of the road at the rear of 70 Esplanade, Brighton (subject land) and to sell the land to the owner of 70 Esplanade, Brighton via private treaty. The subject land is the highlighted area in Attachment 1. At that meeting Council resolved to:

1. Commence the statutory procedures in accordance with the Local Government Act 1989 (LGA 89), for the discontinuance and sale of the road adjoining 70 Esplanade Brighton, highlighted area in Attachment 1 and to sell the land to the owner of 70 Esplanade Brighton via private treaty (the Proposal);
2. Advertise the Public Notice outlining the Proposal in accordance with Section 223 of the Local Government Act 1989 including the discontinuance and sale of the land for $275,000 including GST;
3. Receive a further report outlining any submissions made including any submissions made under the previous public notice;
4. In the event of any submitters requesting to be heard, 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 hear/consider the submission/s received at a meeting to be held on 26 March 2019 at 6.30pm in the Council Chambers, Boxshall Street, Brighton; and
5. Write to the owner of 72 Esplanade Brighton, advising him that Council intends to readvertise the Public Notice due to an administrative error including advice that Council will include his submission as if it were made against the subsequent public notice.

In accordance with the resolution, Council gave public notice of the proposal in the Bayside Leader, The Age and Council's website. Officers received two written submissions from Mr Lew, owner of 72 Esplanade, Brighton.

A Special Committee of Council was held on 30 April 2019 to consider the submissions and hear Mr Lew who requested to be heard in accordance with Section 223 of the Local Government Act 1989 (Act). Mr Lew nominated Mr Travers Nuttall to speak on his behalf.

This report recommends that Council discontinue and sell the land to the adjoining owner of 70 Esplanade, Brighton via private treaty.

Key issues
Council received an enquiry from the owner of 70 Esplanade, Brighton for the possible discontinuance and purchase of the subject land in 2017.

The Road is listed on Council’s Register of Public Roads, in accordance with Schedule 1 of the Road Management Act 2004. It also remains a ‘Road’ on Title Plan 546660W, contained within Certificate of Title Volume 10437 Folio 824.
The road historically provided access to the rear of 70-72 Esplanade and 5-7 Tennyson Street, Brighton. Sections of the road have been discontinued and transferred to adjoining owners; however, the subject land has not been formally discontinued. The portion of land has been landlocked and enclosed within the boundary of 70 Esplanade, Brighton for more than 15 years, preventing any pedestrian or vehicular access.

The subject land contains an underground South East Water Sewerage Pipe and the land is encumbered with Sewer Access rights. If this portion of the road is discontinued the existing easement ‘E-1’ will remain in favour of South East Water for sewerage purposes.

After giving public notice under Section 223 of the ‘Act’, officers received two submissions from Mr. Lew owner of 72 Esplanade, Brighton outlining objections to the proposal. The submissions were received and noted by Council at a Special Meeting of Council held on 30 April 2019.

The primary objections and rationale as to why they do not impede the discontinuance and sale are outlined below.

**Road as defined by the ‘Act’**

The objector took the view that the road was not a road as defined by the Act. The subject land forms part of the parent Certificate of Title Volume 10437 Folio 824 being more particularly described on Title Plan 546660W. The Road is known to title as a road. The Road is a ‘Road’ within the meaning of the Act. It is not relevant that the road is not ‘formed, layed out, or accessible’.

For a discontinuance and sale to proceed, Council must resolve that the portion of road (described as the subject land) is no longer reasonably required for general public use, and remove that portion of land from the Public Road Register. Once the subject land is removed from the register, Council is no longer considered to be the responsible coordinating road authority.

**Suggested Adverse Possession claim**

The subject land was cited in a planning application surveyor’s report dated 28 July 2017 as intended to be claimed by adverse possession by the owner of 70 Esplanade as a Section 60 Transfer of Land 1958 application. Since that time, the owner has agreed to acquire the road from Council once discontinued.

**Council taking Ultra Vires action**

Council has the power to discontinue and sell Roads pursuant to Clause 3 of Schedule 10 and sections 206, 207A and 223 of the Act. Council is therefore not acting outside its powers afforded under the Act. Council’s Discontinuance and sale of ‘Right of Ways, Roads and Reserves Policy (Discontinuance Policy) and Property Strategy 2018-2021’ provides for the disposal of assets no longer required for municipal purposes.

**Objection to sale to adjoining owner**

Council’s Discontinuance Policy provides for preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land (occupation that could otherwise give rise to an adverse possession claim). Officers are acting in accordance with this policy.
The subject land has also been occupied by 70 Esplanade, Brighton for a considerable time and the owners had initially intended to claim this portion as a Section 60 *Transfer of Land Act 1958* application; however, a subsequent enquiry was made to Council to purchase the land.

**Sale and planning application status**

The objection noted the status of the previous planning application as having lapsed. This is not a relevant consideration to whether the road should be discontinued. Council is undertaking the statutory process which would allow a sale of the land to the owner of 70 Esplanade, Brighton. If Council resolves to discontinue the road and sell the land, it will sell the land to the current owner of 70 Esplanade, Brighton.

**Recommendation**

That Council, having considered the written and verbal submissions received under Section 223 of the *Local Government Act 1989* to the proposed discontinuance and sale of part of the road at the rear of 70 Esplanade, Brighton (shown hatched in Attachment 1), and having determined that the road is not reasonably required for general public use, resolve to:

1. Remove the part of the road at the rear of 70 Esplanade, Brighton shown hatched in Attachment 1 from the City of Bayside’s Public Road register.

2. In accordance with Section 206 and Clause 3 of Schedule 10 of the *Local Government Act 1989* (Act), discontinue the road at the rear of 70 Esplanade, Brighton shown hatched in Attachment 1.


4. Authorise the Chief Executive Officer, or such other person as delegated by the Chief Executive Officer, to undertake the necessary procedural steps to complete the formal procedures for the discontinuance of the road and sale of the land to the owner of 70 Esplanade, Brighton via private treaty.

5. Advise any party who lodged a submission in relation to the proposal of Council’s decision and provide the following reasons for the decision to remove the part of road from the public road register and to proceed with the discontinuance and sale of the road:

   i. Council considers the road is not reasonably required as a road for public use; and

   ii. Council considers it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives, particularly in relation to the efficient management of resources in Council’s control and in accordance with its policy.

**Support Attachments**

1. Attachment 1 - Location Plan - 70 Esplanade Brighton ↓
2. Agenda - 30 April 2019 - Special Committee of Council ↓
Considerations and implications of recommendation

Liveable community

Social
While the proposal does not give rise to any social issues, it will generate income for Council as a result of the sale of the land which can be reinvested for community benefit.

Natural Environment
The discontinuance and sale of roads that are no longer reasonably required will improve the amenity of the area.

Built Environment
The proposal will also regularise the current occupation of the land at the rear of 70 Esplanade, Brighton and provide property owners with an opportunity to formalise occupation and gain title to the land.

Customer Service and Community Engagement

All necessary service authorities and Council departments have been consulted.

South East Water require a suitably sized easement in favour of South East Water over the existing 150mm sewer main located at the rear of 70 Esplanade, Brighton.

Melbourne Water does not object to the proposed sale of Council land.

A drainage easement over the land to be discontinued in favour of Council of required. No other objections have been received.

Statutory procedures required Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties. In addition, all abutting property owners were advised of the proposal in writing and informed of their right to make a submission. Notification was also provided on Council’s website.

Submitters were invited to request to be heard by Council, or a committee of Council, prior to a decision being made to proceed or otherwise with the proposal. Submissions received have been considered and reported to Council to enable Council to make a decision on whether to discontinue the road in full, in part or not to discontinue the road.

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

Legal
Council has received legal advice confirming that:

i. The Road is a ‘road’ within the meaning of the Local Government Act 1989 and it is not relevant that the Road is not constructed and is not accessible;

ii. Council has the power to discontinue and sell the Road pursuant to clause 3 of schedule 10 and sections 206, 207A and 223 of the Local Government Act 1989, subject to compliance with the relevant statutory provisions;

iii. Once discontinued, if the Road is to be sold, it can only be sold to one or more of the adjoining owners, being the owners of Unit 2 at 5 Tennyson Street, 7A Tennyson Street and 70 Esplanade, Brighton;
iii. Council’s ‘Discontinuance and Sale of Rights of Way, Roads and Reserves Policy’ acknowledges and gives preferential allocation rights to abutting owners who can demonstrate continuous exclusive occupation of the land such that the occupation would give rise to an adverse possession claim;

iv. It is not possible for Council to discontinue and sell the Road to the Objector or anyone other than the adjoining property owners; and

v. It is not possible for the Objector to sell the Road to the owner of 70 Esplanade, Brighton.

Council requires a market valuation not more than 6 months old at the time of sale.

Finance

In accordance with Council’s Policy, the land has been allocated to the adjoining property owner as follows:

The owner of 70 Esplanade, Brighton signed a conditional Letter of Acceptance to purchase the land for the sum of $250,000 (excluding GST) on 21 September 2018 on the basis that the road can be discontinued. Matheson Stephen Valuations assessed the current market value at $250,000.

Options considered

Option 1

<table>
<thead>
<tr>
<th>Summary</th>
<th>Do not discontinue or sell the road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Nil.</td>
</tr>
<tr>
<td>Issues</td>
<td>The subject land is landlocked and cannot be accessed by the public. It is also enclosed and occupied by the owner of 70 Esplanade, Brighton. In the event Council does not wish to discontinue or sell the road, it will need to remove the encroachments from its land which may not be possible by virtue of the fact that it is landlocked and Council does not own any adjoining land.</td>
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</table>
Item 10.10 – Reports by the Organisation
Special Committee of Council Meeting Agenda

Agenda

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

Proposed Discontinuance & Sale of Part of the Road at Rear of 70 Esplanade, Brighton

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

on

Tuesday 30 April 2019
at 6:30pm
Order of Business

1. Welcome and opening of the meeting
2. Apologies
3. Disclosure of any Conflict of Interest
4. Submissions
   In accordance with Section 223 of the Local Government Act 1989, Council has received the following submissions in relation to Special Committee of Council Meeting.
   4.1 Submission - Mr Fuong Yang Lew, Owner of 72 Esplanade, Brighton
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:
   - Mr Travers Nuttall (on behalf of Mr Fuong Yang Lew) in support of Submission 4.1
1. Welcome and opening of the meeting

2. Apologies

3. Declarations of any Conflict of Interest
4. Submissions

4.1 SUBMISSION - MR FUONG YANG LEW, OWNER OF 72 ESPLANADE, BRIGHTON

Corporate Services - Commercial Services
File No: PSF/19/965 – Doc No: DOC/19/93985

Purpose and Background:

At the Ordinary Meeting of Council held on 19 February 2019, Council resolved to commence the statutory procedures in accordance with the Local Government Act 1989 to discontinue part of the road adjoining 70 Esplanade Brighton (subject land) and to sell the land to the owner of 70 Esplanade Brighton via private treaty.

Council resolved on 23 April 2019 that it receive a further report to a Special Committee of Council in accordance with section 223 of the Local Government Act 1989 (the Act) to hear/consider the submissions received from the owner of 72 Esplanade Brighton at a Special Committee meeting to be held on 30 April 2019.

Council has received a written submission (Attachment 2) from Mr Fuong Yang Lew of 72 Esplanade Brighton. Within the submission Mr Lew requests to be heard in support of his submission at the Special Meeting of Council on Tuesday 30 April 2019 at 6.30pm, at the Council Chambers, Boxshall Street, Brighton.

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>Request to be Heard</th>
<th>Acknowledgement</th>
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</thead>
<tbody>
<tr>
<td>5 April 2019</td>
<td>Yes</td>
<td>8 April 2019</td>
</tr>
<tr>
<td>6 December 2018</td>
<td>No</td>
<td>7 January 2019</td>
</tr>
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</table>

Organisation's comments

The purported road is not a road within the meaning of Section 3 Local Government Act 1989. The balance of the land that your Council has purported to sell is not a road

The subject land forms part of the parent Certificate of Title Volume 10437 Folio 824 being more particularly described on Title Plan 54660W. The Road is known to title as a road.

The Road is a ‘Road’ within the meaning of the Act. It is not relevant that the road is not ‘formed, layed out, or constructed or accessible’.

Part of the land that Council has purported to close and sell is arguably not a road and is now the subject of an adverse possession application No 141792W

Adverse Possession application No 141792W applies for an order vesting in the applicant for the estate and encumbrances specified on the plan of survey of Andrei Fijan Licensed Surveyor dated 28 July 2017 as follows:

- the land marked ‘B’ being the whole of the land in Certificate of Title Volume 1435 Folio 374.
- the land marked ‘C’ being part of the land in Certificate of Title Volume 11912 Folios 496 and 502.
- the land marked ‘E’ being part of the land in Certificate of Title Volume 11099 Folio 239 and part of the land in Volume 11099 Folio 242.
The subject land is cited in the applicant’s surveyors report of 28 July 2017 – the report notes that the subject land was intended to be claimed by adverse possession by the owner of 70 Esplanade as a Section 60 Transfer of Land 1958 application; however, the report also notes that a letter of Consent will be required to be obtained from Council. Council has not provided a letter of Consent for the subject land.

**Council would be acting ultra vires its powers under the Local Government Act 1989**

Council has the power to discontinue and sell Roads pursuant to Clause 3 of Schedule 10 and sections 206, 207A and 223 of the Act. Council is therefore not acting outside its powers afforded under the Act.

Council’s Discontinuance and sale of Right of Ways, Roads and Reserves Policy (Discontinuance Policy) and Property Strategy 2018-2021 provides for the disposal of assets no longer required for municipal purposes.

**Council has pre-empted a decision to sell the land to the owner of 70 Esplanade Brighton for $275,000 … first right of refusal to purchase the land**

Council’s Discontinuance Policy provides for preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land (occupation that could otherwise give rise to an adverse possession claim).

The subject land has been occupied by 70 Esplanade for a considerable time and the owners had intended to claim this portion as a Section 60 Transfer of Land Act 1958 Application; however, a subsequent enquiry was made to Council to purchase the land.

**The previous sale of 70 Esplanade has apparently been terminated and Planning Permit Application 5/2018/31/1 has lapsed**

The sale of the subject land is conditional upon the land being sold to the abutting owner (70 Esplanade) and the subsequent developer of that land.

Permit application 5/2018/31/1 has been deemed as ‘lapsed’ by the Statutory Planning Department. Future applications will be assessed on the basis of the applicable planning provisions at the time.

**Support Attachments**

1. Submission Mr Fuong Yang Lew 6 December 2018
2. Submission Fuong Yang Lew 5 April 2019
Chief Executive Officer
Bayside City Council
PO Box 27
SANDRINGHAM VIC 3191

AND BY HAND: Bayside City Council Corporate Centre, 76 Royal Avenue, Sandringham

File Reference: FOL/17/6141

Proposed discontinuance and sale of road at rear 70 Esplanade, Brighton

Dear Sir,

My name is Fuong Yang Le. I am the owner of land at 72 Esplanade, Brighton, the details of which were contained in my letter of objection to your Council of 6 December 2018.

Subsequent to my letter of objection to the sale and discontinuance of the road at rear 70 Esplanade and 5-7A Tennyson Street, Brighton, your Council replied to my letter on 7 January 2019, taking issue with my objection.

I replied to your letter of 7 January 2019, by email dated 19 February 2019, in which I observed that whether or not your Council has the power to discontinue and sell the road in question and whether or not your Council has properly complied with the statutory procedures, would be a matter for the Court to determine.

I then received your letter dated 25 February 2019, advising me that I must lodge any further submission that I would like to make before 5:00 pm Friday, 5 April 2019.

This letter is my response to your advice regarding a further submission.

In response to your letter seeking my further submission, I would like to:

1. reiterate the matters set out in my earlier letter of objection to you dated 6 December 2018;

2. express my concern that Council Officers have apparently pre-empted a future decision of your Council by agreeing to sell the land to the owner of 70 Esplanade Brighton for $275,000. In this regard, I have been provided with a copy of an email
from your Kenton Shue to J Ackman dated 21 September 2018 advising that a letter of offer to purchase the discontinued road had been signed and that as the owner (of unspecified land) has the first right of refusal to purchase the land it can no longer be offered for sale to Ms Ackman;

(3) part of the land that your Council has purported to close and sell is unarguably not a road and is now the subject of an adverse possession application No. 141702W;

(4) the balance of the land that your Council has purported to sell is not a road;

(5) the previous sale of 70 Esplanade has apparently been terminated and Planning Permit Application 5/2018/31/1 has lapsed.

I have also obtained a copy of your Council’s Discontinuance and Sale of Right of Ways, Roads and Reserves Policy and it appears that the agreement entered into with the owner of 70 Esplanade prior to there being any decision of the Council, not only pre-empts the Council’s decision and purports to unlawfully fetter its discretion, but is also contrary to Council’s adopted policy, and in particular, paragraphs 5(iv) and (v).

Having regard to matters that have either occurred or have become within my knowledge, subsequent to my original letter of objection of 6 December, I now wish to be heard in support of my submissions.

I look forward to you advising me of the time at which your Council will convene to hear submissions in relation to this matter.

Yours faithfully,

[Signature]

[Handwritten Signature]

Puong Yang Lew
Chief Executive Officer  
Bayside City Council  
PO Box 27  
SANDRINGHAM VIC 3191

And by hand: Bayside City Council Corporate Centre 76 Royal Avenue, Sandringham

File Reference FOL/17/6141

Proposed discontinuance and sale of road at rear 70 Esplanade Brighton

Dear Sir

My name is Fuong Yang Lew. I am the owner of land at 72 Esplanade, Brighton immediately to the north of 70 Esplanade, Brighton. More particularly, I am the owner of the land known as Lot 1, Title Plan 546660W, being the land described in Certificate of Title Volume 10437 Folio 824. A copy of my Certificate of Title is attached.

My Certificate of Title includes the land in respect of which your Council purports to propose to discontinue a road and sell part of my land to the owner of the land known at 70 Esplanade.

I object to the proposal for your Council’s purported discontinuance of the road, your Council’s purported vesting of the road in it, and you Council’s purported sale thereof to the developer of 70 Esplanade, Brighton on the following grounds:

1. The purported road is not a road within the meaning of section 3, Local Government Act 1989. In this regard, I note that the purported road has never been formed, laid out, or constructed and is inaccessible. As the land is not a road as defined under the Local Government Act, your Council does not have the power to discontinue it or sell it.

2. If the land is a road (which is denied) and if your Council has the power to discontinue the road (which is denied), your Council can only do so for the purpose of exercising your council’s functions and powers under the Local Government Act 1989. The appropriation of a private citizen’s land for the purpose of enabling another private citizen to more conveniently develop their land for a multi dwelling development is not an objective, role, function or power of your Council. Accordingly, your council would be acting ultra vires its powers under the Local Government Act 1989, if it were to purport to close and sell the alleged road.

In the event that your Council purports to pass a resolution discontinuing the road and/or purports to resolve to sell the road to parties associated with the land at 70 Esplanade, Brighton, I will instruct my lawyers to institute proceedings in the Supreme Court seeking interlocutory and permanent injunctions restraining your Council from acting upon any such resolution, publishing any notice discontinuing the road or selling the road to any third party.

I do not need to be heard in relation to this submission. Its contents are both self-explanatory and not negotiable.

Yours faithfully,

Fuong Yang Lew
Item 10.10 – Reports by the Organisation
Under the Transfer of Land Act 1958
I certify that the registered proprietor is the proprietor of the estate and interest in the land subject to the encumbrances, caveats and notices described

REGISTRAR OF TITLES

LAND DESCRIPTION
Lot 1 on Title Plan 568660W
PARENT TITLE Volume 05896 Folio 159
Created by instrument V701811Q 20/10/1990

REGISTERED PROPRIETOR
Estate Fee Simple
Sale Proprietor
FUONG YANG LEW of 69 DENNY STREET BRIGHTON VIC 3186
AQ3708518 20/10/2017

ENCUMBRANCES, CAVEATS AND NOTICES
Any encumbrances created by Section 58 Transfer of Land Act 1958 or Section 34 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under Diagram Location below.

DIAGRAM LOCATION
SEE TPS466660W FOR FURTHER DETAILS AND BOUNDARIES

END OF CERTIFICATE

This certificate contains information correct at the time of printing. Current information should be obtained by a search of the register.
Executive summary

Purpose and background

The report presents the third quarter performance against the Council Plan activities, and the financial results compared to budget for the period to March 2019.

The report is designed to ensure consistency with the adopted 2018/19 Budget and Council Plan activities, in compliance with statutory requirements. The performance report includes the following:

- Performance against Council Plan and progress against Council Plan activities
- Financial results (including operating results, cash position, and Victorian Auditor-General’ Office indicators)
- Summary of community engagement activities undertaken during the reporting period
- Capital program delivery.

Key Issues

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community.

Of the 59 activities reported, 50 activities are tracking at least 90 percent on target, 5 activities are tracking between 60-90 percent of target and 4 activities are less than 60 percent of the quarterly target.

Highlights for the period include:

- 67.77% of planning applications are now being determined within 60 days
- Upgrade of the Castlefield Reserve Pavilion completed
- Announcement of $4.7M Federal Government funding towards the development of new netball facilities in Sandringham

Financial Report – 2018-19 Forecast operating result

2018/19 year to date operating result

The March 2019 result is a surplus of $22.7M which is $7.1M favourable to budget.

2018/19 Forecast operating result

The current forecast for the year is a surplus of $26.2M which is $4.5M favourable to Budget.

The underlying forecast is favourable to budget by $1.976M and excludes the following one off or timing items totalling $2.524M:

- $2M additional income from developers related to open space contributions.
- $987k additional income from developers relating to drainage contributions.
- $700k Sandringham Library capital grant received in advance.
• $619k sale of discontinued Council owned laneways.
• $175k additional grant funding in 2018/19 for ‘Safe Travel in Local Street Program’.
• $129k increase in the grant funding for school crossings in 2018/19.
• $100k additional income Sustainability Victoria for E Waste Shed.
• ($1.5M) lease surrender costs.
• ($259k) additional costs associated with the purchase of new smaller bins.
• ($257k) reduction in net income for the sale of one Bathing Box as this is unlikely to proceed in 2018/19.
• ($115k) for the development and implementation of the election advocacy; campaign.
• ($110k) expenditure related to the timing of grant funding for Aged & Disability

Capital program

The year-to-date net capital result is favourable to budget by $7.65M. Council is forecast to be net $20.64M under budget for capital works at 30 June 2019. Taking into account the impact of $14.78M net of proposed carry forwards, the capital budget is favourable by $5.86M Regional projects.

Recommendation
1. Notes the Quarter Three Performance Report against the Council Plan activities for the period Jan to Mar 2019;

Support Attachments
1. Bayside City Council Quarterly Report Q3 Jan-Mar 2019 ⇩
**Considerations and implications of recommendation**

**Liveable community**

**Social**
The report summarises progress on a range of programs which contribute to the social environment of the Bayside community, through the delivery of activities in line with the goals of the ‘Council Plan 2017-2021’.

**Natural Environment**
The report summarises progress on a range of programs which contribute to the natural environment of the Bayside community, through the delivery of activities in line with Goal 5 ‘Environment’ of the ‘Council Plan 2017-2021’.

**Built Environment**
The report summarises progress on a range of programs which contribute to the built environment of the Bayside community, through the delivery of activities in line with the goals of the ‘Council Plan 2017-2021’.

**Customer Service and Community Engagement**
The performance report provides information within Section 5 on community engagement activities undertaken by Council during the reporting quarter.

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

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

**Finance**
The March 2019 result is a surplus of $22.7M which is $7.1M favourable to budget.

**Links to Council policy and strategy**
The performance report provides information on performance against the ‘Council Plan 2017-2021’ and the ‘Annual Budget 2017-18’. The eight goals of liveability outlined in the Council Plan are also aligned to and contribute towards achievement of the Bayside ‘Community Plan 2025’.
Quarterly Performance Report

January – March 2019
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Section 1 – Executive Overview

Introduction

This report provides a detailed report on performance against the Council Plan 2017-2021 and the 2018-19 Annual Budget for the third quarter ending March 2019. The first section provides a summary of performance against the Council Plan (activities from the Annual Budget), LGPRF Data and the Organisational Strategy. The third and fourth sections provide a report on performance against the Annual Budget and Community Engagement. The fifth section provides a report on Capital Works Projects undertaken during the quarter.

Key areas of focus have been:

- Implementation of the organisational structure
- Building networks with key community and government stakeholders
- Advocating of behalf of Council in the lead up to the Federal election.
- Planning implementation of the food and green waste service for Bayside City Council
- Continued development of the Organisation Strategy
- Commencing development of the Annual Budget and Long Term Financial Plan
- Creating a clear focus for staff on the major priorities for 2018/19 to include
  - Building the sophistication of our community engagement
  - Improving organisational collaboration
  - Driving high performance and addressing under performance
  - Strengthening our project management capability
  - Delivering on the Council Plan actions and Major Projects

Highlights

The Planning Department’s metrics have had a small decrease from last quarter with 67.77% of applications determined within 60 days for Quarter 3.

Council achieved a significant milestone in securing community benefits from the sale of 9.3 hectares owned by the CSIRO in Highett.

Council has adopted a voluntary process for nominated properties to be assessed for heritage significance, nominated properties will now be assessed for heritage significance. Properties assessed as significant will be listed in a heritage overlay via a planning scheme amendment process.

The Castlefield Reserve Pavilion upgrade has now been finalised and opened during the quarter to include $1.5 million in upgrades.

Federal funding $4.7 million boost for the development of new netball facilities for Bayside City Council.
Challenges

Obtaining external funding for many Council projects continues to be a challenge however, there has been significant progress in receiving funding from external resources for the past quarter for the organisation.

The Dendy Street Beach Works continues to be a challenging project. We are currently working with our community to ensure a smooth transition in completing the works to be delivered.
Performance against Council Plan

Figure 1: Performance against Council Plan

Between January and March, 59 Council Plan activities were reported on for the quarter, 50 activities are in progress; eight have completed and one deferred.

Progress against Council Plan Activities

Of the 59 activities reported against, 50 activities are tracking at least 90-100 percent on target. Five activities are tracking between 60-90 percent of target and Four activities is less than 60 percent of the quarterly target.
Quarter 3
Jan to Mar 2019
Bayside City Council

Date Range: 01/07/2018 - 31/03/2019
GOAL 1. INFRASTRUCTURE

Activity Status:

- **On Track**: 88.95% (8)
- **Monitor**: 11.11% (1)
- **Needs Work**: 0.00% (0)
- **No Target**: 0.00% (0)

Activity Performance:

- Activity reported on
  - At least 90% of activity target achieved: 9
  - Between 60% and 90% of activity target achieved: 8
  - Less than 60% of activity target achieved: 1
  - Activity with no target set: 0

Item 10.11 – Reports by the Organisation
## ACTIVITY SUMMARY

### STRATEGIC OBJECTIVE: Infrastructure is fit for purpose for today and into the future

#### STRATEGY: Develop upgraded and expanded facilities to meet the current and future needs of basketball and netball

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>1.1.2.2 Review the needs assessment for netball and identify locations for additional netball facilities (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Council resolved to continue planning of a Netball Centre at Sandringham Golf Driving Range site. Site investigation are now complete. Planning Permit application submitted early March 2019. Community consultation in April 2019.</td>
<td>Completed</td>
<td>01/07/17</td>
<td>30/06/20</td>
<td>100.00</td>
<td>50.00</td>
<td>🟢</td>
</tr>
<tr>
<td>1.1.2.3 Undertake the design and construction plans for the additional Basketball Courts at Sandringham (CEO) (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Design complete and stakeholders have signed off on plans. Documentation being prepared to submit Planning Permit application. Next stage progression is subject to timing of negotiations with current sub-tenants of the Driving Range and receiving external funding.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>75.00</td>
<td>75.00</td>
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### STRATEGY: Plan for the future of recreation centres, senior centres, USA and similar community facilities to ensure the assets meet future service needs and deliver strategies for renewal

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<tr>
<th>Activity</th>
<th>Responsibility</th>
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<th>Target</th>
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</thead>
<tbody>
<tr>
<td>1.1.4.1 Develop a Community Facilities and Services Strategy that identifies suitability, including Brighton Recreation Centre and other community facilities (CP) (PSR)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Social Infrastructure Needs Assessment and associated Council report was endorsed in August 2018. Council endorsed the community engagement plan for the Brighton Recreational Centre and Wilson Reserve Masterplan at the December 2018 Council meeting. Site investigation works are currently being undertaken and community engagement will commence in May 2019.</td>
<td>In Progress</td>
<td>02/10/17</td>
<td>30/06/19</td>
<td>80.00</td>
<td>90.00</td>
<td>🟢</td>
</tr>
<tr>
<td>1.1.5.1 Identify potential costs and funding models for the Sandringham Leisure Centre (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Contractor engaged to undertake these works. Other investigations including engineering assessment and building condition reports have been completed to inform this work.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/19</td>
<td>50.00</td>
<td>50.00</td>
<td>🟢</td>
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</table>
### STRATEGIC OBJECTIVE: Infrastructure is fit for purpose for today and into the future

**STRATEGY:** Plan for the future of recreation centres, senior centres, USA and similar community facilities to ensure the assets meet future service needs and deliver strategies for renewal

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<tr>
<td>1.1.3.2 Implement the Early Years Plan (CP)</td>
<td>Manager Community Services</td>
<td>Council received a $1.6M grant from State Government to support establishment of SSM Fern Street Black Rock Children’s Centre. Expression of Interest for the Head Consultant and Architect undertaken and attracted a large response. Shortlisting completed.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/21</td>
<td>10.00</td>
<td>8.00</td>
<td></td>
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### STRATEGIC OBJECTIVE: Provide modern library services that meet the needs of the community

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

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<tr>
<td>1.1.4 Complete and commence implementation of an improvement plan for library infrastructure and services that addresses and local area needs (CP)</td>
<td>Library Services Manager</td>
<td>Report presented to February 2018 Council Meeting proposing Library infrastructure improvements. Council resolved to commence redevelopment of Sandringham Library. Library Services improvement plan being developed. Year one activities completed. Sandringham library designs completed and planning permit application submitted. The tender documents have been prepared. Work is scheduled to commence in August 2019 with an expected completion date of March 2020.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>75.00</td>
<td>35.00</td>
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### STRATEGIC OBJECTIVE: Infrastructure is safe, accessible, adaptable and is highly utilised, providing high levels of value

**STRATEGY:** Meet community and visitor amenity needs in relation to the location, safety and quality of public toilets

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<th>% Complete</th>
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<tbody>
<tr>
<td>1.2.1.31 Continue the works program in the Public Toilet Strategy to progressively improve all of our lowest performing public toilets that require major works (CP)</td>
<td>City Assets &amp; Projects Manager</td>
<td>Revised Public Toilet Strategy adopted by Council in December 2018. Year to date Council has completed construction of 2 toilets (Southey Street and Elsternwick Park South)</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>40.00</td>
<td>40.00</td>
<td></td>
</tr>
</tbody>
</table>
### STRATEGIC OBJECTIVE: Infrastructure is safe, accessible, adaptable and highly utilised, providing high levels of value

#### STRATEGY: Provide safe and contemporary play facilities by upgrading our playgrounds

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<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1.8 Continue the works program in the 30-year Playground Improvement Plan (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>All 2017/18 playground projects now delivered, with the six 18/19 delivery projects due to commence construction in April. Planning underway for Thomas Street Playground.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>50.00</td>
<td>35.00</td>
<td>On Track</td>
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#### STRATEGY: Upgrade recreation and sporting pavilions to provide female friendly facilities, disability access and meet the identified needs of users

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<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.2.2 Continue the works program in the Sportground Pavilion Improvement Plan to progressively upgrade all our pavilions (CP)</td>
<td>City Assets &amp; Projects Manager</td>
<td>Design and construction works underway at the following sites: Chisholm Pavilion, Donald McDonald Pavilion, Destructor Pavilion, William Street Pavilion, Elsternwick Park Pavilion, A.W. Oliver Pavilion and Bos James Pavilion. Castlefield Pavilion, and Cheltenham Park Pavilion are completed.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>41.00</td>
<td>45.00</td>
<td>On Track</td>
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</table>
Item 10.11 – Reports by the Organisation
### ACTIVITY SUMMARY

**STRATEGIC OBJECTIVE:** A variety of transport options meet the needs of the community

**STRATEGY:** Facilitate transport options to meet community needs

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<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.1.3 Update and implement the Integrated Transport Strategy to reflect the Council's priorities, including:</td>
<td>Manager Sustainability and Transport</td>
<td>Activities completed include the installation of one bicycle repair station on the Bay Trail. Construction has commenced on zebra crossings at two roundabouts (Church St/Carpenter St and Bay St/St Andrews St). Council’s Commuter Shuttle Bus trial was launched in October 2018 and completed in March 2019. A gap in the footpath network was addressed by a new path installed along the full length of Cribb Avenue, Beaumaris. Advocacy for the Bus Shelter Program continued with PTV approving the nominated sites for new shelters in 2018/19, 9 of which have been installed.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>55.00</td>
<td>55.00</td>
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</table>
## 2.3.1.1 Improve cyclist and pedestrian safety by upgrading high-risk zones on the Bay Trail (CP)

### Activity
Design concepts for the high risk site between Sandown Street and the Royal Brighton Yacht Club have been completed and detailed design commenced. Community engagement activities to provide the opportunity for the community to provide feedback on a range of proposed measures within the precinct were undertaken in January 2019 as part of the development of the North Road Foreshore Masterplan.

### Activity Status
In Progress

### Start Date
01/07/17

### End Date
30/06/21

### % Complete
60.00

### Target
60.00

## 2.3.1.2 Implement the bicycle strategy to: provide bicycle parking in public locations where there is an identified need, such as shops, libraries and sports clubs; develop a network of well connected bicycle routes; enforce the state provision in the planning scheme to ensure the specified number of bicycle parking stations in new developments. (CP)

### Activity
On-road bicycle lanes implemented along Marriage Road and Rusden Street, Brighton. Formal bicycle connection provided between Wangara Road and Holloway Road, Sandringham. Line marking safety treatment installed on the Bay Trail south of Sandown Street. Installation of path decals on the Elster Creek Trail and at high risk sites on the Bay Trail to encourage safer riding practices amongst cyclists. Linemarking to improve safety at a high risk site on the Bay Trail opposite 104 The Esplanade was completed. Installation of a bicycle repair station on the Bay Trail opposite Southey Road, Sandringham.

### Activity Status
In Progress

### Start Date
01/07/17

### End Date
30/06/21

### % Complete
40.00

### Target
40.00
### Activity
2.2.1.1 Implement an advocacy action plan for bus routes, commuter parking (including bicycle parking) and the Pennylane (Southland) and Cheltenham station redevelopments (CP)

### Responsibility
Manager Sustainability and Transport

### Progress Comment
Advocacy for the 2018/19 PTV Bus Shelter Program progressed with PTV approving the 15 nominated sites, 9 of which have had shelters installed. Public transport advocacy undertaken as part of the Candidates Forum held at Council in October 2018. Level Crossing Removal advocacy has continued. A Councillor briefing from the LXTA was held following an announcement in March of project details, commencement and expected completion timings. Council continues to support the MTF bus advocacy campaign ‘Billions for Buses’.
GOAL: 3. HOUSING AND NEIGHBOURHOODS

**Activity Status**

- **On Track** (75.00%): 6
- **Monitor** (12.50%): 1
- **Needs Work** (12.50%): 1
- **No Target** (0.00%): 0

**Activity Performance**

- Activity reported on: 8
- At least 90% of activity target achieved: 6
- Between 60% and 90% of activity target achieved: 1
- Less than 60% of activity target achieved: 1
- Activity with no target set: 0
### ACTIVITY SUMMARY

**STRATEGIC OBJECTIVE:** Development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

**STRATEGY:** Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government

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<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
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<tr>
<td>3.1.1.5 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 (CP).</td>
<td>Manager Urban Strategy</td>
<td>The Advocacy Action Plan adopted by Council at the Ordinary Meeting of Council of 19 June 2018, has been implemented through participation in the Inner South Metropolitan Mayor’s Forum (ISMMF) and the Economy &amp; Planning Working Group (EPIWG). Direct advocacy has progressed through Heritage Victoria, the Planning Institute of Australia and Amendment C126 process has been successful in implementing controls to guide height and built form outcomes in 31 small activity centres.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/19</td>
<td>70.00</td>
<td>75.00</td>
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### Activity

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<th>End Date</th>
<th>% Complete</th>
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</table>
| 3.4.1.1 Complete the implementation of an effective and efficient development application process that facilitates greater certainty for applicants and objectors and encourages compliance with development controls (CP). | Manager - Development Services | The Development Services Department has been implementing an improvement program which has consisted of:  
* Customer Journey mapping (a review undertaken by Pario);  
* Process mapping and reengineering;  
* Online Planning Lodgement; and  
* Improvement to digital interface.  
  
The Customer Journey mapping has been completed and used to develop a program of works to improve the Departments service delivery and customer interface/experience.  
The key improvement piece and focus is the online lodgement project which has commenced and is currently in development. It is expected to be implemented and working by 1 July 2019. Other parts of the project will be developed concurrently and implemented along side and post the online project implementation. | In Progress | 01/07/17 | 30/06/21 | 60.00 | 50.00 |
### Activity: Improve housing affordability (including social housing) and housing needs of various life stages through advocacy

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<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
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<tbody>
<tr>
<td>3.5.1.1 Implement the advocacy action plan to improve housing affordability and social housing options (CP)</td>
<td>Manager Urban Strategy</td>
<td>The housing affordability and social housing advocacy action plan was adopted by Council in June 2018. Ongoing discussions with DHHS and participation in the consultative committee for the New Street site redevelopment has provided an avenue to continue to pursue Council’s goals. The Inner South Metropolitan Mayor’s Forum and the Economic &amp; Planning Working Group (ISMMI) and the recently established Social and Affordable Housing in the South-East have also been used as avenues to continue advocacy on this matter.</td>
<td>In Progress</td>
<td>01/09/17</td>
<td>30/06/21</td>
<td>40.00</td>
<td>40.00</td>
<td>✔</td>
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<tr>
<td>3.5.1.2 Review the Housing Strategy to identify opportunities to improve housing affordability (including social housing) and housing needs of various life stages (CP)</td>
<td>Manager Urban Strategy</td>
<td>A background paper has been prepared which outlines the preliminary findings of the review. Community consultation on the background paper and opportunities to address key housing challenges including the provision of affordable housing is to commence from 1 April 2019.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/20</td>
<td>40.00</td>
<td>40.00</td>
<td>✔</td>
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### 3.3.1.8 Implement new planning controls for the Pennydale (Southland) and Highett Structure Plan into the Planning Scheme to manage new development (CP)

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<tr>
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<th>% Complete</th>
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<tbody>
<tr>
<td>3.3.1.8</td>
<td>Manager Urban Strategy</td>
<td>Planning provisions to implement the planning policy aspects of both structure plans have been drafted and submitted to the Minister for Planning for authorisation in November 2018. Council is awaiting authorisation before the public exhibition stages can proceed. It is expected that exhibition will commence in Q4. The Communications and Engagement Plan and collateral is being finalised ready for exhibition.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/20</td>
<td>50.00</td>
<td>70.00</td>
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### 3.3.1.9 Implement the planning controls for Bayside’s Small Neighbourhood Activity Centres into the Planning Scheme to manage development and protect the important role of local centres and convenience retailing (CP)

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<th>Target</th>
<th>Status</th>
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<tbody>
<tr>
<td>3.3.1.9</td>
<td>Manager Urban Strategy</td>
<td>Council adopted Amendment C126 at its 19 March 2019 Ordinary Meeting. The amendment has now been submitted to the Minister for Planning for approval.</td>
<td>Completed</td>
<td>03/07/17</td>
<td>30/06/19</td>
<td>100.00</td>
<td>75.00</td>
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### 3.3.1.10 Explore the feasibility of developing and implementing a suite of innovative tools to communicate what completed new suburbs will look like in 30 years (CP)

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<tr>
<td>3.3.1.10</td>
<td>Manager Urban Strategy</td>
<td>The GIS tool to be implemented to map tree canopy, overall tree coverage, tree species and tree age provides the same technology to map build form and achieve a broad 3D model for the Municipality. Testing the tool though the development of the Urban Forest Strategy will provide a robust case study and understanding of limitations to achieve a useful and robust visualisation model.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/19</td>
<td>40.00</td>
<td>80.00</td>
<td><img src="https://example.com/status.png" alt="Status" /></td>
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### STRATEGIC OBJECTIVE: Village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above

### STRATEGY: Ensure new development responds to preferred neighbourhood character in activity centres

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<tbody>
<tr>
<td>3.2.1.3 Undertake a review of Council’s Housing Strategy and Neighbourhood Character and Residential Design Policy Framework to review boundaries of activity centres (CP)(CEO)</td>
<td>Manager Urban Strategy</td>
<td>Background research to support the Housing Strategy Review has been finalised including implementation of a Monitoring and Review Program for Major Activity Centres complete. A discussion paper on implementing the strategy and options to addressing identified gaps is being finalised with consultation with internal stakeholders and the community to commence in Q3 and progress through April and May. The Neighbourhood Character Study Review has been postponed to commence in 19/20 to facilitate the delivery of Hampton Hub feasibility work and a rewrite of the Planning Policy framework.</td>
<td>In Progress</td>
<td>01/01/18</td>
<td>30/06/21</td>
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<tr>
<td>4.1.1.1 Improve collaboration with community groups and government agencies by developing an action plan to foster existing relationships and explore opportunities for new relationships (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>- The Open Space team develop thorough community engagement plans to guide any consultation and partnership work, including identifying key stakeholders for high priority projects.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>50.00</td>
<td>45.00</td>
<td>Track</td>
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### STRATEGIC OBJECTIVE: We have a mix of quality formal and informal recreation space and bushland that is well used, connected and distributed across the municipality

### STRATEGY: Encourage the planting of local Indigenous vegetation

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<tbody>
<tr>
<td>4.2.3.1 Promote community awareness and visitation to the community nursery (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Community Nursery is promoted through special nursery events and activities, as well as through Council media. Further discussions will take place through the Bushland and Nursery Review.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>35.00</td>
<td>35.00</td>
<td></td>
</tr>
</tbody>
</table>

### STRATEGY: Gain access to increased quality open space to meet the needs of Highbett and the wider community

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.1.1 Secure 4 hectares of open space at the CSIRO site (CP).</td>
<td>Manager Urban Strategy</td>
<td>Legal agreements to guarantee the transfer of 4ha for Open Space purposes and purchase of 3,500m² of land for future provision of community facilities have been finalised and signed by both parties.</td>
<td>Completed</td>
<td>01/07/17</td>
<td>30/06/20</td>
<td>100.00</td>
<td>100.00</td>
<td></td>
</tr>
<tr>
<td>4.2.1.2 Develop a master plan that articulates the future layout and management of the Council owned/managed component of the CSIRO site in Highbett (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Master plan development will commence once demolition works are completed and site access is granted, anticipated to be early 2019. No access to the site until this work is complete. Consultation with Friends of Highbett Grassy Woodland has commenced. Council staff have developed a productive working relationship with CSIRO and their contractors who are currently responsible for the site in order to protect significant trees and flora. Seeking to engage consultants to undertake survey of site and prepare background info to support development of master plan.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/20</td>
<td>35.00</td>
<td>60.00</td>
<td></td>
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<tr>
<td>Activity</td>
<td>Progress Comment</td>
<td>Progress Achievement</td>
<td>Activity Status</td>
<td>Start Date</td>
<td>End Date</td>
<td>% Complete</td>
<td>Target</td>
<td>Status</td>
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</tr>
<tr>
<td>4.3.2.2 Allocate funds from the Capital Works Program and the Council’s financial resources to enhance the provision of open space in key locations across the municipality</td>
<td>With the Director Corporate Services and Finance business determine the best approach, subject to available resources, the Installation of solar panels</td>
<td>Completed</td>
<td>01/07/18</td>
<td>30/06/21</td>
<td>100.00</td>
<td>–5.00</td>
<td>–5.00</td>
<td>–5.00</td>
</tr>
</tbody>
</table>
GOAL: 5. ENVIRONMENT

Activity Performance:

- Activity reported on: 9
- At least 90% of activity target achieved: 8
- Between 50% and 90% of activity target achieved: 1
- Less than 60% of activity target achieved: 0
- Activity with no target set: 0

Activity Status:

- ON TRACK: 88.89% (8)
- MONITOR: 11.11% (1)
- NEEDS WORK: 0.00% (0)
- NO TARGET: 0.00% (0)
## ACTIVITY SUMMARY

### STRATEGIC OBJECTIVE: Council and the Bayside community leads the way in environmental citizenship

#### STRATEGY: Achieve carbon neutrality by 2020

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.3.1.1 Install solar systems on Council buildings identified in the energy efficiency audit (CP)</td>
<td>Manager Sustainability and Transport</td>
<td>Seven solar systems installed (222 panels) as scheduled. Year 1 activities completed. A tender to install solar arrays on 11 Council buildings has been advertised and is expected to be completed in June 2019.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>40.00</td>
<td>40.00</td>
<td></td>
</tr>
<tr>
<td>5.3.1.2 Install energy efficient hot water units in Council buildings identified in the energy efficiency audit (CP)</td>
<td>Manager Sustainability and Transport</td>
<td>As solar panel installation was the primary focus for 2017-18, no energy efficient hot water units were installed in existing buildings. Energy Efficiency actions in Council buildings including hot water units where identified as feasible have been planned in the annual Sustainable Buildings program for Q4 2018-19.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/23</td>
<td>20.00</td>
<td>20.00</td>
<td></td>
</tr>
</tbody>
</table>

### STRATEGIC OBJECTIVE: Erosion is minimised and managed on our foreshore cliffs and beaches

#### STRATEGY: Influence state and federal governments for improved response to climate change, aimed at reducing impacts such as foreshore erosion, beach replenishment and bay health

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
</table>
| 5.1.1.1 Implement an advocacy plan for beach erosion and bay health (CP) | Manager Open Space, Recreation and Well Being | - Council staff are in discussion with DELWP to contribute towards the bay wide Coastal Hazard Assessment (a DELWP project). This assessment will highlight areas of the bay that are at risk of coastal erosion (and other factors such as sea level rise).  
- Council is a member of the Association of Bayside Municipalities (ABM) - a group who advocate for bay health and share best practices.  
- Council has participated in a workshop run by MAV and contributed towards the Port Phillip Bay Coastal Land Use Planning project. | In Progress | 14/08/18 | 30/06/21 | 75.00 | 75.00 |
<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.1.1 Implement recommendations from the Recycling and Waste Management Service Review (CP)</td>
<td>Manager Sustainability and Transport</td>
<td>The Recycling and Waste Management Strategy has been adopted by Council. A number of actions have been completed. The provision of composting products has now ceased. The assessment of design concepts of the upgrade of the transfer station has been extended to explore cost savings prior to commencing detailed design. Planning for the implementation of the Food and Green Waste service has commenced, with the introduction of the new service scheduled for July 2019. A tender to change the existing green waste bin lid to a lime green colour, provide kitchen caddies and compostable bin liners has been advertised.</td>
<td>In Progress</td>
<td>01/01/18</td>
<td>31/01/20</td>
<td>60.00</td>
<td>60.00</td>
<td>✓</td>
</tr>
<tr>
<td>5.2.1.2 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 for landfill and haulage of waste (CP)</td>
<td>Manager Sustainability and Transport</td>
<td>The Recycling and Waste Strategy was adopted by Council in October. The key part of the strategy is the Implementation of a Food and Garden Waste service. A communications and project plan has been finalised to address community behaviour change required to ensure a successful implementation of the service in July 2019. The implementation will reduce waste to landfill. The successful tenderer for the purchase, supply and delivery of kitchen caddies, compostable bin liners and the changeover of green waste bin lids will assist with the successful implementation of this service.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/21</td>
<td>50.00</td>
<td>40.00</td>
<td>✓</td>
</tr>
</tbody>
</table>
### STRATEGIC OBJECTIVE: Our environmental impact is decreased through reduced community waste and efficient water and energy usage in Council operations

### STRATEGY: Reduce water consumption in Council's operations and improve the management of stormwater and water quality

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.2.1 Implement Corporate Centre energy efficiency audit recommendations (CP)</td>
<td>Manager Sustainability and Transport</td>
<td>Corporate Centre energy efficiency audit recommendation priorities were revised, following the adoption of the Carbon Neutrality Action Plan. Year 1 activities have been completed, including the lighting upgrade. An investigation is underway to enable the upgrade to the heating, ventilation and cooling system controls.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>60.00</td>
<td>50.00</td>
<td></td>
</tr>
<tr>
<td>5.2.2.2 Improve and relocate priority stormwater outlets within the four-year Capital Works Strategy (CP)</td>
<td>Manager Sustainability and Transport</td>
<td>There have been opportunities identified to treat stormwater in priority locations through litter traps and other Water Sensitive Urban Design Installations. Replacement of upstream litter baskets and a condition assessment of Gross Pollutant Traps (GPT) at the stormwater outlets will be undertaken as part of the Drainage Asset Management Plan scheduled to take place in 2018/19.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>45.00</td>
<td>75.00</td>
<td></td>
</tr>
</tbody>
</table>
### STRATEGIC OBJECTIVE: We protect and enhance Bayside’s tree canopy and vegetation on public and private land

### STRATEGY: Protect the unique ecological and environmental value of Ricketts Point

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.1.1: Continue program of works including supplementary plantings, habitat augmentation and threat control (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>Council actively manage Ricketts Point to ensure both flora and fauna is protected. Council promotes educational activities at Ricketts point to ensure visitors are aware of its importance. Council provides support to a number of volunteer groups who proactively improve Ricketts Point through such activities as litter picking and planting appropriate flora species.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/21</td>
<td>75.00</td>
<td>20.00</td>
<td></td>
</tr>
</tbody>
</table>

| 5.4.1.2: Work with relevant stakeholders to protect marine flora and fauna species (CP) | Manager Open Space, Recreation and Well Being | Worked with Marine Mammals Foundation (MMF) to discuss possible Bayside foreshore locations for research hub. Coordinated with MMF to host a lunchtime info session for Council Staff in October 2018. Worked with DELWP to deliver the summer by the sea marine education program. | In Progress | 01/07/18 | 30/06/21 | 35.00 | 35.00 | 

11-Apr-19
### GOAL: 6. LOCAL ECONOMY AND ACTIVITY CENTRES

#### Activity Performance

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<th>Activity Status</th>
<th>Count</th>
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</thead>
<tbody>
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<td>ON TRACK</td>
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<tr>
<td>Monitor</td>
<td>5</td>
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<tr>
<td>Needs Work</td>
<td>2</td>
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<td>No Target</td>
<td>1</td>
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<td>Activity with no target set</td>
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</table>

### Progress Report

**Activity Performance**

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<tr>
<th>Activity Status</th>
<th>Count</th>
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<tbody>
<tr>
<td>ON TRACK</td>
<td>8</td>
</tr>
<tr>
<td>Monitor</td>
<td>5</td>
</tr>
<tr>
<td>Needs Work</td>
<td>2</td>
</tr>
<tr>
<td>No Target</td>
<td>1</td>
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<tr>
<td>Activity with no target set</td>
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</table>

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*Item 10.11 – Reports by the Organisation*
**ACTIVITY SUMMARY**

**STRATEGIC OBJECTIVE:** Local opportunities for business and employment are protected and enhanced, and opportunities for economic innovation are embraced

**STRATEGY:** Reposition the Bayside Business District into an innovation, office and skilled technology hub

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.4.1.1 Develop and implement an Advocacy and Promotion Strategy to attract a major drawcard tenant (health/education/advanced technology)</td>
<td>Manager Urban Strategy</td>
<td>The scoping of the Economic Development Strategy has been completed and the background report is being finalised to be presented to Council to commence engagement in Q4. Advocacy to obtain support from the State Government has been undertaken through the Economy &amp; Planning Working Group (EPWG) and discussions with Department of Economic Jobs, Transport &amp; Resources (DEJTR) have progressed.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/20</td>
<td>40.00</td>
<td>0.00</td>
<td>On Track</td>
</tr>
</tbody>
</table>

**STRATEGIC OBJECTIVE:** Shoppers and visitors feel safe in local shopping strips, both day and night

**STRATEGY:** Identify options to encourage the night time economy for entertainment and hospitality

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3.1.1 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>
<td>Acting Manager Amenity Protection</td>
<td>Bayside Council is one of five ISMMF Councils that have secured state government to carried out a 2 year pilot program for removal of graffiti from third party service authorities eg. Vic road, United Energy, South East Water, City Assets and Project are representing Bayside in this project. Funding will be available from 1 July 2019. Recruitment process for the Graffiti Management Officer has commenced and be finalised by the end of May. Notifications of graffiti on private properties are responded to and investigated by Council's Local Laws Officers.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/20</td>
<td>75.00</td>
<td>20.00</td>
<td>On Track</td>
</tr>
</tbody>
</table>
### STRATEGIC OBJECTIVE: Shoppers and visitors feel safe in local shopping strips, both day and night

#### STRATEGY: Identify options to encourage the night time economy for entertainment and hospitality

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>6.6.1.1 Undertake a review of the Economic Development Strategy, with a specific focus on the night time economy (PSR) (CP)</td>
<td>Manager Urban Strategy</td>
<td>Council hosted a workshop of economic development practitioners from across the state in February 2018, to determine the best approaches to local economic development. It was undertaken in partnership with Economic Development Australia and Port Phillip Council. The data from the workshop together with the work of VAGO will be used to inform the review. The scope of the Economic Development Strategy has been finalised and the background report including recommended actions is being drafted to be presented to Council by June to commence engagement.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/19</td>
<td>50.00</td>
<td>60.00</td>
<td>Monitor</td>
</tr>
</tbody>
</table>

### STRATEGIC OBJECTIVE: Shopping villages are vibrant, attractive and interesting places where the community comes together, providing a variety of innovative, dynamic and convenient services

#### STRATEGY: Provide engaging and attractive public places in shopping streetscapes

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1.1.1 Implement the Sandringham Village and Beaumaris Concourse Master Plans (CP)</td>
<td>Manager Urban Strategy</td>
<td>Design and documentation for the implementation of Beaumaris Concourse Master Plan is progressing to schedule. Consultation and engagement on detailed design has been finalised. The Communications and Engagement Plan has been finalised and collateral is being prepared in preparation to construction commencement. Contractor has been appointed to commence construction in May 2019. Project delivery is on schedule. Sandringham Master Plan detailed design and documentation is progressing in accordance with revised schedule now that flooding issues have been addressed.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/20</td>
<td>50.00</td>
<td>50.00</td>
<td>Monitor</td>
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</tbody>
</table>
### Bayside City Council

**Ordinary Council Meeting - 21 May 2019**

**Attachment 1**

#### STRATEGIC OBJECTIVE: Shopping villages are vibrant, attractive and interesting places where the community comes together, providing a variety of innovative, dynamic and convenient services

**STRATEGY:** Provide engaging and attractive public places in shopping streetscapes

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1.1.2 Installation of activity centre Christmas decorations to support trading in local centres and community connection during the festive season, including at agreed significant small activity centres (CP).</td>
<td>Manager Urban Strategy</td>
<td>Programming, ordering, maintenance and preparation for installations of Christmas decorations is progressing to schedule for 2019 Christmas season. A large number of compliments were received with no complaints recorded for Christmas 2018 season. A procurement process to establish a panel of Christmas decorations suppliers to enable the effective maintenance and upgrades to the Christmas stock has been finalised.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>60.00</td>
<td>45.00</td>
</tr>
</tbody>
</table>

#### STRATEGIC OBJECTIVE: Small activity centres contribute to the village feel, provide neighbourhood convenience, employment opportunities and access to transport options is convenient and parking encourages local shopping

**STRATEGY:** Manage development and protect the important role of local centres and convenience retailing

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2.1.1 Incorporate the planning controls for Bayside’s Small Neighbourhood Activity Centres into the planning scheme (CP)</td>
<td>Manager Urban Strategy</td>
<td>Council adopted Amendment C126 at its 19 March 2019 Ordinary Meeting. The amendment has now been submitted to the Minister for Planning for approval.</td>
<td>Completed</td>
<td>01/07/17</td>
<td>15/05/19</td>
<td>100.00</td>
<td>95.00</td>
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</table>

#### STRATEGIC OBJECTIVE: The foreshore generates optimum economic, social and environmental return

**STRATEGY:** Improve tourism access to Dendy Beach to strengthen economic, social and environmental returns from the foreshore

<table>
<thead>
<tr>
<th>Activity</th>
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<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.5.1.1 Develop a plan for the Brighton Beach Station precinct that improves visitor access to Dendy Beach (CP).</td>
<td>Manager Urban Strategy</td>
<td>Opportunities and issues have been identified and documented. Project has progressed in Q3 which has highlighted the opportunity to address key issues for the area through a Destination Management Visitor Plan. The Draft UDF will be presented to Council in June.</td>
<td>In Progress</td>
<td>01/01/18</td>
<td>30/06/19</td>
<td>40.00</td>
<td>50.00</td>
</tr>
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</table>
Item 10.11 – Reports by the Organisation
GOAL: 7. COMMUNITY HEALTH AND PARTICIPATION

**ACTIVITY STATUS**

- **85.71% (6) ON TRACK**
- **0.00% (0) MONITOR**
- **14.29% (1) NEEDS WORK**
- **0.00% (0) NO TARGET**

**ACTIVITY PERFORMANCE**

<table>
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<tr>
<th>Description</th>
<th>Value</th>
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<tbody>
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<tr>
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<td>6</td>
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<td>Between 60% and 90% of activity target achieved</td>
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<tr>
<td>Less than 60% of activity target achieved</td>
<td>1</td>
</tr>
<tr>
<td>Activity with no target set</td>
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</tbody>
</table>
# ACTIVITY SUMMARY

**STRATEGIC OBJECTIVE**: A focus on gender equity in decision making

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

<table>
<thead>
<tr>
<th>Activity</th>
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<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.7.1.1</td>
<td>Continue the review Council’s community policies and programs for gender inclusiveness (CP)</td>
<td>A gender inclusion checklist was developed that focuses on ensuring policies, strategies and projects do not unfairly disadvantage women or men, either intentionally or unintentionally. The checklist was approved by the White Ribbon Working Group and incorporated into the Research and Engagement, and developing Policies and Strategies processes. The checklist was promoted internally via the Loop and Tannier.</td>
<td>Completed</td>
<td>02/10/17</td>
<td>30/06/21</td>
<td>100.00</td>
<td>95.00</td>
<td></td>
</tr>
<tr>
<td>7.7.1.2</td>
<td>Develop an approach for community clubs that outlines the benefits of gender diversity on committees (CP)</td>
<td>Baseline data has been established and sports will provide annual update on gender ratios on committees. New legislation mandating 40% female representation on committees will be enforced from 1 July 2019.</td>
<td>In Progress</td>
<td>02/10/17</td>
<td>30/06/21</td>
<td>80.00</td>
<td>80.00</td>
<td></td>
</tr>
<tr>
<td>7.7.1.3</td>
<td>Implement the Women’s Charter Action Plan to promote gender equity, diversity and women’s participation in active citizenship (CP)</td>
<td>Council reaffirmed commitment to Victorian Local Government Women’s Charter in 2018/19. Women’s Charter Action Plan to be developed in 2018/19. Initial consultation has commenced with consolidation of actions currently being undertaken for 18/19 and creating an integrated plan for 19/20-20/21 based on the Best Practice Guide for Gender Equity in Local Government. In addition the organisation celebrated IWD this quarter which was a great success.</td>
<td>In Progress</td>
<td>01/04/18</td>
<td>30/06/21</td>
<td>30.00</td>
<td>30.00</td>
<td></td>
</tr>
</tbody>
</table>
### Activity: 7.2.1.1 Implement the Wellbeing Plan (the Wellbeing for All Ages and Abilities Plan) to ensure that it includes increasingly rigorous indicators of community health and wellbeing and measurable and actionable activities for:
- Early years
- Youth
- Healthy Ageing and
- Healthy Community (CP)

**Responsibility:** Manager Open Space, Recreation and Wellbeing

**Progress Comment:** The Wellbeing for All Ages and Abilities Strategy 2017-2021 was adopted at the October 2017 Council Meeting. Associated action plans and evaluation plan were presented at February 2018 Council Meeting and resolved. Actions will be reported by areas responsible for relevant Action Plans.

**Activity Status:** In Progress
**Start Date:** 01/07/18
**End Date:** 30/06/21
**% Complete:** 30.00
**Target:** 30.00

### Activity: 7.6.1.1 Determine Council’s future involvement in service delivery given the reform agenda in aged care (CP)

**Responsibility:** Manager Community Services

**Progress Comment:** Council’s aged care funding extended until June 2020. Council successful in securing growth funding of $226,000 from the Commonwealth Government to deliver increased services from January 2019. The Commonwealth Government’s delivery model post 2020 is unknown. The Municipal Association of Victoria invited to present to the Royal Commission on behalf of all Victorian Local Governments.

Council decision deferred due to extended funding timeline and Commonwealth future direction unclear.

**Activity Status:** Deferred
**Start Date:** 01/10/17
**End Date:** 30/06/19
**% Complete:** 40.00
**Target:** 70.00
### STRATEGIC OBJECTIVE: 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

### STRATEGY: Prepare for the aged care and National Disability Insurance Scheme reforms

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.6.1.2 Support local organisations through education and advocacy to assist them to take a coordinated approach to respond to the reform agenda (CP)</td>
<td>Manager Community Services</td>
<td>A Southern Region Alliance is chaired by Manager Community Services and attended by local and regional organisations. The Alliance provides a platform for agencies to advocate and escalate issues directly to Commonwealth and State Government officials in attendance. A regional information session for organisations transitioning to the National Disability Insurance Scheme held in March and attended by more than 200 individuals.</td>
<td>In Progress</td>
<td>01/10/17</td>
<td>30/06/20</td>
<td>30.00</td>
<td>30.00</td>
<td>✔️</td>
</tr>
</tbody>
</table>

### STRATEGIC OBJECTIVE: We encourage and acknowledge community volunteering

### STRATEGY: Improve opportunities for volunteering

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5.1.1 Implement the approach to encourage community volunteering, including opportunities to reward and recognise community leaders and volunteers (CP)</td>
<td>Manager Open Space, Recreation and Well Being</td>
<td>An approach to Council volunteers has been developed, with training and professional development sessions offered every quarter. Council hosted an afternoon tea to recognise 120 community volunteers in 2018 and will continue this event in 2019. A volunteer steering committee comprising of council staff has been established to provide further direction on reward and recognition opportunities.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>50.00</td>
<td>35.00</td>
<td>✔️</td>
</tr>
</tbody>
</table>
GOAL: 8. GOVERNANCE

**Activity Status**
- 100.00% (9) ON TRACK
- 0.00% (0) MONITOR
- 0.00% (0) NEEDS WORK
- 0.00% (0) NO TARGET

**Activity Performance**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity reported on</td>
<td>9</td>
</tr>
<tr>
<td>At least 90% of activity target achieved</td>
<td>9</td>
</tr>
<tr>
<td>Between 60% and 90% of activity target achieved</td>
<td>0</td>
</tr>
<tr>
<td>Less than 60% of activity target achieved</td>
<td>0</td>
</tr>
<tr>
<td>Activity with no target set</td>
<td>0</td>
</tr>
</tbody>
</table>
**ACTIVITY SUMMARY**

**STRATEGIC OBJECTIVE:** Decision making is open, transparent and informed by representative community views

**STRATEGY:** Improve community engagement to inform Council decision making

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.3.1.1 Implement and evaluate the engagement activities articulated in project plans (e.g. Capital Works Plan) to identify opportunities for improvement in community engagement (CP)</td>
<td>Manager Communications &amp; Engagement</td>
<td>Implementation evaluation has been completed for the projects across the North Road Foreshore precinct, including Bay Trail Duplication, North Point Café and the Foreshore Masterplan. The key learnings have been documented and are currently being implemented. This includes the introduction of a systematic approach to manage incoming correspondence on controversial proposals. This revised approach will be trialed on key projects over the coming months.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>75.00</td>
<td>40.00</td>
<td>On Track</td>
</tr>
<tr>
<td>8.3.1.2 Implement and enforce improved evaluation of the processes and outcomes of council’s engagement efforts. (CP)</td>
<td>Manager Communications &amp; Engagement</td>
<td>An external review of current engagement process and practice has been completed to assess veracity and consistency in implementation. Recommendations provide for both process and practice improvements and will inform an action plan for the coming 12 months. A program of in-house learning opportunities is underway, informed by engagement evaluations. The first session held in March focused on capacity to support face to face consultations and manage community outrage.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>75.00</td>
<td>40.00</td>
<td>On Track</td>
</tr>
</tbody>
</table>
**STRATEGIC OBJECTIVE: Effective partnerships are developed to deliver improved liveability for the community**

**STRATEGY: Increase the opportunities for participation in Council meetings**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.3.2.1 Review the approach to Council meetings to improve the accessibility of meetings (CP)</td>
<td>Governance Manager</td>
<td>Webcasting of Council meetings including live captioning has provided increased accessibility to Council Meetings. Special Meetings have been held to accommodate contentions issues to provide greater accessibility to meetings.</td>
<td>Completed</td>
<td>01/07/17</td>
<td>30/06/19</td>
<td>100.00</td>
<td>100.00</td>
<td></td>
</tr>
</tbody>
</table>

**STRATEGIC OBJECTIVE: Financially sustainable**

**STRATEGY: Ensure the financial sustainability of Council over time, in line with the objectives of Council’s Long Term Financial Plan**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1.1.1 Prepare Long Term Financial Plans and Annual Budgets to ensure Council’s financial sustainability (CP)</td>
<td>Finance Manager</td>
<td>The 2019/20 budget was successfully launched in December 2018 with a confirmed rate cap of 2.5%. The 2019/20 LTP has been drafted and presented to Councillors for information. The formal adoption of the LTP will occur at the April Council Meeting</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>80.00</td>
<td>25.00</td>
<td></td>
</tr>
</tbody>
</table>
## STRATEGIC OBJECTIVE: Relevant models for ownership and governance of Council facilities

## STRATEGY: Review Council’s property portfolio to provide clarity on tenant responsibilities, maximise community benefit, and ensure financial sustainability

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1.2.2 Implement Council’s Property Strategy (CP) (PSR)</td>
<td>Manager Commercial Services</td>
<td>Subsequent to Council's Property Strategy adoption in June 2018 the Block and Wall Street Carpark project report on the outcome of public consultation presented to Council. No further work proposed at this time. Significant work on Sandringham Golf Course was undertaken in relation to third party capital investment and use. Significant work in finalising end of tenancy arrangements related to Sandringham Driving Range to accommodate Netball. Work on Masonic Hall, Sandringham Library precinct underway to increase utilisation of services, improve co-location and upgrade facilities. Work to finalise access to Fern Street to allow Hub to progress completed. Significant progress on renegotiation of Commercial Foreshore Cafe/restaurant leases with public consultation for North Point anticipated to be completed in April. Work on Ricketts point to follow. Negotiation with other foreshore tenants underway. Sale of discontinuances underway with increase in</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>75.00</td>
<td>75.00</td>
<td></td>
</tr>
</tbody>
</table>
### STRATEGIC OBJECTIVE: Well managed and delivers great services

### STRATEGY: Ensure that the Bayside community’s needs and aspirations are identified and advocated to other levels of government

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.4.1.20 Ensure all Council strategies and policies consider Council’s role in advocacy and include effective influencing initiatives (CP)</td>
<td>Manager Communications &amp; Engagement</td>
<td>An advocacy strategy is under development to replace the current decentralised approach. The advocacy strategy will be two-part. The first part will address how we organise ourselves, what capabilities we need and how we will go about advocacy at Bayside. The second part will define what we will advocate for. This will take a long term view with an overarching, evidence-based narrative and a clearly defined process for how programs are selected to proceed. A workshop is scheduled with Councillors following the outcome of the federal election.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>75.00</td>
<td>40.00</td>
<td></td>
</tr>
</tbody>
</table>

### STRATEGY: Identify and Implement improvements in Council’s services, efficiency and outcomes for the Bayside community

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2.1.1 Undertake strategic service reviews for four priority Council services each year (CP)[CEO]</td>
<td>Executive Manager of People and Strategy</td>
<td>Open Space Management and Environmental Sustainability strategic service reviews were endorsed by Council in 2018. The report to Council on service review of Bright n Sandy Festival in April 2019. Aged Care Service Review deferred pending further direction from Commonwealth Government with regard to Royal Commission findings and reform agenda of Aged Care.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>35.00</td>
<td>35.00</td>
<td></td>
</tr>
</tbody>
</table>
### STRATEGIC OBJECTIVE: Well managed and delivers great services

### STRATEGY: Identify and implement improvements in Council’s services, efficiency and outcomes for the Bayside community

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Progress Comment</th>
<th>Activity Status</th>
<th>Start Date</th>
<th>End Date</th>
<th>% Complete</th>
<th>Target</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1.2.1 Implement Council’s Leasing Policy to identify opportunities to increase revenue or incorporate specific performance objectives in leases to maximise public value and utilisation (CP)</td>
<td>Manager Commercial Services</td>
<td>Leasing policy implementation underway. Commercial tenants with lease expiring in negotiation to determine if market testing will occur. Leases in overholding being reviewed and process to ensure all leases are currently underway. Market review of depot to be undertaken. A number of other property opportunities being investigated including telecommunication leases to augment lease income and cover some of the loss associated with decisions in 2018 related to Elsternwick Golf and Sandringham Golf Driving Range.</td>
<td>In Progress</td>
<td>01/07/18</td>
<td>30/06/21</td>
<td>75.00</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>8.2.1.2 Implement the Digital Transformation Strategy to ensure Council’s customer service performance anticipates community expectations for online and flexible delivery (CP)</td>
<td>Manager Customer and Cultural Services</td>
<td>In Q3 the customer journey mapping project final report was dissected to inform the requirements of the commencement of the online planning application project. The outstanding actions that require finalising is a roadmap of future CX projects, a project prioritisation matrix, a governance model for future digital projects and gap analysis of customer data, which will be an ongoing analysis based on each project. It is anticipated that these will be completed in Q4.</td>
<td>In Progress</td>
<td>01/07/17</td>
<td>30/06/21</td>
<td>40.00</td>
<td>40.00</td>
<td></td>
</tr>
</tbody>
</table>
Section 2 - Financial Overview

The financial overview includes:
1. Operating result
2. Cash and investments
3. Victorian Auditor General’s Office (VAGO) Indicators
4. Operating results by division

Operating Result

The Adjusted Budget for 2018/19 of $21.7M has increased by $2.1M from the Adopted Budget of $19.6M and includes the following adjustments for projects to be delivered in 2018/19:

- $1.663M Banksia Reserve Beaumaris Pavilion Redevelopment.
- $575k Elsternwick Park No. 1 Oval precinct.
- ($74k) Name and Address (NAR) Administrator.
- ($45k) Graffiti Prevention.

2018/19 year to date operating result

The March 2019 result is a surplus of $22.7M which is $7.1M favourable to budget.

2018/19 Forecast operating result

The current forecast for the year is a surplus of $26.2M which is $4.5M favourable to Budget.

The underlying forecast is favourable to budget by $1.976M and excludes the following one off or timing items totalling $2.524M:

- $2M additional income from developers related to open space contributions.
- $987k additional income from developers relating to drainage contributions.
- $700k Sandringham Library capital grant received in advance.
- $619k sale of discontinued Council owned laneways.
- $175k additional grant funding in 2018/19 for ‘Safe Travel in Local Street Program’.
- $120k increase in the grant funding for school crossings in 2018/19.
- $100k additional income Sustainability Victoria for E Waste Shed.
- ($1.5M) lease surrender costs.
- ($259k) additional costs associated with the purchase of new smaller bins.
- ($257k) reduction in net income for the sale of one Bathing Box as this is unlikely to proceed in 2018/19.
- ($115k) for the development and implementation of the election advocacy campaign.
- ($110k) expenditure related to the timing of grant funding for Aged & Disability Regional projects.
Cash and investments

The cash position of $116.0M has increased by $24.8M from the 2017/18 ending balance of $91.2M.

The YTD favourable variance to budget of $25.6M as at March 2019 is mainly due to:

- $13.5M greater opening cash balance than budgeted as of 1 July 2018:
  - Favourable capital works underspend including Rollover of 2017/18 capital projects
  - Favourable operating result in 2017/18 resulting in $2M transferred to the Infrastructure Reserve, an increase of unspent grant funds $1.6M, as well as additional resort and recreation and drainage levy income $1.5M transferred to reserves.
- $6.2M favourable variance in operating activities and $5.8M YTD favourable variance in investing activities.

<table>
<thead>
<tr>
<th>Cash and cash equivalents at the end of the period</th>
<th>30-Jun-18</th>
<th>31-Mar-15</th>
<th>Variance</th>
<th>Adjusted Budget</th>
<th>Forecast</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unallocated &amp; unrestricted</td>
<td>37,412</td>
<td>64,285</td>
<td>45,663</td>
<td>17,622</td>
<td>23,750</td>
<td>36,847</td>
</tr>
<tr>
<td>Restricted, committed and allocated funds</td>
<td>53,832</td>
<td>51,650</td>
<td>43,743</td>
<td>7,647</td>
<td>37,042</td>
<td>58,945</td>
</tr>
<tr>
<td>Total</td>
<td>91,247</td>
<td>116,935</td>
<td>99,406</td>
<td>25,669</td>
<td>60,792</td>
<td>95,794</td>
</tr>
</tbody>
</table>

Cash & cash equivalents (including investments) consists of:

- Total banks: 85,326
- Community banks: 4,000
- Cash on hand and at bank: 721

Total cash and cash equivalents: 91,247

Statutory Reserves

- Recreational Land Reserve: 17,905
- Drainage Contribution Reserve: 394
- Car Parking Reserve: 467

Total Statutory Reserves: 18,766

Funds Subject to Intended Allocation

- Infrastructure Reserve: 8,235
- Dendy Street Beach Improvement Reserve: 2,157
- Community Facilities Enhancement Reserve: 968
- Early Childhood Facilities Reserve: 5,500
- Drifted Superannuation Shortfall: 2,500
- Unspent Conditional Grants Reserve: 1,620
- Capital Works Carried Forward Reserve: 9,964

Total Funds Subject to Intended Allocation: 30,704

Total Other Reserves: 49,140

Committed Funds

- Trust Funds and Deposits: 4,256
- Total Committed Funds: 4,256

Total Restricted, Committed and Allocated funds: 53,832

Restricted funds include trust funds and reserves.

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### 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>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>526.05%</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 (not operating cash flow/underlying revenue)</td>
<td>&gt; 20.0%</td>
<td>32.68%</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>210.44%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Indebtedness</strong></td>
<td>The ability to repay debt from own source revenue being revenue not tied to specific projects. (not current liabilities / own source revenue)</td>
<td>&lt; 40.0%</td>
<td>0.71%</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>17.22%</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>153.71%</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Operating result by Division

<table>
<thead>
<tr>
<th>Division</th>
<th>2018/19 Adjusted Budget</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>Budget variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Year End Forecast</th>
<th>Adjusted Budget less Forecast</th>
<th>2018/19 Adjusted Budget % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>2,356</td>
<td>2,173</td>
<td>183</td>
<td>3,216</td>
<td>3,151</td>
<td>66</td>
<td>2.0%</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>5,793</td>
<td>5,528</td>
<td>265</td>
<td>8,429</td>
<td>8,515</td>
<td>(87)</td>
<td>-1.0%</td>
</tr>
<tr>
<td>Env. Rec. &amp; Infrastructure</td>
<td>27,358</td>
<td>28,803</td>
<td>705</td>
<td>36,294</td>
<td>36,572</td>
<td>(278)</td>
<td>-0.8%</td>
</tr>
<tr>
<td>City Planning &amp; Amenity</td>
<td>2,244</td>
<td>1,444</td>
<td>2,231</td>
<td>3,485</td>
<td>2,487</td>
<td>998</td>
<td>28.0%</td>
</tr>
<tr>
<td>Community and Customer Experience</td>
<td>9,234</td>
<td>7,900</td>
<td>1,303</td>
<td>12,801</td>
<td>12,322</td>
<td>479</td>
<td>3.7%</td>
</tr>
<tr>
<td>Corporate Finance</td>
<td>(2,133)</td>
<td>(1,235)</td>
<td>(993)</td>
<td>(3,899)</td>
<td>(2,967)</td>
<td>(912)</td>
<td>23.0%</td>
</tr>
<tr>
<td>Underlying Operating</td>
<td>44,845</td>
<td>41,964</td>
<td>3,784</td>
<td>60,307</td>
<td>60,090</td>
<td>267</td>
<td>0.4%</td>
</tr>
<tr>
<td>Rates</td>
<td>(71,654)</td>
<td>(72,028)</td>
<td>364</td>
<td>(56,590)</td>
<td>(56,671)</td>
<td>281</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Capital Income</td>
<td>(2,524)</td>
<td>(5,512)</td>
<td>2,988</td>
<td>(4,903)</td>
<td>(8,855)</td>
<td>3,952</td>
<td>-80.6%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>13,807</td>
<td>13,805</td>
<td>3</td>
<td>18,416</td>
<td>18,416</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>(15,534)</td>
<td>(22,673)</td>
<td>7,140</td>
<td>(21,720)</td>
<td>(26,221)</td>
<td>4,501</td>
<td>-20.7%</td>
</tr>
</tbody>
</table>

Executive forecast favourable $66k
- $66k decrease in project expenditure costs.

Corporate Services unfavourable ($87k)
- ($120k) additional costs associated with increased sale of discontinuances, leases and Sandringham Driving Range.
- ($103k) consulting fees relating to Black and Well St consultation & traffic study and Sandringham Golf Course redevelopment proposal.
- $53k sale of discontinued Council owned laneways, offset by additional property staff.
- $55k additional funding from Department of Treasury and Finance for the transition of the centralised Valuations contract.

Environment, Recreation and Infrastructure unfavourable ($278k)
- ($259k) additional costs associated with the purchase of new smaller bins due to the “Shrink your bin and save” campaign.
- ($194k) increase in Utilities for Public Lighting, Electricity and Gas charges as a result of the new contracts negotiated after budget approval and effective 1 July 2018. The new contract is an aggregated portfolio across the majority of Metropolitan Local Councils and is significantly cheaper than the default market rate for energy.
- ($76k) additional expense mainly relating to the Maintenance Service contract review.
- ($74k) increase in new Beach Cleaning contract rates.
- ($58k) additional cost relating to the commuter bus trial approved by council.
- ($60k) increase in the number of green waste collections.
- $240k savings in the kerbside recycling waste disposal contract as a result of a better price per tonnage negotiated with the recycling processor.
- $129k additional income mainly associated with Open Space permits issued for filming activities within the municipality.
- $65k increase in legal point of discharge income.
Community & Customer Experience favourable $479k

- $(110k) expenditure for Aged & Disability Regional projects for which funding was received in 2017/18.
- $(115k) development and implementation of the election advocacy campaign.
- $461k net savings expected in Aged & Disability predominantly due to clients transitioning to NDIS.
- $101k savings in Youth employee costs due to staff vacancy.
- $47k savings in Customer Experience employee costs due to staff vacancies.

City Planning and Amenity favourable $998k

- $990k increase in parking fines.
- $335k increase in infringement court recoveries related to parking fines.
- $310k increase in parking fees due to higher patronage along foreshore.
- $130k higher number of skip bin permits.
- $129k increase in the grant funding for school crossings subsidy for 2018/19.
- $(350k) contract and consultation costs for Hampton Community Infrastructure feasibility Assessment and Master Plan.
- $(202k) increase in number of infringement lodgement fees due to higher number of parking fines.
- $(250k) reduction in statutory planning application income due to the economic uncertainty and downturn in the housing market.
- $(148k) expenditure for Customer Journey mapping for City Planning.

Corporate Finance unfavourable $(912k)

- $(1.5M) lease surrender costs.
- $(257k) net reduction in income due to a bathing box unlikely to be sold in 2018/19.
- $414k sale of discontinued Council owned laneways
- $335k increase in interest income from general bank accounts and term deposits mainly due to a favourable opening cash position for the year.
- $107k savings in 2018/19 workcover premium due to improved claims history.

Rates favourable $281k

- $430k increase in supplementary rates in excess of the budget.
- $175k interest charged on late payment of rates.
- $(354k) reduction in rates and charges resulting from requests from rate payers for smaller bins.
### Section 3 – Financial statements

#### Income statement

<table>
<thead>
<tr>
<th>Line Item</th>
<th>2018/19</th>
<th>Adjusted Budget</th>
<th>2018/19</th>
<th>2018/19</th>
<th>Year End Forecast</th>
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## Capital Projects

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## Balance sheet

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<th>30-Jun-18 Actual</th>
<th>31-Mar-19 Budget</th>
<th>Variance</th>
<th>Full Financial Year Forecast</th>
<th>Variance</th>
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<td>Provisions</td>
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<td>1,424</td>
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<td>-</td>
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<tr>
<td><strong>Total non-current liabilities</strong></td>
<td>799</td>
<td>992</td>
<td>1,262</td>
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<td>1,424</td>
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### Cash Flow Statement

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<td>$'000</td>
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<tr>
<td>Statutory fees and fines</td>
<td>7,669</td>
<td>4,069</td>
<td>5,045</td>
<td>(950)</td>
<td>6,453</td>
<td>7,353</td>
<td>1,382</td>
<td></td>
</tr>
<tr>
<td>User charges</td>
<td>9,444</td>
<td>8,438</td>
<td>6,903</td>
<td>1,475</td>
<td>8,969</td>
<td>8,536</td>
<td>436</td>
<td></td>
</tr>
<tr>
<td>Rental income</td>
<td>4,171</td>
<td>3,736</td>
<td>4,078</td>
<td>(342)</td>
<td>4,538</td>
<td>4,794</td>
<td>256</td>
<td></td>
</tr>
<tr>
<td>Contributions - monetary</td>
<td>6,566</td>
<td>6,068</td>
<td>1,529</td>
<td>3,679</td>
<td>5,339</td>
<td>4,449</td>
<td>1110</td>
<td></td>
</tr>
<tr>
<td>Grants - operating</td>
<td>11,231</td>
<td>7,559</td>
<td>7,453</td>
<td>97</td>
<td>10,972</td>
<td>10,022</td>
<td>(150)</td>
<td></td>
</tr>
<tr>
<td>Grants - Capital</td>
<td>719</td>
<td>1,034</td>
<td>23</td>
<td>1,011</td>
<td>1,445</td>
<td>2,088</td>
<td>1,363</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>2,718</td>
<td>2,572</td>
<td>1,679</td>
<td>896</td>
<td>2,160</td>
<td>3,241</td>
<td>1,111</td>
<td></td>
</tr>
<tr>
<td>Trust funds and deposits</td>
<td>(294)</td>
<td>499</td>
<td>92</td>
<td>396</td>
<td>123</td>
<td>120</td>
<td>(3)</td>
<td></td>
</tr>
<tr>
<td>Other receipts</td>
<td>2,097</td>
<td>724</td>
<td>950</td>
<td>(266)</td>
<td>1,878</td>
<td>1,864</td>
<td>(14)</td>
<td></td>
</tr>
<tr>
<td>Net GST refund</td>
<td>7,111</td>
<td>4,869</td>
<td>4,923</td>
<td>37</td>
<td>7,847</td>
<td>6,896</td>
<td>(970)</td>
<td></td>
</tr>
<tr>
<td><strong>Employee costs</strong></td>
<td>(41,581)</td>
<td>(32,955)</td>
<td>(32,614)</td>
<td>(336)</td>
<td>(44,244)</td>
<td>(43,306)</td>
<td>938</td>
<td></td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(54,378)</td>
<td>(42,230)</td>
<td>(42,687)</td>
<td>(457)</td>
<td>(56,095)</td>
<td>(60,209)</td>
<td>(3,114)</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash provided by (used in) operating activities</strong></td>
<td><strong>44,664</strong></td>
<td><strong>44,967</strong></td>
<td><strong>38,781</strong></td>
<td><strong>6,186</strong></td>
<td><strong>41,211</strong></td>
<td><strong>44,778</strong></td>
<td><strong>3,567</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for property, infrastructure, plant &amp; equipment</td>
<td>(40,378)</td>
<td>(26,239)</td>
<td>(25,078)</td>
<td>5,839</td>
<td>(57,117)</td>
<td>(40,329)</td>
<td>16,688</td>
<td></td>
</tr>
<tr>
<td>Proceeds from sale property, infrastructure, plant &amp; equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Proceeds from term deposit investments</td>
<td>(9,503)</td>
<td>(8,071)</td>
<td>(11,600)</td>
<td>(0,021)</td>
<td>15,060</td>
<td>(2,500)</td>
<td>(17,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash used in investing activities</strong></td>
<td>(49,881)</td>
<td>(44,210)</td>
<td>(36,676)</td>
<td>(3,512)</td>
<td>(42,117)</td>
<td>(43,829)</td>
<td>(112)</td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from financing activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance costs</td>
<td>(124)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Proceeds from borrowings</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Repayment of borrowings</td>
<td>(2,126)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash used in financing activities</strong></td>
<td>(2,250)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Net increase (decrease) in cash and cash equivalents</strong></td>
<td>(7,864)</td>
<td>4,737</td>
<td>1,703</td>
<td>3,024</td>
<td>(106)</td>
<td>2,549</td>
<td>3,455</td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents at the beginning of the period</td>
<td>9,185</td>
<td>1,721</td>
<td>3,677</td>
<td>(9,064)</td>
<td>3,677</td>
<td>1,721</td>
<td>(9,064)</td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents at the end of the period</td>
<td>1,721</td>
<td>6,448</td>
<td>5,380</td>
<td>1,668</td>
<td>2,771</td>
<td>4,270</td>
<td>1,499</td>
<td></td>
</tr>
<tr>
<td><strong>Term Deposits</strong></td>
<td>85,526</td>
<td>85,526</td>
<td>85,526</td>
<td>24,591</td>
<td>56,026</td>
<td>56,026</td>
<td>56,026</td>
<td>33,500</td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents at the end of the period</strong></td>
<td>91,247</td>
<td>115,875</td>
<td>115,875</td>
<td>90,406</td>
<td>25,560</td>
<td>60,767</td>
<td>95,796</td>
<td>34,999</td>
</tr>
<tr>
<td><strong>Unallocated and unrestricted</strong></td>
<td>37,442</td>
<td>64,285</td>
<td>46,903</td>
<td>17,622</td>
<td>25,755</td>
<td>30,847</td>
<td>13,092</td>
<td></td>
</tr>
<tr>
<td><strong>Restricted, committed and allocated funds</strong></td>
<td>53,835</td>
<td>51,589</td>
<td>43,743</td>
<td>7,647</td>
<td>37,432</td>
<td>58,946</td>
<td>21,907</td>
<td></td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents at the end of the period</strong></td>
<td><strong>91,247</strong></td>
<td><strong>115,875</strong></td>
<td><strong>115,875</strong></td>
<td><strong>90,406</strong></td>
<td><strong>25,560</strong></td>
<td><strong>60,767</strong></td>
<td><strong>95,796</strong></td>
<td><strong>34,999</strong></td>
</tr>
</tbody>
</table>
### Section 4 – Community Engagement

Listed below are the key engagement activities that continued or were started during this time.

<table>
<thead>
<tr>
<th>Council Plan Goal</th>
<th>Project</th>
<th>Outcome - Next Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance</td>
<td>Community satisfaction research</td>
<td>• Public release of report</td>
</tr>
<tr>
<td>Governance</td>
<td>‘Happy or Not’ Survey Kiosks Trial</td>
<td>• 5 devices implemented for use in Council buildings</td>
</tr>
<tr>
<td>Housing and</td>
<td>Hampton Social Infrastructure</td>
<td>• Engagement to commence in Quarter 4</td>
</tr>
<tr>
<td>neighbourhoods</td>
<td>Housing Strategy</td>
<td>• Engagement to commence in Quarter 4</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Erskine Laneway</td>
<td>• Construction to commence</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>North Road Foreshore – North Point Cafe</td>
<td>• Council decision on lease</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Council Meeting - lease submissions</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Thomas Street Playground</td>
<td>• Playground design concept ideas</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Bayside Netball Centre</td>
<td>• Architect appointment</td>
</tr>
<tr>
<td>Local economy</td>
<td>Brighton East Streetscape</td>
<td>• Draft streetscape plan to Council Meeting</td>
</tr>
<tr>
<td>and activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>centres</td>
<td>Black Rock Village</td>
<td>• Village concept to be prepared</td>
</tr>
<tr>
<td>Local economy</td>
<td>Bright n Sandy Festival Service Review</td>
<td>• Council decision and implementation</td>
</tr>
<tr>
<td>and activity</td>
<td>North Road Foreshore – Masterplan</td>
<td>• Council decision</td>
</tr>
<tr>
<td>centres</td>
<td>Beaumaris Arts &amp; Sports Pavilion</td>
<td>• Council decision on project direction</td>
</tr>
<tr>
<td>Open space</td>
<td>Elsternwick Park North (Nature Reserve)</td>
<td>• Collate feedback for masterplan development</td>
</tr>
<tr>
<td>Open space</td>
<td>Wilson Reserve-Brighton Recreational Centre</td>
<td>• Stage 1 engagement to commence in Quarter 4</td>
</tr>
<tr>
<td>Centre Masterplan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open space</td>
<td>Dog Off Leash Feasibility Study</td>
<td>• Feasibility study to commence in Quarter 4</td>
</tr>
<tr>
<td>Transport</td>
<td>Black Street and Well Street carparks –</td>
<td>• Council decision</td>
</tr>
<tr>
<td></td>
<td>options for technology</td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>North Road Foreshore – Bay Trail</td>
<td>• Council decision</td>
</tr>
<tr>
<td>Transport</td>
<td>Bicycle Action Plan</td>
<td>• Prepare draft Action Plan</td>
</tr>
</tbody>
</table>
Section 5 - Capital Works

The year-to-date net capital result is favourable to budget by $7.65M. Council is forecast to be net $20.64M under budget for capital works at 30 June 2019. Taking into account the impact of $14.78M net of proposed carry forwards, the capital budget is favourable by $5.86M.
Capital revenue

YTD favourable $2.99M, forecast favourable $3.75M

- The forecast favourable variance in capital income of $3.75K is mainly due to:
  - Recreation and resort levy greater than expected.
  - Unbudgeted capital income received for drainage contributions from developers.
  - Unbudgeted income received from VicRoads for Church and Male Street Roundabout zebra crossings completed in 2017/18.
  - Unbudgeted income from Sustainability Victoria to build an E-Waste shed at the depot.

Capital expenditure

YTD favourable $4.667M, forecast favourable $16.888M

The forecast favourable variance in capital expenditure of $16.888M is mainly due to:

- Delays with Dendy Street Beach Pavilion due to VCAT and remediation works. This project will roll into 2019/20.
- Delays in Sandringham Village Activity Centre Streetscape due to Melbourne Water approval and investigation of alternative solutions. This project will roll into 2019/20.
- Delays with William Street Reserve Pavilion due to planning permit requirements and approval. Construction contract to be awarded in April 2019. This project will roll into 2019/20.
- Delays with Destructor Reserve Pavilion due to approval of design with sporting clubs. Construction expected to commence in May 2019. This project will roll into 2019/20.
- Savings expected on Cheltenham Park Pavilion based on current estimate.
- Savings expected on Simpson Reserve Sportsground Reconstruction due to favourable tender results.
- Savings expected on B9 and B13 Car Park Renewal due to favourable tender results.
- Savings expected on B6 Car Park Renewal due to favourable tender results.
- Delays in the purchase of CSIRO site due to property negotiations. This project will roll into 2019/20.
- Delays due to further planning works required to minimise high risks identified in the HNVPS Preservation project.
- Delays in the purchase of CSIRO site due to property negotiations. This project will roll into 2019/20.
## Progress Report on significant Capital Works Projects

The following table provides a report on capital projects which are greater than $50K over or under the YTD budget.

<table>
<thead>
<tr>
<th>Master Account</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 YTD Adjusted Variance</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Playground Renewal Projects</td>
<td>1,680,005</td>
<td>894,261</td>
<td>785,744</td>
<td>1,740,234</td>
<td>2018/19 playground projects to commence after first term school holidays.</td>
</tr>
<tr>
<td>William Street Reserve Pavilion</td>
<td>913,515</td>
<td>133,198</td>
<td>780,317</td>
<td>1,409,059</td>
<td>Delays with planning approval. Construction contract scheduled to be awarded in April.</td>
</tr>
<tr>
<td>Redevelopment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>89 and 813 Car Park Renewal Construction</td>
<td>467,208</td>
<td>66,043</td>
<td>401,165</td>
<td>1,177,228</td>
<td>Savings expected due to favourable tender price. Delays due to planning permit and contractor's availability</td>
</tr>
<tr>
<td>Destructor Reserve Pavilion Development</td>
<td>420,026</td>
<td>29,515</td>
<td>390,511</td>
<td>866,560</td>
<td>Delays awaiting club and Recreation sign off on spatial concept design.</td>
</tr>
<tr>
<td>Pavilion Redevelopment</td>
<td>427,465</td>
<td>46,577</td>
<td>380,888</td>
<td>431,134</td>
<td>Delays in finalising concept approval.</td>
</tr>
<tr>
<td>Footpath Reconstruction Program (Residential)</td>
<td>1,199,997</td>
<td>873,678</td>
<td>326,319</td>
<td>1,600,000</td>
<td>Program commenced in late August.</td>
</tr>
<tr>
<td>Pavillion Redevelopment</td>
<td>559,094</td>
<td>271,751</td>
<td>287,343</td>
<td>826,125</td>
<td>Contract awarded and works commenced in February.</td>
</tr>
<tr>
<td>Eisternwick Park Oval 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity Centre Masterplan - Beaumaris</td>
<td>345,846</td>
<td>88154.59</td>
<td>257,691</td>
<td>685,684</td>
<td>Currently behind budget to date. Tender awarded for construction in March Council meeting. Construction to commence end of April.</td>
</tr>
<tr>
<td>Concourse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainability and ESD Initiatives</td>
<td>267,438</td>
<td>15,013</td>
<td>252,425</td>
<td>321,683</td>
<td>Commencement and installation of solar expected in April. Completion by EOFY.</td>
</tr>
<tr>
<td>Master Account</td>
<td>2018/19 YTD Adjusted Budget</td>
<td>2018/19 YTD Actuals</td>
<td>2018/19 YTD Adjusted Variance</td>
<td>2018/19 Adjusted Budget</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>-------------------------------</td>
<td>------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Elsternwick Park Oval 2 Sportsground Reconstruction</td>
<td>1,044,672</td>
<td>812,588</td>
<td>232,084</td>
<td>1,067,766</td>
<td>Savings due to favourable tender results. Construction works delayed due to rain and site issues, turf installation completed in February and PC in April.</td>
</tr>
<tr>
<td>Sandringham Village Activity Centre Streetscaping</td>
<td>263,411</td>
<td>62,485</td>
<td>200,926</td>
<td>1,445,719</td>
<td>Delays due to planning permit and Melbourne Water approval required due to SBO. SBO now resolved with Melbourne Water and arranging QS for different scenarios. Design work underway.</td>
</tr>
<tr>
<td>Sportsground Reconstruction Simpson Reserve</td>
<td>1,046,249</td>
<td>870,916</td>
<td>175,333</td>
<td>1,135,922</td>
<td>Savings due to favourable tender results.</td>
</tr>
<tr>
<td>S06 Balcombe Road Retaining Wall</td>
<td>153,581</td>
<td>4,937</td>
<td>148,644</td>
<td>154,898</td>
<td>Design works delayed but due for completion by early April then proceed to tender. Delay in design will not impact completion of project by the end of the year.</td>
</tr>
<tr>
<td>Chisholm Reserve Pavilion</td>
<td>644,566</td>
<td>500,380</td>
<td>144,186</td>
<td>1,297,836</td>
<td>Delays due to planning approvals and service authorities. Contract awarded at November Council meeting and construction commenced in December.</td>
</tr>
<tr>
<td>B6 Car Park Renewal Design</td>
<td>291,542</td>
<td>151,044</td>
<td>140,498</td>
<td>499,393</td>
<td>Savings due to favourable tender price.</td>
</tr>
<tr>
<td>Public Toilet – Elsternwick Park South</td>
<td>196,717</td>
<td>82,698</td>
<td>114,019</td>
<td>196,717</td>
<td>Project complete. Savings due to favourable tender results.</td>
</tr>
<tr>
<td>Cricket Net Renewal Banksia Reserve</td>
<td>122,860</td>
<td>9,353</td>
<td>113,507</td>
<td>123,919</td>
<td>Construction cannot commence until a new Lease is signed with Telstra. Action from Leasing pending, when Lease is signed work can commence.</td>
</tr>
<tr>
<td>Master Account</td>
<td>2018/19 YTD Adjusted Budget</td>
<td>2018/19 YTD Actuals</td>
<td>2018/19 YTD Adjusted Variance</td>
<td>2018/19 Adjusted Budget</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>---------------------</td>
<td>------------------------------</td>
<td>-------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7 Well Street Brighton-Conversion to Car Parking</td>
<td>125,966</td>
<td>12,797</td>
<td>113,169</td>
<td>258,164</td>
<td>Planning delays due to endorsement to re-zoning the area to public use. The process will be undertaken via a Ministerial amendment allowing 3 months for the Ministerial process to be completed.</td>
</tr>
<tr>
<td>Asbestos Removal Program</td>
<td>185,966</td>
<td>74,076</td>
<td>111,890</td>
<td>258,164</td>
<td>Full budget to be spent by end of the year, mostly on removal of asbestos from Masonic Hall roof.</td>
</tr>
<tr>
<td>Future Bike Paths New/Upgrade Program</td>
<td>112,603</td>
<td>1,060</td>
<td>111,543</td>
<td>112,603</td>
<td>Delay with consultation with external stakeholders.</td>
</tr>
<tr>
<td>Carpark Lighting Upgrade 21-27 Well Street</td>
<td>102,385</td>
<td>2,546</td>
<td>99,839</td>
<td>103,266</td>
<td>On hold due to possible multi-deck car park to be constructed at this site. Lighting assessment completed. RFQ for lighting has been received. Potential over spent. Decision to be made by the Council on whether we can proceed with this project pending the investigation of the parking technology proposal. Communications &amp; Planning team to await the end of the consultation period in May 2019.</td>
</tr>
<tr>
<td>Martin Street &amp; Nepean Hwy Service Road Intersection Pedestrian Improvement</td>
<td>122,860</td>
<td>23,653</td>
<td>99,207</td>
<td>123,919</td>
<td>Delays from VicRoads to issue the MOA. Underspend expected due to favourable tender price. Civil works contract awarded early March. Construction commenced in late March when traffic flow is less.</td>
</tr>
<tr>
<td>Netball Indoor Court - Detailed Design (Stage 1)</td>
<td>234,547</td>
<td>140,619</td>
<td>93,928</td>
<td>413,062</td>
<td>Delay in appointing consultant and permission to access to the site.</td>
</tr>
<tr>
<td>Master Account</td>
<td>2018/19 YTD Adjusted Budget</td>
<td>2018/19 YTD Actuals</td>
<td>2018/19 YTD Variance</td>
<td>2018/19 Adjusted Budget</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
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<td>---------------------</td>
<td>------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Drainage Litter Basket Renewal</td>
<td>110,307</td>
<td>16,530</td>
<td>93,777</td>
<td>175,552</td>
<td>Minor delay with commencement of work. Construction to commence mid-April, and to be completed end of June with full spend of budget.</td>
</tr>
<tr>
<td>Bay and Avoca Activity Centre Upgrade</td>
<td>103,055</td>
<td>9,284</td>
<td>93,771</td>
<td>144,283</td>
<td>Delays on commencement of project. Request for quote for construction closing in April.</td>
</tr>
<tr>
<td>Sandringham Hub (Masonic Hall Redevelopment)</td>
<td>153,581</td>
<td>60,816</td>
<td>92,765</td>
<td>154,898</td>
<td>Delays due to resolving asbestos roofing, external &amp; internal clearance certificates causing design to be on hold. Clearance due in March to commence preliminary site inspections.</td>
</tr>
<tr>
<td>Road Reconstruction Program</td>
<td>723,151</td>
<td>631,725</td>
<td>91,426</td>
<td>1,001,676</td>
<td>Savings in program to partially offset overspend in Durrant Street project.</td>
</tr>
<tr>
<td>Traffic Management in Milroy Street Brighton East</td>
<td>92,147</td>
<td>2,291</td>
<td>89,856</td>
<td>92,939</td>
<td>Delays due to objectors. There is currently no support from residents to install speed humps. Design work is on hold. Still in consultation.</td>
</tr>
<tr>
<td>Cricket Net Renewal William Street Reserve</td>
<td>93,344</td>
<td>3,569</td>
<td>89,775</td>
<td>144,572</td>
<td>Location of the new cricket nets will be within the construction zone of the new pavilion. Cricket nets to be included in the scope of the construction of the pavilion.</td>
</tr>
<tr>
<td>Sportsground Lighting - Cheltenham Park (West)</td>
<td>149,768</td>
<td>64,834</td>
<td>84,934</td>
<td>149,768</td>
<td>Minor delay to commence works. To be completed early April.</td>
</tr>
<tr>
<td>Upgrade and Improvement of Intranet</td>
<td>91,987</td>
<td>9,640</td>
<td>82,347</td>
<td>106,010</td>
<td>Final stages of project is in progress, next stage will be testing, official launch is expected to be at end of financial year.</td>
</tr>
<tr>
<td>Upgrade of Council’s Corporate Wireless System</td>
<td>80,307</td>
<td>0</td>
<td>80,307</td>
<td>89,627</td>
<td>Delays in initiation of project.</td>
</tr>
</tbody>
</table>

Item 10.11 – Reports by the Organisation
<table>
<thead>
<tr>
<th>Master Account</th>
<th>2018/19 YTD Adjusted Budget</th>
<th>2018/19 YTD Actuals</th>
<th>2018/19 YTD Adjusted Variance</th>
<th>2018/19 Adjusted Budget</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church St Shopping Centre Pedestrian Improvement</td>
<td>85,581</td>
<td>5,322</td>
<td>80,259</td>
<td>154,858</td>
<td>Project delayed due to approval from power authority. Redesign required due to Council not agreeing to location of new power assets.</td>
</tr>
<tr>
<td>Bi-Directional Integration with REX and Intramaps</td>
<td>75,000</td>
<td>0</td>
<td>75,000</td>
<td>75,000</td>
<td>Project being carried out in conjunction with Customer Data Management project. Works currently being planned but delivery expected in 2019/20.</td>
</tr>
<tr>
<td>Brighton Dunes Stabilisation</td>
<td>75,053</td>
<td>461</td>
<td>74,592</td>
<td>75,053</td>
<td>Project delayed to March/April to avoid peak time and delays with permit.</td>
</tr>
<tr>
<td>Brighton Recreation Centre</td>
<td>87,032</td>
<td>12,753</td>
<td>74,279</td>
<td>87,776</td>
<td>Delays due to scope still to be defined and feasibility of all options to be investigated and presented to Council. Community engagement commenced in February 2019.</td>
</tr>
<tr>
<td>Boss James Reserve Pavilion</td>
<td>76,890</td>
<td>17,840</td>
<td>59,050</td>
<td>206,531</td>
<td>Delays due to approval of design with club.</td>
</tr>
<tr>
<td>Planning Building &amp; Asset Protection Application Software</td>
<td>58,000</td>
<td>0</td>
<td>58,000</td>
<td>58,000</td>
<td>This is for investigation only not replacement system. Carry forward due to being dependant on Customer Journey mapping to be delivered in 2019/20.</td>
</tr>
<tr>
<td>Brighton Library Interior Upgrade</td>
<td>100,000</td>
<td>42,021</td>
<td>57,979</td>
<td>197,631</td>
<td>Minor delays in awarding contract for amenities and kitchenette works. Design complete and tender submissions for construction closed mid March. Design for reception and computer desks work in progress.</td>
</tr>
<tr>
<td>Master Account</td>
<td>2018/19 YTD Adjusted Budget</td>
<td>2018/19 YTD Actuals</td>
<td>2018/19 YTD Adjusted Variance</td>
<td>2018/19 Adjusted Budget</td>
<td>Comments</td>
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<tr>
<td>Signage Renewal</td>
<td>77,382</td>
<td>21,831</td>
<td>55,551</td>
<td>103,266</td>
<td>Fewer unscheduled signage renewals required than expected in 2018/19.</td>
</tr>
<tr>
<td>Asset Management Software</td>
<td>55,000</td>
<td>0</td>
<td>55,000</td>
<td>99,493</td>
<td>Project no hold and not proceeding in 2018/19.</td>
</tr>
<tr>
<td>Building Accessibility Compliance Program</td>
<td>75,954</td>
<td>21,846</td>
<td>54,108</td>
<td>113,592</td>
<td>Fewer projects required for 2018/19 than expected. This is due to many of the works that would usually be implemented is being addressed through other broad strategies.</td>
</tr>
<tr>
<td>Public Amenities Buildings (Minor Renewals)</td>
<td>55,521</td>
<td>2,742</td>
<td>52,779</td>
<td>74,093</td>
<td>Fewer unscheduled public amenity renewals required than expected in 2018/19.</td>
</tr>
<tr>
<td>Durrant St Drainage, Pavement &amp; Tree Improvements</td>
<td>719,799</td>
<td>1,680,833</td>
<td>-961,034</td>
<td>719,799</td>
<td>No tender results received when went out to the market in April 2018. Unfavourable tender results received through selective retender process.</td>
</tr>
<tr>
<td>Annual Road Reseal &amp; Resheet Program</td>
<td>1,252,498</td>
<td>1,824,381</td>
<td>-571,883</td>
<td>2,271,844</td>
<td>Works ahead of schedule</td>
</tr>
<tr>
<td>Black Rock Foreshore Masterplan Implementation</td>
<td>9,499</td>
<td>328,526</td>
<td>-319,027</td>
<td>515,738</td>
<td>Works ahead of schedule to date.</td>
</tr>
<tr>
<td>Open Space Pathway Reconstruction Program</td>
<td>109,547</td>
<td>301,267</td>
<td>-191,720</td>
<td>413,062</td>
<td>Works ahead of schedule.</td>
</tr>
<tr>
<td>Master Account</td>
<td>2018/19 YTD Adjusted Budget</td>
<td>2018/19 YTD Actuals</td>
<td>2018/19 YTD Adjusted Variance</td>
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<tr>
<td>New Telecommunications Solution</td>
<td>388,038</td>
<td>567,164</td>
<td>-179,126</td>
<td>398,163</td>
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<tr>
<td>Sandringham Library Redevelopment</td>
<td>210,000</td>
<td>331,352</td>
<td>-121,352</td>
<td>991,128</td>
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<tr>
<td>Stormwater Harvesting Brighton Golf Course &amp; Dendy Park</td>
<td>3,581</td>
<td>106,029</td>
<td>-102,448</td>
<td>154,898</td>
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<tr>
<td>Laneway Construction- Behind of Hampton Street [R736-770]</td>
<td>4,770</td>
<td>102,378</td>
<td>-97,608</td>
<td>206,531</td>
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<tr>
<td>Dendy Street Beach Masterplan Implementation</td>
<td>207,440</td>
<td>293,874</td>
<td>-86,434</td>
<td>2,918,188</td>
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<tr>
<td>Cricket Net Renewal Elsternwick Park Oval 2</td>
<td>133,106</td>
<td>211,373</td>
<td>-78,267</td>
<td>134,245</td>
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<tr>
<td>Council Car Park Renewal Program</td>
<td>213,021</td>
<td>273,065</td>
<td>-60,044</td>
<td>779,655</td>
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<tr>
<td>Footpath Connectivity Program</td>
<td>128,852</td>
<td>184,317</td>
<td>-55,465</td>
<td>129,960</td>
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<tr>
<td>Drainage Preliminary Design and Investigation</td>
<td>22,860</td>
<td>73,023</td>
<td>-50,163</td>
<td>123,919</td>
<td></td>
</tr>
</tbody>
</table>

Council resolution to award contract CON/17/122 for $632K at Council meeting on 19th June 2018. Minor overspend due to variations for line connection and changes to headsets.

Architectural and consulting costs greater than expected to date.

Additional reinstatement work to meet Golf Course requirements. Unforeseen upgrade to stormwater system.

Construction works completed 23 February, ahead of schedule.

Maddocks professional services greater than expected due to EPA clean up notice.

Project completed over budget due to higher tender prices & scope change to increase length of nets.

Over budget due to unfavourable tender results and over spend for 2017/18 program carried into 2018/19.

Overspend on program due to the construction of Regworth Court which was originally planned for last year.

Drainage designs greater than expected to date.
Capital Budget Status

For 2018/19 there are 159 capital projects to be delivered, with 18 completed at the end of the third quarter, 108 projects are in progress, and three have not yet started.
### Dandy Street Beach Masterplan & provision for land contamination

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</thead>
<tbody>
<tr>
<td>City Assets and Projects</td>
<td>$19,096,467</td>
<td>Concept Design</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
</tr>
</tbody>
</table>

**Major Issues:** Timing uncertain, Planning permit and site contamination issues. CHMIP has been approved by Aboriginal Victoria. Unlikely to start until 2019/20.

### Sandringham Outdoor Netball Project at Sandringham Golf Driving Course

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</thead>
<tbody>
<tr>
<td>City Assets and Projects</td>
<td>$14,300,000</td>
<td>Concept Design</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
</tr>
</tbody>
</table>

**Minor Issues:** Overall the project is progressing on program, however cost increases for Stage 1 will occur as a result of soil conditions and drainage detention systems which have been reflected in the draft 2019/20 budget. Further feedback from the nearby community has been negative which indicates strong objections may be submitted through the planning process. A planning permit application has been lodged. The EPA are aware of the project due to the site being an old landfill facility. A new facility for one of the sub-tenants to be relocated to is still being investigated by the property team.

### Basketball Stadium

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</tr>
</thead>
<tbody>
<tr>
<td>City Assets and Projects</td>
<td>$13,000,000</td>
<td>Concept Design</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
</tr>
</tbody>
</table>

**Minor Issues:** Progressing well with minor issues being managed. Design process underway. Planning application being prepared with a new road entry from Reserve Road. Report presented to Council to consider SBA Funding Model in December 2018. Construction will not commence until external funding is received and the site from the golf course is finalised. No planning permit application will be made until the funding and site issues are more certain.
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</thead>
<tbody>
<tr>
<td>Sandringham Library and Maternal and Child Health Centre</td>
<td>Progressing well with minor issues being managed. Current program incorporates the new roof replacement works. Planning for the relocation of community groups is being finalised.</td>
<td>C1</td>
<td>C2</td>
<td>C3</td>
<td>C4</td>
<td>C5</td>
<td>C6</td>
<td>C7</td>
</tr>
<tr>
<td>Budget: $3,800,000</td>
<td>Area Responsible: City Assets and Projects</td>
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<tr>
<td>Risks: 1. Planning approval</td>
<td>Milestones: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>2. Relocation of current groups.</td>
<td>Approvals: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>3. Detailed Design</td>
<td>Tender: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>4. Construction</td>
<td>C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>Masonic Hall</td>
<td>Asbestos roof will be removed to allow concept design completion. Waiting clearance from the asbestos auditors. Planning and Heritage approval required by September 2019 to stay on program.</td>
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<tr>
<td>Budget: $2,800,000</td>
<td>Area Responsible: City Assets and Projects</td>
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<td>Risks: 1. Planning approval</td>
<td>Milestones: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>2. Heritage approval</td>
<td>Approvals: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>3. Relocation of groups</td>
<td>Detailed Design: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<td>4. Asbestos contamination delay</td>
<td>Tender: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<td>5. Construction</td>
<td>C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>Beaumaris Arts &amp; Sports Pavilion at Beaumaris Reserve (BASPR)</td>
<td>This project was discussed during the budget preparation and a briefing will be presented to Councillors in May to separate the sports pavilion from the arts building.</td>
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<tr>
<td>Budget: $8,186,000</td>
<td>Area Responsible: Recreation</td>
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<tr>
<td>Risks: 1. User groups needs/endorsement</td>
<td>Concept Design: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<td>2. Planning approval</td>
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<td>3. Budget</td>
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<td>4. Lease for communications tower</td>
<td>Tender: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<td>5. Construction</td>
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<tr>
<td>Hampton Community Hub</td>
<td>Hampton feasibility assessment and Masterplan currently in progress. Timing and cost to be revised once the planning work is completed.</td>
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<tr>
<td>Budget: TBD</td>
<td>Area Responsible: Urban Strategy</td>
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<tr>
<td>Risks: 1. Defined scope</td>
<td>Concept Design: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<tr>
<td>2. Consultation</td>
<td>Approvals: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<td>3. Planning approval</td>
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<td>4. Parking</td>
<td>Tender: C1 C2 C3 C4 C5 C6 C7 C8</td>
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<td>5. Property analysis</td>
<td>Construction: C1 C2 C3 C4 C5 C6 C7 C8</td>
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### Brighton Recreation Centre & Wilson Reserve Masterplan

**Area Responsible:** Wellbeing

**Risks:**
1. Budget
2. Defined scope
3. Consultation
4. Planning approval
5. Parking and loss of open space

**Budget:** $9,810,000

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*Site analysis work on Wilson Reserve and the Brighton Recreation Centre (including the feasibility of re-development options) is 50% complete. Stage 1 of the community engagement process will start 1 May 2019.*

### CSIRO Community Facilities - Highett Library

**Area Responsible:** Urban Strategy

**Risks:**
1. Negotiation with developers
2. Transfer of land
3. Potential site contamination
4. Business case to be prepared
5. Construction

**Budget:** $24,300,000

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### Sandringham Family Leisure Centre

**Area Responsible:** Recreation

**Risks:**
1. Significant cost
2. Planning approval
3. Commercial operators leases
4. Business continuity
5. Construction

**Budget:** $49,620,000

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### Elsternwick Park Nature Reserve

**Budget:** $3,356,000

- **Area Responsible:** Open Space
- **Milestones:**
  - 2018/19
  - 2019/20
  - 2020/21
  - 2021/22
  - 2022/23
  - 2023/24
  - 2024/25

**Risks:**
1. Unknown construction constraints
2. Consultation
3. Contamination
4. 
5. Construction

**Update:**

### Black Rock Life Saving Club

**Budget:** $5,122,000

- **Area Responsible:** Recreation
- **Milestones:**
  - 2018/19
  - 2019/20
  - 2020/21
  - 2021/22
  - 2022/23
  - 2023/24
  - 2024/25

**Risks:**
1. Confirmation of budget
2. Scope determination
3. Planning Permit
4. Cultural Heritage
5. Construction

**Update:**
- Architect appointed to commence two options for spatial design. The first will meet Royal Life Saving Victoria Club of the future standards and one as per club requirements. Initial plans to be provided by late April.

---

**Attachment 1**

**Item 10.11 – Reports by the Organisation**
Executive summary

Purpose and background

The purpose of this report is to approve participation in a collaborative procurement process for the provision of Residual Waste Disposal (Landfill) Services to be conducted by the Metropolitan Waste and Resource Recovery Group (MWRRG) on behalf of metropolitan member councils. The existing MWRRG contract (CON 10/1) for Landfill Services concludes on 31 March 2021.

Council is also participating in a process to procure a future facility employing Advanced Waste and Resource recovery Technologies (AWRRT). Given long lead times required to plan for, design and construct AWRRT facilities, it is likely that such a facility will not become operational until 2023 at the earliest and reliable access to a landfill disposal location is required until that timeframe.

The MWRRG procurement for Residual Waste Disposal will be structured to complement the procurement of future AWRRT services.

Key issues

MWRRG will work with councils to facilitate collaborative procurement of residual waste disposal services to provide benefits that include:

- Reduced tendering and contract management costs for local government
- Encourage tenderers to adopt best practice to minimise the impacts on local amenity and the environment
- Enable the appointment of more than one provider
- Ensure consistency across the metropolitan area
- Integrate with other household waste services
- Ensure workable contingency arrangements.

Given that an AWRRT facility in the south-east may be commissioned prior to 2025 and the rate of filling some landfill is uncertain, it is proposed that the initial contract period for the residual waste services contract will be four years. If there is a delay in the provision of AWRRT or should councils wish to extend the landfill contract, councils will have the ability to exercise two further options of up to two years. Decisions to exercise the options or commence a new procurement will be made in 2023 and 2025.

This contract will be coordinated and resourced by MWRRG using the support of member councils and external legal, technical, probity, planning and financial advisors.

It is anticipated that councils will continue to rely on some form of landfilling in the future; however, as councils transition to alternative waste technology for the treatment of residual waste, the volume of material sent to landfill in the future is likely to reduce significantly. MWRRG will ensure that the specifications for residual waste disposal services do not impact on the ability of a participating council to transition to an alternative means of managing residual waste at some time in the future.

To commence the procurement process, MWRRG requires a commitment from member councils intending to participate in the procurement process.
Recommendation

That Council:

1. Agrees to participate in a collective process to procure residual waste disposal services (landfill), which will be coordinated by the Metropolitan Waste and Resource Recovery Group (MWRGG).

2. Authorises the Chief Executive Officer to sign all necessary documentation related to the procurement process for residual waste and disposal services (landfill).

Support Attachments

Nil
Considerations and implications of recommendation

Liveable community

Social
Residential domestic waste management services help residents to keep their property safe and hygienic through the regular removal of waste. These services rely on having an appropriate disposal facility to dispose of domestic waste.

Natural Environment
The appropriate disposal of waste to licensed landfill facilities assists to keep the natural environment, including our beaches and waterways, free of litter and waste. The Environmental Sustainability Framework sets waste reduction targets over the next ten years.
The practice of landfilling is prone to potential environmental impacts: the decomposition of organic matter under anaerobic conditions in landfills produces methane, a potent greenhouse gas. Landfills have also been known to contaminate land, groundwater and freshwater streams when liners and caps fail. Ongoing monitoring and management of landfills is required to address these risks. Although Council is working towards minimising dependence on landfill, it is unavoidable that ongoing access to landfill will be required to dispose of residual waste material, either directly from households or as a by-product of AWRRT facilities.

Built Environment
Appropriate waste disposal facilities contribute to the amenity of urban streetscapes by ensuring they remain free of waste and are clean, safe and tidy for the community, through the disposal of waste at an appropriately managed licensed disposal facility.

Customer Service and Community Engagement
No engagement has been undertaken to support the preparation of this report. A 2018 survey by conducted on behalf of Council by Metropolis Research revealed that community satisfaction with the waste management service is excellent and indicated that the satisfaction with the service is well above the council average.

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 Human Rights and Responsibilities Act 2006.

Legal
The Environmental Protection Act 1970, formalises MWRRG’s role in collective procurement to:

- Facilitate waste and resource recovery infrastructure and services by councils;
- Facilitate the development of joint procurement contracts for waste and resource recovery facilities and services; and
- Manager contracts in the performance of their objectives and functions.

Prior to the procurement process, MWRRG will seek authorisation from the Australian Competition Consumer Commission (ACCC) for the joint procurement of waste management services. ACCC authorisation ensures that councils are not exposed to certain legal risks under the Competition and Consumer Act 2010 (CCA), which prohibits certain agreements...
between parties who are competitive for the acquisition of a service. Authorisation will allow MWRRG, tenderers and Council’s greater flexibility to structure and administer the Residual Waste Disposal Services contracts in the optimal way without creating unnecessary legal risks or uncertainty.

**Finance**

The cost of disposal residual waste to landfill is borne by Bayside residents through the municipal waste charge. It is anticipated that by participating in a collective procurement process Council will have greater bargaining power to obtain the most competitive rate for residual waste disposal services for the community.

**Links to Council policy and strategy**

The provision of waste collection and disposal services is a core function of Council.

The Environmental Sustainability Framework sets out a goal to increase diversion from landfill to 60% by 2020, and to 75% by 2025.

**Options considered**

No options have been considered in the preparation of this report.
10.13 CONTRACT CON/19/4 HAWTHORN ROAD FLOOD MITIGATION AND STREETSCAPING PROJECT

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/19/966 – Doc No: DOC/19/106428

Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake Hawthorn Road Flood Mitigation and Streetscaping Project under the proposed Contract CON/19/4.

This project will deliver two underground stormwater detention structures along with upgrading existing drainage systems to mitigate flooding at the southern end of Hawthorn Road and adjacent shopping Centre. The project also includes replacement of footpath and kerb and channel of the shopping Centre precinct, installation of new street furniture, garden beds and planting of new trees.

Key issues
A public tender was advertised in The Age and released through eProcure on Saturday 26 January 2019 and closed on Wednesday 20 February 2019 with no submissions. The tender was re-released on 2 March 2019 and closed 27 March 2019 with the following submissions:

- CDN Constructions Pty Ltd;
- Entracon Civil Pty Ltd;
- Evergreen Civil Pty Ltd; and
- Metroplant & Civil Services.

From the initial evaluation, Evergreen Civil Pty Ltd was invited to interview.

Evergreen Civil Pty Ltd has been in business for 26 years and has experience in delivering similar projects. Evergreen Civil Pty Ltd has delivered a number of projects for Bayside City Council in the past that were delivered to an acceptable standard.

At interview Evergreen Civil Pty Ltd demonstrated a good understanding of the project and can complete the work within the specified time.

The tender evaluation panel concluded that Evergreen Civil Pty Ltd possess the required skills and experience to undertake the work to Councils standards and suitable for this work.

Recommendation

That Council:

1. Awards Contract CON/19/4 Hawthorn Road Flood Mitigation and Streetscaping Project to Evergreen Civil Pty Ltd (ABN 67667088791) for the lump sum price of $802,880.19 (excl. GST) and $883,168.20 (incl GST).

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/19/4 Hawthorn Road Flood Mitigation and Streetscaping Project.

3. Advises the unsuccessful tenderers accordingly.
Support Attachments
1. Confidential Attachment 1 - CONTRACT CON/19/4 Hawthorn Road Flood Mitigation Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social
Implementation of this project will mitigate flooding at the southern end of Hawthorn Road, Brighton and the adjacent shopping centre. Streetscape works will improve overall social and business environment of the shopping centre.

Natural Environment
This project will increase vegetation in the shopping centre through construction of new garden beds and planting new trees. Flood mitigation works will also help by reducing the adverse effect of flooding on natural environment.

Built Environment
The works include supply and installation of underground water storage systems, construction of kerb and channel, installation of connecting pipes, replacing old footpath and installation of street furniture. Completion of this project will enhance the built environment of the shopping precinct.

Customer Service and Community Engagement
Traders of the shopping centre have been consulted with during concept development via internet, meetings and one to one conversations. Community members have been communicated with via Bayside City Council’s ‘Have Your Say’ internet page.

Together with the contractor, Council will provide further advice to traders and nearby residents prior to commencement of the work and maintain contact with key stakeholders during the construction period. The works will be implemented in accordance with the specifications and relevant statutory requirements.

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

Legal
This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance
This project is proposed to be funded from the drainage and Activity Centre Streetscape budgets. The proposed capital works budget for 2019/20 has the following allocations (figures are exclusive of GST).
Drainage Upgrade - Hawthorn Road, Brighton East (Stage 2) $624,880
Brighton East Activity Centre (Stage 2 Construction) $104,038
Brighton East Activity Centre Streetscape $230,000

**Total Project Budget** $958,918

The following table summarises proposed cost of the project (figures are exclusive of GST).

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Cost of this contract CON/19/4</td>
<td>$802,880</td>
</tr>
<tr>
<td>Contingencies &amp; Project Management Costs (10%)</td>
<td>$80,288</td>
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<tr>
<td><strong>Project Cost</strong></td>
<td><strong>$883,168</strong></td>
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The cost of the works is within the proposed budget.

**Links to Council policy and strategy**

This project is consistent with the 2017-2021 Council Plan as identified under Goal 1 – Infrastructure – Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community.

A key objective of this goal is to have a Bayside where infrastructure is fit for purpose for today and into the future.
Executive summary

Purpose and background

The purpose of this report is to award a contract for the provision of event production services for the 2019-2023 Bayside Christmas Carols in the Park under CON/19/22 Bayside Christmas Carols in the Park.

Over the past five years, Council has engaged a contractor to provide event production services to deliver Bayside Christmas Carols in the Park. This has resulted in cost savings to Council by securing event management and production expertise for Council's major event.

The tender sought the provision of event management, including coordination of event logistical requirements, operational delivery and promotion for a term of five years.

Council will directly undertake the management of the contractor and approval of operational plans prepared by the contractor such as the event management plan, site plans and the music program. Other direct responsibilities of Council include:

- Selection of an event charity for the event;
- Providing site access;
- All marketing associated with the event; and
- Notifying surrounding residents and user groups of the planned event.

Key issues

Tenders Received

A public tender was advertised in The Age newspaper on the 16 March 2019 and closed on 10 April 2019. As a result of this process Council received five tenders:

- Fruitbowl Productions Pty Ltd;
- Pineapple Agency;
- Miles Per Hour Event Management;
- Right Angle Events; and
- The Background.

Tender Analysis

The tender process has been conducted in accordance with Council's adopted Procurement Policy. In accordance with this Policy, all members of the tender evaluation panel have declared that they do not have any conflicts of interest.

The tender analysis included tender evaluation by the tender assessment panel, tender interview and reference checks.

The tender assessment scores are set out in confidential Attachment 1.
Based on the assessment, Fruitbowl Productions Pty Ltd was short listed and interviewed. Fruitbowl Productions was able to demonstrate a strong understanding of the services to be delivered and demonstrated an excellent approach to risks involved with event management.

Fruitbowl Productions Pty Ltd is an event management company specialising in the management of community events. Over the last 23 years, Fruitbowl Productions Pty Ltd has provided event management services for a number of significant events such as Monash City Council Carols by Candlelight, Manningham City Council Carols, Maroondah City Council Carols and has also successfully delivered Bayside Council's Christmas Carols in the Park from 2014 - 2018.

Performance Measurement

The contract will be subject to ongoing contract monitoring by the Contract Supervisor, Damien Van Trier, Manager Open Space, Recreation and Wellbeing.

The Contractor’s performance shall be measured by assessing the extent, to which the provision of outputs have been achieved, based on the performance measures outlined in the contract.

Recommendation

That Council:

1. Awards CON/19/22 Bayside Christmas Carols in the Park to Fruitbowl Productions Pty Ltd (ABN 76 081 416 877) for the provision of event production services for the 2019 - 2023 Bayside Christmas Carols in the Park for the period of 22 May 2019 – 24 December 2023, for a lump sum price of $968,539.45 (exclusive of GST) and $1,065,393.40 (inclusive GST).

2. Authorises the Chief Executive Officer to sign all necessary contract documentation relating to the awarding of CON/19/22 Bayside Christmas Carols in the Park.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/19/22 Bayside Christmas Carols in the Park (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
Events provide recreation and cultural opportunities that create a sense of identity, pride and place. Engaging community groups, charities and traders associations to actively work together to provide local events will benefit Bayside community and businesses. The Bayside Christmas Carols in the Park is a valued community event that showcases Bayside’s local musicians and vocalists, with over 150 on stage local performers and provides the opportunity for the community to meet and celebrate the end of year and Christmas period.

Natural Environment
Events have minimal impact on the environment when planned and conducted appropriately.

The contractor will be required to submit an Environmental Management Plan to Council for the event. This plan will include items such as minimising waste to landfill, waste results and recommendations and suggestions on minimising environmental impact.

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

Customer Service and Community Engagement
The contract will be subject to ongoing contract monitoring by the Contract Supervisor. The Contractor must obtain high levels of attendee and vendor feedback (at least 80%).

Residents located within 1km of Dendy Park will be notified of the event.

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 contract was in place with Fruitbowl Productions Pty Ltd for the delivery of Council’s major events from 2015 - 2018. This contract expired on 20 December 2018. This contract is to continue providing the Carols event for the next five years.

Finance
For the 2019 event, the tendered price is within the 2019/20 draft budget provision for the Bayside Christmas Carols in the Park. The outline of the contract payments are listed below:

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>Total (excluding GST)</th>
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<tr>
<td>Contract Payments</td>
<td>$183,491</td>
<td>$188,078.29</td>
<td>$192,780.22</td>
<td>$199,599.97</td>
<td>$204,589.97</td>
<td>$968,539.45</td>
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The 2018 cost for the event contract was $167,073.

The Tenderer will collect all income and sponsorship to offset its event costs.
Links to Council policy and strategy
The Bayside Open Space Strategy (2012) outlines open space as places for people to strengthen their connection with others through events, celebrations and public meeting spaces.

Community aspiration in the Community Plan (2025) details that by 2025, Council will:

- Promote and support the delivery of inter-generational opportunities and activities;
- Support groups to deliver programs and events that enhance community connection; and
- Encourage and support inclusive events.

The Wellbeing for All Ages and Abilities Strategy 2017 - 2021 (WAAA):

- Goal 1: an engaged and supportive community, Objective 1.2 support opportunities that build social networks and community connections.
10.15 COUNCIL ACTION AWAITING REPORT

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 21 May 2019.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Action Awaiting Report 21 May 2019
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
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<tr>
<td>24/05/16</td>
<td>10.2</td>
<td>Sandringham Village Streetscape Masterplan</td>
<td>CP&amp;A</td>
<td>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>
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<tr>
<td>24/05/16</td>
<td>10.7</td>
<td>Children's Sensory Garden Investigation</td>
<td>ERI</td>
<td>A future report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site. The timeline of this report will be subject to the transfer of the land (one hectare passive open space) is confirmed and planning can commence.</td>
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<td>24/10/17</td>
<td>10.1</td>
<td>Amendment C151 – Hampton East (Moorabbin) Structure Plan</td>
<td>CP&amp;A</td>
<td>A report was submitted to the Minister on 2 May 2018. Council is currently awaiting the Minister’s decision.</td>
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<tr>
<td>24/10/17</td>
<td>10.16</td>
<td>HMVS Cerberus – Heritage Works Permit Update</td>
<td>ERI</td>
<td>A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
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<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
<td>COMMENTS/STATUS</td>
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<td>19/6/18</td>
<td>10.17</td>
<td>Building Inclusive Communities Funding Update</td>
<td>ERI</td>
<td>A report will be submitted to Council at the June 2019 meeting.</td>
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<td></td>
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<td>That Council receives a further report no later than 30 June 2019, with options for Council’s ongoing role in relation to disability inclusion, advocacy and planning beyond the cessation of the Building Inclusive Communities funding in June 2019.</td>
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<td>3. Receives a further report in the first quarter of the 2019/20 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
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<td>21/8/18</td>
<td>10.7</td>
<td>Early Years Infrastructure Plan</td>
<td>C&amp;CE</td>
<td>A report will be provided to Council on the completion of the development works.</td>
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<td>That Council:</td>
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<td>4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;</td>
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<td>7. receives a further report following a review of the Infrastructure Plan in year five.</td>
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<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>DIVISION</td>
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<td>21/8/18</td>
<td>10.10</td>
<td><strong>Ceasing the Bright n Sandy Food and Wine Festival and establish a Local Festivals and Events Fund</strong>&lt;br&gt;That Council receives a report at the end of the 2018/19 financial year on the performance of the Bright and Sandy Food and Wine Festival.</td>
<td>ERI</td>
<td>A report will be submitted to the June 2019 Council Meeting.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.13</td>
<td><strong>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financial Update</strong>&lt;br&gt;That Council receives a further report no later than August 2019 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.</td>
<td>ERI</td>
<td>A report will be submitted to the August 2019 Council Meeting.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.15</td>
<td><strong>Statutory Planning - Service, Performance and Delegations</strong>&lt;br&gt;That Council:&lt;br&gt;c) receives a further report in August 2019 on the success of the trial; and</td>
<td>CP&amp;A</td>
<td>A report will be submitted to Council in August 2019.</td>
</tr>
<tr>
<td>23/10/18</td>
<td>10.1</td>
<td><strong>Update on the mid-century Modern Heritage Voluntary Inclusion Process</strong>&lt;br&gt;That Council:&lt;br&gt;1. Notes the revised timeframes for the proposed nomination process stages as:&lt;br&gt;   ● Stage 1 Nominations for Heritage Listing: November 2018 – March 2019&lt;br&gt;   ● Stage 2 Assessing Heritage Properties: March 2019 – May 2019&lt;br&gt;   ● Stage 3 Planning Scheme Amendment: June 2019 – September 2019;&lt;br&gt;2. Develops a communication strategy to assist in the implementation of Stage 1; and</td>
<td>CP&amp;A</td>
<td>A report will be submitted to Council in June 2019.</td>
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<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
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| 20/11/18        | 10.6   | **CSIRO - Legal Agreements Update**  
That Council:  
Receives a report following the execution of the Deed of Agreement with the CSIRO which outlines the details of the Deed agreement and next steps. | Corp     | A report will be submitted to Council following the execution of the Deed of Agreement with the CSIRO.                                               |
| 18/12/18        | 10.3   | **Response to Notice of Motion 276 - Tree Retention, Landscape Implementation and Vegetation Protection**  
That Council:  
1. Continues to review the current planning provisions in the context of the planning scheme review project that is already underway and provide a report in May 2019 on identified opportunities to strengthen policy provisions relating to tree protection and regeneration;  
2. Receives a further report at a future meeting detailing State Government grant opportunities and preferred funding model for the Tulip Street Basketball Courts Extension project; | CP&A     | A report is included on this Agenda at Item 10.8                                                                                                          |
| 18/12/18        | 10.6   | **Tulip Street Basketball Courts Extension - Project and Funding Update**  
That Council:  
2. Receives a further report at a future meeting detailing State Government grant opportunities and preferred funding model for the Tulip Street Basketball Courts Extension project; | ERI      | A report will be submitted to a future meeting.                                                                                                         |
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| 18/12/18       | 10.8 | Community Engagement Plan for Wilson Reserve and Brighton Recreational Centre Masterplan  
That Council:  
2. Receives a report detailing the outcomes of the community engagement and the draft Masterplan by June 2020. | ERI | A report will be submitted to Council by June 2020. |
| 19/2/19        | 10.2 | Community Engagement Approach for Elsternwick Park Nature Reserve Masterplan  
| 19/2/19        | 10.4 | Parking Technology - Church Street Major Activity Centre  
3. Receives a further report regarding the findings from the community engagement activities at the June 2019 Council meeting. | ERI | A report will be submitted to the June 2019 Ordinary Council Meeting. |
| 19/3/19        | 10.1 | Response to Notice of Motion - 277 - Single-Use Plastics Associated with Council Premises  
5. Receive a report at the June 2019 Ordinary Meeting of Council on the merits of the introduction of a local law banning the single-use of plastic similar to the Hobart City Council model. | ERI | A report will be submitted to the June 2019 Ordinary Council Meeting. |
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<tr>
<td>10.2</td>
<td>19/3/19</td>
<td>Report on Community Infrastructure Feasibility Assessment and Masterplan</td>
<td>CPEA</td>
<td>A report will be submitted to the 23 July 2019 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>10.3</td>
<td>19/3/19</td>
<td>Proposal for an Urban Forest Strategy</td>
<td>CPEA</td>
<td>A report will be submitted to the December 2019 Ordinary Council Meeting.</td>
</tr>
<tr>
<td>10.4</td>
<td>19/3/19</td>
<td>Planning Scheme Amendment C126 - Small Activity Centres</td>
<td>CPEA</td>
<td>A report will be submitted to the June 2019 Ordinary Council Meeting.</td>
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</table>

*Hampton Community Infrastructure Feasibility Assessment*

- The Council notes this report and receives a further progress report at or before the 23 July 2019 Ordinary Council Meeting.

*Proposal for an Urban Forest Strategy*

- The Council receives a further report at the 17 December 2019 Ordinary Council Meeting of Council reporting on the outcomes of the case study.

*Planning Scheme Amendment C126 - Small Activity Centres Strategy 2014*

- Presents a report to Council in June 2019 with the outcomes of the study.*
11. Reports by Delegates

1. Association of Bayside Municipalities – Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Director Environment, Recreation & Infrastructure
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – The Mayor Cr Michael Heffernan
6. Metropolitan Local Government Waste Forum – Cr Clarke Martin

12. Urgent Business
13. Notices of Motion

13.1 NOTICE OF MOTION - 278 - PROPOSED CHANGES TO BEAUMARIS CONCOURSE STREETSCAPE MASTERPLAN 2017

Corporate Services - Governance
File No: PSF/19/960 – Doc No: DOC/19/127431

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 21 May 2019 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

That Council:

1. Receives a report at the June Ordinary Council Meeting on the implications and costs associated with the following changes to the streetscape works currently underway at the Beaumaris Concourse:
   a. Removal of the newly laid asphalt footpath (South Concourse - western end - outside the newsagent and any works to the Eastern concourse) and replacement of all proposed asphalt paths shown in the Beaumaris Concourse Streetscape Masterplan to be replaced with granolithic concrete - saw cut into 600 x 600 as per the Small Neighbourhood Activity Centre in the Balcombe and Haydens Road, and Grandview Avenue precinct; and
   b. Deletion of the granitic sand under the seats and the path on the north and the north-eastern side of the Village Green shown in the adopted Beaumaris Concourse Streetscape Masterplan.

2. Notes that the works currently underway to implement the Beaumaris Concourse Streetscape Masterplan will need to be put on hold while this report is prepared.

3. Notes that delays associated with works by the National Broadband Network in the Beaumaris Concourse area will provide the necessary time for the report on the implications and costs associated with the following changes to the streetscape works currently underway at the Beaumaris Concourse to be prepared and considered.

Cr Laurence Evans

Support Attachments

Nil
I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 21 May 2019 at 7pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion

That Council:

1. Ceases consultation activities associated with the draft Footpath Treatments Within the Road Reserve Policy relating to the following locations shown in Section 6.1:
   - footpath on the south side of Park Road, Cheltenham – between Cheltenham Park access road and Cheltenham station;
   - footpath on the west side of Reserve Road, Cheltenham – between Balcombe Road and Weatherall Road; and
   - shared path on the south side of Cheltenham Road, Cheltenham – between Bluff Road and Reserve Road.

2. Continues the consultation on the draft Footpath Treatments Within the Road Reserve Policy (with changes to Section 6.1 to delete the proposed footpaths in Park Road, Cheltenham Road and Reserve Road) to inform the Policy to be adopted by Council.

3. Receives a report at the June Ordinary Council Meeting on the Footpath Treatments Within the Road Reserve Policy.

Cr Laurence Evans

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 BEAUMARIS SPORTS CLUB LEASE AND FUNDING CONTRIBUTION
(LGA 1989 Section 89(2)(d) and (h) contractual matters and matters which the Council considers would prejudice the Council or any person.)

14.2 SANDRINGHAM GOLF DRIVING RANGE LEASE
(LGA 1989 Section 89(2)(d), (e) and (f) contractual matters, proposed developments and legal advice.)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins

Chief Executive Officer