Agenda Paper

for the

Ordinary Meeting of Council

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

on

Tuesday, 18 September, 2018
at 7:00pm

Cr: Cr Laurence Evans (Mayor)

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

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

Section 92 The Chair's Duties and Discretions

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

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

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

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

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

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

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

Your cooperation is appreciated

Chairperson of Council
Order of Business

1. Prayer

2. Acknowledgement of Original Inhabitants

3. Apologies

4. Disclosure of any Conflict of Interest of any Councillor

5. Adoption and Confirmation of the minutes of previous meeting

6. Public Question Time

7. Petitions to Council
   7.1 Petition - Requesting a hydrotherapy pool accessible to all residents

8. Minutes of Advisory Committees
   8.1 Minutes of the Audit and Risk Management Committee meeting held on 22 August 2018
   8.2 Minutes of the Audit and Risk Management Committee meeting held on 14 September 2018

9. Reports by Special Committees
   9.1 Minutes of the Bayside Arts Board meeting held on 15 August 2018

10. Reports by the Organisation
    10.1 Highett Structure Plan
    10.2 Pennydale Structure Plan - Update
    10.3 Cheltenham Station Redevelopment
    10.4 Footpath Trading Policy Review
    10.6 Proposed Road Discontinuance and sale of land adjoining 13 and 15 New Street and 7 Mair Street with consideration to submissions received at Section 223 Special Committee Meeting
    10.7 Proposed Discontinuance and Sale of Land at rear 42 Murphy Street and 55 Brickwood Street, Brighton
    10.8 CONTRACT CON/18/77 Road Resurfacing Program 2018/19 - 2019/20
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14. Confidential Business
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1. **Prayer**

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

2. **Acknowledgement of Original Inhabitants**

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

3. **Apologies**

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

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

   5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 21 August 2018.

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

7.1 PETITION - REQUESTING A HYDROTHERAPY POOL ACCESSIBLE TO ALL RESIDENTS

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/214068

Petition from residents strongly supporting the proposal that Bayside needs a hydrotherapy pool accessible for all residents for a wide range of health conditions – encompassing pain management, chronic conditions and rehabilitation following injury and surgery. (Total petitioners – 749, 591 Bayside residents, and 158 from outside the municipality).

“We the undersigned, hereby petition Bayside City Council to strongly support the proposal that the City of Bayside needs a hydrotherapy pool accessible for all residents for a wide range of health conditions – encompassing pain management, chronic conditions and rehabilitation following injury and surgery.”

Petition Requirements
The submitted petition containing 749 signatories meets the required format of a petition in accordance with Council’s Governance Local Law No: 1, Clause 65.

Officer Comment
The consideration of an aquatic hydrotherapy facility is included in work being undertaken to identify potential costs and funding models for the Sandringham Family Leisure Centre.

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

Support Attachments
Nil
8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT AND RISK MANAGEMENT COMMITTEE MEETING HELD ON 22 AUGUST 2018

The minutes of the Audit and Risk Management Committee meeting held on 22 August 2018 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

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

Executive summary

Purpose and background
To advise Council of the business transacted at the Audit and Risk Management Committee held on 22 August 2018.

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

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

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

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

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

The internal, external auditors and other assurance providers support the Audit and Risk Management Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
Key issues
The matters discussed at the meeting on 22 August 2018 included:

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

- Victorian Ombudsman report – Investigation into Maribyrnong City Council’s internal review practices for disability parking infringements (April 2018).

Development of Management Reporting Framework
The Internal Audit Report on Management Reporting was presented to the May 2018 Audit and Risk Management Committee. The report made several recommendations for the development of an internal Management Reporting Framework.

Since the audit fieldwork was undertaken, there have been several changes to management reporting across the organisation. Accordingly a revised schedule of timelines was presented to the Committee.

Combustible Cladding
Concerns regarding the safety risks associated with combustible cladding led to the Government establishing a multi-agency taskforce. In late 2017, a taskforce report was released and recommended a resolution process. While Councils have had no involvement in the circumstances that led to the widespread installation of combustible cladding on buildings, Council Municipal Building Surveyor’s (MBS) have statutory responsibilities for building safety. As a result, the MBS were required to become involved in the process to address immediate safety concerns.

The taskforce process has to date identified 14 constructed buildings in the Bayside municipality that are of concern. These are being addressed within the timeframes requested by the taskforce and all 14 have been inspected. The specified risk assessment / control step involving an expert reference advisory group has been completed for 11 buildings, as has the enforcement action by the MBS for the recommended controls. The controls have included the disconnection of ignition sources, upgrades of fire detection systems and removal of small amounts of cladding near fire exits. It is anticipated that a second group of 40 to 50 buildings of potential concern will be provided by the taskforce in the coming months.

ICT Strategy
The ICT Strategy review commenced in March 2018 and the final strategy will be presented to the Executive Team during Q1 for endorsement and presented to the Committee at the November meeting.
Dendy Street Beach Masterplan implementation
A summary of the implementation of the Dendy Street Beach Masterplan was presented to the Committee for information.

EPMO Establishment Progress
A summary of the implementation phase of the EPMO was provided to the Committee focussing on the governance structure.

VAGO Audit – Delivering Local Government Services
As reported at the previous Committee meeting, Bayside was selected as a participant in the VAGO review concerning the delivering of Local Government Services. The review has been completed and a draft report has been provided to the organisation to review and make comment concerning any matter within the report. Unfortunately at this stage the report cannot be provided to the Audit and Risk Management Committee given the material is confidential and is subject to the secrecy provisions in section 12(2) of the Audit Act 1994.

The report highlights several recommendations for the local government sector to implement which will be the subject of a separate report at the November meeting once the audit report has been presented to Parliament.

It should also be noted that the report is very complimentary about Bayside and its innovation approach to service reviews that enables the council to build internal capacity while mitigating the risk of subjective analysis.

VAGO: Interim Management Letter 2017/18
The VAGO Representative presented the interim management letter for 2017/18. The External Auditor indicated that all outstanding matters have been attended to.

Summary of the Information Technology (IT) Controls Audit Recommendations
A summary of the actions taken since the previous meeting in relation to the VAGO IT Controls audit was tabled.

June 2018 – Financial Report
The Manager Finance tabled the financial report for the 12 month period to end of June 2018.

Status Report on Statutory compliance reporting for 2017/18
The Manager Governance presented a status report on the compliance of key statutory obligations.

Statutory Compliance Update
The Manager Governance tabled a sample delegation and legislative compliance register relating to a sample manager for the Committee’s information and feedback. Also the Governance Charter was provided to the Committee information. All three documents form part of the organisational compliance approach.
Self-assessment against the Good Governance Framework
The Manager Governance presented the self-assessment against the Good Governance Framework. The Committee discussed those items which had changed in the negative since the previous assessment.

The Chief Executive indicated that several strategies have been developed and many of the actions will be implemented in the 2018/19 financial year which will improve those areas of concern.

The Committee indicated that they would like to receive an organisational briefing on three major strategies; Digital Transformation Strategy, ICT Strategy, and People Strategy including Strategic risks associated with these strategies.

Three Year Internal Audit Plan for 2018/19 to 2020/21
The Internal Auditor presented the Draft Three Year Internal Plan which had been discussed with Management and having regard to the Strategic Risk Register.

It was noted that two of the Internal Audits for 2018/19 had already commenced given the timing of the appointment of the Internal Auditors and the date of the meeting to adopt the plan.

The Committee indicated their desire to reintroduce briefing by the Directors on a rotating basis to better understand the issues and risks associated with each area of the organisation.

Internal Audit Review – Asset Management
The Internal Auditor presented the Internal audit review on Asset Management.

The scope of the internal audit review included the adequacy of management’s processes in respect of:
1. Identification and establishment of the Asset Management Principles, including:
   • integration with corporate and business plans;
   • asset management policies and objectives; and
   • linkages to asset strategies.
2. Risk Management Assessment, including:
   • risk assessment process; and
   • asset control and monitoring.
3. Determine the adequacy of Asset Management Planning undertaken, including:
   • Asset Management Plans;
   • service delivery needs; and
   • management monitoring and reporting.
4. Adequacy of Asset Management Information systems in terms of efficiency and effectiveness.

For the purpose of the review infrastructure assets comprise; roads, drains, bridges, culverts and pavements and excludes buildings.
Overall, the Internal Auditor found that the current controls in place over asset management practises maintained by Council need to be strengthened. The review identified a range of controls that should be implemented or improved to reduce the identified weaknesses and exposures.

Council is currently in a transition phase regarding its approach to asset planning. Management are working on placing a greater emphasis on ‘service delivery’ to drive asset planning and renewal rather than the traditional approach that is based largely on asset condition.

The report did not identify any high risk issues.

As a result of the audit review 7 findings were identified, 6 with a moderate risk rating and 1 with a low risk rating.

**Internal Audit Review – Human Resources**

The Internal Auditor presented the audit review and findings on the Human Resources Internal Audit.

The objectives were to review the adequacy of the processes with respect to the:

1. HR Manual and other relevant policy and procedural documents;
2. recruitment, selection and appointment processes;
3. procedures for identifying skill gaps and ensuring that training and development needs are addressed;
4. managing currency of qualifications and licences;
5. performance appraisal and management system;
6. staff retention strategies;
7. grievance and disciplinary guidelines and procedures;
8. personnel records management including privacy; and
9. termination process.

The review did not include examination of OHS, Workcover or payroll processes.

Overall, the Internal Auditor found that the current controls in place over human resources management maintained by Council need strengthening. The review identified a range of controls that should be implemented or improved to reduce the identified weaknesses and exposures.

As a result of the audit review 10 findings were identified, 1 high risk as previously mentioned, 2 with a moderate risk rating and 7 with a low risk rating.

**Risk Management Report**

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

**2017/18 Annual Report of the Audit and Risk Management Committee**

The Manager Governance tables the annul report for the Committee to be recommended to Council for inclusion of the Council’s Annual report.
Appointment of Chairperson of the Audit and Risk Management Committee

The Manager Governance advised the Committee of the Charter’s requirement concerning the appointment of Chairperson of the Committee given that the current Chairman Mr Brian Keane had indicated he wishes to stand down as Chairman.

Recommendation

That Council:

1. notes the minutes of the Audit and Risk Management Committee held on 22 August 2018,

2. adopts the following recommendations of the Audit and Risk Management Committee meeting of 22 August 2018:

   Item 9.6.1. – Three Year Internal Audit Plan for 2018/19 to 2020/21

   That the Audit & Risk Management Committee:

   1. recommends to Council that the Three Year Internal Audit Plan for 2018/19 to 2020/21 financial years be adopted subject to following change:

      • Risk Management be audited in 2019/20 and the organisation consider an appropriate replacement audit in 2020/21;

   2. reviews the Audit Plan annually prior to the commencing of the Audit year; and

   3. receives a briefing at each meeting by a Director highlighting the issues and risks associated to their particular directorate.

Item 9.8.1. – Annual Report of the Audit and Risk Management Committee

That the Audit and Risk Management Committee:

1. notes the content of the draft 2017/18 Audit and Risk Management Committee Annual Report;

2. presents the Audit and Risk Management Committee Annual Report to Council; and

3. recommends to Council that the Audit and Risk Management Committee Annual Report be included in the 2017/18 Annual Report.
Item 9.8.2. - Appointment of Chairperson of the Audit and Risk Management Committee

1. That the Audit and Risk Management Committee recommends to Council that independent member Ms Lisa Woolmer be appointed as Chairperson to the Audit and Risk Management Committee for 2018/19 effective as from the November 2018 meeting.

2. That the Audit and Risk Management Committee thanks Mr Brian Keane for his Chairmanship of the Committee for the past 4 years.

Support Attachments
Nil
8.2 MINUTES OF THE AUDIT AND RISK MANAGEMENT COMMITTEE
MEETING HELD ON 14 SEPTEMBER 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/216741

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

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

Executive summary

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

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

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

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

The internal, external auditors and other assurance providers support the Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.
Key issues
The matters discussed at the meeting on 14 September 2018 include:

Annual Financial Statements for year ended 30 June 2018

Performance Statement for year ended 30 June 2018

VAGO – Closing Report and Management Letter

Meeting with VAGO Representatives

In accordance with the Audit Committee Charter the Audit & Risk Management Committee are provided with the opportunity to meet with the External Auditor without the presence of Council officers to discuss any items.

Given the meeting will be held on Friday 14 September 2018 the minutes of the Meeting will be circulated to Councillors prior to the Ordinary Meeting of Council.

Recommendation
A recommendation will be provided to Council following the meeting on 14 September 2018.

Support Attachments
Nil
9. Reports by Special Committees

9.1 MINUTES OF THE BAYSIDE ARTS BOARD MEETING HELD ON 15 AUGUST 2018

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/213958

Executive summary

Purpose and background
To present the minutes of the Bayside Arts Board meeting held on 15 August 2018 to Council
for noting.

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

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

The following functions, powers, and discretions are delegated to the Bayside Arts Board:

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

The Gallery Board membership consists of two Councillors appointed by Council and nine
ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 15 August 2018 to consider the following matters:

- Corporate Foyer Exhibition 2018-2019
- Gallery Marketing and Audience Development Plan
- Collection Activity January – June 2018
- Acquisition Report
- Bayside Arts Strategy 2018-2021
- Annual Report 2017-2018
- Appointment of Chairperson and Deputy Chairperson of the Bayside Arts Board

A copy of the 15 August 2018 minutes of the Bayside Arts Board meeting is attached for Council's information.

Recommendation
That Council:

1. notes the minutes of the Bayside Arts Board meeting held on 15 August 2018;

2. adopts the following recommendations of the Bayside Arts Board meeting of 15 August 2018:

   Item 6.2 Gallery Marketing and Audience Development Plan

   1. That the Board approves the Gallery Marketing and Audience Development Plan and recommends that:
      
      a. Council change the name of the Gallery @ BACC to Bayside Gallery;
      
      b. Council market the Gallery as being in the Brighton Town Hall not the Bayside Arts and Cultural Centre;
      
      c. Council build on the Gallery’s unique selling point of providing a high quality arts experience of 30 minutes duration;
      
      d. Council continues to explore opportunities to better activate the street frontage through signage and art installations/objects and;
      
      e. Council implements the plan over the next 12 months.

   2. That the Board received a quarterly update report on the status of the marketing plan at each meeting.
Item 6.6. Annual Report 2017-2018

That the Bayside Arts Board:

1. adopts the 2017-2018 Annual report; and

2. recommends to Council that the Bayside Arts Board Annual report be included in the Bayside City Council’s 2017-2018 Annual Report.

Item 6.7 – Appointment of Chairperson and Deputy Chairperson of the Bayside Arts Board

That the Bayside Arts Board recommends to Council that Ms Tiziana Borghese be appointment as Chairperson of the Bayside Arts Board.

That the Bayside Arts Board recommends to Council that Mr Roger Boyce be appointment as Deputy Chairperson of the Bayside Arts Board.

Support Attachments
Nil
Considerations and implications of recommendation

Liveable community

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

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

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

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

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

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

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The Bayside Arts Board has a direct link to the Council Plan with regards to connecting with the community and supporting arts and culture.
10. Reports by the Organisation

10.1 HIGHETT STRUCTURE PLAN

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/210163

Executive summary

Purpose and background
To present Council with:

- The final updated Highett Structure Plan for Adoption; and
- To seek approval to commence a planning scheme amendment to implement the final Highett Structure Plan.

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

To guide development, the Highett Structure Plan was adopted in 2006 jointly by Bayside and Kingston City Councils. It has been over 10 years since the Structure Plan was adopted by Council and given effect in the Bayside Planning Scheme through Amendment C46. Since that time, a considerable amount of development, land use and demographic change has occurred in Highett as well as changes in State Planning Policy. To ensure the Structure Plan remains current and that planning controls are effective in guiding development in the area, the original Structure Plan has been reviewed and an updated Structure Plan prepared.

This final updated Structure Plan has been informed by community feedback, planning, traffic, economic, landscape/vegetation and urban design advice. The planning scheme amendment process will include additional significant community engaged.

The final updated Highett Structure Plan was presented to Council for adoption at the Ordinary Council meeting of 24 July 2018. At this meeting Council resolved to defer a decision for a period of two months to provide residents with more time to consider the Plan.

Key issues
Following Council’s resolution of 24 July 2018, Council officers met with members of the Highett Resident Action Group, namely Mr Ross Newton and Carolyn Robinson to better understand their concerns. Three other interested residents also attended this meeting.

The main concerns raised at this meeting were:

- Highett Road – it has been designed for traffic, not pedestrians and cyclists and the limited car parking available in Highett Village.
- CSIRO site – it needs to be well integrated with Highett Village and the Highett Community Hub on Livingston Street.
- Environmentally Sustainable Design – the Structure Plan should be stronger and require developments to incorporate Environmentally Sustainable Design.
Minor changes to the Structure Plan were made to address their concerns, reflect feedback from the Friends of the Highett Grassy Woodland and ensure consistency with the Pennydale Structure Plan which is currently undergoing consultation.

A letter was then sent to all owners/occupiers within the revised Highett Activity Centre boundary (Bayside municipality) letting people know that the final Structure Plan had been prepared, what changes had been made, how and where they could view the final Structure Plan and next steps.

**Summary of changes**

The final updated Highett Structure Plan (attachment 1) includes the following revisions, taking into account community feedback on the draft Highett Structure Plan (attachment 2) and the later feedback from the Highett Resident Action Group and Friends of the Highett Grassy Woodland. It is also consistent with the draft revised Pennydale Structure Plan - August 2018:

- Amended Vision to reinforce the green, leafy, family friendly character of the area, to recognise all modes of transport and the importance of providing sufficient car parking and to reintroduce reference to the CSIRO site;
- Larger side and rear setbacks in Precinct 1 and 2A in order to minimise impacts on abutting residential lots and to allow increased planting of vegetation;
- An increase to the setbacks of upper levels in lots adjacent to the Highett Grassy Woodland in order to respect the sensitive nature of the Woodland and its high biodiversity value;
- More detailed guidance for future development at 36-40 Graham Road in order to ensure the provision of an open space link from the CSIRO site to Lyle Anderson Reserve;
- Inclusion of an action to undertake a Place making/ Urban Design Framework to ensure the CSIRO site is integrated with the existing Highett Road shopping strip, the train station and the Livingston Street Community Hub. As part of this study, ways to make Highett Road more pedestrian and cycling friendly and to improve the public transport experience for all uses will be investigated;
- A commitment to introduce a municipal wide Environmentally Sustainable Design Policy into the Bayside Planning Scheme to assist in the assessment of the environmental performance of new developments;
- Clarification on Council’s position on any future crossing level removal (underpass not overpass) and more detail on the type of traffic calming strategies in Graham road;
- Removal of requirement for rear laneway access for new development on lots fronting Bay Road;
- More direction on the species of nature strip planting, in accordance with Bayside’s nature strip planting policy, in order to preserve and encouraging biodiversity corridors;
- More direction on nature strip widths for new subdivisions to ensure sufficient space is allowed for the planting of larger canopy trees; and
- An updated implementation page which outlines the tools, responsible departments and timeframes for achieving the Structure Plan’s objectives. (A detailed, stand-alone Implementation Plan will follow the adoption of the Structure Plan).

Following adoption of the Highett Structure Plan, a planning scheme amendment will be initiated to make changes to the Bayside Planning Scheme to implement the Plan. The community will have an opportunity to comment on the proposed changes to the Planning Scheme as part of the amendment process.
Recommendation

That Council:

1. adopts the Highett Structure Plan as contained in Attachment No: 1.
2. commences a Planning Scheme Amendment to facilitate the implementation of the Structure Plan;
3. authorises the Director City Planning and Community Services to make editorial changes to the amendment documentation and submit to the Minister for Planning for authorisation to undertake a Planning Scheme Amendment; and
4. writes to all submitters to inform them of Council’s decision.

Support Attachments

1. Final Highett Structure Plan (separately enclosed)
2. Draft Amendment Documents (combined file) (separately enclosed)
3. Highett Structure Plan - Consultation Findings Summary Report - Phase 2 June 2018
Considerations and implications of recommendation

Liveable community

Social

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

Natural Environment

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

Built Environment

Activity Centres are identified as locations for future housing growth in both State and local planning policies. The Structure Plan includes built form objectives and strategies to help guide built form in the future.

Customer Service and Community Engagement

As part of the review of the Highett Structure Plan, from April – June 2017, the Highett community was asked to share its insights, feedback, local knowledge and desires for the future of their community, what they valued about Highett and what could be improved. Over 740 people provided feedback.

This community feedback, along with expert planning, traffic, economic, landscape/vegetation and urban design analysis informed the draft revised Highett Structure Plan.

Community engagement on the draft revised Highett Structure Plan was undertaken in April – May 2018. It included:

- Direct mail to residents/property owners in Highett that would be highly affected by the changes proposed in the draft revised Highett Structure Plan. These community residents were directly written to and informed prior to the public release of the Structure Plan and given the opportunity to meet with senior council officers to discuss the implications of the proposed changes and provide feedback;

- A subsequent mail out to all businesses, land owners and occupiers within an approximate 1000m radius of the Highett train station. The mail out was also sent to local community groups, government agencies and partners, infrastructure/service
providers and developers active in the area. The mail out included a brochure summarising the project and opportunities to get involved;

- E-newsletter sent to Highett Structure Plan email subscriber list;
- Information on the Have Your Say Bayside webpage;
- An online and hard copy survey relating to the objectives and strategies in the draft revised Highett Structure Plan;
- 3 drop-in sessions where people could drop in and ask questions about the draft Structure Plan;
- Individual meetings upon request; and
- An advert in the Leader newspaper.

The aim of this engagement was to share the draft Structure Plan with the local community and to seek feedback.

A broad, cross-section of the Highett (Bayside) community participated in this consultation, with a total of 114 participant interactions:

- Online survey, 71
- Written submissions, 15
- Drop in sessions, 28

It is noteworthy that whilst a relatively small section of the community participated in the consultation, there were 863 unique visitors to the Have Your Say Bayside – Managing Growth in Highett consultation webpage and 331 downloads of documents throughout the month long consultation period. This suggests that the community was aware of the project and the consultation being undertaken.

Following Council’s resolution of 24 July 2018, a letter was sent to all owners/occupiers within the revised Highett Activity Centre boundary (Bayside municipality) letting people know that the final Structure Plan had been prepared, what changes had been made, how and where they could view the final Structure Plan and next steps.

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

Legal
To implement the adopted Highett Structure Plan a planning scheme amendment will need to be prepared and exhibited pursuant to the Planning and Environment Act 1987.
Finance

Resources to progress the Highett Structure Plan have been allocated in the 2018/2019 Budget and foreshadowed in the 2019/2020 Budget (for the Planning Scheme Amendment stage).

Links to Council policy and strategy

Bayside City Council Plan 2017-2021

Reviewing the Highett Structure Plan is consistent with the following Council Plan strategies:

Develop and review structure plans to ensure localities are developed in line with Council’s Housing Strategy: Review the Highett Structure Plan (Year 1).

Improve bicycle and pedestrian facilities to make cycling and walking more attractive options for short trips.

Gain access to increased quality open space to meet the needs of Highett and the wider community.

Bayside Housing Strategy 2012

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

Bayside Integrated Transport Strategy 2013

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

**Option 1**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Adopt the updated Structure Plan as presented in Attachment 1 of this report and seek authorisation from the Minister for Planning to commence a planning scheme amendment to implement the planning elements of the plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The updated Structure Plan will guide future development outcomes and respond to identified development pressure whilst providing more guidance and certainty for the local community.</td>
</tr>
<tr>
<td>Issues</td>
<td>None.</td>
</tr>
</tbody>
</table>

**Option 2**

<table>
<thead>
<tr>
<th>Summary</th>
<th>Abandon the updated Highett Structure Plan and not proceed with the planning amendment for implementation of the plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>None.</td>
</tr>
<tr>
<td>Issues</td>
<td>The current Highett Structure Plan is over 12 years old and includes outdated information and strategies. It does not accurately reflect the aspirations and needs for the current and future local residents.</td>
</tr>
</tbody>
</table>
Consultation Findings Summary Report
Bayside City Council - Highett Structure Plan Review – Phase 2

18 June 2018

Prepared for:
BAYSIDE CITY COUNCIL

Submitted by:
Sarah Bishop
ACTIVATE CONSULTING

in partnership with
Robyn Cochrane
COCHRANE RESEARCH SOLUTIONS
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EXECUTIVE OVERVIEW

Bayside City Council engaged Activate Consulting (and partner Cochrane Research Solutions) to support the implementation and reporting of a community consultation program for the Draft Revised Highett Structure Plan updated March 2018 (Phase 2).

In total there were 104 participant interactions and a total of 86 survey responses and written submissions between 23 April and 20 May 2018. Based on available data recorded for participant gender, residential suburb, age, household structure and connection(s) to Highett, it is concluded that a broad albeit small, cross-section of the Highett (Bayside) community participated in this consultation.

Varying levels of support were indicated in the rating of statements and strategies proposed in the Draft Plan. Labels have been used to indicate the level of support (as a proportion of the total support and don’t support responses): Strong support = 80%+ indicated support for statement/strategy; moderate support = 70% to 79%; some support = 60% to 69%; limited support = 50% to 59%; and low support = <50%.

In addition, many participants provided detailed personalised feedback. Where appropriate, this feedback been segmented by strategy/statement and sentiment: Support; comment/query; improvement idea/suggestion; and concern/unsupportive. The personalised verbatim feedback is presented in an unedited form as submitted.

Vision Statement for Highett

Strong support (51 support/10 don’t support). Sentiment in personalised feedback from 25 participants was largely improvement ideas/suggestions including consideration of trees/greener/green spaces, movement and access (vehicles, pedestrians and cyclists) as well as some concerns/unsupportive remarks.

Highett Activity Centre boundary

Moderate support (37 support/15 don’t support). Sentiment in personalised feedback from 23 participants was largely concerns/unsupportive with many references to traffic congestion, parking inadequacies, narrow streets and height of developments as well as some improvement ideas/suggestions.

Heights and types of housing in the Activity Centre

Strong support for several strategies: i) Ensure new developments are designed to reduce water and energy use; h) Ensure commercial developments along Highett Road provide canopies for weather protection; k) Encourage canopy tree retention and planting in front and rear setbacks; e) Encourage detached houses, villa units and townhouses along Middleton Street, directly adjacent to the CSIRO site (Precinct 5); i) Encourage new development to front and overlook key pedestrian paths and public open spaces to improve safety; and j) Encourage the use of green roofs and walls where possible.

Some support for: f) Encourage apartments of up to 3 storeys on Bay Road (Precinct 6); and d) Encourage townhouses and detached dwellings up to 3 storeys in the southern part of the Activity Centre (Precinct 3).

Limited support for: b) Encourage apartments and townhouses up to 4 storeys close to the train station, on the eastern side of Train Street and the northern end of Graham Road and Thistle Grove (Precinct 2A); and c) Encourage apartments and townhouses up to 3 storeys further away from the train station (Precinct 2B).

Low support for: a) Encourage apartment development up to 4 storeys with commercial at ground floor along the Highett Road Shopping Strip (Precinct 1); and g) Encourage consolidation of lots in Precincts 1 and 2 to encourage increased housing density.
Sentiment in personalised feedback from 37 participants was largely concerns/unsupportive with many references to height, impact on narrow streets, traffic congestion, visitor parking options, CSIRO site, site coverage and open/green space.

Land use in the Activity Centre

Mixed support: c) Make it more attractive for people to walk from Southland to the Bayside Business District by ensuring new development has windows and balconies that look onto Bay Road, so pedestrians feel safer (strong); a) Provide opportunities for increased shops and offices by expanding the Highett shopping strip to Worthing Road and Donald Street (some); and b) Encourage increased housing density along the Highett Road shopping strip and close to the train station (limited). Sentiment in personalised feedback from 24 participants was concerns/unsupportive remarks and improvement ideas/suggestions referring to the future development of shopping strip, pedestrian movements/safety, traffic congestion and parking demand.

Walking and cycling around the Activity Centre

Strong support for all strategies with the exception of a) Introduce raised pavements to cross Worthing Road, Donald Street, Middleton Street and Major Street to provide a level surface for pedestrians and slow traffic (moderate) and h) Provide on-road bicycle lanes along Bay Road, Worthing Road and Middleton Street (limited). Sentiment in personalised feedback from 32 participants was largely improvement ideas/suggestions about bike lanes on narrow roads, pedestrian/cyclist safety and signalised pedestrian crossings as well as some concerns/unsupportive remarks.

Using public transport in the Activity Centre

Strong support for all strategies with the exception of d) Advocate for higher priority for buses on the surrounding road network (moderate). Sentiment in personalised feedback from 25 participants was largely improvement ideas/suggestions about level crossings; transport infrastructure; bus stops and services as well as some concerns/unsupportive remarks.

Car traffic and parking in the Activity Centre

Strong support for all strategies with the exception of c) Advocate for single traffic lanes to be formalised on Bay Road between Jack Road and Frankston railway line (moderate), and f) Improve safety and amenity along Graham Road by indenting existing car parking north of Thistle Grove, and installing speed cushions and kerb outstands to reduce traffic speeds (moderate), and b) Advocate for traffic lights at the Bay Road/Jack Road intersection (some).

Sentiment in personalised feedback from 32 participants was largely improvement ideas/suggestions about movement and traffic lights on Bay Road; car parking spaces in new developments and parking inadequacies as well as some concerns/unsupportive remarks.

Main streets, public spaces and parks in Highett

Strong support to improve the appearance and function of Highett Road and the provision of public open spaces and parks. Sentiment in personalised feedback from 26 participants was largely improvement ideas/suggestions including references to more tree planting, greenery and green/open spaces as well as space for pedestrian movement.

Comments on other matters

A small number of participants commented on other matters relating to the draft Plan, consultation supporting resources and Highett generally.
PROJECT BACKGROUND

Overview

The Highett Structure Plan (2006) was prepared jointly by Bayside and Kingston City Councils and was given effect in the Bayside Planning Scheme in 2007 through Planning Scheme Amendment C46. A considerable amount of development, land use policy and demographic change has occurred in Highett since the Structure Plan was developed, hence Bayside City Council is undertaking a review.

The Highett Structure Plan Review was informed by an understanding of State and local policy changes since the implementation of the Highett Structure Plan, relevant Council strategies and policies, demographic change, the current housing and economic composition of the centre, Planning Panels and Victorian Civil and Administrative Tribunal (VCAT) findings, and previous community feedback on:

- Planning permit applications (from 2005–2016);
- Planning Scheme Amendment C140 which sought to implement the Bayside Housing Strategy;
- Draft Planning Scheme Amendment C125 which sought to introduce the Residential Growth Zone in the activity centres along the Frankston railway line; and
- The development of the Bayside Community Plan 2025.

This work was compiled into the Highett Structure Plan Review document. This document provided a basis for discussion with the Highett community to get their unique insights, feedback, local knowledge and desires for the future of their community to be considered as part of the review. From April to June 2017 Council asked the community what they valued about Highett and what could be improved. Around 740 people provided feedback and the community consultation report is available at yoursay.bayside.vic.gov.au/growth-in-highett

Following this, Council prepared and publicly released the Draft Revised Highett Structure Plan (updated March 2018) for the Phase 2 consultation for the community to review and provide feedback, before Council decides on the final Plan.

This report presents the findings from Phase 2 of the community consultation.

Purpose

The overall aim of the community engagement in Phase 2 was to share the Draft Revised Highett Structure Plan (updated March 2018) with the local community and seek their feedback.

More specifically to test support and seek additional feedback on the revised vision statement; revised activity centre boundary; heights and types of housing; land use; walking and cycling around the Highett Activity Centre; using public transport; car traffic and parking; and main streets, public spaces and parks in Highett.
Engagement Approach

Council prepared and publicly released the Draft Revised Highett Structure Plan (updated March 2018) for the community to review and provide feedback. Community feedback was invited from Monday 23 April to Wednesday 30 May, via:

- Survey
  - Available online via Council’s Have Your Say consultation website
  - Hard copy available at Council’s Office, by phone request and at drop-in activities
- Written submissions

Given that the Draft Revised Highett Structure Plan contained proposed changes that would have particular impact on some residents/property owners in Highett, these community members were directly written to and informed prior to the public release of the document. These community members were given the opportunity to meet with senior council officers to discuss the implications of the proposed changes and provide feedback.

To raise awareness about the consultation in the broader community, the following communications activities were undertaken:

- Community drop-in sessions at the Highett Community Neighbourhood House:
  - Wednesday 2 May, 6pm-8pm
  - Monday 7 May, 4pm-6pm
  - Saturday 12 May, 2pm-4pm
- Information on the Have Your Say Bayside webpage
- Local newspaper advertisements
- Direct mail to businesses, land owners and occupiers within an approximate 1000m radius of the Highett train station, and key community groups and service providers
- Distribution of brochure and fact sheets
- E-newsletter sent to Highett Structure Plan email subscriber list.

Due to the volume of responses, the datasets were analysed manually and with the assistance of Microsoft Excel. Personalised free-text responses to the open-ended questions and written submissions were carefully sorted and categorised by main themes (strategies/topics/sentiment). This approach permitted themes to be predetermined and to emerge throughout the course of analysis. Findings are presented as charts or summary tables. The personalised verbatim feedback is presented in an unedited form as submitted.
PARTICIPATION LEVEL

Participation Rate

Community feedback was captured online and in writing. As shown in the below table, there were 104 participation interactions and a total of 86 submissions.

<table>
<thead>
<tr>
<th>Engagement activity</th>
<th>Approach</th>
<th>Participant interactions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have Your Say Bayside - main survey</td>
<td>Online</td>
<td>71</td>
</tr>
<tr>
<td>Written participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written submissions</td>
<td>Written – posted or emailed direct to Council</td>
<td>15</td>
</tr>
<tr>
<td>Face-to-face</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community drop-in sessions</td>
<td>3 sessions at Highett Community Neighbourhood House</td>
<td>18</td>
</tr>
<tr>
<td>Total participant interactions</td>
<td></td>
<td>104</td>
</tr>
</tbody>
</table>

It is noteworthy that the previously presented table does not include online ‘awareness’ metrics. There were also 863 unique visitors to the Have Your Say Bayside – Managing Growth in Highett consultation webpage and 331 downloads of documents during the month-long consultation period.

Participant Profile

Most participants reside in Highett (Bayside), with several living locally in Highett (Kingston), Pennylea, Cheltenham and Hampton. Participants also live in Moorabbin (1), Hughesdale (1) and Devonport in Tasmania (1). Several survey respondents skipped this question and some written submissions did not indicate a residential address.

![Residential suburb (86 responses)]
While respondents were both genders, more females participated than males.

Most age groups were represented, with the exception of the under 18 years and 85+ years.
Representatives from all household structures participated including those living with a spouse/partner, those living with children and those living alone. The two respondents who selected “Other” indicated: “My partner and I live with my parents in their house” and “With 2 dogs”.

The consultation reached a mix of local resident-ratepayers, resident-tenants, and people with a variety of other connections to Highett such as business owners/operators, people that work in Highett, shop in Highett or are a member of a local community or sporting group. The five respondents who selected “Other” indicated: “Will be moving as a resident”, “Lived in Highett my whole life with my parents in their house (25 years)”, “Have lived here for many years, and am a third-generation local resident”, “I spend a lot of my holidays staying in Highett and visiting friends” and “Live close by”.

---

**Household structure (86 responses)**

<table>
<thead>
<tr>
<th>Household Structures</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>I live alone</td>
<td>14</td>
</tr>
<tr>
<td>I live with my spouse/partner</td>
<td>24</td>
</tr>
<tr>
<td>I live with my spouse/partner and children</td>
<td>23</td>
</tr>
<tr>
<td>I live with my children</td>
<td>2</td>
</tr>
<tr>
<td>I share with others</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
</tr>
<tr>
<td>Not stated</td>
<td>20</td>
</tr>
</tbody>
</table>

**Connection/s to Highett Activity Centre (86 responses)**

<table>
<thead>
<tr>
<th>Connection</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>5</td>
</tr>
<tr>
<td>Business owner/operator in Highett</td>
<td>6</td>
</tr>
<tr>
<td>Local resident and tenant (rents, lives locally)</td>
<td>9</td>
</tr>
<tr>
<td>Member of a local community/sporting group</td>
<td>12</td>
</tr>
<tr>
<td>Not stated</td>
<td>17</td>
</tr>
<tr>
<td>Shop in Highett</td>
<td>18</td>
</tr>
<tr>
<td>Local resident and ratepayer (owns property, lives locally)</td>
<td>56</td>
</tr>
</tbody>
</table>
RESEARCH FINDINGS

This report presents the findings from the community feedback gathered via two sources: online surveys and written submissions. There were a total of 71 survey responses which rated the level of support for specific statements/strategies proposed in relation to:

- Vision Statement for Highett (one statement proposed)
- Highett Activity Centre boundary (one statement proposed)
- Heights and types of housing in the Activity Centre (12 strategies proposed)
- Land use in the Activity Centre (three strategies proposed)
- Walking and cycling around the Activity Centre (10 strategies proposed)
- Using public transport in the Activity Centre (5 strategies proposed)
- Car traffic and parking in the Activity Centre (9 strategies proposed)
- Main streets, public spaces and parks in Highett (7 strategies proposed)

Many survey respondents sought to elaborate their answer and provided a personalised response. In addition, 15 written submissions presented personalised views regarding a variety of elements of the Draft Revised Highett Structure Plan. As the content in the submissions was not able to be precisely interpreted and combined with the survey results, relevant segments of the submissions are presented alongside relevant survey personalised responses where applicable.

Varying levels of support were indicated in the rating of statements and strategies proposed in the Draft Plan. Labels have been used to indicate the level of support (as a proportion of the total support and don’t support responses): Strong support = 80%+ indicated support for statement/strategy; moderate support = 70% to 79%; some support = 60% to 69%; limited support = 50% to 59%; and low support = <50%.

In addition, many participants provided detailed personalised feedback. Where appropriate, this feedback been segmented by strategy/statement and sentiment: Support, comment/query; improvement idea/suggestion; and concern/unsupportive. The personalised verbatim feedback is presented in an unedited form as submitted.
Vision Statement for Highett

As shown below, the Vision Statement features the same concepts as the 2006 Structure Plan. Minor revisions have been made to make it more concise, recognise that the retail core of the centre is in both the Bayside and Kingston municipalities, and include additional references to cyclists.

To revitalise the Highett Road shopping strip as an attractive, vibrant and well used main street and community focal point that provides a wide range of local shopping, business and community services suited to the needs of people living and working in the area.

To provide the opportunity for a mix of retail, employment, other associated activities and residential in that part of the Highett shopping strip to the west of the train line, in a form that complements the rest of the centre located to the east of the train line, and to better link the two parts of the centre for pedestrians and cyclists.

To provide an opportunity for as many people as is appropriate, given the character of the area and the opportunities for change, to live and work in Highett, with access to public transport and within walking and cycling distance of shops and services, and hence to provide a real transport option for people other than the private car.

To recognise the character of Highett’s established residential areas and manage change in a way that responds to this character, whilst recognising their proximity to public transport, shops and services.

Survey respondents were asked “Do you support this vision statement?” and “Is there any wording you would like to change or add?”.

As shown below, survey respondents indicated strong support for the revised Vision Statement (51 support/10 don’t support).

---

<table>
<thead>
<tr>
<th>Do you support this vision statement? (71 responses)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Yes, support</td>
</tr>
<tr>
<td>No, don't support</td>
</tr>
<tr>
<td>Not sure/no opinion</td>
</tr>
<tr>
<td>No response</td>
</tr>
</tbody>
</table>

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Item 10.1 – Reports by the Organisation

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A total of 20 survey respondents commented on the wording of the Vision Statement (which has been segmented by sentiment), as follows:

<table>
<thead>
<tr>
<th>Comment/query</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;As is appropriate&quot; -- according to...?</td>
</tr>
<tr>
<td>At the moment there is no variety in the shops - Hairdressing and food shops being the main focus</td>
</tr>
<tr>
<td>Improvement idea/suggestion</td>
</tr>
<tr>
<td>Delete the third paragraph as it is vague and redundant.</td>
</tr>
<tr>
<td>I do support this in general but maintaining existing wildlife corridors, tree lined streets etc is very important as established trees are constantly being removed. The Highett strip is getting narrower and looking more like a concrete jungle every day. The vision should ensure we remain a leafy, green area.</td>
</tr>
<tr>
<td>I would change the second paragraph which refers to the west end of the shopping strip complimenting the Kingston side. The Kingston side needs development. I would change the references to East and West and acknowledge it’s an unusual situation because the area is split between two LGAs.</td>
</tr>
<tr>
<td>I would like something about more green space/greenery and the environment put into this. Maintain trees and natural plantings. Needs to be something in there that addresses matching improvements to infrastructure, needs to ensure that Kingston supports what Bayside is doing and that they do the same otherwise it will end up lop sided.</td>
</tr>
<tr>
<td>To add extra car parking to the area for shoppers and more mature trees to the street scapes.</td>
</tr>
<tr>
<td>To better facilitate the movement of people around and through Highett by foot or bicycle and enhance the natural environment by providing new and improved green spaces.</td>
</tr>
<tr>
<td>To ensure that Highett retains and continues to grow its feeling of community and a family-focussed environment, with a continued focus on community services, welcoming family-friendly activities and engagement, and safe spaces for children and families to thrive.</td>
</tr>
<tr>
<td>To facilitate the safety for pedestrians through lighting and encourage healthy lifestyle, with increased walking/jogging trails.</td>
</tr>
<tr>
<td>To value Neighbourhood Character and Established Trees and garden above development of buildings. Would that be easy to access the road and have parking space</td>
</tr>
<tr>
<td>Concern/unsupportive</td>
</tr>
<tr>
<td>Do not support expansion of Highett Rd shopping strip to the west. That any proposed changes will not in any way negatively impact on the current residents of Highett (ie. So much development that traffic becomes unbearable for those who already reside in Highett). The change from 3 to 4 storey along Highett rd and Graham Road will make these two roads very enclosed and create a very tunnel effect to the both side. There is is not enough ground level setback as is at the moment. There is too much emphasis on social engineering in that statement. People own cars. People use cars. Bayside's car numbers are increasing per household, not decreasing. Whilst I applaud the use of public transport where possible, statements that are negative to people who MUST or WANT to use cars is not appropriate. This vision statement is just words unless Bayside Council commit to revitalising the village by prioritising pedestrians and cyclists. Highett Road as it stands, is detrimental to the village and the commercial aspects of the strip shops. Too many stories being built in different styles.</td>
</tr>
</tbody>
</table>

12
In addition, five submissions presented the following comments regarding the wording of the Vision Statement.

**Submission 3:** PIO Kingston catchment no longer primarily industrial?

**Submission 4:** We suggest that the future of the CSIRO site is so important to Hightett and the wider community that the vision should include words such as "To ensure that development of the CSIRO site is sympathetic to neighbouring properties and provides open space for active and passive recreation, pleasant surrounds, and the conservation of biodiversity including trees and lower plant layers."

**Submission 6:** Page 2 Vision: Definitely revitalize Hightett Road shopping strip. However Big Businesses, like Coles and Woolies have made it extremely difficult for small fruit shops, butchers, and bakers to survive. Most people buy these items from the Supermarkets because they "offer" large quantities of food at discounted prices. The result? Lots of food waste by households who cannot use the items by the "stipulated" use by dates. After I wrote that paragraph I received that note from the Council re bin sizes. Making bins smaller will not reduce the amount of waste. Information sessions are a great idea but young families will not have time to attend sessions. Two stories should be the maximum height, read other sections of this letter.

**Submission 8:** The Western end (Bayside) of Hightett has little street activation, is pedestrian unfriendly and has a chronic lack of on-street parking (unlike any other village in Bayside). Extending the commercial zone to Worthing Road without improving traffic management would exacerbate the problems already being experienced. The same mother statements were included in the 2006 Hightett structure plan, and the damage to the village at the Western end of Hightett has happened within the last ten years. With no long term planning for remedial action conveyed by Bayside Council, this latest vision statement is meaningless. Woolworths has never been an integral part of the village of Hightett, it is instead a destination. Narrow pavements and the long street frontage with no shopfronts detracts from the village, creates a safety issue (particularly for the restaurant customers seated on the corner), and the Graham Road truck entrances is dangerous for pedestrians and it stinks.

**Submission 9:** The proposed changes are significant and need to be given very careful consideration in the context of how Hightett is now and what it could be, as well as giving consideration to the same issues for all surrounding suburbs. At some point enough is enough. In summary, I firmly believe that the benefits of making these changes around height limits / commercial properties and setbacks are outweighed by the losses and impacts to:
- The people who live abutting and close to the proposed planning changes
- The current streetscape
- The environment
- The long term amenity of Hightett
Hightett Activity Centre boundary

Survey respondents were asked 'Do you support this change to the Activity Centre Boundary?' and offered the opportunity to elaborate on their answer.

As shown below, respondents indicated **moderate support** for the change to the Activity Centre Boundary, mixed views were reported.

A total of **17 survey respondents** elaborated on their answer (which has been segmented by sentiment), as follows.

**Support**
I support the change in the boundary but not for the reason you have stated. In March 2017 the regulations pertaining to NRZ changed which STILL allow dual occupancy on the properties so long as the minimum garden area percentage is maintained. NRZ is still ALLOWED to increase density so this comment that it is not EXPECTED to accept it is not entirely accurate.

**Comment/query**
Would like more detail on off leash areas for dogs. If there is going to be such dense living people and animal particularly birds and possums need adequate space.

**Improvement idea/suggestion**
Mary Avenue has mixed/industrial sections but should be considered as it is within a residential zone.
These industrial areas would be best rezoned as residential zones

Suggest boundary is extended to end Middleton St and Bay Road.

"I support this change ONLY if it means YOU THE COUNCIL WILL STOP filling up our neighborhood with apartments - i do not have any sun in my back yard now because of you greedy councils and developers i can barely move through my street without being hit by some apartment living hippy living in their dog boxes - the train station is already overcrowded, i moved to highbett to escape the developers who ruined my old suburb of south yarra - now you want to do the same thing - councils don't fight for their residents - and how
is this feedback going to be used when you the councils and the state government have already determined what is happening - if you want continue to destroy our suburb make ruling that apartments or townhouses MUST include a 2 x car garage and MUST be built within 3 streets apart/away from each not side by side so not to ruin the suburb, and MUST only be 3 LEVELS high NO HIGHER - enough is enough - i have no privacy in my back yard now because you lot go greedy! and it doesn't matter how much i protest you just keep doing it and no MORE NAIL SALONS - how many nail shops do you need or massage shops - 1 or 2 is enough in the street highett road already *

The high rise activity must not go outside this new boundary and should be supported by new park/football oval similar to Peterson Reserve, to accommodate the increase in population!

### Concern/unsupportive

The increased housing is not conducive to narrow Roads for Traffic

If Bayside Council does not address the lack of on-street parking and the speed of the traffic travelling along Highett Road, there is no point changing any boundaries as this would only exacerbate the problem. There is no integrated plan for the linking of the CSIRO site and the village

the plan is not sustainable due to the restricted nature of the current community infrastructure, cars now parking all day in narrow streets clogging access to existing residences, tax parking of timed parking zones, increasing access required by trades and heavy vehicles, and much more.

it limits the support to the residents of Highett as you have left a whole section out

I believe that allowing four stories on Highett Road with two storey street fronts for commercial does not provide a transition into the residential growth zone on the other side of Highett Road. There are existing developments which are set back on the W side of Major Street which were built that way to provide a transition into the RGZ and it seems illogical to abandon that approach and have four storeys on one side of the road and only two storeys on the other and street frontage with no setbacks

I don't believe the east side housing of Middleton Street should be included. It is already a very congested traffic zone and will only get worse as development increases.

No the shops on the Bayside of the rail line have little or no parking. Many new shops have opened for a small amount of time and then close because there is no parking in Highett Road. Its pointless to rezone unless the lack of car parking is addressed. Middleton Street which is one short block from the station and is zoned a protected Neighborhood zone and should be rezone as a general residential zone. It has potential for much higher growth and backs onto the CSIR development site. It is a through road and should never have been zoned as NRZ. Middleton street in 2 minutes walk from Highett Station.

Whilst I welcome the reduction in the Activity Centre boundary, the proposed activity centre boundary does not have enough focus on the areas bordering Highett Road and other highly-commercial strips. In order to revitalise and grow the Highett Road Shopping Strip in particular, the strip needs to continue to grow to the west. Recently-built centres on Highett Road do not provide sufficient opportunity for commercial ventures, and there are very limited opportunities for further commercial growth given the nature of the buildings that are already established or recently approved/constructed. The proposed activity centre boundary is unbalanced, with it being centred around the undeveloped CRISO site, which is expected to be almost completely residential developments only. Instead, the activity centre boundary should be centred around the primary areas of activity - such as Highett Road, Railway Pole, and Spring Road. Inclusion of areas neighbouring Bay Road should also be considered given its close proximity to emerging and established commercial services and high density housing. I see no reason for the Activity Centre boundary to be required to be a single area - I believe that in fact, it should be three areas: Spring Road neighbouring properties (south of Wickham road to Highett road), Highett Road (bounded by Abbott st, half-way down Abbott st across to the CSIRO site, back up to Highett Grove, then to the railway line, and up as far as monarrie avenue), and Bay Road (from Bay Road, and as deep as Mary Avenue and Royalty Avenue). I do not believe the majority of areas surrounding Princess Avenue, Jackson Road, Graham Road should be designated as part of the activity centre.

*The structure plan is not being implemented in co-ordination with Kingston Council and therefore omits a holistic view of the Highett Rd shopping strip. I am living in a fully residential apartment complex (1 Major St) and do not wish my amenity to be crowded out with taller, four-storey buildings nor businesses operating day and night. I believe Bayside Council is acting too late to try and now zone this residential stretch as a
business zone when my complex has only been recently completed, is 100% residential, and takes up a significant stretch of the proposed business zone stretch. Further, a block of residential townhouses has recently been completed at the corner of Donald St and Highett Rd. Having brand new residential complexes now facing the prospect of new being in the middle of a shopping strip is absurd and I badly feel Bayside Council has been left trying to implement planning changes long after they should have been flagged to land holders. Further, there is high vacancy of existing commercial buildings stretching along Highett Rd to Nepean Highway however it is unclear whether this has even been given consideration given the stretch after the railway is under the auspice of Kingston Council. The demand for commercial floorspace in the medical sector noted in the draft structure plan is negated as the existing medical centre at 258 Highett Rd is moving to a brand new built-for-purpose health and medical hub recently completed on Nepean Highway. Further, off-street parking is already at a premium with the number of recent apartment developments in the area and I believe narrow streets surrounding Highett Rd will struggle to cope with even more traffic which also poses safety issues. I urge Bayside Council councillors to reject the proposed change to the activity centre boundary.”

I still find the area of the Activity Centre excessively large. A walkability distance of 400 m from the key focal point of the Activity Centre should be used, as is general for these boundaries.

In addition, six submissions presented the following comments regarding the change to the Highett Activity Centre boundary.

Submission 1: Object to rezoning of the land at the western end of Highett Road from the General Residential Zone to the Commercial 1 Zone. On review it is unclear how the extension proposed will achieve the desired outcome given it comprises properties which have already been redeveloped, or existing non-residential uses. In any event, our principal concern relates to the use of the Commercial 1 Zone, namely: a) The application of the zone appears for the most part retrospective; b) The rezoning of the land removes a significant level of protection and unreasonably prejudices future amenity; c) The background reports call for an ‘organic’ expansion of the centre. To this end the use of the Commercial 1 Zone to achieve this purpose is excessive. We note that mixed-use development has already occurred within the current controls and there is no reason why this could not continue under current planning scheme conditions. Recommendation: a) The General Residential Zone should be retained in the western end of Highett Road; or Either the Mixed-Use Zone or Residential Growth Zone (with appropriate Schedule requirements) be used in lieu of the Commercial 1 Zone

Submission 2: We note the Council’s proposed changes to planning controls that would affect the above property, namely a rezoning from Neighbourhood Residential Zone to Commercial 1 Zone. After studying the fact sheet explaining the implications of the proposed changes, we would like to register with Council our support for the rezoning proposal, as part of the Draft Highett Structure Plan

Submission 5: Using the Bayside City Council (Bayside) Draft Highett Structure Plan updated 2018 as my primary source, I support the new Activity Centre Boundary (p. 7). As an objector of numerous inappropriate developments in or near the previous Highett Activity Centre boundary since 2005, the perception and “concern that Highett is taking more population growth than other Bayside suburbs” (Highett Structure Plan Review pamphlet may lessen. The Context Plan (p. 8), which when combined with that of the Kingston City Council's adjoining area should represent a manageable development area.

Submission 6: The Highett Activity Centre boundary (pages 6 & 7) Activity Centres are a MUST but, remember Victoria / Melbourne does have "four seasons in a day" so use of Activity Centres is affected by the elements. The lives of families, particularly with young children in Australia is very difficult. Wives and husbands must both work to save for a home and then meet mortgage payments. OK buying a unit rather than a house is cheaper, but, living in a unit with young children in my view would be impossible. The amount of clothes washing, food preparation and cleaning up after children is very stressful. And the noise created by kids is overwhelming.

Pages 6 and 7 of the Draft Revised Highett Structure Plan. Rezoning some properties along Highett Road from a residential zone to a commercial zone will increase existing Traffic Problems. Parking and the railway crossing on Highett Road already cause congestion, but if the area is overdeveloped this problem will
increase and accidents will happen. The State Government and Bayside Council appear not to have given any consideration to the increase traffic that will occur as a result of the "over building" of this area. It is all very well to say that the train stations and bus services are here. Yes, they are and that is one of the reasons my late husband and I moved into the area. As "oldies" we did / do not want to endanger the lives of young or old people by driving when our reflexes slow down. I intend to stop driving when my daughters tell me I am too slow / old. All State and local Councils should consult with the Department of Main Roads, and the Public Transport Authority before making changes to existing property zoning throughout Victoria.

Submission 8: Without additional on-street parking what is the point of adding yet more commercial activity? Supporting document SGS Economic & Planning, p19, 3.3 Highett Activity Centre, Strategic Approach, consolidation vs expansion, recommends "spacial expansion of the centre in a westerly direction", saying it is "the most logical approach.", but it says this without any supporting evidence of why this should be achieved. Rather, when talking about integration, numerous vacancies, and council finding a better method for better activating the street frontages, this report states "Expansion on the other hand, is generally favoured when retail trading is strong and demand for retail floorspace exceeds demand for commercial offices or apartments – creating the need for more shop frontages". This statement directly contradicts any demand for expansion of the commercial zone from Major Street to Worthing Road. With so many vacancies why is Bayside Council exacerbating the problem by expanding the commercial zone? In reference to consolidation of the existing centre, this same report acknowledges "redevelopments are driven by the profitability of the residential yield". Given Bayside Council has had an almost blank slate for redevelopment of the Western side of Highton Village, the lack of street activation, the speed of the traffic, unfriendly pedestrian experience etc., this policy should be acknowledged as a planning failure in need of complete overhaul.

Submission 12: We strongly support the rezoning of the Highett Road properties from residential zones to the Commercial 1 Zone. The delineation of the western edge of the commercial centre by Worthing Road / Donald Street better reflects the existing conditions on both sides of Highett Road, particularly the commercial uses currently operating at 481-485 Highett Road which add to the vitality of the Centre.
Heights and types of housing in the Activity Centre

It is proposed to change some of the building heights and setbacks within the Activity Centre. Twelve strategies have been proposed to guide built form in the Highett Activity Centre.

Survey respondents were asked to indicate the extent to which they support or do not support each strategy.

As shown below, survey respondents indicated varying views and mixed levels of support.

Strategies proposed to guide built form (63 responses)

<table>
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<tr>
<th>Strategy</th>
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<tr>
<td>[ ] Ensure new developments are designed to reduce water and energy use</td>
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<tr>
<td>[ ] Ensure commercial developments along Highett Road provide canopies for weather protection</td>
</tr>
<tr>
<td>[ ] Encourage canopy tree retention and planting in front and rear setbacks</td>
</tr>
<tr>
<td>[ ] Encourage detached houses, villa units and townhouses along Middleton Street, directly adjacent...</td>
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<tr>
<td>[ ] Encourage new development to front and overlook key pedestrian paths and public open spaces to...</td>
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<tr>
<td>[ ] Encourage the use of green roofs and walls where possible</td>
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<tr>
<td>[ ] Encourage apartments of up to 3 storeys on Bay Road (Precinct 6)</td>
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<tr>
<td>[ ] Encourage townhouses and detached dwellings up to 3 storeys in the southern part of the Activity Centre...</td>
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<tr>
<td>[ ] Encourage apartments and townhouses up to 4 storeys close to the train station, on the eastern side...</td>
</tr>
<tr>
<td>[ ] Encourage apartments and townhouses up to 3 storeys further away from the train station (Precinct 2B)</td>
</tr>
<tr>
<td>[ ] Encourage apartment development up to 4 storeys with commercial at ground floor along the Highett...</td>
</tr>
<tr>
<td>[ ] Encourage consolidation of lots in Precincts 1 and 2 to encourage increased housing density</td>
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A total of 29 survey respondents elaborated on their answer (which has been segmented by strategy/topic), as follows.

Strategy a) Encourage apartment development up to 4 storeys with commercial at ground floor along the Highett Road Shopping Strip (Precinct 1)

(A) Once again traffic is the main problem. Streets are narrow to support this flow.
a) 4 storeys is too high next to existing residences and the intersection in Precinct 1 where Donald Street and Worthing Road are somewhat opposite yet not a genuine intersection is actually dangerous and should not become a focal area for more traffic, it won’t work as an intersection.

A) I believe that Highett Road is too narrow to allow developments of 4 storeys on either side, and will result in a walled-in feeling and excessive shading. This breaks the community and open feel that Highett has. Highett is a light, bright and open area, and Highett Road’s width cannot sustain this feeling with developments 4 storeys tall (unless very significant setback and staggering rules are in place).

a - I am worried and intimidated by developments

<table>
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<tr>
<th>a) 3 Storey</th>
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Strategy b) Encourage apartments and townhouses up to 4 storeys close to the train station, on the eastern side of Train Street and the northern end of Graham Road and Thistle Grove (Precinct 2A)

b - I am worried and intimidated by developments

| b) 3 Storey |

Precinct 2A should only be 3 Storey max. A good proportion of this land is already developed to 3 storey and unlikely to be changed in the period off this document. Bay road should not be encouraged for apartments. The area is 3 storey already but townhouses are more appropriate. All developments should face the logical street frontage which includes footpaths. Fronting to parks is not appropriate. Passive surveillance by fronting houses to parks is more dangerous for those residents than the danger of users of the parks.

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<tr>
<th>Strategy c) Encourage apartments and townhouses up to 3 storeys further away from the train station (Precinct 2B)</th>
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c) 2 Storey

Strategy c - These streets are too close to the major activity centre and with added strain from too much high density plus the occasional use for overflow parking from the shopping centre, there is just too much congestion in such small spaces - needed both small pockets of open space and opportunity for parking. Developments need to include visitor parking options as Graham Rd and surrounding streets are very limited.

<table>
<thead>
<tr>
<th>Strategy d) Encourage townhouses and detached dwellings up to 3 storeys in the southern part of the Activity Centre (Precinct 3)</th>
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d) 2 Storey

d) 3 storeys not supported, support maximum of 2 storeys.

| 3 storeys in Precinct 3 will create issues with overshadowing, parking, general through traffic, over looking backyards etc. Precinct 3 is a well established family area and 2 storeys is high enough! This enables families to build their duplex houses without impeding on their neighbours backyards (what’s left of them anyway) |

<table>
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<tr>
<th>Strategy e) Encourage detached houses, villa units and townhouses along Middleton Street, directly adjacent to the CSIRO site (Precinct 5)</th>
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E) important to maintain set backs and maximum 2 storey properties along back of Middleton St and retain tall gums

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<tr>
<th>Strategy f) Encourage apartments of up to 3 storeys on Bay Road (Precinct 6)</th>
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f) Bay Road is too narrow to take on more traffic

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<tr>
<th>1 - I am worried and intimidated by developments</th>
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| 2) 2 Story |

| 3 storeys in Precinct 6 will create issues with overshadowing, parking, general through traffic, over looking backyards etc. |

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<tr>
<th>Strategy g) Encourage consolidation of lots in Precincts 1 and 2 to encourage increased housing density</th>
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g) I don’t understand what you are going to do to encourage it, developers are already doing this and making it happen

| G. Highett is experiencing over-development for the size of the roads. An over-supply of apartments, rather than townhouses, is already being experienced. |
Strategy g) These streets are too close to the major activity centre and with added strain from too much high density plus the occasional use for overflow parking from the shopping centre, there is just too much congestion in such small spaces - needed both small pockets of open space and opportunity for parking. Developments need to include visitor parking options as Graham Rd and surrounding streets are very limited.

Strategy h) Ensure commercial developments along Highett Road provide canopies for weather protection
(H) The council should infringe the least possible on the choices of property owners as a matter of philosophical principle.
H) Ensure adequate lighting or solar access through canopy to help safety and an ‘open’ feel.
H) There has never been canopies over years of trading.
H) Yes but this needs to apply to the Kingston side of Highett Rd as well as this is where the greatest need is. We really need to see improvements in the area surrounding the Highett Library which should be a community hub but currently is not at all welcoming.

Strategy i) Encourage new development to front and overlook key pedestrian paths and public open spaces to improve safety
(i) The council should infringe the least possible on the choices of property owners as a matter of philosophical principle.

Strategy j) Encourage the use of green roofs and walls where possible
(j) Bayside Council should immediately commit to signing up to BESS. Bayside Council should also add new large canopy tree planting to reduce the heat island effect.
(j) The council should infringe the least possible on the choices of property owners as a matter of philosophical principle.
(j) All new houses should have water tanks and access to solar power.

What use are green roofs and walls?
Roof top and vertical gardens. Look at geo-exchange for reducing heating and cooling. Do not confuse this with geo-thermal. Water tanks for toilets and laundries and gardens. More parking for visitors.
Green roofs and green walls do not work properly if at all. This is not Singapore. Thise I have seen either fail due to lack of maintenance or council not following up on permit regulations.

Strategy k) Encourage canopy tree retention and planting in front and rear setbacks
(k) Bayside Council should immediately commit to signing up to BESS. Bayside Council should also add new large canopy tree planting to reduce the heat island effect.
(k) The council should infringe the least possible on the choices of property owners as a matter of philosophical principle.

Strategy l) Ensure new developments are designed to reduce water and energy use
(l) Bayside Council should immediately commit to signing up to BESS. Bayside Council should also add new large canopy tree planting to reduce the heat island effect.
(l) The council should infringe the least possible on the choices of property owners as a matter of philosophical principle.
Controls needs to be put in place to ensure permeable surfaces, solar panels, water tanks etc.

Improvement idea/suggestion
The % of new development to parkland is unbalanced. 50% of the CSIRO site needs to be parkland accessible from at least east, south and west boundaries.
New developments must have greater set backs to allow for ease of pedestrian flow. Current woolworths complex is a classic mistake when it comes to set backs. Horrendous over use of concrete, not enabling good access to the bus stop and terrible pedestrian flow. There is no room. Other developments have also been way to close to the road and established trees have been removed as a consequence.

Concern/unsupportive
Concerned with amount of high rise apartment complexes being built, when all I hear are people saying they can’t buy free standing houses anymore.
Excessive apartment development is already impacting on accessibility and vehicle movement in Highett Rd, Bay Rd and Graham Rd.
I do not support the building of 5 storeys anywhere in Hightell.

None of the above strategies actually address the increased traffic congestion. Or really should we say to all those who buy property within walking distance from train, retail etc they cannot own a car or two or three not too sure what all this means as so far nothing has been done to demonstrate that any of the above actions have been carried out.

nothing should be built higher than 3 levels - consider your current residents and their right to privacy! I don't believe any of you would enjoy having 1600 eyes staring into your back yard would you? RETHINK YOUR HEIGHT ON DWELLINGS!

The ratio of green space vs. high rise residential properties in zone 4 is very disappointing. Hightell would benefit from having a much larger green space, especially given the increasing development and population.

Precinct 4 (not mentioned above) is not supported to be 4 storeys, this should be an absolute maximum of 3. In addition, the precinct to the North of precinct 4 (also not mentioned above), is not supported to be 5 storeys, this should be maximum of 4 storeys, the same height as precinct 1.

Traffic on Hightell road is grid locked at times when the rail boom gates close. Hightell has been a dumping ground for to many poorly designed apartment blocks. 83 percent of Bayside has maximum protection from developers and Hightell and Cheltenham were not protected and have been trashed with over development.

<table>
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<th>In addition, eight submissions presented the following comments regarding the heights and types of housing in the Activity Centre.</th>
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<tr>
<td>Submission 1: Object to removal of protection currently provided by the Design and Development Overlay – Schedule 5 (interface between Precinct 1 and Precinct 2B). Precinct Interface - the property sits at the interface between Precinct 1 and Precinct 2B. The Draft Hightell Structure Plan sets out a three-storey built form outcome for the latter. The neighbouring land to the north is presently encumbered by the Design and Development Overlay – Schedule 5. The Schedule includes a series of development qualifications whereby the land to the immediate north would be confined (due to size and frontage width) to a 7.5 metre, two-storey townhouse development. While we acknowledge a suite of draft controls will be forthcoming via a formal planning scheme amendment, it is unclear whether the Draft Hightell Structure Plan seeks to carry forward the parameters of the existing Design and Development Overlay – Schedule 5 or remove them. Removal of the site area and frontage qualifications would mean the development expectations on the neighbouring land would change from two-storey townhouses to a three-storey apartment building. We fundamentally object to such a change. Recommendation: b) The land size qualifications, as drafted in the existing Design and Development Overlay – Schedule 5, be retained with respect of Precinct 2B.</td>
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<tr>
<td>Submission 4: We support the proposed VPO for the CSIRO site while recognising the proposal is to include exemptions from third party notice and review requirements in the Act, because this will facilitate the appropriate sale of the site. That said we think the wording of the justification could be simplified to say “Some of these trees were planted by the CSIRO and so are not protected by the Native Vegetation Framework.” Our focus is on the land abutting the Hightell Grassy Woodland area on the eastern side of the CSIRO site. For brevity we will call that “CSIRO east”. Our concern is that any development there should not increase shadowing of the HGW at any time of day or detract from the amenity of the HGW. The current proposals Despite helpful advice we are confused about the current proposals for CSIRO east in two respects: Firstly, p18 says Precinct 3 will include apartments in the mix. However, apartments are omitted from the description of Precinct 3 on p18. We would support large apartment buildings being excluded from land in Precinct 3 that is remote from the stations, notably CSIRO east. This would discourage the loss of sunlight to the HGW from between buildings. Secondly, p18 states rear setbacks for sites abutting the HGW (ie CSIRO east) that are less than those stated for elsewhere in Precinct 3. The general rear setbacks in Precinct 3 are the same as those stated for Precinct 5 (“the CSIRO interface”). We believe strongly that the Precinct 5 setbacks should also apply to the land on the other side of the HGW, in CSIRO east.</td>
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</table>
[We were advised that the rear setbacks shown for CSIRO east arise from a general policy in the Planning Scheme about land that has open space to the rear. We have not located that policy but it would imply that setting for the setbacks on p18 for CSIRO east should be extended to “For sites abutting the Lyle Anderson Reserve, the railway, and the Hightett Grassy Woodland.”]

Desirable built form in CSIRO east
Shadowing would be minimised and the amenity of the HGW maintained by controls that minimise building height and maximise side and rear setbacks.
We propose that the sites abutting the eastern side of the HGW should have the same controls as those on the western side (Precinct 5) that are in NR23, with the rear setbacks as stated on p18 of the draft HSP.
That would mean removing the current GZ1 zoning (plus DDO2) for these properties. We consider that to be justified in terms of Council planning policies because the properties are not at all close to the railway stations with all at least 1km on foot from Southland and over 600m from Hightett
the impact in terms of the objectives of the Bayside Housing Strategy would be minimal and, in any case, there are many other properties, outside the GR2, that are closer on foot to the Hightett station, for instance on both sides of Worthing Road. In this connection it is worth noting that the implementation of the Strategy took place with limited community input.
The Planning Scheme already includes instances where special setbacks are required on land abutting remnant vegetation. Note that these include aims to limit the impact of lighting, a feature that should be applied to all land abutting the HGW.
In addition, we understand that the land ownership on the properties between the HGW and Graham Road make it unlikely that controls more relaxed than NR23 would have any practical effect for decades.

Other built form impacts on the HGW
The controls proposed for the development of the northern portion of the CSIRO mean that there could be three-storey buildings abutting the northern edge of the HGW. While not desirable from our point of view we note that over-shadowing may be less because the sun is higher in the north. We do not oppose these controls because they are part of a package agreed to secure the future of the HGW. However, we will of course respond to plans for development in that area in due course.

Submission 6: Guiding built form - heights and types of housing in the Activity Centre should be a maximum of two storeys and the current character of Royalty, Princess and Jackson Roads should be retained. As a person who lives in Princess Avenue I cannot see how the Council can state it plans to “recognize the character of Hightett’s established residential areas and manage change in a way that responds to this character.” Three (3) story (level) buildings with no back yard does not “recognize” the existing life-style of Royalty Ave, Jackson Road, or Princess Avenue. The Council approved sub-development of the property on the corner of Graham Road and Princess Avenue, creating 2A Princess Avenue. That property has been built right up to the boundaries of the house on the corner of Graham Road and No 8 Graham Road. The space between my house and 2A is minimal. I even heard one of the workmen commenting on the lack of “breathing / playing / entertaining space” on that property.

Making the buildings "high rise" makes the area "sterile" in that people rushing from home to work have no time to get to know their neighbours. Paragraph I of Paragraph 4 on Page 5 suggesting windows should overlook pedestrian paths and open space is not a good idea. The owner / occupant of the unit will in turn have no privacy as pedestrians can see what they are doing in their units. I lived in an Apartment overseas and learnt a lot.

Submission 7: We support a number of aspects of the draft structure plan. We strongly support the rezoning of the Hightett Road properties from residential zones to the Commercial 1 Zone. The delineation of the western edge of the commercial centre by Worthing Road / Donald Street better reflects the on ground condition both on the north and south sides of Hightett Road, particularly in relation to the commercial uses currently operating at 481-485 Hightett Road. We are of the opinion that the increased residential densities surrounding the commercial strip, particularly the CSIRO redevelopment, will further support the viability of the commercial centre, creating a more integrated activity centre which provides a full range of services for the community. We also support the increase in the proposed height control in precinct 2A between Graham Road and Thistle Grove, however we are of the view precinct 2A should extend south to Hightett Grove.
including the properties at 32-34 and 36-40 Graham Road, on the basis that: 36-40 Graham Road is identified as a key development site in Figure 4, however there is no definition of a key development site in the structure plan, nor is there any uplift in development potential as a result of this designation. The key development site designation should be reflected in a four storey height control. The size, interfaces and locational attributes of 32-34 and 36-40 Graham Road are unique and distinct from the remainder of precinct 3. They cannot reasonably be described as 'residential hinterland' sites and have a much greater development potential than the remainder of precinct 3. If precinct 2A where to be extended south on the east side of Graham Road to Highett Grove, it would have a similar (albeit lesser) extent to the four storey height control proposed in precinct 4 on the CSIRO site on the western side of Graham Road.

Submission 8: There are no provisions for sustainable developments in the revised structure plan – Bayside Council took a deliberate decision several years ago to reject any requirement for sustainable developments within Bayside. This has been highly detrimental to most of Bayside, but especially areas like Highett, Hampton East and Cheltenham, where developers will use any excuse to skimp on quality and couldn’t care less about sustainability (e.g. R100 building construction, appropriate levels of insulation, access to daylight, communal open spaces etc). Beside the mandated minimum requirements for the building code of Australia and laterally the Better Apartments Design Guidelines, many other Councils within Victoria also ask developers to design their buildings to meet the requirements of BESS (Built environment sustainability scorecard). This should also be an integral part of the Bayside Panning Scheme, and yet there is no mention of sustainable development as an integral part of the planning scheme. Highett is a shining example of how NOT to plan a village. Bayside Council has failed to encourage the development of a vibrant community village with an active street front.

Submission 9: Four Storey Height Limit to Worthing Road: Having four storeys right up to the corner of Worthing Road does nothing to provide a transition to the Neighbourhood Residential Zone on the other side of Worthing and Highett Roads. Council went to great lengths to oppose the height of the development at 477-479 Highett Road and I stood side-by-side with Council’s planners at VCAT labouring this point. 477-479 Highett Road is three storeys and the same height limits should be retained to provide a gentle transition into the NRZ as Council had argued for previously. Changing it now provides a minimal net benefit overall, perhaps six more apartments could be built but the downsides are far greater.

No front setbacks: Allowing no front setbacks along Highett Road and around onto Worthing Road provides no consistency or transition into the Neighbourhood Residential Zone. Again, Council went to great lengths to maintain the setbacks of the development at 477-479 Highett Road and I stood side-by-side with Council’s planners at VCAT labouring this point. If the changes are made then the street frontage will zig-zag in and out, i.e. no set back (481-485 Highett Road) / set back with garden beds and courtyards (477-476) / no set back (477-475). Again an inconsistent approach and making a change that does not benefit or enhance the urban environment. The way the Planner explained it, with the current planning scheme any development on my property has to be set back 9m (potentially being reduced to 6m) and there will be a two-storey street front wall height on the Worthing Road frontage of 471 Worthing Road. This will result in a very odd streetscape and also impacts the development potential of my property as there will be a two-storey wall in the entire front yard. But then the documents mention a “side setback of three metres where there is an interface with land in a Neighbourhood Residential Zone” – I assume that means that with there being a NRZ on the W side of Worthing Road that this applies and so anything on Worthing Road will be set back three metres? Regardless, consideration should be given to further reducing the setback on several properties up Worthing Road to again provide a smooth transition from the corner and up Worthing Road. Having a 9m (or potentially 6m) step back to any properties will look odd and is inconsistent and unreasonable. The setback should be transitioned and some consideration giving to reducing the setback when abutting a two-storey street front.

No limit on site coverage: How does this do anything to provide a suitable living environment for anyone living in these zones? No courtyards, garden beds or anything. No ability for natural light to enter the built form or for operable windows to allow natural air circulation? Another proposed change which just seems to make the built environment worse rather than better.

Submission 11: Precinct 6 – Lane way: Has council actually taken a look at Google Earth and looked at what is currently built at the rear of the properties on the Northern Side of Bay Rd and Southern side of
Royalty Ave. Note Google images are not up to date as there are numerous new Duplex Townhouses and rear Townhouses not shown. Swimming Pools right up to the boundary. Houses that go over the proposed lane way. Houses and structures right up to the boundary. There is an easement on the Bay Rd properties, which is not allowed to be built over affecting the middle group of properties. These properties are narrow and taking land off them to put in a lane way will make them into single house blocks only and not suitable for apartments. Is the Council proposing to knock down dwellings and structures to make a laneway? fill in swimming pools? build a lane way over easements? compulsory acquire land to build the laneway?

Precinct 6 – Boundary. Should council be serious about setting up a section for apartments then looking at the narrow width of the blocks on the northern side of Bay Rd you would be aware from the building envelopes, that with the proposed 6m set backs (which I am in favour of), easements at the rear, proposed lane way, and internal requirements for stairs, hall ways etc these blocks are too narrow to hold apartments. We went to market with eight blocks and this was the clear feedback we got back from developers who undertook feasibility studies on our parcels of land. To encourage apartments then you need to increase Precinct 6 to include the properties on the southern side of Royalty Ave. With the increase of this land developers will then look to move the easement and be able to get a better yield of the site due to the depth. You could also plant in place that access is to come from Royalty Ave and that no cross overs are to occur on Bay Road. Looking at the Southern Side of Royalty Ave there is a significant amount of development activity turning these properties into new duplex properties and Council may have missed the boat on this Apartment plan for Precinct 6.

Precinct 6 – Apartment Height: Council needs to start being realistic with heights and saying to developers that they can then have 6 stories, which from the economic and planning studies we undertook makes the development feasible to developers. Eight owners tried to sell to developers who could have gone three stories through VCAT and it was not economically feasible, so I do not understand why you keep persisting with 3 stories apart to try and appease the noise of a few vocal Bayside residents. Six stories would also then fit in with the State Government plans for their land and make a lot more sense from an urban planning and land use application. Precinct 6 is close to a train station and Southland and therefore the land should be given greater height limits, especially if you can get vehicular access through Royalty Ave into any developments.

Submission 13: Visual bulk and height with three storeys high already in Highett Road why would we change to four storeys. Highett is starting to look like City of Melbourne with sky scrapers.
Land use in the Activity Centre

It is proposed to rezone a number of properties along Hightett Road from a residential zone, to a commercial zone. This would allow this area to change ever time from housing, to more shops/offices (these may also include residences above) to meet the forecast future demand. This would mean that the Hightett Road shopping strip would eventually extend to Worthing Road and Donald Street. Three strategies have been proposed to guide land use form in the Hightett Activity Centre.

Survey respondents were asked to indicate the extent to which they support or do not support each strategy.

As shown below, survey respondents indicated varying views and mixed levels of support.

Strategies proposed to guide land use (63 responses)

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Number of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Provide opportunities for increased shops and offices by expanding the Hightett shopping strip to Worthing Road and Donald Street</td>
<td>38</td>
</tr>
<tr>
<td>b) Encourage increased housing density along the Hightett Road shopping strip and close to the train station</td>
<td>30</td>
</tr>
<tr>
<td>c) Make it more attractive for people to walk from Southland to the Bayside Business District by ensuring new development has windows and balconies that look onto Bay Road, so pedestrians feel safer</td>
<td>49</td>
</tr>
</tbody>
</table>

Support: ■ Don’t support ■ Not sure/no opinion

A total of 20 survey respondents elaborated on their answer (which has been segmented by strategy/topic), as follows.

<table>
<thead>
<tr>
<th>Strategy a) Provide opportunities for increased shops and offices by expanding the Hightett shopping strip to Worthing Road and Donald Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) I believe the Hightett shopping strip should be extended down to Albert street, and extend into Albert street and Donald streets further than the current proposal - at least twice as deep.</td>
</tr>
<tr>
<td>A) the problem with the activity area is the Kingston side, not the Bayside side. Where Donald Street and Worthing Road meet Hightett Road it isn’t a true intersection (the two roads are not exactly opposite) and it’s dangerous.</td>
</tr>
<tr>
<td>a) The ship has already sailed on this proposition with brand new housing either built or being built along this section. The section should be Mixed us not commercial anyway.</td>
</tr>
<tr>
<td>a) Only support these if 3 storeys is the limit and this thinnke down policy never extends beyond Worthing/Donald</td>
</tr>
<tr>
<td>A) Very Little can survive in small business and with parking on Hightett Rd</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy b) Encourage increased housing density along the Hightett Road shopping strip and close to the train station</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Housing above shops is perfectly acceptable but the shopping strip at ground floor should be commerical only. This needs to be a separated question.</td>
</tr>
</tbody>
</table>
b) Only support these if 3 storeys is the limit and this trickle down policy never extends beyond Worthing/Donald

Strategy c) Make it more attractive for people to walk from Southland to the Bayside Business District by ensuring new development has windows and balconies that look onto Bay Road, so pedestrians feel safer

C) Bay Road is too narrow

c) I find it quite difficult to see how people can feel like walking through an attractive streetscape because of windows and balconies. All developments are behind fences that are usually high anyway so this is essentially moot. People want wide paths, good paths, planted treescapes on verges and lighting. They do not strive for looking into other peoples houses or have them looking back.

c) I have no idea where the Bayside Business District is

C) improve the lighting along the streets. Particularly Graham Rd would be great. Terribly unsafe as a female walking back from the shops/ stations from both Highett and Southland strips

C) There is plenty of roads from Southland with footpaths for walkers

With more than 22,000 vehicle movements along Bay Rd each day it is ridiculous to suggest (c) that windows and balconies on Bay Rd apartments will make pedestrian feel safer.

Comment/query

Parallel parking in Highett Road for the Highett shops is very problematic and causes lots of delays when travelling along Highett Road

why would I walk to Southland to shop when what you are saying is that all our shopping needs are to be in Highett

Improvement idea/suggestion

I walk to and from Southland for work from Graham Rd and would hugely appreciate more visibility from shops etc along Bay Rd, especially for darker evenings - Lighting under the train line bridge would also assist here and further lighting along Graham Rd which has some especially dark patches. Traffic lights needed at Graham Rd for traffic control to allow better access from new proposed houses in the Southern end of GRZ zoning.

Rather than extend strip to Worthing Road utilise the existing shopping strip to better use between railway line and Nepean Hwy.

We feel strongly that there needs to be collaboration between Bayside and Kingston Council to ensure the whole of Highett Activity Centre is working together to create continuity of workable infrastructure.

STOP CRAMMING PEOPLE IN - MOVE THEM FURTHER AWAY AS I HAVE PREVIOUSLY STATED, APARTMENTS BUILDING SHOULD BE BUILT 3 X STREETS APART FROM ONE ANOTHER TO CONTINUE THE SUBURBS CHARM AND STOP CRAMMING DOG BOXES CLOSE TO PUBLIC TRANSPORT- PEOPLE DO HAVE LEGS AND CAN WALK

Concern/unsupportive

As stated over development of Highett, no parking in Highett, Highett grid locked, Highett station full at peak times and trains full.

As long as there is enough car parking and wider road!

I think this road is already congested, there is limited parking for already existing businesses, adding more businesses will not improve either of these problems

That’s fine if you can walk or push a pram or ride your bike safely. Which you cannot do at the moment as the paths are too narrow. Shocking access under the overpass to and from Southland. New developments along bay rd have not allowed enough space. And highett road paths are also too narrow and I can’t see this changing.

There is no business case for increasing the commercial area given there are so many vacancies - if there was increased trade, there would be a case to expand the commercial zone. There has been no examination of linking the CSIRO site with the Village - I would recommend a study into the potential to link these areas. Also, lack of on-street parking and the speed of traffic travelling along Highett Road is impeding the success of strip shops.

As stated the stretch between Major St and Worthing Rd is already emerging as a residential strip with a major residential apartment complex and new townhouses cornering Donald St recently completed. Allowing businesses to now be built alongside houses demonstrates a lack of foresight in planning for this area. If Bayside Council wishes to make this change, it should have implemented it long before now.
complexes were being built and completed. Allowing business of up to four storeys in this area will negatively impact the amenity of residents through extra traffic, increase demand on parking, additional noise and overshadowing. There has been no co-ordination of the proposed structure plan with Kingston Council, resulting in Bayside Council trying to implement a proposal which lacks and perspective of the Highett commercial shopping district as a whole. Changing the residential zone to a commercial zone will also mean residents in existing residential complexes like 1 Major St where I live will have higher rates, higher insurance premiums and could face the unsavoury prospect of businesses setting up shop within the apartment complex. None of us signed up for this when we moved into the complex and bought properties and I am disappointed Bayside Council is setting to move the goal posts. I would never have moved to Highett had I been aware of Bayside Council's intention to make these changes.

In addition, four submissions presented the following comments regarding the land use in the Activity Centre.

Submission 5: I support the Land Use Plan (p.14) in principle, including the proposed rezoning from NRZ and GRZ to C1 Z. However, my support is subject to indicated potential open space (recreation and conservation) on the CSIRO site being implemented. Failure to deliver both by one or more responsible/planning authorities would negate any goodwill Highett residents may have to the Draft Highett Structure Plan updated 2018.

Submission 6: The Structure Plan (p9, Housing) states that 1197 dwellings will be needed between 2011 and 2036. It mentions Major Street and the CSIRO, but falls to mention the wider General Residential Zone, that in combination with the above, will more than likely provide excess accommodation well before 2036. I am concerned that Bayside Council is encouraging over-development of smaller sites without regard to the capacity of Highett infrastructure (eg roads) to absorb the high volumes of increased accommodation, and the negative affect to the amenity of Highett residents that is already being experienced. I would ask that Bayside council carefully consider the proposed integration of the CSIRO site with the Village of Highett. There appears to be little that links the two areas together, creating destinations rather than links. I ask that there be a place-making study that would look into the best way of linking the two areas together. This may require a small section of Graham Road becoming part of the commercial zone.

Submission 7: Commercial vs. Residential: Adding more commercial properties down Highett Road means a reduction in the residential properties that can be provided so this appears to be a driver of increasing the height limits to four storeys. Why not just stick to the current plan and not make the changes? There are commercial properties all the way down to Highett Road almost to Donald Street, why not support the development of these properties rather than doing the same on the opposite side of the road resulting in an inconsistent and ad-hoc street front? There is no allowance in any of the proposed plans to provide additional street parking for the commercial premises nor can the current roadway support it, so where are the people visiting the shops going to park their cars? Numerous studies show that people want to park near where they shop yet none of the plans give any consideration to this.

Submission 13: What sort of window screenings shall be in place to stop overlooking into low level housing on boundaries?
Walking and cycling around the Activity Centre

Additional traffic lights, pedestrian crossings and on road bike lanes are proposed within the Activity Centre.

Ten strategies have been proposed to guide the prioritising of walking and cycling around the Highett Activity Centre.

Survey respondents were asked to indicate the extent to which they support or do not support each strategy.

As shown below, survey respondents indicated **strong support** for all strategies with the exception of:

- a) Introduce raised pavements to cross Worthing Road, Donald Street, Middleton Street and Major Street to provide a level surface for pedestrians and slow traffic (moderate support)
- h) Provide on-road bicycle lanes along Bay Road, Worthing Road and Middleton Street (limited support)

### Strategies to prioritise walking and cycling (63 responses)

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Support</th>
<th>Don't support</th>
<th>Not sure/no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>d) Improve lighting, pavement surfacing and pedestrian amenity along Bay Road, Worthing Road, Highett...</td>
<td>61</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>c) Improve lighting, way finding and access to the train station from Highett Road and Train Street</td>
<td>58</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>f) Provide footpaths along Thistle Grove and Highett Grove and a new pedestrian path to Lyle Anderson...</td>
<td>53</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>b) Provide a pedestrian/cycling bridge over the railway corridor adjacent to Lyle Anderson Reserve</td>
<td>51</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>e) Provide a signalised pedestrian crossing at Bay Road/Graham Road and Bay Road near the Frankston...</td>
<td>50</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>g) Investigate pedestrian crossings to cross Graham Road to access the proposed open space on the...</td>
<td>49</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>i) Advocate for a shared pedestrian/cycling route along the Frankston train line to connect Highett to...</td>
<td>49</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>j) Provide additional bicycle parking facilities at Livingston Street community hub, Lyle Anderson...</td>
<td>46</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>a) Introduce raised pavements to cross Worthing Road, Donald Street, Middleton Street and Major Street...</td>
<td>44</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>h) Provide on-road bicycle lanes along Bay Road, Worthing Road and Middleton Street</td>
<td>34</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

Support: 0 = Not sure/no opinion, 10 = Strong support
A total of 25 survey respondents elaborated on their answer (which has been segmented by strategy/topic), as follows.

### Strategy a) Introduce raised pavements to cross Worthing Road, Donald Street, Middleton Street and Major Street to provide a level surface for pedestrians and slow traffic

A) There is already a problem at Middleton Street and Donald Street when trains make the traffic back up past those two streets.

B) Need better signage around the Higheett shops of the hidden car parking in the back streets. Most don't know they are there.

a) Vehicle claim should be done before an intersection as it. Raised pathway for pedestrians make those pedestrians step on the road without looking causing more danger.

A) I support this for all proposed streets except Worthing road given the importance of Worthing road as a traffic route.

### Strategy b) Provide a pedestrian/cycling bridge over the railway corridor adjacent to Lyle Anderson Reserve

b) This against everyone else's options and costs more and takes up more space. Kingston's view is a tunnel underneath as is the state governments as part of the Gas and Fuel project. Bayside is out of step here.

B) I believe this would encourage unsocial activity in the Lyle Anderson reserve at night and reduce the safety and amenity of the area. Further, I believe it may encourage foot traffic from the proposed residential developments on the former gasworks site to bypass the Higheett shopping village and utilise the reserve instead of other nearby reserves. I believe Lyle Anderson reserve cannot sustain the potential foot traffic that may flow - but there should be something done about a crossing over the railway line to encourage commercial development and growth of the Higheett bowls club.

### Strategy c) Improve lighting, way finding and access to the train station from Higheett Road and Train Street

Also, viaduct/underpass needed to access train station, not an overpass which are difficult for elderly & mobility impaired people to use.

### Strategy d) Improve lighting, pavement surfacing and pedestrian amenity along Bay Road, Worthing Road, Higheett Road, Train Street, Middleton Street, Graham Road and the pedestrian link along the railway line

D) Improved lighting in Major St, Higheett, Not safe at night time.

D) Please please – so long overduel

D) Please remove the current areas of car parking along Graham rd to improve traffic flow and make safer for all.

### Strategy e) Provide a signalised pedestrian crossing at Bay Road/Graham Road and Bay Road near the Frankston train line

E) Traffic lights at the Bay Rd, Graham rd intersection is imperative to improving the experience of motorists, cyclists, pedestrians and those who use the buses in this area. It is a deeply neglected area by Vic Roads and is responsible for so many accidents near and otherwise.

E) I support traffic lights on Bay Rd at Graham Rd (but not pedestrian lights at the railway bridge). (h) Bay Rd is too dangerous for cycling.

E) Yes to Graham and Bay but not to Bay rd railway line. Again, Bayside is out of step here with all other parties, this should be a bridge over pay road to link the pathways. A new crossing here is 135 metres from an existing one and is both lazy and dangerous as well as going nowhere as there is a hill in the location

E) I support the Graham road proposal, but not the train line proposal UNLESS it includes relocating the existing pedestrian crossing signals located on bay road near the train line. There are too many traffic lights in the immediate vicinity of the train line on bay road to sustain more lights.

E) pedestrian crossing at Aldi, bay road? needed

A pedestrian crossing near Aldi on Bay Road. There is very little pedestrian access to this store.

Pedestrian crossing outside Aldi on bay rd needed.

Not enough pedestrian crossings on Bay Road south of Middleton Street. This is a major problem for people accessing Aldi supermarket and the nature reserves adjacent Sandringham Secondary College

We need a pedestrian crossing on Bay Rd near Avoca st
Strategy f) Provide footpaths along Thistle Grove and Highett Grove and a new pedestrian path to Lyle Anderson Reserve through the redevelopment of 36 Graham Road

f) Highett Grove already has footpaths. Thistle requires the rest of the road to be footpath paved so I agree with this part. A development at 36 Graham oad is a business proposition and forcing a developer to do this could make it difficult on the developer who MAY want to do this anyway as this would be a logical think to do for the benefit of the residents. Further, Thistle Grove is only 125 metres away and Highett Grove only 100 metres away. At some stage, people need to WALK for 1 minute so this is simply lazy planning in my mind.

Strategy g) Investigate pedestrian crossings to cross Graham Road (to access the proposed open space on the CSIRO site) and Highett Road at Worthing Road (to access Livingston Street community hub)

G) Worthing Road is already dangerous with car parking allowed on both sides. Sometimes driving from Donald Street to Worthing Road is dangerous because you can’t safely clear the intersection due to unseen congestion on Worthing Road.

G) I support the graham road proposal but not the Worthing road proposal - there is already a pedestrian crossing located sufficiently close to Worthing road (at the retail centre).

g) unnecessary spend, plenty of areas for people to cross.

Strategy h) Provide on-road bicycle lanes along Bay Road, Worthing Road and Middleton Street

h) Bay road is far too dangerous and not possible and council knows this. Middleton and Worthing are both too narrow to provide these things

h) Bay Road and Worthing Road are key vehicle traffic routes and are unable to sustain a permanent bicycle lane. alternative cycling paths should be investigated. opportunities do exist

h) would need to do something about on-street parking first as it is a nightmare driving along Worthing Road with the cars parked there using the Livingstone area, new residents in apartments and buses use it too

h) integrated bicycle lane must include Highett Road. Increased parking for Livingstone Hub - suggest council buy land to provide extra parking for the community centre. Many Highett residents have mobility issues or live too far away to walk to this centre

h) Not enough 100m for bikes + cars

H) not sure about bike lanes on Middleton St, road is quite narrow when cars are parked, may need to remove car parking requirements to create bike lanes.

The roads are too narrow to have cyclists on them. Should cyclist use roads they must be licensed and contribute to TAC.

There is absolutely no room on Middleton Street for a bike lane. It is dangerous enough already. The parking is atrocious.

Re cycling - have heard all this at many consultation meetings and so far zero action. Cycling infrastructure in Bayside is abysmal with potholes along most cycling areas in many streets making for dangerous cycling. This is ‘pie in the sky’ stuff and will be years in the making.’

Of course I support most of these strategies but good luck getting bike lanes on Bay Rd. You really shouldn’t build people’s hopes up and provide these aspirational strategies that will never happen. I would prefer you focused on what is currently happening in our area and stopping some of this over development on Bay Rd and highett Rd. Paths are too narrow, Bay rd is getting busier and busier.

Strategy i) Advocate for a shared pedestrian/cycling route along the Frankston train line to connect Hightett to Cheltenham

i) I agree with having the path, but I disagree with councils location of this on the BAYSIDE side. All other parties agree with this proposition but on the KINGSTON side. Council is out of step here.

Strategy j) Provide additional bicycle parking facilities at Livingston Street community hub, Lyle Anderson Reserve and Highett Station

j) and Southland.

Improvement idea/suggestion

I really support the removal of the 2 level crossings - they are causing significant traffic delays these days and can have traffic banked right back to the Nepean Highway.
If we provide bike lanes on Worthing, Middleton ETC with cars parked both sides allow 1 meter for vehicle to pass bikes we shall not be allowing cars from both directions to pass.

Shared pedestrian/cycling routes should be one or the other not both.

Speed humps or something similar to slow traffic down on Graham Rd, especially the section from Woolworths to the bend at the CSIRO entrance. Also from the other direction to the bend at CSIRO entrance, would benefit from a speed hump or similar.

There is already severe congestion near the Livingston Street community hub and very limited management of parking. In particular, there is now a very dangerous intersection at Wolseley & Worthing Road where cars park right up to and on the very corner of the road thus hampering both visibility and the ability to manoeuvre down Wolseley Road. With more 3 story buildings along Worthing Road, this is likely to become much worse and impact other streets nearby such as Monamie Avenue. My suggestion is that traffic calming (speed humps, 40 km limits and much tighter restrictions on parking along Worthing and all roads nearby) be imposed to ensure roads are safe and passable.

To improve safety in the area it is strongly advised to make the following changes to Graham Rd: remove all on road parking along the length of the road, raised pedestrian crossing/speed humps at intervals to reduce traffic speed along the road, increase the size of the sensor/signalled pedestrian crossing/car turning intersection at Bay Rd to go from Graham Rd to Chandler St so a clear way is formed upon signalling for buses to turn into Graham Rd and cars to turn right from Graham into Bay.

**Concern/unsupportive**

And what is with the "laneway" through my backyard? I do not support that.

In addition, seven submissions presented the following comments regarding walking and cycling around the Activity Centre.

**Submission 3**: P23 shared path on HGW and across CSIRO - challenge the text: insert "perhaps" or add other options eg HGW to be decided in relation to significant vegetation

**Submission 4**: Protection of the HGW's vegetation and the provision of 24/7 access may not prove to be compatible. With this reservation we believe the proposed shared paths on p22 should be realigned to show a route through the HGW from the south-east corner that avoids the established important ground-level native vegetation around the eastern boundary. Accordingly, the wording on p23 should be less specific about the alignment of paths through the CSIRO site. Including the word "perhaps" might do it. [The Council has a draft report from Ecology Australia with more appropriate indications for the HGW and the Cardno Traffic and Transport report mentions the existing CSIRO access from the west opposite Clonmount Avenue that would, if carefully related to the trees, be acceptable to us.]

**Submission 5**: A number of concerns emerge from the Built Form Plan (p. 17) and in particular the Access and Movement Plan (p. 22). Subject to potential open space utilisation, connection with existing open space appears to be minimal and contrary to community cohesiveness. For instance one of two CSIRO emergency access/egress sites at 8 Middleton Street has been blocked off by Bay Road development and sold denying access to the southern proposed conservation area. 32 Middleton Street still marked as an emergency access/egress site may be the beginning of a shared path as indicated on page 22, but is it? Will Bayside purchase whatever property is needed to connect the proposed shared path? The access and movement plan suggests, without direct access from a road, the conservation area will be out of sight and out of mind from a community with minimal open space in an increased density area. Furthermore, will Bayside purchase whatever property is needed to provide a shared path south of the maximum 5 storey area, again dependent on access to Middleton Street? Lastly, the shared path indicated on page 22 between Graham Road and the existing open space (Lyle Anderson Reserve) looks like an easement currently within the Clear Edge Filtration (Australia) Pty Ltd, 36-40 Graham Road site. How is this to be achieved? Enhancement of pedestrian experience is proposed in Train Street. So hopefully it will not take Bayside 20 years to unlock the playground at the northern end. Increased density to date around the Highett railway station, particularly along Highett Road, has significantly increased the risks to pedestrians, which should be
addressed sooner rather than later. Pedestrian road markings consistent with the Draft Higlett Structure Plan updated 2018 should be made immediately before a pedestrian is seriously injured by drivers ignoring pedestrians before reaching the existing road (stop) markings. Altered pedestrian/vehicle road markings should be made at Higlett Road intersections at Donald Street, Worthing Road and Major Street. Indicative markings are clearly visible at the intersection Train Street and Higlett Road.

Submission 6: Support for all strategies to prioritise walking and cycling in the Higlett area. I have agreed with all comments on page 9. I suggest that Australia look at the way The Netherlands handles bicycles traffic.

Submission 7: The structure plan also retains reference to the public open space link between Graham Road and Lyle Anderson Reserve. Whilst we are in principle supportive of a link, further discussion is required in respect to the mechanism for delivery of the link. At this time we do not accept the transfer of the link to Council as part of the public open space contribution. We would also challenge the basis for Council seeking to negotiate public open space contributions in excess of the planning scheme requirement. The structure plan should also acknowledge works are required to Lyle Anderson Reserve to connect any pedestrian link to existing pedestrian paths in the reserve.

Submission 8: I support most of the suggested survey measures, especially the need for cycling lanes along Worthing Road, Middleton Street and Bay Road. However, the lack of provision of a cycling lane along Higlett Road is a glaring omission. How will cyclists safety travel between these roads? This is not an integrated cycling policy if it doesn’t include Higlett Road. Footpaths in and around Higlett are generally in poor condition. The footpaths along the shopping strip in the village are in especially poor condition, and some are too narrow for intended purpose. The focus on accommodating cars by widening the roadway, rather than provisions for pedestrians or cyclists has been detrimental to the village. I would add that given the speed of traffic along Higlett Road, it is too dangerous for most residents to walk into the village and safely cross the road anywhere between Train Street and Spring Street. This includes residents on the southern side of Higlett road that wish to use the community centre, which is why there is an urgent need for extra on-street parking in this precinct. I would ask that Council consider expanding parking by buying land opposite the Livingstone Street community Hub, reducing the road speed and installing a pedestrian crossing that will enable this to become a safe option for children and the elderly. Also, if the weather is too hot, windy or wet, it is unrealistic for residents to walk more than 400m. It is also unrealistic to believe that passing trade for the cafés or blade shop etc., will park in Woolworths underground car park.

Submission 15: I manage a disability focussed business at shop 4, 487 Higlett Road and we work as support coordinators under the NDIS. We would like to express our support to increase parking and slow the speed limit out the front of our shop for safety reasons and to increase foot traffic and business visibility from the car.
Using public transport in the Activity Centre

Five strategies have been proposed to improve and integrate public transport in the Highett Activity Centre.

Survey respondents were asked to indicate the extent to which they support or do not support each strategy.

As shown below, survey respondents indicated **strong support** for the strategies with the exception of:

- d) Advocate for higher priority for buses on the surrounding road network (moderate support)

### Strategies to improve and integrate public transport (63 responses)

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Support</th>
<th>Don't Support</th>
<th>Not sure/no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Advocate for the removal of level crossings at Highett and Wickham Roads to improve intersection safety and transport efficiencies</td>
<td>58</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>e) Upgrade and integrate public transport infrastructure on Highett Road to improve the arrival experience to Highett Activity Centre</td>
<td>57</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>c) Advocate for improved access to bus stops within the Activity Centre</td>
<td>48</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>b) Advocate for an improved level of service of buses to every 10 minutes during peak times</td>
<td>42</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>d) Advocate for higher priority for buses on the surrounding road network</td>
<td>38</td>
<td>13</td>
<td></td>
</tr>
</tbody>
</table>

A total of 22 survey respondents elaborated on their answer (which has been segmented by strategy/topic), as follows.

**Strategy a) Advocate for the removal of level crossings at Highett and Wickham Roads to improve intersection safety and transport efficiencies**

A) I would need to see what you propose here to state my opinion.

a) Level Crossing removals would be great, but only if the train line can go underground, no overhead train lines.

a) not SkyRail, existing grades support rail under road, if the Government wants to put more people in the area then do the infrastructure upgrades properly to support it.

For (a), I would ONLY support the level crossing removals if the train lines were moved underground (as opposed to being put above the roads).

In regards to the Highett and Wickham Road rail crossing removal these would need to UNDER ROAD grade separation NOT A SKY RAIL. The Wickman rail crossing needs to be upgrade in the very short term as the pavement to rail differance is very poor and is a hazard.
Level crossing in the Highton area will never happen while there is a Liberal in this seat or a Labor government in Spring Street.

Removal of level crossings is desirable but to ensure the traffic speed doesn’t increase, I’d like to see a restriction to 50 km on Wickham Road.

The level crossing at Highton Rd causes constant traffic jams with boom gates often down for considerable amounts of time when two trains are crossing. It also creates a barrier for the entire Highton Rd strip, reducing any feel of integration or "flow" along the strip.

Unrealistic to include the removal of level crossings given the State Government assessed both these intersections to be non-urgent.

**Strategy b) Advocate for an improved level of service of buses to every 10 minutes during peak times**

b) I am FOR this, but only on condition that patronage warrants this.

b) I will only support this if Ventura teach their drivers to stick to the road rules, that they start having their drivers exchange at their depot rather than along Graham rd where it causes terrible congestion due to the current car parking allowed.

b) Maybe mini buses for school Kids but not enough around for extra buses.

B) Some people who are responsible for this vision should get in and drive a heavy vehicle and see how hard it is getting thru traffic EG Worthing Rd Middleton St Ronald ST Highton Rd with cars parked both sides road.

B) Would be nice to have a bus that goes from Highton road directly to Sandringham station too.

**Strategy c) Advocate for improved access to bus stops within the Activity Centre**

c) Too late now Woolworths is here. The bus stop issue needed to be resolved before the building of the supermarket and would have been best to make a bus stop under the supermarket to reduce traffic.

c) The increase in bus stops in the activity centre firstly decreases traffic flow and secondly prevents walking past shops that could do with additional patronage.

c) The bus stop in front of Woolworths can be over crowded and difficult to navigate around as a pedestrian. Sometimes rubbish is scattered there.

Both bus stops are awful, and require urgent upgrades.

The bus stop at woolworths is terrible and the flow pedestrian traffic from station to bus stop is unsafe.

The bus stop near the station is dangerous for both passengers, pedestrians and drivers. The footpaths either side of the rail crossing are also extremely narrow and the incline on the station side inhibits access for the elderly and disabled.

**Strategy d) Advocate for higher priority for buses on the surrounding road network**

d) The only way you can possibly hope to give the buses more priority is if you put in all the proposed traffic lights and find a way for the buses to sidestep the intersection all Highton rd and Graham rd so they are not having to get across two lanes to turn right. I won’t support more buses or priority for buses until VicRoads improves the driving experience for all.

d) Buses already have right of way access. Local streets and local major streets are NOT generally suitable for making buses a priority and as the bus numbers are LOW in comparison to other areas this is moot.

d) Only on the Nepean Highway - Too congesting.

**Strategy e) Upgrade and integrate public transport infrastructure on Highton Road to improve the arrival experience to Highton Activity Centre**

e) Open up Highton station building so there is some protection/cover when travelling in cold weather.

e) A decent bus shelter, with more seats, outside Woolworths would be desirable. The rain soaks everyone when it rains and sitting there in the hot afternoon sun waiting for a bus is most unpleasant. That area has been poorly planned.

I’m not sure what e) means, I am also not generally a user of bus services.

**Comment/query**

This transport plan needs to happen before the housing development - not 20 years in the future!

All conditions depend on road conditions and bus stop pockets

**Improvement idea/suggestion**

Advocate for limited express train services from Highton to the city in peak times - it is an incredibly slow journey now the Frankston trains stop ALL stations from Caulfield to the city
I believe care needs to be given to how the roads are designed - including spacing and provision for bus stopping with allowance for overtaking. Also the 40 limit on Hightett road is not visible and not enforced, as it is in Hampton street. Electronic signage would help.

In addition, three submissions presented the following comments regarding using public transport in the Activity Centre.

**Submission 6:** Items b, c, d, and e have my support. But we do need to *teach / encourage* people to use public transport and stop relying on their cars for short distance journeys.

Supplying public transport (i.e. train and bus services is very important) as is Pedestrian and cycle access. Access to public transport was one of the reasons we moved to Hightett. Page 10 Using public transport in the Hightett Activity Centre. A Level crossing removals. Yes a must do, but the way in which this is done has to be carefully considered. The buildings on the Bayside Council side of Hightett Road and the corner of Graham / Hightett Roads are far too close to the train lines. Why? / how did these applications get passed by Council. Surely digging below the train lines will affect foundations, and if the train line is raised the trains will be too close to these buildings. That is the same as the buildings that have been constructed near Cheltenham station.

Today's society will need to be educated to use public transport and car sellers will need to be trained to accept less sales and stop marking down prices to sell more cars. Hightett train station parking will definitely need to be made much larger. This will mean buildings in the area, some recently constructed will need to be pulled down. THINK B4 U LEAPT Old fashioned saying! Please do not rush into overdevelopment of this area.

**Submission 8:** Both bus stops are a disgrace. The bus stop (south side) outside Woolworths is a filthy mess that lacks basic shelter and only acquired a seat after community pressure. This bus stop provides the connection between the train and busses to other areas throughout Bayside and is in need of a link between the Frankston and Sandringham rail lines. The bus stop on the southern side of Hightett Road is an afterthought and needs to either be relocated, or (in conjunction with Woolworths), the ugly and intrusive façade of the building that encroaches on what should have been a public space requires remedial action. At peak times, the footpath can become dangerously full. The confusion of buses stopping, and traffic speeding to beat lights (and get into the shopping centre before the bus departs) is a recipe for disaster. This has been a poor planning outcome from the start. The bus timetable is woeful with limited hours and inadequate frequency of service the main deterrent for popular use. A mini-bus shuttle service between the two rail lines along Hightett, Wickham, Bay & South roads may be worth investigating.

**Submission 9:** No infrastructure improvements. The State Government and Council want to put more people into this area, yet no-one is making any improvements to the infrastructure that is supposed to be one of the supporting reasons for the development to occur. All feedback from the State Government and Council around level crossing removal at both Hightett and Wickham Roads is that it is not a priority, it is not on the list and it won’t be considered in the near term. The natural land grades and examples of what has been done for Bentleigh etc. clearly show what needs to be done at both Hightett and Wickham Road level crossings. Surely Council has some 'leverage' with the State Government to argue that we cannot accommodate more people in the area without matching improvements in infrastructure? Regardless of whether the level crossings are removed there needs to be improvements to the train tables at both Hightett and Southland Stations. Currently express trains to the city run express from Cheltenham to Moorabbin and then express to the CBD, and express trains from the city do the opposite, bypassing Hightett and Southland Stations. This makes no sense when Moorabbin Station and Southland are both public transport hubs, city-bound trains should stop at all stations to Moorabbin and then run express to the city, outbound trains should run express to Moorabbin and then stop all stations from there onwards. Again, any feedback falls on deaf ears and no-one is prepared to provide an explanation as to why the timetable is what it is and why it cannot be changed.
Car traffic and parking in the Activity Centre

Nine strategies have been proposed to ensure safe and efficient car/vehicle movement throughout the Highett Activity Centre.

Survey respondents were asked to indicate the extent to which they support or do not support each strategy.

As shown below, survey respondents indicated **strong support** for all strategies with the exception of:

- f) Improve safety and amenity along Graham Road by indenting existing car parking north of Thistle Grove, and installing speed cushions and kerb outstands to reduce traffic speeds (moderate support)
- c) Advocate for single traffic lanes to be formalised on Bay Road between Jack Road and Frankston railway line (moderate support)
- b) Advocate for traffic lights at the Bay Road/Jack Road intersection (some support)

**Strategies for safe and efficient car/vehicle movement (63 responses)**

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Support</th>
<th>Don't support</th>
<th>Not sure/no opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Ensure new developments provide the required number of car parking</td>
<td>58</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>spaces under the Bayside...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Upgrade Graham Road in local and state government documents, to</td>
<td>62</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>reflect that it is a street that connects...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Advocate for traffic lights at Bay Road/Graham Road</td>
<td>49</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>intersection</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>g) Require properties along Bay Road to provide a rear</td>
<td>48</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>laneway with car access (as part of any residential...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Investigate the feasibility of requiring new developments to provide</td>
<td>46</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Green Travel plans for...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Provide two vehicular access points to the CSIRO site, one from</td>
<td>45</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Graham Road and one from Middleton...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Improve safety and amenity along Graham Road by indenting existing</td>
<td>39</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>car parking north of Thistle Grove...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Advocate for single traffic lanes to be formalised on Bay Road</td>
<td>34</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>between Jack Road and Frankston railway...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Advocate for traffic lights at the Bay Road/Jack Road intersection</td>
<td>34</td>
<td>12</td>
<td></td>
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</tbody>
</table>

0 10 20 30 40 50 60 70
A total of 26 survey respondents elaborated on their answer (which has been segmented by strategy/topic), as follows.

<table>
<thead>
<tr>
<th>Strategy a) Advocate for traffic lights at Bay Road/Graham Road intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Close to Bay Rd/Reserve Rd lights</td>
</tr>
<tr>
<td>VicRoads is unlikely to allow both a) and b). In my view a) has a substantial priority over b).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy b) Advocate for traffic lights at the Bay Road/Jack Road intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Absolutely not. Graham road is the priority here and VicRoads will NOT allow 2 sets of lights 117 metres apart. There is a reason the lights were put in at the Bay Road shops in 1988 instead of on the Jack Road intersection and that remains. These lights NEED to stay where they are and as pedestrian lights only. Lights on Jack will make this a worse road than it already is and council is already aware that in its planning scheme at 21.11-9 in 2013 council admitted Jack road was NEAR capacity and that was before Mirvac opened.</td>
</tr>
<tr>
<td>h) I said no but only because this is already a general requirement anyway.</td>
</tr>
<tr>
<td>b) Jack Road crossing is too close to Graham Road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy c) Advocate for single traffic lanes to be formalised on Bay Road between Jack Road and Frankston railway line</th>
</tr>
</thead>
<tbody>
<tr>
<td>C) this is already in place, but no one obeys it, needs to be clarified and enforced somehow.</td>
</tr>
<tr>
<td>l) needs to have the option to provide alternatives instead such as share car facilities, bicycles lock ups and doorstep public transport.</td>
</tr>
<tr>
<td>(c) Single traffic lanes would add congestion</td>
</tr>
<tr>
<td>c) Whilst I AGREE that this needs rectification, stating a SINGLE LANE is in advance of VicRoads looking at the section. It MAY suggest 2 lanes.</td>
</tr>
<tr>
<td>C) Bay Road is too busy to become single lane.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy d) Provide two vehicular access points to the CSIRO site, one from Graham Road and one from Middleton Street, to distribute generated traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>d) A further vehicular access point to the CSIRO site would be beneficial, making it 3.</td>
</tr>
<tr>
<td>D) Broadly support but depends on where the access point on Middleton St would be</td>
</tr>
<tr>
<td>In relation to d - no vehicular access from Middleton street. The street is already suffering from high traffic flow and disregard for no right turn into and out of bay road. Middleton street cannot facilitate additional traffic which would be encouraged by the access point to CSIRO development,</td>
</tr>
<tr>
<td>Item d) depends entirely on the layout and circulation within the CSIRO site, so it is too early to say on this.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy e) Upgrade Graham Road in local and state government documents, to reflect that it is a street that connects Highton Road and Bay Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>E) Graham road width is insufficient for current traffic flow between Hightett road and bay road, and should not be further embelished as a link between the two.</td>
</tr>
<tr>
<td>Graham Road car parking indenting north of Thistle Grove should be undertaking, but installing speed restrictions only transfers and/or exacerbates a new problem in Beaumaris Parade which also connects Hightett Road and Bay Road</td>
</tr>
<tr>
<td>If Graham Road cannot support all the predicted traffic from the CSIRO site, then the site is being over-developed. Hightett only has narrow side streets and development should be accommodated to not exceed capacity to support this traffic.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy f) Improve safety and amenity along Graham Road by indenting existing car parking north of Thistle Grove, and installing speed cushions and kerb outstands to reduce traffic speeds</th>
</tr>
</thead>
<tbody>
<tr>
<td>f) I AGREE with most of this statement however buses require SPECIFIC speed hump design which needs to be taken into account.</td>
</tr>
<tr>
<td>f) and remove all other existing car parking.</td>
</tr>
<tr>
<td>F) I support the indentation of parking but do not support the installation of speed cushions or curb outstands.</td>
</tr>
</tbody>
</table>
Strategy f - support speed cushions, but not kerb outstands (See Wilson St, Cheltenham, for how inefficient a strategy like this can be, actually blocking flow of traffic at peak times)

Strategy g) Require properties along Bay Road to provide a rear laneway with car access (as part of any residential redevelopment) to minimise the number of cars directly accessing Bay Road

g) No. This is not necessary and VicRoads do NOT require it. VicRoads do NOT require the removal of crossovers from Bay road or any other road.

G) where would the rear access come from? What street?

G) whilst the aim is good, I believe the proposed solution is not optimal. Instead, it could be encouraged to make use of common driveways on bay road, and consolidation of lots.

Strategy h) Investigate the feasibility of requiring new developments to provide Green Travel plans for alternative transport options in the area

H) I believe this is a state government responsibility, unless the council wants to start funding the train line.

I have no idea what h) means - it sounds like marketing spin as residents will make their own decisions independent of any developer’s suggestions.

Green Travel plans have not adequately been explained, and must not be an excuse for developers to reduce parking requirements.

Strategy i) Ensure new developments provide the required number of car parking spaces under the Bayside Planning Scheme

I) There should be 2 car spaces for each unit in these multi storey developments plus some extra for visitors.

i) Raise parking space requirements from 1960’s ‘one car per household’ to reflect 2018 realities of ‘up to 4 cars per household’.

I) or alternative transportation including share car provision and bicycle parking plus easy access to PT

I) this is currently not happening

(i) Every Development Should provide 2 car spaces for any unit, town house, even if 1 bedroom and be used by tenants as they are too lazy to open electronic gates because they say it takes approx 10min open gates, close gates, try to get on main rd

Strategy i - Also require new developments to allow visitor parking and options for residents to have additional parking spaces for bikes, cars and trailers.

All new apartments should have dedicated car parking.

Car parking spaces are a must when developments are created. Each apartment must have at least one space provided. I do not support lane ways at back of properties.

ALL NEW DEVELOPMENTS MUST CONTAIN 2 X GARAGE CAR PARKS, DO NOT TRY TO STEAL LAND FROM PEOPLE TO PUT IN A LANEWAY BECAUSE THE DEVELOPERS DIDN’T PROVIDE ENOUGH CAR PARKING WHEN THEY BUILT THEIR UGLY SUBURB SOUL DESTROYING APARTMENT BLOCKS

Comment/query

IT IS ALREADY HARD ENOUGH TO MOVE AROUND WITHOUT MORE TRAFFIC LIGHTS

Improvement idea/suggestion

Make more parking available at the train station and surrounding area

Stop cars parking along Graham Rd, near safeway- as is bottle neck during high traffic times, dangerous area when driving & cars not giving way due to parked car congestion

The Bay Rd end of Middleton Street still needs investigating. The new no right hand turn from Bay is not working as the island has not been built wide enough to prevent turning and the signage is virtually impossible to see.

There are no disabled car-parks along Highett Road. On-street parking is vital for passing trade of strip shops. Reintroducing street parking and narrowing Highett Road, would slow traffic and match the Kingston side of Highett village. Creating exit point into Middleton Street from the CSIRO site would create rat runs of Middleton, Donald, James Avenue, Albert Road, Clowye Street etc. This would be disastrous for these side streets.

Crossing Bay Street near Aldi supermarket is very dangerous - it would be great to have a pedestrian crossing introduced

Although outside the area being discussed, I propose the Council advocate to Vic Roads for more signalised access along Bay road eg. Tiboobrney road, as there is currently no safe pedestrian route across to the...
supermarket. As an individual, they have ignored all my requests for information about this. As a council, you should have more luck.

Re the traffic: There is a need slow traffic movement (for safety reasons) from Worthing Road/Highett Rd intersection to the existing railway crossing. Vehicles already speed through this section of road attempting to "beat the traffic lights" at Train St intersection lights and railway crossing boomgates.

In addition, six submissions presented the following comments regarding car traffic and parking in the Activity Centre.

Submission 3: p24 left-hand only turns at Middleton/Bay subject to current consultation by Vic Roads. "Provide two vehicular access points to the CSIRO site from Graham Road and Middleton Street to distribute generated traffic" - ambiguous: remove "two" so it does not mean four access points.

Submission 5: Recent road works at the Middleton Street and Bay Road intersection (included in the Draft Highett Structure Plan updated 2018) attempt to prevent right hand turns from Bay Road into Middleton Street, but despite two signs in Bay Road, not always successfully. Why right hand turns from Middleton Street to Bay Road should be allowed by the recent road works remains a mystery if minimisation of risk is considered when entering a major road.

Submission 6: Graham Road is a real hazard. When buses change drivers the new driver parks his / her car on Graham Road near the bus stop which is located closest to Bay Road. A car heading towards Bay Road, cannot see "over/past" the bus or traffic heading from Bay Road towards the Highett Railway. Jackson Road too is a "hazard" when one is doing the same thing. The roads are too narrow and with cars parked on these two roads even now, before the Council's "overdevelopment" occurs, one has to be extra careful, because there are "hoons" drivers around.

Page 11. Items 12 and 13. Car traffic and parking in the Highett Activity Centre, a to e, I am supporting. But comment on the other points set out below. f) Speed cushions do not necessarily reduce traffic speeds, particularly late at night when "hoons" decide to "have fun". g) Rear laneaway access? Sorry this does not make sense. Where / how do properties built on Bay Road get "rear access". Which road / properties will be affected by this ??? h) No developer will be interested in providing "Green Travel Plans". All developers want is money in their / its pocket. i) The increase in cars / car parking availability with new developments will cause people to buy yet more cars and increase travel congestion.

Submission 8: Whilst it makes a neater picture of the zone maps, I fail to understand the planning justifications in the rezoning of the area between Major Street and Worthing Road to encourage further commercial activity given the chronic traffic management issues created by lack of on-street parking, pedestrian friendly walkways, speed and the chaotic treatment of Highett Road traffic. Travelling West to East along Highett Road from Worthing Road and Major Street, two lanes become three, then four lanes, then three lanes once again, then two lanes when crossing into Kingston – this is all within the space of approx. two hundred metres. It is ironic that Bayside Council would advocate for the formalisation of single traffic lanes along Bay Road, but have butchered the minor Highett Road into three and four lanes. The introduction of this road treatment is a direct contradiction of the Vision Statement for Highett. The installation of two traffic lights combined with the rail crossing encourage speeding traffic (trying to beat lights). The constant widening and narrowing of the road to ensure cars have no impediment, make it too easy for cars to use this area as a roadway rather than pedestrians or cyclists. Car movement should be secondary to pedestrians and cyclists.

Interaction of traffic management is impacting on residents' amenity and the financial viability of retail units along this strip. Pedestrian safety and interaction has been secondary to servicing the needs of Woolworths as a "destination", rather than an integral part of the shopping strip.

I would ask that Bayside Council consider the re-introduction of street parking along both sides of...
the shopping strips as way of slowing traffic and revitalising passing trade for the shops.
Also, I am deeply concerned that the suggestions of a requirement for new developments to provide Green Travel plans for alternative transport options is another way of reducing parking requirements for new developments. "Green Travel" needs a full explanation to ensure that it is not simply a method to avoid providing adequate car parking for new residents.

| Submission 9: Car Parking | It is currently too easy for any developer to get parking concessions to provide less carparks than necessary. Car parking as part of developments needs to be mandated so that the cars don’t spill out onto the surrounding streets as is already the case in Major Street and Worthing Road. Make changes to car parking that support the people already living in the area and carefully consider the impacts of the changes that are made. Recent changes in Worthing Road have made navigating the road more difficult, often resulting in gridlock when cars bank up down Highett Road towards Bay Road because of the level crossing and then that spills back into Worthing Road as the parking areas are too close to the corner of Worthing and Highett Roads. Buses also use Worthing Road and having the parking areas so close does nothing to allow them ease of access. |
| Submission 13: Parking | Donald Street already has cars parked in street all day, night and weekend from units built in Highett Road. If going commercial, where are vehicles going to park from Train Street to Donald Street, approximately six parking spots only. Plus no standing in Highett Road to Spring Road, limited parking between Train Street and Highett railway station. |
Main streets, public spaces and parks in Hightett

Improving the appearance and function of Hightett Road

A single strategy has been proposed to improve the appearance and pedestrian experience of Hightett Road by installing consistent paving, street tree planting and street furniture.

Survey respondents were asked to indicate the extent to which they support or do not support this strategy.

As shown below, survey respondents indicated **strong support** for the strategy to improve the appearance and function of Hightett Road.

### Strategy to improve the appearance and function of Hightett Road (62 responses)

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>Don't support</td>
<td>Not sure/no opinion</td>
</tr>
</tbody>
</table>

A total of **21 respondents** elaborated on their answer (which has been segmented by strategy/topic), as follows.

<table>
<thead>
<tr>
<th><strong>Street tree planting</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy planting should continue down to spring road to provide a consistent feel. Garden beds should also be established on hightett road and maintained, to provide colour and a local community feel. This used to be in place at the train station, library, and outside some commercial premises but has been removed progressively over time, resulting in a less friendly feel and a more built-up feeling.</td>
</tr>
<tr>
<td>More greenery please</td>
</tr>
<tr>
<td>Sizeable trees (large enough to already provide adequate shade) are urgently required in the village of Hightett. Large canopy trees have been ripped out and nothing has replaced them. These trees must be attractive to native birds and must be capable of growing large enough to provide both shade for residents and buildings as well as provide shelter and food for native wildlife.</td>
</tr>
<tr>
<td>The tree planting needs to not affect the current layout ie not take away from current cafe use of the street. Also furniture should be made the responsibility of the cafes etc to avoid less of the graffiti options but council could have better control of it for example styles and colours to choose from for consistency.</td>
</tr>
<tr>
<td>There needs to be way more trees planted in Hightett- there are too many developments filling the entire block with building and no trees/greenery being put back in, you are thinking about accommodation for all these new people but not healthy oxygenated air!</td>
</tr>
<tr>
<td>Trees have been taken for all highrise buildings etc</td>
</tr>
</tbody>
</table>
We need big native trees to be planted as we as others trees.

**Street furniture**

A) street furniture needs to be in the form of the council encouraging the granting of cafe external seating to a certain approved style rather than permanent fixed seating.

**Support**

YES PLEASE

**Comment/query**

I do not want ANY park area to be fenced. Ratepayers pay for these parks and must be at liberty to access at any time.

good luck with this one. Nothing has happened in the 12 years since we’ve been here

recent street furniture very good- station & library

A beautiful gum tree near my property (1 Major St) was recently chopped down which was unfortunate given Hightett Rd lacks any vegetation of substantial of visual appeal.

**improvement idea/suggestion**

Also needs to increase set backs to allow more space for trees and pedestrians.

And Christmas decorations funded by BOTH councils

Also ensure adequate space be left between shops and seating areas for two way access and spaces with wider set back for tying up dogs further from the road

Hightett has the least amount open space and needs more green area.

Hightett Rd too narrow - use nature strip to create more space - Hightett Rd from highway should not allow parking 7AM-7pm (Kingston)

Provision of extra parking in the Hightett shopping centre would be desirable. (between Railway Parade and Nepean Hwy)

The whole Hightett Plan should be prepared in conjunction with Kingston, doing only Bayside’s side is a farce and a waste of money and it just highlights the inefficiency of local government, let’s do a plan but just do half of it....

The Hightett shopping strip is not visually appealing and I am not sure how Bayside Council can seek to provide an integrated, consistent look when it has not developed its structure plan in conjunction with Kingston Council. I really believe that Bayside and Kingston need to work together to develop a cohesive look for both the paving of the footpaths as well as tree plantings.

The proposed conservation parkland, should be linked to a recreational park/football oval. In each diagram the parkland seems to be shrinking!! Too much of the CSIRO site is assigned to buildings!!

It would also be great if planners could consider the layout of the 'ramp' style footpaths near the railway station. I believe they make the strip difficult to negotiate, particularly for mums with prams and the elderly or disabled.

In addition, five submissions presented the following comments regarding the appearance and function of Hightett Road.

1. Submission 4: We also support the proposal on p27 “to investigate whether a Vegetation Protection Overlay or Significant Landscape Overlay is justifiable and appropriate for some or all of the residential areas of the Hightett Activity Centre”. Protection of vegetation, including prohibitions on environmental weeds (as in the current Neighbourhood Character Policy for the area) will enhance the HGW as well as local amenity. The VPO should also, we believe, encourage planting sympathetic to the conservation of the HGW, in particular by discouraging the planting of non-indigenous gum trees and encouraging undergrowth attractive to small birds, skinks, and invertebrates.

2. Open Space Contributions (p27 – Objective 17): We support the careful wording recognising that Bayside Council resolved to forego Open Space Contributions relating to the CSIRO site, contingent on the expected transfers of land to the Council. See Minutes of Council Meeting on 25 November 2014: Item 12 Urgent Business.
<table>
<thead>
<tr>
<th>Submission 5: While strictly not part of the Draft Highett Structure Plan updated 2018 Bayside should immediately resurface the southern Highett Road footpath between Donald Street and Middleton Street before the aged and infirm unnecessarily fall due to a dangerous variation in footpath levels/heights.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Submission 6: Support for strategies a, b and c relating to the provision of public open spaces and parks in Highett. Unfortunately, Street furniture may well be another “temptation” to hoons / graffiti artists. Today, stealing from shops and damage to cars happens often. My daughters gave up parking near Highett railway when their cars were scratched with keys by “hoons”. Respect for the property of others needs to be taught in schools. 16 d) Please make sure that the trees planted are not the same as the ones in Princess Avenue which “spit” berries every autumn. The pavement needs sweeping on a daily basis during this season. 16 e) Do not allow 3 story buildings in Princess Avenue as it will take away the family character of this area. Over development will cause the removal of existing trees on the properties.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Submission 8: Even with the inclusion of the CSIRO site, Highett will still have the least amount of green open space within the whole of Bayside. There must be more space set aside as green open space. Bayside Council need undertake to purchase more land to improve the amount of open green space in Highett. Bayside Council have systematically stripped Highett of too many healthy large canopy trees, not just on private land but also on public land. These include healthy trees that have even been protected by a VCAT ruling, with no apology to residents. Removal of these trees is seen as cynical. There is now a lack of trust between Bayside Council arborists and many residents of Highett. The neglect of the street trees has stripped the Bayside end of Highett of any decent large canopy trees. Decision makers at Bayside Council should hang their head in shame. Large canopy trees help counter the urban heat island effect, and their loss will lead to Highett experiencing excessive temperatures due to increased summer temperatures resulting from climate change. These large canopy trees also provide feeding, nesting, shelter and resting spaces for wildlife. Large flocks of corellas and black cockatoos no longer come to the eastern end of Highett (near the railway). These birds have few large native trees left. The planting of new trees MUST be attractive to and accommodate native bird feeding and nesting and new planting must be a priority. These trees must not be permitted to be root stock, but instead be of reasonable size that will quickly provide shade.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Submission 13: We did have lovely trees which have been removed outside the new AM/PM Café also corner of Middleton Street and Highett Road as new buildings are now being constructed.</th>
</tr>
</thead>
</table>
Improving the provision of public open spaces and parks

Six strategies have been proposed to guide the provision of public open spaces and parks around the Highett Activity Centre.

Survey respondents were asked to indicate the extent to which they support or do not support each strategy.

As shown below, survey respondents indicated strong support for all strategies.

Strategies to improve the provision of public open spaces and parks (N=63)

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>d) Enhance the leafy character of residential streets through large tree planting and landscaping</td>
<td>56</td>
</tr>
<tr>
<td>f) Incorporate green infrastructure initiatives such as storm water management and increased tree canopy...</td>
<td>56</td>
</tr>
<tr>
<td>c) Upgrade Lyle Anderson Reserve</td>
<td>56</td>
</tr>
<tr>
<td>b) Provide an open space link between Lyle Anderson Reserve and the CSIRO site, through the...</td>
<td>56</td>
</tr>
<tr>
<td>a) On large sites, require more open space to be provided</td>
<td>55</td>
</tr>
<tr>
<td>e) Investigate whether additional planning controls to protect vegetation on public and private land is justified</td>
<td>46</td>
</tr>
</tbody>
</table>

A total of 21 survey respondents elaborated on their answer (which has been segmented by strategy/topic), as follows.

**Strategy a) On large sites, require more open space to be provided**

A) not larger size, better design and usage. Case in point Sir William Fry is large but terrible design and usage and so it doesn't get used enough because it is not welcoming to the community nor is it well locked after. Bigger is not always better.

a) This is already in the planning scheme.

**Strategy b) Provide an open space link between Lyle Anderson Reserve and the CSIRO site, through the redevelopment of 36-40 Graham Road**

b) As per previous question, the developer might do this on their own and both other access streets are only 120m elites and 100 metres away. This is NOT a required thing to force on a developer.

**Strategy d) Enhance the leafy character of residential streets through large tree planting and landscaping**

d) On the sides of streets with power lines, choose tree varieties which will need only light pruning, not the BUTCHERING which currently takes place.

d) Think about type of trees used to enhance street scape - Not ones which wrap around power lines.

d) more trees, more green, more space good
Once again these have been promised many times in the past but nothing has been done. For example, there are 4 plots in the footpath outside the AM-PM cafe for trees yet 18 months have passed and no trees!!!

Please do look into large trees on residential roads. The ones that have this look so much nicer.

Would prefer trees that provide shade but are of a height just short of the overhead power lines - surely there are such trees.

**Strategy e) Investigate whether additional planning controls to protect vegetation on public and private land is justified**

e) good luck with that. Seems developers can knock down any trees on a block and clear block completely for their overdevelopment. Local residents are not allowed the same freedom - seems council looks the other way for developers and harasses general public.

Too easy for a developer to get an arborist report to cut down and tree and Council does nothing about it.

Vegetation overlay for trees on CSIRO site is important.

**Strategy f) Incorporate green infrastructure initiatives such as storm water management and increased tree canopy cover**

f) This is already a part of the planning scheme.

f) should also specify exclusive use of relevant indigenous species within proximity of the CSIRO Hightett Grassy Woodlands, and extend that to the Lyle Anderson Reserve through adjacent streetscapes.

**Improvement ideas/suggestions**

Dog leach free areas.

Encourage community gardens, and use of nature strips. Provide more garden spaces in the highest road area.

In providing more open spaces, I would hope that this will also include further unleashed access for our canine friends. With increased housing density expected, and the fact that Bayside has the largest dog ownership per capita, this aspect should also be considered. Lyle Anderson Reserve is wonderful albeit a little small.

Introduction of sustainable planning tools like BESS (Built environment sustainability scorecard) would enable Bayside Council to easily integrate sustainability into the planning scheme.

**LANDSCAPING DOES NOT INCLUDE SPEED BUMPS - STOP WASTING COUNCIL MONEY ON USELESS INVESTIGATIONS**

Also the grass (or mud rather) on the nature strips badly needs some attention.

Less high rises and more trees, public land/space please, kids will be growing up indoors, in small spaces instead of outdoor, or enjoying recreational & sporting facilities.

There is an existing need for more car parking on the Hightett road Shopping Precinct from Worthing Rd on the west to Nepean Hwy on the east to service existing shops. The car park at woolworths provides spaces for their customers and residents above in the apartments but cannot be expected to accommodate the general parking for the broader shopping strip. Consideration should be given at the planning stage to provide general public parking at the northern end of the CSIRO site, abutting woolworth site with the proposed 5 story zone. The advantages are many - Proximity to the railway station shops and offices, bus stops and providing easy pedestrian access to the cafes clustered around the Hightett Road station street omer which notionally the “heart of Hightett”.

There needs to be a bell of a lot more recreational open space provided in the CSIRO site given no open space was considered when developing the woolworths site. Providing wildlife corridors is a must and must be a priority for Council.

Would love to see more parks in the area as well as playgrounds. I really feel Hightett is in danger of becoming a “concrete” suburb.
In addition, **three submissions** presented the following comments regarding the provision of public open spaces and parks in Hightett.

<table>
<thead>
<tr>
<th>Submission 3: PIS How can this justification for the VPO remain?? Surely not in the agreed controls?? CHECK. Note VPO is for trees &gt;0m and 300mm DBH. VPO will constrain development in the DPO and require a planning permit although rest of the land use will have an abbreviated planning process?</th>
</tr>
</thead>
<tbody>
<tr>
<td>P25 suggest one hectare of [insert] recreational open space... conservation land is also open space</td>
</tr>
<tr>
<td>P26 areas of map marked as &quot;maintain existing vegetation&quot; are indicative only? They are certainly not mapped precisely Hightett and Thistle Groves and Middleton St are not marked as &quot;Maintain Leafy Residential Streetscape&quot; Intended?</td>
</tr>
<tr>
<td>P27 increased OS contributions?? Co resolution to forego in relation to CSIRO - subject to conditions: see Minutes of Council Meeting on 25 November 2014 Item 12 Urgent Business</td>
</tr>
</tbody>
</table>

| Submission 10: I am concerned that with the increased building density in the Hightett area, particularly in the vicinity of Hightett Station, there is virtually no provision made for playgrounds/parks, bike learning tracks (bbq areas), WITHIN A SHORT WALKING DISTANCE OF THE MULTI STOREYS ALREADY BUILT, for the children now living (or will be living) in this area. This is all the more concerning given the regular reports about increasing obesity in children and adults. In particular, I am referring to multi-storeys in Major St, Worthing Rd (parallel to Major St), corner Hightett Rd and Graham Rd, and corner Railway Pde and Wickham Rd, where the ground floor units have only a tiny open space for each unit, and nothing for the upper levels. Also many new houses built nearby are crammed onto smaller blocks with very tiny backyards for children. (2A 2B in the Survey). While walking may be good, children will not wish to spend more time walking to and from park/playground than playing there. If parents drive them to the open spaces (places earmarked for POSSIBLE open space) this will only add to the congestion and possibly they will end up with a parking spot as far from the "park" as if they had walked from their units. Also, where will children be able to learn to ride a bike safely if there are no bike learning tracks? (Surely not in the tiny open spaces of the units, tiny backyards or on the footpaths.) Similarly, along busy Bay Rd where is the plan for parks/ playground/bike learning areas for the proposed multi-storeys? In the future, will COUNCIL HAVE TO BUY BACK PROPERTIES in order to provide these open spaces (for parks/playgrounds/bike areas) when there is a demand from people who come to live in these very densely built areas? I would be more inclined to support multi-storey development if adequate open spaces/playgrounds etc were included when plans are proposed. |

| Submission 13: Vegetation: we would like to know what shall be put in place. |
Comments on other matters relating to the draft Plan

Several participants presented comments on other matters relating to the draft plan and consultation supporting resources.

<table>
<thead>
<tr>
<th>Comments relating to draft Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission 3: P30 end paper - where is that?</td>
</tr>
<tr>
<td>Submission 4: As well as campaigning more widely and working with the Bayside City Council and CSIRO on preserving the HGW, we contributed to the 2006 HSP and made a submission to the 2014 RZ25 hearings into Bayside's Amendment C125 that includes the following list of proposals (with new text in brackets). We think they are all still valid:</td>
</tr>
<tr>
<td>- planning controls to the east (and west and north) should aim to minimise any additional shading of the Highbett Grassy Woodland.</td>
</tr>
<tr>
<td>- The rear and side setbacks (of development on neighbouring blocks) should be at least those in NRZ3 and should be mandatory.</td>
</tr>
<tr>
<td>- Planning policy should ensure that avoiding the planting of environmental weeds continues to apply.</td>
</tr>
<tr>
<td>- Performance standards for lighting should be applied to development abutting the Highbett Grassy Woodland.</td>
</tr>
<tr>
<td>- Basements should be prohibited in land abutting the Highbett Grassy Woodland.</td>
</tr>
<tr>
<td>- &quot;VIEWS from the Highbett Grassy Woodland should be a major consideration in planning controls over abutting properties.</td>
</tr>
<tr>
<td>- ...consider cat controls as applied, for instance, at the Waterways development in Kingston.</td>
</tr>
<tr>
<td>- Residential development between the Highbett Grassy Woodland and Cheltenham Park should (in order to provide wildlife islands) continue to provide large gardens with the appropriate zoning being preferably the NRZ.</td>
</tr>
</tbody>
</table>

**Implementation (p28)**

The draft seems (as on p27) to be uncertain about whether the CSIRO land will be subdivided as expected, So, at this point in time, the second paragraph might refer to three, not two, categories with the addition of a third dot point:

- 3. The expected transfer of 4 hectares of land to Bayside City Council when the CSIRO site is sold by the Federal Government

**Biodiversity**

It is disappointing that the draft HSP makes no mention of biodiversity and the proposals for wildlife corridors have been dropped. We have suggested above that the vision should at least mention biodiversity. As to wildlife corridors we accept the evidence that continuous corridors would not be feasible. That said appropriate planting on properties and in the public domain could provide important wildlife islands that would facilitate the movement of invertebrates, skinks, and small birds through the area. For instance, understorey planting, preferably with indigenous species, on nature strips would provide food and shelter and, for some species, breeding sites.

Submission 6: Overdevelopment within the State of Victoria has other implications, (2) two of these, which I believe are receiving no consideration from the Government bodies are: Death! We all die. The number of people who die in each area will increase along with the living. Has this been considered? Where will the new graveyards be? Talk about us "living longer" is incorrect. One of my best friends died at 64, ten days before my husband who was 72 when he died. I have no complaint with Cheltenham Cemetery on Reserve Road. When my husband was dying the space for "bodies" had just been increased. The closeness of this facility has helped me to deal with losing him. Not everyone copes with death in the same way. The proximity has helped me. I visit him nearly every day.

Other things that the Government "bodies" have not considered is the health impact of living in apartments will have on people. The fact that people do not have open space (i.e. back yards) where they can get Vitamin D from the sun, and gentle use of body muscles as one walks from the back door to the garbage.
Item 10.1 – Reports by the Organisation

bin, washing line and garden beds, is to me of great concern. At present, hospitals in this area are excellent, and easily accessible. However, if when the population increases due to overdevelopment the provision of additional Medical facilities is a must. Lack of consideration of this necessity by government entities, amazes me. Another problem with “Apartment living” is the lack of privacy as one leaves one’s apartment. In large buildings / fenced villages, “conflicts of interests” rise. This can be compared to the problems we are facing today of “bullies / controlling persons” in family relationships.

Politicians and Councilors cannot control the amount of electrical, gas and water households use. Overdevelopment of properties by turning single home owner dwellings into units will increase the amount of “trash” that will accumulate. The Council’s idea on minimizing garbage bin sizes is, in my opinion, bad. People who have no back yard, cannot have compost bins. I have two compost bins down the side of my house and put lawn waste, leaf waste, and vegetable peelings etc., into these bins and, when the compost “matures” I apply it to my garden beds, to improve the quality of the soil.

Some people do not comprehend the problems that can arise when rubbish is put into the wrong “waste” bin in high rise apartments. The costs which result from accidental waste / trash placement can cause thousands of dollars to fix, and as this is a “body corporate” problem. Everyone has to contribute to the costs.

Security will need to be improved in the activity centre, car parking area, unit developed areas and shops.

Submission 9: Half a Plan. All of the information produced and distributed only talks about Bayside’s part of Highett. When I asked a Council Planner about this the feedback was “Kingston Council are not planning to do anything at the moment” and that the Planners are talking to each other about it. This makes no sense whatsoever, surely both Councils should be working on the plan for all of Highett rather than half a plan?

Given this process is it conceivable that one side of the railway line could end up looking very different to the other side of the railway line if each Council adopts a different planning approach. A good example of this is the feedback that the Planner gave me that “Kingston are not planning on changing their zoning to four storages” where it abuts the area that Bayside is proposing to make the changes in. So Kingston can sit back and let Bayside over-develop its side of the railway line? This two-Council approach is already evident in the streetscape along Highett Road where pavements, plantings and street furniture vary from side to side. Surely something of this long term significance requires a consistent approach from the Mayor down in both Councils and also with the State Government so that the end result is homogenous across all of Highett? As a minimum Kingston Council should be providing a clear statement of where they agree and disagree with what Bayside Council is proposing to do so that it is clear to all how things might end up looking.

Submission 13: Flood zone: as properties at lower Middleton, Donald, Worthing Road, Highett Road are in flood zone, what shall be put in place to protect these homes?

Shopping has always been more value Kingston Council end. The local café at the car park entrance and vacant now at Woolworths has had three proprietors so far all which have not survived. The baby shop approximately four doors down open for approximately 12 months closing down now. Do we need more commercial?

Submission 15: Also, it is my understanding that we were meant to have trees planted out the front of our shopfront by the end of this month. Will this be going ahead? (Shop 4, 487 Highett Road)

Comments relating to draft Plan consultation supporting resources

Submission 3: Summary of Existing and Proposed Planning Strategies and Controls - Highett Activity Centre. Is this separate document a part of formal documentation? The HSP 1 size of the CSIRO PPRZ seems wrong and I don’t think Graham Rd through the CSIRO site was ever a proposal, rather than a possibility. CHECK Urban Design Advice Highett Neighbourhood Activity Centre P10 "CSIRO site is not in the PS" Is not zoned in the PS, is not subject to the planning controls within the PS

Submission 4: Finally, we also want to put on record that we believe the informal document provided to
enlarge the consultation process - Summary of Existing and Proposed Planning Strategies and Controls –
Highett Activity Centre – is inaccurate in relation to two aspects of the 2006 HSP. We don’t want it to
appear that we had a bad impact on the area.

- The proposal to extend Graham Road through the HGW was, at that stage, a proposal, and just
something to possibly be explored.
- The indicated size of the PPRZ on the CSIRO site should be 0.7 hectares whereas our efforts have led
to the expected provision of 1 hectare.

Submission 6: Page 12/13. PLEASE BE AWARE YOUR WEB SITE IS NOT EASY TO GET INFORMATION
FROM, I ASKED IT FOR SPECIFIC PAGES OF THE DRAFT PLAN, i.e. pages 25 to 27. COULDN’T GET
THEM.

Survey respondent: I am aware of the boundaries through other materials but unfortunately this image isn’t
detailed enough.

Other topics

Survey respondent: The Highett Library is VERY small and old and could really do with an upgrade with all
the new people moving into the area.
ERROR CORRECTIONS

Four submissions presented comments on inaccuracies or errors relating to the draft plan or supporting resources.

<table>
<thead>
<tr>
<th>Submission 4: The term “Highett Grassy Woodlands” (with an ‘s’) should at several points be replaced in the text and diagrams with ‘Highett Grassy Woodland’ (no ‘s’) as in the rest of the draft and in the MSS. P28 last para needs rewriting. The note on the bottom of p29 is incorrect.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission 7: Notwithstanding our view that the sites should be included in precinct 2A, we note the discrepancy between the dwelling typology sought in Precinct 3 between pages 16 and 18. Precinct 3 is described on page 16 as: An area of increased density with a mix of apartments, townhouses and detached houses with landscaped setbacks and sensitive interface to the street. Whereas the definition described on page 18 omits reference to apartments. If 32-34 and 36-40 Graham Road were to remain in precinct 3, we are of the opinion precinct 3 should be clarified to include reference to apartments.</td>
</tr>
<tr>
<td>Submission 8: There are errors in the information produced and distributed. For example, the Fact Sheet attached to the letter sent to me on 29th March 2018 has errors in the drawing at the bottom of page 2 (Commercial and Residential Zones are shown on the wrong sides of the drawing) and there spelling mistakes in the document. Who checks these before they are distributed?</td>
</tr>
<tr>
<td>Submission 14: Page 9 I wish to correct a misconception in your Managing Growth in Highett report, which was shared via the Highett Community Hub Facebook page tonight. There are more than one sports ground in Highett, but if you are referring to the Bayside portion of Highett there are two. The Peterson Reserve that it notes, and the Highett Bowls Club Reserve adjacent to the Lyle Anderson Reserve. Lawn Bowls is a recognised Commonwealth Games Sports, and as such a reserve on which it is played should, in my opinion, be recognised in your report. And as one of only two, sports reserves in the Bayside Portion of Highett then intrinsically valuable</td>
</tr>
</tbody>
</table>

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Executive summary

Purpose and background
The Pennydale Structure Plan was presented to Council for adoption at the 19 June 2018 Ordinary meeting of Council.

At this meeting Council resolved to defer the Adoption of the Pennydale Structure Plan for a period of three months to:

- Clarify and where appropriate refine the Draft Structure Plan recommendations in consultation with members of the Pennydale Action Group;
- Allow a period for further community engagement to seek feedback from the broader Pennydale Community on any material changes to the Draft Structure Plan; and
- Review the outcomes of the broader community engagement and present the revised Draft Structure Plan to Council at the 18 September 2018, Ordinary meeting of Council.

The purpose of this report is to update Council on progress in relation to this matter.

Key issues
A number of meetings have been held between Council officers and the Pennydale Resident Action Group (PRAG) representatives and a revised Pennydale Structure Plan has been prepared which addresses the majority of issues raised by the PRAG representatives.

A summary of the main changes proposed is attached.

Given substantive changes have been made to the Plan, it is important that the wider community has an opportunity to comment on the proposed changes.

A letter has been sent to all owner/occupiers within the Pennydale Structure Plan boundary and to key interest groups and stakeholders advising them that a revised Pennydale Structure Plan has been prepared and that they can provide feedback via an online survey (hard copies provided on request).

The survey closes on 9am 17 September 2018.

Given the time needed to meet with representatives of PRAG and reach agreement on a revised Pennydale Structure Plan, and the need to consult with the wider Pennydale community, it has not been possible to present the revised Structure Plan to Council at the 18 September Ordinary meeting of Council.

A report is expected to be presented at the October Ordinary Meeting of Council, to present the outcomes of the current stage of consultation and engagement and options for Council consideration in response to community feedback.
Recommendation
That Council notes progress on finalising the Pennydale Structure Plan.

Support Attachments
1. Summary of main changes - Pennydale Structure Plan ↓
Considerations and implications of recommendation

Liveable community

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

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

Built Environment
Areas close to activity centres and other sites that offer good access to jobs, services and transport are identified as locations for future housing growth in both State and local planning policies. The residential neighbourhood known locally as ‘Pennydale’, does not have a framework in place to manage growth in the area. The current structure planning process is the opportunity for the community to provide input into the changes occurring in Pennydale and ensure that future growth aligns with community expectations for development.

Customer Service and Community Engagement
The first stage of consultation (June – August 2017) included a direct mail out to 1,620 addresses, a survey (online and hardcopy), direct mail to business and key community groups, and four face-to-face information sessions and two community workshops.

Following endorsement of the draft Structure Plan by Council in February, a second round of community consultation was held from 5 March to 9 April 2018. This included a direct mail out to all Pennydale residents, three drop-in information sessions at the local kindergarten and a survey (online and hardcopy).

Following discussions with PRAG representatives, and subsequent changes to the Structure Plan, a letter was sent to all owner/occupiers within the Pennydale Structure Plan boundary and to key interest groups and stakeholders advising them that a revised Pennydale Structure Plan has been prepared and that they can provide feedback via an online survey (hard copies provided on request). An email was also sent to all project subscribers.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The chosen community engagement approach allows for freedom of expression and for the community to take part in public life.
Legal
To implement the adopted Pennydale Structure Plan a planning scheme amendment will need to be prepared and exhibited pursuant to the *Planning and Environment Act* 1987.

Finance
Additional consultation on the Pennydale Structure Plan was not foreshadowed. Costs relating to this consultation have been met from the 2019/2019 strategic planning operational budget.

Resources to progress a Planning Scheme Amendment to implement the Pennydale Structure Plan have been allocated in the 2018/2019 Budget and foreshadowed in the 2019/2020 Budget.

Links to Council policy and strategy

**Bayside City Council Plan 2017-2021**
Developing the Pennydale Structure Plan is consistent with the following Council Plan strategies:

- *Develop and review structure plans to ensure localities are developed in line with Council’s Housing Strategy: Development of a Pennydale Structure Plan (Year 1).*
- *Improve bicycle and pedestrian facilities to make cycling and walking more attractive options for short trips.*
- *Influence state government planning through advocacy for Pennydale station redevelopment that meets community needs.*

**Bayside Housing Strategy 2012**
The *Bayside Housing Strategy* 2012 identifies the area around the Southland train station as a ‘Future Key Focus Residential Growth Area’ with the remainder of the residential area, known locally as Pennydale, identified as a ‘Future Moderate Residential Growth Area’. A Future Key Focus Residential Growth Area is an area where the majority of medium and high density residential development will be located. A Future Moderate Residential Growth Area is an area where medium density development will occur.

A key recommendation of the Housing Strategy was that Council prepare a Structure Plan for the Pennydale area.

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

Remove Southland Station Interface Precinct 2 to encourage town houses and detached dwellings instead of apartments. Setbacks increased from 6 metres to 9 metres. This change recognises that there is currently no access to the Southland train station from Tulip Grove.

Southland Station Interface Precinct 2 removed

Front setbacks for Bay Road Precinct increased from 3 metres to 6 metres to allow increased space for landscaping and planting of canopy trees.

Front setbacks increased on Bay Road

A new Precinct for Park Road with the following characteristics: A leafy gateway boulevard with a range of high quality, well articulated apartments surrounded by trees.

New Park Road Precinct

Front setbacks for Park Road Precinct increased from 3 metres to 6 metres to allow increased space for landscaping and the planting of canopy trees.

In Park Road Precinct, third storey now to be setback 3 metres (previously, there was no setback) to minimise building bulk and retain Park Road as a leafy, gateway boulevard.

Front setbacks increased on Park Road
Pennydale Structure Plan Changes

Requirement for new developments in the Park Road Precinct to leave sufficient soil depth to allow the planting of a 10 metre wide canopy tree in the front setback to retain and enhance the leafy, gateway boulevard character of Park Road.

Increased recognition of heritage properties along Park Road.

More encouragement of planting in rear setbacks.

Investigate options for improving pedestrian connectivity, safety and access to Cheltenham Park and a direct path to the park entrance from the pedestrian refuge on Park Road.

Investigate providing pedestrian crossings at Park and Jack Road and Bay and Jack Road.

Remove proposed on-road bicycle path along Jack Road and investigate other ways to improve bicycle safety and amenity along Jack Road.

Addition of a possible pedestrian overpass bridge at the same location as the existing rail bridge across Bay Road to better connect the train station to Bay Road and Pennydale to Sir William Fry Reserve.

There was concern that an on-road bicycle lane on Bay Road was not feasible. Bay Road is identified by VicRoads as a Strategic Cycling Corridor that will in the future connect Nepean Highway to Beach Road. How cycling lanes are provided along Bay Road is up to Vic Roads. The Structure Plan has been updated to reflect this.

Commitment to undertake a traffic study to investigate the impact the level crossing removal at Park Road has had on traffic movement and the road network across Pennydale.

Removal of the requirement for properties along Bay Road to provide a rear laneway and vehicular access from this laneway. The Pennydale Resident Action Group were concerned about safety and the traffic impact on nearby streets.

Removed possible shared zones on Tulip Grove and Olympic Avenue. The purpose of shared zones in these locations was to give pedestrians priority over cars around Pennydale Park and Olympic Avenue kindergarten and the top end of Tulip Grove, should another entrance to the station open. Pennydale Resident Action Group don’t support shared zones in these locations.

Feedback
Complete a quick online survey at yoursay.bayside.vic.gov.au/managing-growth-in-cheltenham
Survey closes 9am Monday 17th September 2018.

Next steps
It is intended to go back to Council in September with the revised Structure Plan and the results of the online survey. Depending on the feedback received by the community, Officers may recommend Council either:
• abandon the Structure Plan, in which case the existing planning controls would remain or
• adopt the revised Structure Plan, in which case a planning scheme amendment would be initiated to make changes to the Bayside Planning Scheme to implement the Plan. You would have an opportunity to comment on any proposed changes to the Planning Scheme as part of the amendment process.

Contact
Urban Strategy
03 9599 4835
planningstrategy@bayside.vic.gov.au
10.3 CHELTENHAM STATION REDEVELOPMENT

Environmental, Recreation & Infrastructure - Environment, Recreation & Infrastructure
File No: PSF/18/108 – Doc No: DOC/18/203688

Executive summary

Purpose and background

The purpose of this report is to advise on the development proposals for the site to be created above the Cheltenham station as part of the level crossing removals at Park Road and Charman Road and the Cheltenham Activity Centre Structure Plan review developed by the City of Kingston.

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

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

To ensure that Cheltenham Park is protected from the impacts of adjacent built form, Council adopted a position that supports the development over the rail trench, as proposed by the revised Cheltenham Structure Plan, with conditions that the abutting built form responded to a number of objectives and requirements.

On 24 April 2018 Council resolved:

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

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

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

Kingston Council subsequently wrote to the Minister for Local Government to request a municipal boundary alignment. The Minister responded (Attachment 1) that as Bayside Council's agreement to a boundary change is conditional, the application would not be considered. Further, the Minister noted that a boundary change would require both Kingston and Bayside to unconditionally agree to the proposal.
Key issues

Negotiations with Kingston

Following Council’s resolution in April 2018 and the advice from the Minister for Local Government, Kingston staff have met with Bayside staff (including respective Chief Executive Officers) to discuss this matter and Kingston has developed the attached proposition for Bayside’s consideration (Attachment 2).

The proposition seeks to gain Bayside’s support for a 14m (four storey) podium height that is well set back from the park boundary, with a five metre setback above the podium to accommodate upper level development behind the podium level of up to 26m (eight storey).

The Draft Cheltenham Park Interface Treatment report, provided in Attachment 2, demonstrates how the proposed built form can sit within the landscape and provide beneficial urban design outcomes for the Cheltenham station precinct while preserving the character of Cheltenham Park from the abutting built form.

Kingston is seeking Bayside’s endorsement to the wording as shown in Attachment 2 relating to:

- Level Crossing Removal Authority’s (LXRA) Design Guidelines;
- Cheltenham Structure Plan Review; and
- Draft Schedule 1 to Clause 37.08 (Activity Centre Zone).

If Bayside supports the proposition, it would follow that Bayside would support the municipal boundary change.

The content of Attachment 2 is aimed at providing as much prescription as possible to the way the buildings associated with the Cheltenham station would be designed, while noting that even if the position is adopted, potential developers are able to challenge the planning requirements, as with any other development. However, having clear strategic objectives and guidelines provides both Councils with a better opportunity to achieve the intended outcome for the site by clearly articulating expectations to the development industry.

Given the proximity of Cheltenham Park, it is expected that any developer pursuing development of the Cheltenham station precinct would seek to maximise the benefits associated with a development abutting a significant open space area.

Development over the future Cheltenham station rail trench is desirable. An undesirable outcome would be that the rail trench remains ‘uncovered’ and creates a visual scar and barrier to movement from Cheltenham Park to the Cheltenham Activity Centre.

Assessment of Kingston’s proposition

Following receipt of the proposition, Kingston was asked about the feasibility of reducing the podium height to two storeys, with a setback of about one metre above the podium to accommodate two more storeys with a further four metre set back to accommodate a total of eight storeys. The advice is that this reduction in developable area would make the development over the Cheltenham rail trench commercially unviable and that even at four storeys set back to eight stories (as proposed by Kinston), the commercial viability is marginal.

The proposition by Kingston, as shown in Attachment 2, seeks to maintain a balance between height and protection of the Cheltenham Park interface. The planning instruments proposed to influence the design principles, while challengeable by a developer, are the best available option to define how the built form in the precinct should be designed.
LXRA input
The LXRA has engaged a ‘development partner’ to pursue development opportunities over the rail trench. The LXRA’s Chief Executive Officer and Project Director have advised Kingston that development over the Cheltenham rail trench is desirable and that work is continuing to test the viability and economic benefits of such a proposal. At the currently proposed levels identified in the Cheltenham Activity Centre Structure Plan, the development potential is considered to be marginal and to lessen the developable area would make development potential more unlikely.

Conclusion
Development over the Cheltenham rail trench is a desirable urban design outcome for the Cheltenham Activity Centre and for the Bayside residents that abut the Centre. It would provide an integrated development opportunity, rather than an open rail trench with high fences to prevent access. Based on the information available, it would seem that development over the Cheltenham Rail trench is marginal in commercial terms and that the extent of development proposed by Kingston is worthy of support.

If the development proposition is supported, then support for the municipal boundary change is also appropriate.

Recommendation
That Council:
1. supports the Cheltenham Park Interface Treatment prepared by Kingston City Council as shown in Attachment 2;
2. supports a municipal boundary realignment to facilitate development in accordance with the Cheltenham Park Interface Treatment as shown in Attachment 2, subject to:
   a) the urban design and planning controls being incorporated into the relevant documentation; and
   b) agreement on a suitable financial contribution from the City of Kingston towards the improvement and maintenance of Cheltenham Park.
3. writes to Kingston City Council and the Minister for Local Government advising of this decision.

Support Attachments
1. Attachment 1 - Proposed Change to Municipal Boundary - Hon Marlene Kairouz MP Minister for Local Government
2. Attachment 2 - Cheltenham Park Interface Treatment (separately enclosed)

Considerations and implications of recommendation

Liveable community

Social
The Cheltenham Structure Plan review contains objectives and strategies in relation to land use, built from, access and movement and the public realm that will guide development in the activity centre. The objectives are intended to influence the outcomes of the LXRA project. The
provision of a transit oriented development will provide improvements to walking and cycling infrastructure and better connected open spaces.
Natural Environment
The Cheltenham Structure Plan Review considers how to protect and enhance biodiversity, how to respond to climate change and how to ensure new development is environmentally sustainable and incorporates vegetation and trees. The impact on Cheltenham Park as a result of the proposed future built form and the Centre’s growing population and reliance on Cheltenham Park for open space provision are key considerations for Council.

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

Customer Service and Community Engagement
The LXRA has conducted an extensive community consultation process to inform its development proposals for the level crossing removals.
Kingston has conducted a community consultation exercise to inform the revised Cheltenham Activity Centre Structure Plan.

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

Legal
The process for a municipal boundary change is contained in the Local Government Act. Joint advice (Bayside and Kingston) has been received from Councils’ lawyers regarding the process of changing a municipal boundary. The Minister has written to Bayside and Kingston highlighting that no boundary change will be approved unless both Councils are in unconditional agreement.

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

Links to Council policy and strategy
Bayside Housing Strategy 2012
Bayside’s Residential Strategic Framework Plan identifies the area around the train station as a moderate residential growth area. The zoning of residential land located between Charman Road, Wetherall Road, Cheltenham Park and the primary school reflects this designation through the General Residential Zone.
Bayside Integrated Transport Strategy 2013

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

Options considered

Option 1 (recommended)

<table>
<thead>
<tr>
<th>Summary</th>
<th>Agree to the proposition (Attachment 1) provided by Kingston – four storeys at ground level, set back up to eight storeys.</th>
</tr>
</thead>
</table>
| Benefits | • Aligns with the Cheltenham Activity Centre Structure Plan proposed by Kingston.  
• Seen as potentially commercially viable by the LXRA.  
• Creates a responsible urban design response to the built form over the railway trench.  
• There will be no open trench for the railway.  
• There will be good connections to Cheltenham Park and good shared use access to the station precinct.  
• The design guidelines specify a development style in harmony with the park environs.  
• Councils can agree to move the municipal boundary to allow the development and bayside to receive financial contribution for developer contributions. |
| Issues | Development heights are higher than usually acceptable in Bayside. |

Option 2

<table>
<thead>
<tr>
<th>Summary</th>
<th>Continue to seek a reduction in built form in the form of a two story height at ground level with setbacks to eight storeys.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>The built form would be reduced within Bayside.</td>
</tr>
</tbody>
</table>
| Issues | • The commercial viability of the development is questionable  
• The opportunity to provide a deck and development over the rail trench may be abandoned by the LXRA as not being commercially viable  
• The Minister may see advantages of the proposed development and change her mind on the boundary realignment, permitting the realignment process to proceed through a panel process. This would present an unknown outcome for Bayside and Bayside would lose any opportunity to influence the planning decisions at Kingston. |
CR Laurence Evans
Mayor
Bayside City Council
PO Box 27
SANDRINGHAM VIC 3191

Dear Mayor,

PROPOSED CHANGE TO MUNICIPAL BOUNDARY - CHELTENHAM ACTIVITY CENTRE

On 26 April 2018, I received a letter from the Mayor of Kingston City Council, Cr Steve Staikos, requesting the establishment of a local government panel to consider a proposed municipal boundary change between Kingston City Council and Bayside City Council. I am writing to inform you of the response I provided to Cr Staikos.

I note that at the Ordinary Council meeting on 24 April 2017, Bayside City Council resolved to support the proposed boundary change, subject to a number of conditions.

The proposal to incorporate the western side of the railway line for Cheltenham Station currently located within the Bayside City Council municipality into the Kingston City Council municipality, is considered a minor boundary change. Under section 220T of the Local Government Act 1989, minor boundary changes approved by both councils do not require review by a local government panel.

Under section 220Q(a) of the Act, I can recommend that a minor boundary change is made by Order in Council if both councils have approved the proposed change and if public notice has been given in the municipal district(s) affected by the proposed change.

Bayside City Council appears to agree in principle to the proposed boundary change provided certain built form conditions are met in relation to any development over Cheltenham Station. Such conditional support for the proposed boundary change by your council falls short of the unanimous support requirement specified by section 220T(b) of the Act.

As Kingston City Council and Bayside City Council have not reached unconditional agreement on the proposed municipal boundary change, I am not in a position to recommend a minor boundary realignment to the Governor in Council. Given the relatively minor boundary change proposed, I also do not consider that a local government panel is warranted.

I would be pleased to consider a request to support the boundary realignment under section 220T of the Act in the following circumstances:

- Kingston City Council and Bayside City Council reach unconditional agreement on a proposed municipal boundary change; and
- public notification of the proposed boundary realignment has been undertaken in both municipal districts in accordance with section 220T.
If you require further information on this matter, please contact Dr Graeme Emson, Executive Director, Local Government Victoria on 9948 8501.

Yours sincerely

Hon Marlene Kairouz MP
Minister for Local Government

29/5/18

Cc: Cr Steve Staikos, Mayor, Kingston City Council
Cr Steve Staikos  
Mayor  
City of Kingston  
PO Box 1000  
MENTONE VIC 3194

Dear Mayor

PROPOSED CHANGE TO MUNICIPAL BOUNDARY - CHELTENHAM ACTIVITY CENTRE

Thank you for your letter of 26 April 2018 requesting the establishment of a local government panel to consider a proposed municipal boundary change between Kingston City Council and Bayside City Council.

The proposal to incorporate the western side of the railway line for Cheltenham Station currently located within the Bayside City Council municipality into the Kingston City Council municipality, is considered a minor boundary change. Under section 220T of the Local Government Act 1989, minor boundary changes approved by both councils do not require review by a local government panel.

Under section 220Q(s) of the Act, I can recommend that a minor boundary change is made by Order in Council if both councils have approved the proposed change and if public notice has been given in the municipal district(s) affected by the proposed change.

Bayside City Council appears to agree in principle to the proposed boundary change provided certain built form conditions are met in relation to any development over Cheltenham Station. Such conditional support for the proposed boundary change by Bayside City Council falls short of the unanimous support requirement specified by section 220T(b) of the Act.

As Kingston City Council and Bayside City Council have not reached unconditional agreement on the proposed municipal boundary change, I am not in a position to recommend a minor boundary realignment to the Governor in Council. Given the relatively minor boundary change proposed, I also do not consider that a local government panel is warranted.

I would be pleased to consider a request to support the boundary realignment under section 220T of the Act in the following circumstances:

- Kingston City Council and Bayside City Council reach unconditional agreement on a proposed municipal boundary change; and
- public notification of the proposed boundary realignment has been undertaken in both municipal districts in accordance with section 220T.

Please note that I have also written to the Mayor of Bayside City Council regarding this matter.

If you require further information on this matter, please contact Dr Graeme Emonson, Executive Director, Local Government Victoria on 9948 8601.

Yours sincerely

Hon Marlene Kairouz MP  
Minister for Local Government

C: Cr Laurence Evans, Mayor, Bayside City Council
10.4 FOOTPATH TRADING POLICY REVIEW
City Planning & Community Services - Amenity Protection
File No: PSF/18/95 – Doc No: DOC/18/212592

Executive summary

Purpose and background
To present a report to Council on the outcome of a review of Council’s Footpath Trading Policy 2005.

Council is committed to providing a safe environment throughout the municipality for all pedestrians. The Footpath Trading Policy achieves this through the provision and maintenance of continuous accessible paths of travel along pedestrian zones for all people on all footpaths. Council has the responsibility to manage activities and environmental factors that have an impact on footpaths by regulating trading activities, linkages with public transport and the interface between footpaths, gardens and the natural environment.

Council’s current Footpath Trading Policy was adopted in 2005. An initial review of the policy has been completed, based on identification of changes in legislative requirements, as well as analysis of community complaints regarding footpath trading, previous feedback from traders and officer experience. This review did not include formal community engagement.

Key issues
The review identified that the Footpath Trading Policy was largely working appropriately, but that a range of relatively minor and technical changes should be made. The content of the revised Policy (Attachment 1) therefore addresses:

- Reference to the Tobacco Act 1987, as a result of tobacco reforms and smoking in outdoor dining areas, the regulation of e-cigarettes and shisha tobacco;
- Clarity around not leaving goods, A-frame/s, tables and chairs on the footpath outside of trading hours;
- Inclusion of a street furniture relocation requests form which seeks to remove Council infrastructure from within the trading zone of businesses (to enable goods or outdoor dining);
- All goods, displays and fittings must be removed from footways when the weather forecasts wind speeds in excess of 30 knots;
- Inclusion of unobstructed pedestrian access to pedestrians using bus stops;
- Incorporating a street stall request pertaining to temporary barbeques and sausage sizzles for butcher shops, charities and community events that operate within Bayside;
- Formalised recognition of current pro-rata refund/payments on fees paid for Footpath Trading Permit; and
- Format and minor word changes for easy understanding and interpretation of the Policy

In addition to the above changes, the review also identified broader areas that require additional attention but which are outside the scope of the current review and/or policy:
• Traders have raised some concerns regarding footpath trading fees, a review of the fee structures and benchmarking will therefore be undertaken as part of the preparation of the 2019/20 budget;

• Community complaints primarily relate to non-compliance by traders, rather than with the requirements in the Policy. This will be addressed through the implementation of the ‘modern regulator’ framework and associated operational enhancements;

• Footpath trading is an important contributor to the economic performance of shopping strips and associated street activation. However, the current policy is largely framed from the context of pedestrian safety and accessibility, as well as traffic considerations. It is proposed to consider the contribution to economic performance as part of the preparation of the Economic Development Strategy. If substantive changes to the Footpath Trading Policy are recommended in the Strategy, a full review will be initiated.

Unless a full review is recommended by the Economic Development Strategy, it is proposed to undertake a full review, including community and trader consultation, as part of the review of Council’s Local Law No.2. This is expected to commence in 2020 and be completed in 2022.

**Recommendation**

That Council adopts the revised Footpath Trading Policy 2018.

**Support Attachments**

1. Footpath Trading Policy 2018 ↓
Considerations and implications of recommendation

Liveable community

Social
This Policy outlines how Council will manage Footpath Trading on the footpath network so that amenity and pedestrian safety is maintained at reasonable levels. This Policy is applicable to all traders within the municipality and aims to serve all residents, businesses and visitors in the municipality.

Natural Environment
In managing footpaths local government has responsibility to manage activities and environmental factors that have an impact on footpaths by regulating trading activities, linkages with public transport and the interface between footpaths, gardens and the natural environment.

Built Environment
The key to an effective, accessible pedestrian system throughout the built environment is the provision and maintenance of access ways. The access way will provide a consistent footpath environment inclusive of the needs of all including older people and people with disabilities.

Customer Service and Community Engagement
The review of the Policy has been based on community complaints and trader feedback. Formal consultation was not undertaken as part of this review, but will be included as part of the full review proposed as part of the 2020-22 review of Council's Local Law No.2.

Human Rights
This Policy aims to enable equity of access for all as defined in the Commonwealth Disability Discrimination Act 1992. Footpaths fall within the Disability Discrimination Act 1992 definition of premises and are intended to enable access to required community facilities.

The implications of this report 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
Under the Councils Local Law No.2 Neighbourhood Amenity, Council is responsible for managing footpath trading activities.

Finance
A Separate review of Footpath Trading fees will be undertaken as part of the preparation of the 2019/20 budget.

Links to Council policy and strategy
The policy implements Council Local Law No. 2 ‘Neighbourhood Amenity’.
While Footpath trading is not directly addressed in a strategy within the Council Plan, indirectly it relates to the strategic objectives of:

Goal 1 Infrastructure – We want a Bayside where infrastructure is safe, accessible, adaptable and is highly utilised, providing high levels of value;

Goal 2 Transport – We want a Bayside where public transport is safe, frequent and connected to other modes of transport, such as bike or walking trails, to reduce the reliance on cars; and

Goal 6 Local economy and activity centres – we want a Bayside where shopping villages are vibrant, attractive and interesting places where the community comes together, providing a variety of innovative, dynamic and convenient services.
Footpath Trading Policy
2018

Bayside City Council
Corporate Centre
76 Royal Avenue
Sandringham Victoria 3191
Telephone (03) 9599 4444
Website: www.bayside.vic.gov.au

Policy updated: June 2018
Footpath Trading Policy 2018

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1. Introduction

1.1 Bayside City Council is required to provide and manage a safe environment throughout the municipality for all pedestrians. This is achieved by provision and maintenance of continuous accessible paths of travel along pedestrian zones for all people on all footpaths.

1.2 Local government manages activities and environment factors that have an impact on footpaths by regulating trading activities, links with public transport, and the common boundaries of footpaths, gardens and the natural environment.

1.3 Safe pedestrian access is the primary purpose of all footpaths.

1.4 Other activities such as trading, advertising and street events are secondary. This policy has been developed on the basis of this distinction.

1.5 This policy aims to enable equal access for all as defined in the Disability Discrimination Act 1992 (DDA). Footpaths are within the DDA definition of ‘premises’ and are intended to enable access to required community facilities.

1.6 The key to an effective, accessible pedestrian system throughout the built environment is the provision and maintenance of pedestrian zones. The pedestrian zone should generally extend from the building or property line to provide a consistent footpath for all, including older people and people with disabilities.

1.7 All street furniture, infrastructure, signs, traders' activities and displays should be placed on the kerb side of the pedestrian zone, not along the building or property line.

2. General principles

2.1 This policy has been developed using the following principles:

- Council will provide and manage clear, safe and unobstructed access at all times for pedestrians of all abilities on municipal footpaths in accordance with local government's statutory responsibilities.
- Everyone has the right take part in community activities.
- The built environment will be accessible to all.
- The Footpath Trading Policy will be simple and user-friendly.

2.2 Footpath activity must make a positive contribution to the character and amenity of the area and surrounding residential areas.

2.3 Council supports the long-term viability and sustainability of a range of retail and business formats including strip and neighbourhood shopping precincts.
Footpath Trading Policy 2018

2.4 From time to time Council will adopt policies that will allow or not allow footpath trading activities. Where a policy is adopted that restricts certain types of trading, that business-centre policy will take precedence over this policy.

2.5 Planning for all footpath use and activity is based on the establishment of footpath zones.

2.6 When permanent structures are proposed for any footpath area within the municipality, high standards of design are the starting point for the assessment of the proposal.

2.7 The permit holder must provide Council evidence of current public liability insurance that notes Council’s interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

3. Definitions

3.1 Pedestrian zone
The pedestrian zone is ‘an uninterrupted path of travel to or within a building, providing access to all required facilities’. Refer Diagram 1.

3.2 Trading zone
The trading zone is the area of the footpath where signs, goods, café furniture and ancillary items may be placed and where other permitted street activities may take place. Refer Diagram 1.

3.3 Kerb zone
The kerb zone is a buffer from the kerb to allow for access to and from parked vehicles. Refer Diagram 1.

3.4 Goods and goods displays
Means items or services that are offered for sale, and includes ancillary items, merchandise, stock, racks, fixtures, fittings and tables for display purposes.

3.5 Alfresco dining
Means tables, chairs, umbrellas, menu boards, planter boxes, wind barriers and blinds, and any other items authorised by Council and endorsed on a plan of the site.
4. **Location strategies and footpath width**

4.1 **Footpaths less than 2.5m wide**

To provide an adequate-sized pedestrian zone, footpaths of less than 2.5m cannot be used for outdoor dining or placement of objects.

4.2 **Footpaths from 2.5m to 3.5m wide**

To provide a clear pedestrian zone, the footpath is divided into three zones.

   4.2.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 1.5m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.

   4.2.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items, may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building line.

   4.2.3 **Kerb zone:** a minimum of 400mm buffer from the kerb to allow for access to and from parked vehicles; 1.5m where there is a disabled parking bay; and 600mm where there is a loading zone.

No items may be placed in the pedestrian zone or the kerb zone.

4.3 **Footpaths from 3.5m to 4m wide**

To provide a clear pedestrian zone, the footpath is divided into three zones.
4.3.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 1800mm. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.

4.3.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building line into the intersection.

4.3.3 **Kerb zone:** a minimum of 500mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay.

No items may be placed in the pedestrian zone or the kerb zone.

4.4 **Footpaths 4m or wider**

To provide a clear pedestrian zone, the footpath is divided into three zones.

4.4.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 2m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.

4.4.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building/property line.

4.4.3 **Kerb zone:** a minimum of 600mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay.

No items may be placed in the pedestrian zone or the kerb zone.

4.5 **Use of prows/extended footpaths**

In a number of activity centres, Council has extended the footpath into the roadway to provide either traffic management measures by emphasising pedestrian priority or as part of an overall urban design plan for the centre.

4.5.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 1.8m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.

4.5.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building/property line.

4.5.3 **Kerb zone:** a minimum of 600mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay.
No items may be placed in the pedestrian zone or the kerb zone.

4.6 Recessed shopfronts/buildings

Throughout the municipality a number of circumstances exist in which the shopfront or building is set back from the front title boundary.

Trading activity may occur in the area between the building and title boundary if it complies with the Bayside Planning Scheme and does not extend beyond the title boundary onto the footpath.

4.7 Other siting requirements

4.7.1 A setback of 500mm is required at each side boundary of a property to allow access from the footpath to the road, between each property.

4.7.2 Where a property exceeds 12m of frontage then a break of 1m shall be provided to the satisfaction of Council at an appropriate point to allow access to the pedestrian zone. In considering the location of a break in the trading zone, Council will consider the car parking spaces on the road and the location of any other infrastructure.

4.7.3 Any footpath trading activity may be outside only the premises to which it relates and contained within the property line, with setback from the property line of 500mm on each side to allow for access.

4.7.4 Where a footpath trading activity is proposed near a mid-block pedestrian crossing, the location of the activity shall provide separation from the crossing and ensure sight lines for pedestrians are protected (usually a minimum of 2 metres is required).

4.7.5 The outdoor trading or seating arrangements must not interfere with front and rear doors of public buses. Up to a 2 metre clearance within the front and rear of buses/zones allows adequate clearance for passengers to embark/disembark to/from buses safely.

4.7.6 Where a trading activity is proposed adjacent to car parking spaces designated for people with disabilities, a kerb zone of up to 1.5m will be required.

4.7.7 Services such as gas, power, water and telecommunications should not be covered or obstructed by any permanent structures.

4.7.8 Unless exceptional circumstances apply, trading activities (including outdoor eating facilities) will not be placed within 1m of any Council seat, rubbish bin, or other item of street furniture.

4.7.9 The placement of signs, goods, tables or chairs in a kerb extension area can only be approved by Bayside City Council's Traffic Engineer.
5. Outdoor dining

5.1 Operators' responsibilities

5.1.1 Restaurant and café furniture and associated ancillary items are permitted at only premises registered to serve food and/or beverages under the Food Act 1984.

5.1.2 In exceptional circumstances Council may allow tables and chairs to be placed outside non-registered premises. Applicants need to demonstrate to Council why the tables and chairs are necessary.

5.1.3 The permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must:

- ensure that patrons do not move tables and chairs from their positions and obstruct the pedestrian zone
- ensure that patrons do not create any obstruction to the pedestrian zone, including pets, prams, or other personal items
- not serve food and beverages to patrons standing on the footpath within the pedestrian zone
- ensure patrons do not consume food or beverages within the pedestrian zone.

5.1.4 Regarding 5.1.3, Council may place a condition on a permit requiring a permit holder to place signs in the outdoor seating area.

5.1.5 Traders are responsible for all litter generated by patrons using their footpath dining areas. A trader must comply with the Tobacco Act 1987, on outdoor dining areas.

5.1.6 Serving staff at outdoor eating facilities should give pedestrians right of way.

5.1.7 Each operator is responsible for maintaining the outdoor eating area. A permit may be cancelled or suspended if littering, untidiness, or failure to maintain the pedestrian zone is noted.

5.1.8 Items placed on the footpath must be stable, of a design approved by Council, and not damage the footpath.

5.1.9 Items placed on the footpath must be maintained by the licensee to a standard acceptable to Council.

5.1.10 Traders will reimburse Council for any reinstatement work if found responsible for damage to footpaths, street fixtures and furniture.

5.1.11 Premises where alcohol is served or consumed on the footpath must have a liquor licence endorsed with the footpath as part of the 'licensed area'.
Footpath Trading Policy 2018

5.1.12 Businesses must not leave any goods, A-frame/s, tables and chairs on the footpath outside of their normal trading hours. Items must be removed when the business is closed.

5.1.13 The permit holder must provide Council with evidence of current public liability insurance that notes Council’s interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the insurance will be current for the period of the permit. Any permit issued is valid only while the public liability insurance is current.

5.1.14 The permit holder must provide indemnity against loss or damage in a form suitable to Council. (See Appendix 1.)

5.2 Furniture and fittings

5.2.1 No sound-amplification equipment or similar equipment may be erected or used in the outdoor seating area without first obtaining a separate local law permit.

5.2.2 No live entertainment is permitted without first obtaining a separate local law permit.

5.2.3 If patio heaters (which have a base on the footpath) are used, they must be located within the Trading Activity Zone, covered by the traders’ public liability insurance and must be licensed as part of a permit.

5.2.3.1 All outdoor heaters must comply with safety standards specified by the Energy Safe Victoria which may be obtained by telephoning Energy Safe Victoria on 1800 069 588 or from their website at www.esv.vic.gov.au

5.2.4 Umbrellas may be placed only in the trading zone.

5.2.5 Where umbrellas are permitted, they must be 2.2m high at the lowest point other than the centre pole and must not extend over the kerb. When raining, water run-off from large umbrellas should not fall into the pedestrian zone.

5.2.6 Umbrellas must be secured in a manner approved by Council. If requesting approval of umbrellas that do not have a lock-in device, clearly note this on the application form.

5.2.7 For safety reasons screens or screening devices may be placed where there are tables and chairs. The screens must be no higher than 1m high and must be secured in a position approved by Council. Details to be provided with permit application.

5.2.8 Where an applicant proposes to suspend a fixture or fitting (for example, lights or heaters) from the underside of a veranda or building, the fixture or fitting is to be attached in accordance with appropriate engineering standards and have a minimum clearance of 2.4m above the trading zone. Outside of operating hours of the business, fixtures or fittings that are retractable must be drawn in.
5.2.9 Advertising signage on temporary windbreaks or umbrellas must identify the operator of the business, in compliance with the Bayside Planning Scheme.

5.2.10 No advertising is permitted on permanent screens other than the name of the premises.

5.2.11 Permanent screens – see section 8.5.

5.2.12 Council may, if the circumstances arise, require a marker to be placed on the footpath to clearly designate the trading zone.

5.2.13 All moveable furniture and fittings must be removed from footpaths when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

6. **Goods on footpaths**

6.1 In order to provide a pedestrian zone, goods and displays may be displayed only in the trading zone of the footpath.

6.2 Goods may be displayed in the trading zone only during normal or authorised trading hours, and must not be placed on a footpath prior to 7am each trading day or remain on the footpath after 11pm on each trading day.

6.3 Goods (except furniture) must be displayed on stable stands that are approved by Council and able to withstand adverse weather. Stands must be secured so that adverse weather will not create a risk for pedestrians, property, or passing traffic. Stands and goods must not damage footpaths.

6.4 Goods or displays are not permitted where access to a loading zone or disabled parking bay will be obstructed. (At least 1.5m from the kerb.)

6.5 Goods or displays are not permitted where they will cause difficulty to pedestrians and people exiting or entering parked vehicles or footpaths.

6.6 Goods displays cannot exceed a height of 1.5m.

6.7 Stands and displays should contrast with their background to assist people with vision impairment.

6.8 Goods displays cannot overhang the kerb zone or pedestrian zone.

6.9 Full-length shop awnings to protect goods located in the trading zone must be noted on any application. They must be securely attached to the ground by Council approved method.

6.10 The permit applicant must provide Council with evidence of current public liability insurance that notes Council’s interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit.
6.11 Food may be cooked or sold for immediate consumption from footways only if a separate permit has been obtained. (See section 8.4.)

6.12 All goods, displays and fittings must be removed from footways when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

7. Signs on footpaths

7.1 All permitted signs are to be secured by a means that is not reliant on or physically tied to any Council infrastructure (e.g. seats, poles, trees.). The means by which these signs are secured must not extend beyond the circumference of the sign and must be of a type approved by Council. Signs and the securing devices are to be removed in accordance with permitted display times.

7.2 Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags, tear drop signs, and banners are prohibited.

7.3 Signs can be placed only in the trading zone and directly adjacent to the business they are advertising.

7.4 Signs must be in place only during normal trading hours.

7.5 Signs on footpaths must be secured by Council-approved method.

7.6 An advertising sign must not exceed 900mm in width or 1m in height.

7.7 The maximum number of signs permitted is one per premises.

7.8 The permit holder must provide Council with evidence of current public liability insurance that notes Council's interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

7.9 All signs must be removed from footways when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

8. Other obstructions

8.1 Obstructions

8.1.1 Request for placement of any other obstruction, fixture, fitting or equipment that is not within the definition of sign, goods, or outdoor eating facility, is to be noted on an application form and the applicant is to demonstrate compliance with this policy before approval is issued.

8.1.2 Any obstruction can be placed only within the trading zone.
Footpath Trading Policy 2018

8.1.3 The fee applicable will be determined by Council depending on the obstruction.

8.1.4 The permit applicant must provide Council with evidence of current public liability insurance that notes Council’s interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

8.2 Planter boxes

8.2.1 Planter boxes are permitted only in the trading zone.

8.2.2 Planter boxes including plant must not exceed 1m in height.

8.2.3 Planter boxes must provide a positive contribution to the visual amenity of the street. Permits for planter boxes specify that they are well maintained with healthy plants.

8.2.4 Permission can be sought for placement in the trading zone of:
  • temporary planters – must be brought in during non-trading hours
  • permanent planters – must be of solid design and consistent with the design theme for the activity centre.

8.2.5 Permanent planters may not be used as enclosures without written consent from Council’s Infrastructure Division and must not obstruct street-cleaning vehicles.

8.2.6 The permit applicant must provide Council with evidence of current public liability insurance that notes Council’s interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

8.3 Café blinds

8.3.1 Proposals for café blinds must be lodged with Council for approval and include a copy of the property plan showing measurements of blinds, distance from kerb and adjoining premises and detail the method to be used for attachment to the footpath.

8.3.2 An application under Building Regulations 20018 (Council report and consent application form, non-siting matters) is required to be submitted to Council’s Building Department for approval.

8.3.3 Café blinds must be retracted at the close of business each evening.

8.4 Temporary barbeques and sausage sizzles

8.4.1 Barbeques and sausage sizzles may be allowed adjacent to a butcher shop for trade purposes (by the proprietor). Permission may be given for placement of a barbeque in the trading zone once a month (maximum 12 a year)
Footpath Trading Policy 2018

- Portable barbeques – must be brought in during non-trading hours
- Permanent barbeques – are not permitted.

8.4.2 Barbeques and sausage sizzles may be allowed for charity and events adjacent a shop within the business zone or on Council-owned land. Permission must be obtained from the shop/business owner before an application is submitted. Permission may be given for placement of a barbeque in the trading zone. Council also have a number of permitted street stall sites for community or charitable organisations within Bayside City Council municipal boundaries
- Portable barbeques – must be brought in during non-trading hours
- Permanent barbeques – are not permitted.

8.4.3 Applications submitted for barbeques and sausage sizzles are referred to Council’s Environmental Health Department for approval. Food-handling practices required by the Environmental Health Department are conditions of the permit.

8.4.4 The permit holder must provide Council with evidence of current public liability insurance that notes Council’s interest and be for not less than $10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

8.5 Technical standards for permanent screen structures

Permanent glass screens and supporting structures may be allowed. The following standards apply to permanent screen structures:

8.5.1 Consent from Council’s Building Department must be obtained before a local law permit application is submitted for permanent glass screens and supporting structures.

8.5.2 Screens are made of laminated glass to a maximum height of 1.5m with a minimum thickness of 10.38mm.

8.5.3 The screens will have a minimum clearance of 200mm from the footpath surface.

8.5.4 Screens will not have a return length of more than 2m.

8.5.5 Strength and fastening of glass screens must be certified by a structural engineer.

8.5.6 Glass may be frosted or have a screen print pattern to a height of 500mm above pavement level. Above 500mm the glass is to be clear.

8.5.7 A safety screen print pattern is to be visible at a height of approximately 700mm above pavement level.

8.5.8 No commercial advertising is permitted on the screens other than the name or
8.5.9 Support poles to be a minimum 48mm diameter, made of extruded aluminium, and finished in a clear anodised coating. Other colours are subject to approval. Non-standard fixtures and fittings will be considered by Council in conjunction with relevant adopted urban design policies.

8.5.10 The base of screens are to be of cast aluminium and fastened so that the screen is positioned according to the siting requirements of this policy.

8.5.11 Design and construction of glass screens must conform to Australian Standards and Bayside City Council’s recommendations.

8.5.12 Screens must be cleaned regularly and maintained by the operator of the premises. Screens are to be replaced within 24 hours of any damage that may cause risk to public safety, otherwise within one week of the damage occurring.

8.5.13 Graffiti is to be removed within 24 hours.

9. General

9.1 Maintenance of footpaths

Bayside City Council manages the use of footpaths at all times and reserves the right to reclaim access to and remove all footpath trading at any time for any purpose. Council endeavours to provide adequate notice to any licence-holder.

Except where permanent structures have been installed, Council will manage repairs and replacement of footpaths and furniture.

9.2 Activities of service authorities

Council is not able to provide notification of actions of service authorities that may interrupt or affect the use of footpaths for trading activities. When Council is the authority required to carry out works, it will give notice to affected traders where possible.

Council will request that service authorities give adequate notice of street works, but is not able to guarantee the notice will be provided.

9.3 Compensation for loss of trade

When a service authority is required to carry out work within the road reserve which necessitates the removal and/or alteration of footpath trading arrangements, no compensation will be payable for any loss of trade experienced during or after the works.

9.4 Inspection

Council will regularly inspect areas that have been granted footpath trading.
Authorised officers can give direction to permit holders regarding compliance with the permit. Failure to respond to a lawful direction can result in enforcement. See section 12.

9.5 Revocation/suspension/modification

Council may at its discretion suspend, revoke, amend, relocate or modify any permit it issues. If this action is taken, the permit holder or any other person will not be entitled to compensation or damages of any kind.

10. Applying for a permit

10.1 Information to be provided

To obtain a permit, applicants are to:

10.1.1 Complete and sign an application for Footpath Trading Permit.

10.1.2 Provide a site plan drawn to scale that shows dimensions of proposed kerb café, goods display, etc.

10.1.3 Indicate setbacks from shop frontage, kerb and site boundaries, and existing elements, e.g. tree, light pole, rubbish bin, public transport shelters, etc. A separate fee will be charged for requests to relocate Council furniture, e.g. seats, rubbish bins, etc.

10.1.4 Provide a photograph(s) of the area at the front of the shop/premises where planning to locate the footpath trading activity.

10.1.5 Contact Council’s responsible officer for any new applications for alfresco dining, to arrange a time for the site to be inspected.

10.1.6 Provide a Certificate of Currency for a public liability insurance policy that covers death or injury of any person or damage to any property that could arise from the display that will be authorised by the permit. The certificate is to list:

a) Bayside City Council as an interested party
b) a minimum of $10 million in public liability
c) the insured (including situation of risk)
d) the company insuring you
e) expiry date
f) policy number.

10.1.7 Provide indemnity in a form similar to Appendix 1.

10.2 Transfer of permit

A permit cannot be transferred without prior written approval from Bayside City Council.
10.2.1 A permit can be transferred from one proprietor to another, provided that the address of the premises is the same and there is no change to the approved permit. The new owner is required to complete an application form, signed indemnity, and provide a Certificate of Currency. The new owner is responsible for outstanding fees in relation to the permit and any monies that have been paid for the permit are to be reconciled between the vendor and purchaser at the time of settlement.

10.3 Decision guidelines

10.3.1 Council reserves the right to reject any application made for footpath trading.

10.3.2 In addition to matters set out above, when considering whether to grant a permit for an outdoor eating facility, Council considers:

a) how the proposal meets the general and specific principles of this policy

b) effect on pedestrian flow and safety

c) impact on the appearance of the street and its surroundings

d) design and standard of any permanent structures proposed

e) any effects on general trading within the area

f) any possible effects to nearby residential properties

g) hours of operation of the facility/use, and how it relates to the use of the adjacent land

h) whether approval has been granted for advertising or other forms of trading activities for the premises

i) the effect on vehicle flow and traffic safety

j) whether it is complementary to the business plan for the activity centre

k) whether it complements Council’s policy for the activity centre or precinct

l) whether the conditions of any previous approval have been complied with

m) whether the proposal will under any circumstances be detrimental to the amenity of the area, including residential amenity.

11. Fees and period of permits

The Bayside City Council sets its fees and charges each year as part of its budget/estimate process.

Fees are charged on a pro-rata basis

The current fees are available on request.
Footpath Trading Policy 2018

Traders and permit applicants should note that permanent structures have a fee other than those for non-permanent footpath trading activities.

Unless otherwise specified on the permit, a permit will expire on 31 August each year except in those instances when it is withdrawn or revoked by an Authorised Officer prior to the expiry date.

A permit will be invalid if the permit holder fails to maintain public liability insurance, in accordance with this policy.

12. Refunds

12.1 No refunds on new applications / transfer fees

12.2 A pro-rata refund will be given in accordance with Councils Fees and Charges (less administration fee) if a permit is forfeited.

13. Enforcement

12.1 If a local law, the Footpath Trading Policy, or specific permit condition is breached, Council may issue:

a) a verbal warning
b) a Notice to Comply – a first and final written warning with time limit for compliance
c) an infringement notice – a fine for noncompliance with the Notice to Comply
d) further fines or permit suspensions for a minimum period of three months and/or prosecution.

12.2 Council may impound any items on the footpath that do not comply with local laws, this policy, or any conditions placed on a permit. See Appendix 3 for procedures for the impounding of outdoor trading items.

12.3 Incidents of noncompliance are noted on a trader’s file and taken into consideration when determining penalties for additional/future breaches of compliance.

12.4 Second and subsequent fines will be issued without warning for further acts of noncompliance.

12.5 Incidents of noncompliance are taken into consideration when requests to modify a permit are submitted.
FORM OF INDEMNITY – COMPANIES AND INCORPORATED ASSOCIATIONS

This is a legally binding agreement.

This Indemnity is between BAYSIDE CITY COUNCIL (Council) and the company or incorporated association named

................................................................. (Organisation).

It arises out of a proposal by Council to issue a permit to the Organisation under Council’s Local Law No. 2 ‘Neighbourhood Amenity’ – Part 7 Business & Builders.

The Organisation agrees that, in exchange for Council’s issue of the permit under the Local Law, it will indemnify Council and keep Council indemnified against any and all liability (including liability and negligence) and any and all loss, damage, costs and expenses incurred by Council which arise out of anything done or omitted to be done by the Organisation in or on the area which is the subject of the permit.

SIGNED SEALED AND DELIVERED by )

(insert name) ................................................................. )

for and on behalf of the Organisation in the presence of: )

.................................................................

(Witness)

.................................................................

(Date)

July 2018
FORM OF INDEMNITY – INDIVIDUALS

This is a legally binding agreement.

(Name of Guarantor)

(Address)

(Occupation)

(Name of Organisation)

It is between BAYSIDE CITY COUNCIL (Council) and the person named above (Guarantor). It arises out of an indemnity given by the company or incorporated association named above (Organisation) concerning the proposed issue of a permit to the Organisation under Council's Local Law No. 2 ‘Neighbourhood Amenity’ – Part 7 Business & Builders.

The Guarantor agrees that, in exchange for Council issuing the permit under the Local Law, the Guarantor will pay and make good to Council on demand any loss, damage, costs and expenses incurred by Council as a result of the Organisation's refusal or failure to honour the indemnity given by it.

The Guarantor further agrees that any negligence or tolerance by Council in attempting to obtain payment or enforce the performance of the Organisation's indemnity will not release or, in any way affect, the Guarantor's liability under this agreement.

Finally, the Guarantor agrees that the guarantee given under this agreement is a continuing guarantee and that the Guarantor's liability will not be affected by any indulgence shown to the Organisation by Council.

SIGNED SEALED AND DELIVERED BY

(Guarantor) ..................................................  )

in the presence of:  )

..............................................................

(Witness)

..............................................................

(Date)

July 2018
Appendix 3: Impoundment

Authorised Officer either issues a notice to impound articles or takes immediate action in an emergency situation – at Authorised Officer’s discretion.

- Authorised Officer impounds articles immediately without notice.
- Authorised Officer informs Responsible Team Leader/Coordinator.
- Responsible Team Leader/Coordinator informs CEO or Responsible Manager – Planning, Building & Local Laws.

Notice of impoundment not complied with.

Authorised Officer informs Responsible Team Leader/Coordinator.
- Responsible Team Leader/Coordinator determines action to be taken.

Authorised Officer impounds articles with police in attendance.

Articles not impounded.

- Notice of impoundment issued by Investigation Officer personally or by registered mail.
- Authorised Officer submits impoundment record log and Investigation Officer’s report to Responsible Team Leader/Coordinator.
- Photograph all impounded articles.
- All articles impounded placed at Council’s approved pound.

No response to notice of impoundment after 24 hours for perishable goods or 7 days for non-perishable goods.

Owner of articles wishes to retrieve impounded articles.

Authorised Officer informs Responsible Team Leader/Coordinator to arrange for disposal of impounded articles in accordance with Local Government Act 1989.

- Authorised Officer informs Responsible Team Leader/Coordinator.
- Authorised Officer arranges return of impounded articles’ receipt upon the following:
  - appropriate fee paid
  - defendant signs record of impounded log
  - infringement notice issued if applicable.

Update file.

July 2018
Street Furniture Relocation Request

Applicant

Name: ________________________________ Date: ___/___/___
Address: ________________________________
Phone: ________________________________
Signature: ________________________________

Furniture requested for relocation:

Please complete this section and provide a sketch of the location on the reverse of the form.

Location of furniture: ________________________________
Reason for relocation: ________________________________

Item type:
  □ Bin(s) □ Seat(s) □ Bike Rack(s) □ Other: (specify)

Relocation approved by Bayside Council Urban Design:

All street furniture relocations require approval before proceeding. To receive approval, please email this form, completed to enquiries@bayside.vic.gov.au, attn: Urban Design. If/when approved, the form will be returned to you for payment.

Signature of Urban Design Coordinator or Landscape Design Officer: ________________________________

Fee:

Note – payment not to be processed without Urban Design approval of relocation

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation of bin/recycling bin (each receptacle, not pair)</td>
<td>$250.00</td>
</tr>
<tr>
<td>Relocation of bicycle hoop</td>
<td>$300.00</td>
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<tr>
<td>Relocation of seat/bench</td>
<td>$300.00</td>
</tr>
<tr>
<td>Relocation of ashtray/cigarette butt receptacle</td>
<td>$200.00</td>
</tr>
<tr>
<td>Other items</td>
<td>$ as agreed</td>
</tr>
</tbody>
</table>

OFFICE USE ONLY Urban Strategy – Street Furniture Relocation

110 - GL No: 00265, 0001: 1200: Furniture Relocation Fee As outlined above) AMOUNT: $__________________________

Received from: ________________________________

July 2018
10.5 POLICY REVIEW - CONTAMINATED AND POTENTIALY CONTAMINATED LAND POLICY (2018)

Corporate Services - Commercial Services
File No: PSF/18/98 – Doc No: DOC/18/170657

Executive summary

Purpose and background
At its 25 July 2017 Ordinary Meeting, Council adopted the Council Strategy and Policy Review Program 2017-2021. As part of that program, the Contaminated and Potentially Contaminated Land Policy (the Policy) has been reviewed in line with the revised policy template. The Policy does not require changes beyond alignment to the revised template at this time. Minor changes to the supporting procedures have been implemented to support Council data management.

The Policy has been in operation since July 2015 when it was first approved by Council. Council engaged suitably qualified experts to develop policy and procedures to support effective management of both Council owned or managed land and private land where the potential for contamination exists. This work included identification of all land under management by Council. A review of historic past uses was also undertaken to determine where properties may have had potentially contaminating past uses (eg Fuel storage including service stations, dry cleaners, and landfill sites).

Key issues

Contaminated and Potentially Contaminated Land Policy

The intent of the Policy is to provide a framework for Council as land owner, land manager and as Responsible Authority to manage contaminated and potentially contaminated land in the Bayside municipality. It provides for Council to take a risk based approach, taking into account the potential for land to be contaminated, the hazard associated with potential contamination and the level of potential exposure to human health and the environment.

Use of the Policy

Since its initial adoption the Policy has provided guidance on work to prioritise any site assessment of potentially contaminated land and to provide guidance on the management of land which may be contaminated. The Policy has been applied to changes of land use, where contaminants have been identified and to support recent land sale processes. Any assessments have been undertaken on the basis of Council’s risk based approach. This has proven effective in managing any potential issues associated with changes in use or ownership.

Recommendation


Support Attachments

1. Draft Contaminated and Potentially Contaminated Land Policy
Considerations and implications of recommendation

Liveable community

Social
Successful management of potentially or contaminated land supports the most beneficial use of Council and private land whilst protecting the impacts on human health.

Natural Environment
Proactively managing potentially contaminated and contaminated land is critical in ensuring environmental health.

Built Environment
The policy provides a risk based approach for the management of land which may be either contaminated or potentially contaminated.

Customer Service and Community Engagement
Consultation on the policy has been undertaken with key organisational managers and departments that have a role as land managers or Responsible Authority for planning. Officers and the external specialist consultants have benchmarked against best practice.

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

Legal
Council has various responsibilities under legislation and regulations that require it to manage and monitor land contamination, including the Environment Protection Act 1970 and the Planning and Environment Act 1987.

Finance
There are potential future resource and financial implications to accurately manage and clean up any high risk sites that are identified.

Links to Council policy and strategy
The Policy relates to the Property Strategy and Council role as land manager. The Policy also supports Council’s Role as Responsible Authority where Planning Controls such as Planning Scheme Amendments and Environmental Audit Overlays are appropriate.
1. Policy intent
To provide a framework for Council as land owner, land manager and as Responsible Authority to manage contaminated and potentially contaminated land in the Bayside municipality. Council will take a risk based approach that takes into account the potential for land to be contaminated, the hazard associated with potential contamination and the level of potential exposure to human health and the environment.

2. Policy Purpose
The policy provides a framework for Council to manage risks associated with contaminated land to human health and the environment in the Bayside municipality, taking into account Council’s role as both:

- Land owner and manager
- Planning and responsible authority for the administration of the Bayside Planning Scheme under the Planning and Environment Act 1987 (PE Act)

The objectives of the policy are to support

- Council operating in accordance with requirements of the statutory framework (the PE Act and the Environment Protection Act 1970) for the management of contaminated land.
- Improved understanding and communication of roles and responsibility of Council with regards to managing Council owned and managed land and in land use planning decisions.
- Council effectively applying, communicating and monitoring planning system requirements in accordance with the policy
- Ongoing maintenance of information relevant to contaminated and potentially contaminated land by Council
3. Glossary - Definitions and Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPP</td>
<td>State Environment Protection Policy</td>
</tr>
<tr>
<td>Detailed site investigation (DSI)</td>
<td>is required when the results of the preliminary investigation indicate that contamination is present or is likely to be present and the information available is insufficient to enable site management strategies to be devised. (National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)).</td>
</tr>
<tr>
<td>Potentially contaminated land</td>
<td>means land used or known to have been used for industry, mining, or the storage of chemicals, gas, wastes or liquid fuels (if not ancillary to another use of land) as defined in Minister’s Direction No.1 as amended from time to time under section 12(2)(a) of the Planning and Environment Act 1987 (noting that other land uses and activities may also give rise to contamination of land). State Environment Protection Policy (Prevention and Management of Contamination of Land)</td>
</tr>
<tr>
<td>Preliminary site investigations (PSIs)</td>
<td>usually include a desktop study to collect basic site information and identify the site characteristics (site location, land use, site layout, building construction, geological and hydrogeological setting, historical land uses and activities at the site), a site inspection and interviews with current and past owners, operators and occupiers of the site and preparation of a report. (National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)).</td>
</tr>
<tr>
<td>Sensitive use:</td>
<td>consisting of land used for residential use, a child care centre, pre-school, or primary school. A sensitive use may occur in an area of High density (where development makes maximum use of available land space and there is minimal access to soil) or in other lower density areas (where there is generally substantial access to soil). (State Environment Protection Policy (Prevention and Management of Contamination of Land).</td>
</tr>
</tbody>
</table>

4. Scope

Applies to all land within the boundaries of the Bayside municipality.
Applies to all operations, works or changes of use of Council owned or managed land
Applies to applications for planning permits
Applies to land which may be assessed for an Environmental Audit Overlay based holding a moderate or high risk of being contaminated where the existing zoning of the land may permit establishment of sensitive uses without the need for a Planning Scheme Amendment or a Planning Permit.

5. Policy statement

Council intends to manage potential land contamination to ensure:

- Unacceptable risks to human health and the environment are minimised; and
- Contamination is managed as required to enable the beneficial use (as determined in accordance with the relevant State Environment Protection Policy (SEPP)) of the land or groundwater.

Council will adopt a risk-based approach to managing contaminated and potentially contaminated land as a land owner and manager and as a Responsible Authority. This approach will take into account:

- The potential for land to be contaminated.
The hazard associated with potential contamination (public safety, health or environmental impacts of contaminants).

- The level of exposure to potential contamination (pathways for people or the environment to be exposed to contaminants).
- Assessment of sensitivity of use against potential contamination.
- The cost and efficacy of treatment options for managing contamination.
- Appropriate uses that ensure the land is fit for purpose.
- Consideration of Planning Controls such as Planning Scheme Amendments, and more specifically Environmental Audit Overlays (EAOs).

6. Roles & Responsibilities

Council’s role as a Planning Authority includes consideration of:
- planning scheme amendments; and more specifically
- introduction of Environmental Audit Overlays (EAOs).

Council’s role as a Responsible Authority includes consideration of:
- applications for planning permits.

Manager Commercial Services – maintaining contaminated land data for Council owned and managed properties

Manager Statutory Planning – oversee Council responsibility for regulating the planning, use and development of potentially contaminated sites as a Responsible Authority

Manager Urban Strategy – implementing EAOs into the Bayside Planning Scheme where appropriate for contaminated or potentially contaminated sites

Manager City Works – responsible to ensure capital works projects on Council owned or managed sites minimise the risk of harm of or from contamination.

All staff – review and where appropriate provide updated information in relation to Council owned or managed sites on contamination, potential contamination or remedial works to maintain an accurate reflection of potential contamination risk to Council. Incorporate review the Contaminated Land register prior to undertaking works, approvals.

7. Monitoring, evaluation & review

- The policy will be reviewed every four years.
- All contaminated or potentially contaminated land issues addressed in accordance with the Policy and in line with the associated procedures
- Procedure effectively utilised to provide a risk based approach to managing potentially contaminated or contaminated sites.
8. Related documents

<table>
<thead>
<tr>
<th>Policies</th>
<th>Bayside Planning Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td>Property Strategy</td>
</tr>
<tr>
<td>Procedures</td>
<td>Contaminated or potentially contaminated land management</td>
</tr>
<tr>
<td>Guidelines</td>
<td></td>
</tr>
</tbody>
</table>

**Please note**: This policy is current as at the date of approval. Refer to Council's website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) or staff intranet to ensure this is the latest version.
Executive summary

Purpose and background

At its Ordinary Meeting of 24 July 2018 Council considered a report seeking approval for a discontinuance and sale of the road adjoining 13-15 New Street and 7 Mair Street, Brighton. At this meeting Council resolved to defer the decision on this item for a period of one month.

This report again seeks Council approval for a discontinuance and sale of the road adjoining 13 -15 New Street and 7 Mair Street, Brighton (shown hatched on Attachment 1).

At the Ordinary Council Meeting on 22 May 2018, Council resolved to:

Commence the statutory procedures under Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Act), to discontinue the 3.66m wide road adjoining 13 and 15 New Street and 7 Mair Street, Brighton, shown hatched in Attachment 1 (the Subject Road), and to sell the land from the road to the owners of 13 & 15 New Street, Brighton (the Proposal).

As part of the statutory procedures, Council gave Public Notice of the Proposal in the appropriate newspapers and on Council’s website, under Sections 82A, 207A and 223 of the Act. Consequently, officers received a written submission on 22 June 2018 from the owner of 2 Seaview Avenue, Brighton (Objector).

A Special Committee of Council was held on 17 July 2018 to consider the submission received in accordance with Section 223 of the Local Government Act 1989. A copy of the submission and minutes of the Special Committee of Council and is included in attachment 2. Unfortunately, the submitter was not present at the hearing, however a further submission was made and is set out as Attachment 3.

Key issues

The section of road at the rear of 15 New Street is currently enclosed within the property. This exclusive occupation has been established for more than 15 years. Whilst the section of road at the rear of 13 New Street is physically open, it has not been used for vehicular or pedestrian access for some time.

As per Council’s ‘Road Discontinuance and Sale of Roads, Right of Ways and Drainage Reserve Policy’ (Policy):

“Council will encourage the sale of such land that is not being used for pedestrian or vehicular access and/or is no longer required for other strategic or public use.”

Given the above, the subject road is no longer reasonably required as a road for public pedestrian and vehicular access and can be discontinued and sold in accordance with Council’s Policy.

After giving public notice under Section 223 of the Act, officers received a submission from the Objector on 22 June 2018. Officers now advise that the objector has been made aware of Council’s position that once, or if, the road is discontinued, his ‘Right of Carriageway’ over that portion of the road will be extinguished.
After conducting public consultation, officers are of the view that the Objector does not reasonably require the subject road at the rear of 13-15 New Street, Brighton for pedestrian or vehicular access.

Further to the above and post the 24 July 2018 Meeting, Council sought legal advice regarding the registered easement of carriageway of 2 Seaview Avenue. This advice concludes that the easement does not prevent Council deciding to discontinue and sell the Right of Way in accordance with clause 3 of schedule 10 and sections 189, 206, 207A and 223 of the 1989 Act.

As per the submission received on 22 June 2018, the Objector has suggested that a Covenant should be lodged upon sale of the land to restrict the development potential of the land. This would form a detriment over the land and reduce the market value of the land. Officers believe that the objector has no legal interest or claim to lodge a covenant on the subject parcel(s) of land. Any development restrictions should be imposed through planning permit conditions and objections of this nature could be made through the planning application process which would be assessed against the relevant planning scheme. The proposal to discontinue and sell the land at the rear of 13-15 New Street, Brighton should be assessed independently of any proposed planning applications.

In accordance with Section 189(2)(b) of the Local Government Act 1989, officers have instructed Matheson Stephen Valuations to prepare a valuation report for the subject road dated 30 January 2018. Council is required to have a valuation that is not less than six months old at the time of sale. Generally this valuation is the price set by Council for such sales, however in this instance the statutory process, meeting cycle and deferral mean the six months for the original valuation has now passed. The agreed sale price was $226,832 inclusive of GST based on the original valuation. The new valuation at 27 August 2018 is $234,300 inclusive of GST.

At the Ordinary Meeting on 22 May 2018, Council commenced the statutory procedures and gave public notice of the intent to discontinue and sell the land at the 30 January 2018 valuation.

At the July 2018 Ordinary Meeting referenced above, questions were raised as to the Right of Carriageway over the subject road and the Carriageway Easement over the title of 2a Seaview. Attached to this report (attachment 4) is a plan of the adjoining properties clearly showing the ‘Proposed Discontinued Road’, the ‘Road, and the ‘Carriage Way Easement’. The ‘Carriageway Easement’ is over the title of 2a Seaview and in favour of 3/11 New, 4/11 New, 13 New and 15 New Street Brighton. It is important to note that the ‘Carriage Way Easement’ is not in favour of 2 Seaview Avenue, therefore they do not have access to connect to the road network and do not have the ability to use the road in question for its intended purpose.

**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 the road adjoining 13-15 New Street and 7 Mair Street, Brighton, (shown hatched on
Attachment 1) and Council having determined the road is not reasonably required as a road for public use, resolves to:

1. In accordance with Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Act) discontinue the road adjoining 13 and 15 New Street and 7 Mair Street, Brighton, shown hatched in Attachment 1;

2. Direct a public notice be published in the Victoria Government Gazette;

3. Proceed to sell and transfer the land to the owners of 13 and 15 New Street, Brighton by private treaty; in accordance with Council’s Road Discontinuance and Sale Policy, Council’s previous resolution at the Ordinary Council Meeting on 22 May 2018 and the purchase prices shown in ’Table 1’ of this report;

4. Authorise the Chief Executive Officer, or such other person as delegated by the Chief Executive Officer, to undertake the necessary steps to complete the formal procedures for the discontinuance and sale of the land from the road to the owners of 13 and 15 New Street, Brighton including the execution of all relevant documentation; and

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 sale 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.

   iii. The discontinuance and sale of the road should be assessed independently of the planning application for the development of the adjoining properties at 13 and 15 New Street, Brighton, and the proposal should proceed. The submitter has a right to object to the planning application for the development at 13 and 15 New Street based upon relevant planning grounds.

   iv. Although 2 Seaview Avenue, Brighton enjoys carriageway rights over a section of the road which abuts the east property boundary, officers do not consider that the section of road proposed to be discontinued and sold to the owner of 13 and 15 New Street, Brighton, is reasonably required for access to 2 Seaview Avenue.

   v. The section of road proposed to be discontinued does not directly abut the side of 2 Seaview Avenue, and its discontinuance and sale to the owner of 13 and 15 New Street at current market value, accords with Council policy.

   vi. The proposed discontinuance and sale of the section of road adjoining the rear of 13 and 15 New Street will not preclude the submitter from gaining access to the remainder of the open road at the side of their property.
vii. A Caveat will not be placed on the subject land to restrict the development potential of the land. Any development restrictions should be imposed through planning permit conditions and will be assessed as per the relevant Planning Scheme.

Support Attachments

1. Attachment 1 13-15 New St, Brighton
2. Attachment 2 Agenda 17 July Special Committee of Council
3. Attachment 3 Mr Darmody’s Further Presentation
4. Attachment 4 - Title Plan
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 15 New Street and provide property owners with an opportunity to gain title to the land.

Customer Service and Community Engagement
All necessary service authorities and Council departments have been consulted and no objections have been received nor any requirements over the land noted.

Statutory procedures require 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 will be advised of the proposal in writing and informed of their right to make a submission. Notification will also be provided on Council’s website.

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

Human Rights
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
Following the resolution to defer any decision on this item at the Ordinary Meeting of 24 July 2018, Council has received further legal advice confirming the easement of carriageway of 2 Seaview Avenue does not prevent Council deciding to discontinue and sell the Right of Way in accordance with clause 3 of schedule 10 and sections 189, 206, 207A and 223 of the 1989 Act. Council has a current valuation to support any sale process.

Finance
In accordance with Council’s Policy, the land has been allocated to the adjoining property owners in accordance with the division shown on Title Plan TP 959863D (set out as Attachment 4). The results of these negotiations are shown in the table 1 below:

Table 1

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>Share of Purchase</th>
</tr>
</thead>
</table>

Item 10.6 – Reports by the Organisation
The owner of both properties has signed conditional Letters of Offer to purchase the land for the combined sum of $226,832, given the road can be discontinued. The 27 August 2018 Valuation shows the combined sum has increased to $234,300. As statutory advertising has already been undertaken it is proposed to sell the land at the original valuation.

**Links to Council policy and strategy**

Discontinuance and Sale of Roads, Right of Ways and Drainage Reserves.
Special Committee of Council Meeting Agenda

Agenda

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

Special Committee of Council Meeting

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

on

Tuesday, 17 July, 2018
at 6:45pm
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 Road Discontinuance and Sale of land adjoining 13 and 15 New Street and 7 Mair Street Brighton - Submission - Mr John Darmody

   Requests to be heard in support of submissions

   The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting:

   1. Mr John Darmody
1. Welcome and opening of the meeting

2. Apologies

3. Declarations of any Conflict of Interest
4. Submissions

4.1 ROAD DISCONTINUANCE AND SALE OF LAND ADJOINING 13 AND 15 NEW STREET AND 7 MAIR STREET BRIGHTON - SUBMISSION - MR JOHN DARMODY

Corporate Services - Commercial Services
File No: FOL/15/2345 – Doc No: DOC/18/148057

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>Request to be Heard</th>
<th>Acknowledgement</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 June 2018</td>
<td>Yes</td>
<td>22 June 2018</td>
</tr>
</tbody>
</table>

Organisation's comments

(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 Act, 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.

(iii) The relevant Planning Officer has advised that the discontinuance and sale of the road should be assessed independently of the planning application for the development of the adjoining properties at 13 and 15 New Street, Brighton, and the proposal should proceed. The submitter has a right to, and may, object to the planning application for the development at 13 and 15 New Street based upon relevant planning grounds (such as overlooking/loss of privacy).

(iv) Although 2 Seaview Avenue enjoys carriageway rights over the road, officers do not consider that the section of road proposed to be discontinued and sold to the owner of 13 and 15 New Street, Brighton, is reasonably required for access to 2 Seaview Avenue.

(v) The section of road proposed to be discontinued does not directly abut the side of 2 Seaview Avenue, and its discontinuance and sale to the owner of 13 and 15 New Street at current market value, accords with Council policy.

(vi) The proposed discontinuance and sale of the section of road adjoining the rear of 13 and 15 New Street will not preclude the submitter from gaining access to the remainder of the open road at the side of his property – see below in 'Figure 1, Aerial Plan'.

(vii) As per the submission received on 22 June 2018, the submitter has suggested that a Caveat should be lodged upon sale of the land to restrict the development potential of the land. If a caveat was to be lodged, this would limit the market value and sale price of the land.

(viii) As per section 189(2)(b) of the Act, Officers have instructed Matheson Stephen Valuations to prepare a valuation report dated 30 January 2018. Subsequently at the Ordinary Council Meeting on 22 May 2018 Council approved the sale of the
land to be sold by private treaty to the owners of 13 and 15 New Street, Brighton in accordance with the valuation report. The valuation report has been assessed in accordance with Bayside City Council’s Policy and reflects an accurate and recent market value.

Figure 1: Aerial Plan

Support Attachments

1. John Darmody - Submission to the Discontinuance and Sale of Road at rear 13-15 New Street
Hi Kenton,

Further to your emails and various assumptions I wish to advise that you are incorrect on the cornerstone of your argument and I confirm our objection to the sale of land as proposed.

I am surprised by the dismissive manner in which you have treated our position and trust that this is not typical of Council's approach to such matters.

I maintain that we do have a right of carriageway over the land. We also have used this right over the period of time we have lived at 2 Sea View Avenue for a range of activities including access for garden maintenance and recreational activity with our children.

Your supposition that we have no legal access to the right of carriageway is flawed.

We are able to access the land directly from our property and we indeed have a gate affording us the same.

In addition we have been provided informal access over the land to the West of 2a Sea View Avenue’s owner Ms Mavis Cameron as requested.

Our usage of the laneway extends to the land at the rear of 13 New St - however we do concede that it does not extend to the land at 15 New St as this had been fenced off with a gate. In that respect it is unreasonable for us to object to the sale at the rear of 15 New St - but maintain our objection to the sale of land at the rear of 13 New St.

Our title specifically describes part of the laneway with a specific easement in our favour.

I also advise that I still wish to view the valuation as per your offer. Despite your view that it is a market valuation I am unconvinced that a residual land value approach has been adopted.

I trust our position is clear and reiterate that we are willing to discuss this matter at a time we can attend a special committee meeting to find a solution that may find some middle ground - instead of being shoe horned and dismissed.

Kind Regards,
John Darmody
Director
DARMS PROPERTY
www.darms.com.au
john@darms.com.au
Telephone - 0412 204 222

On Jun 28, 2018, at 5:15 PM, Kenton Shue <kshue@bayside.vic.gov.au> wrote:

Hi John,
Just a friendly reminder that you have until COB (5:00pm) 28 June 2018 (today) to submit any final submissions.

If I do not receive anything further, I will attach your two previous email submissions received on 22 June 2018 to the Section 223 Special Committee Meeting Report. This will be presented and heard at the Special Committee Meeting of Council on 7:30pm 5 July 2018.

Kind regards,

Kenton Shue | Property Officer
Commercial Services
Bayside City Council
76 Royal Avenue Sandringham VIC 3191
Tel 95994746 | Fax 9598 4474
Email kshue@bayside.vic.gov.au
www.bayside.vic.gov.au

From: Kenton Shue
Sent: Wednesday, 27 June 2018 4:13 PM
To: “John Darmody” <john@darms.com.au>
Subject: Section 223 Meeting - Special Committee Meeting of Council, Objection to Road Sale 13-15 New Street Brighton
Importance: High

Hi John,

Could you please consolidate all your final comments into one email submission. I will then add this submission into an attachment into the Special Committee Meeting report that I am preparing.

Kind regards

Kenton Shue | Property Officer
Commercial Services
Bayside City Council
76 Royal Avenue Sandringham VIC 3191
Tel 95994746 | Fax 9598 4474
Email kshue@bayside.vic.gov.au
www.bayside.vic.gov.au

From: John Darmody [mailto:john@darms.com.au]
Sent: Tuesday, 26 June 2018 2:25 PM
To: Kenton Shue <kshue@bayside.vic.gov.au>
Subject: Re: HPRM: Re: Objection to Road Sale 13-15 New Street Brighton

Hi Kenton

Can’t the matter be heard at the following meeting - which has been “set well in advance”?

Kind Regards
John Darmody
Director
DARMS PROPERTY
www.darms.com.au
john@darms.com.au
Telephone - 0412 204 222

Page 8 of 14
On Jun 26, 2018, at 11:06 AM, Kenton Shue <kshue@bayside.vic.gov.au> wrote:

Hi John,

As discussed with Council’s Governance Department, we cannot reschedule the Special Committee Meeting as these dates are set well in advance. Please arrange for a written submission to be formally made either via email or letter/scanned pdf. This will be attached to the Special Committee Meeting Report, where I will have to present all the facts and background on the matter.

As per our previous email thread, it is fairly extensive. If you wish to simplify this information to portray a more succinct submission, you may resend your formal submission in a new email and I will include this in the attachment as a submission to be heard at the Special Committee Meeting at 7:30pm 5 July 2018.

If you do not resubmit anything, I will include your previous email as an attachment in the report as a submission. However, this date is imminent and cannot change.

Kind regards,

Kenton Shue | Property Officer
Commercial Services
Bayside City Council
76 Royal Avenue Sandringham VIC 3191
Tel 959447ab | Fax 9598 4474
Email kshue@bayside.vic.gov.au
www.bayside.vic.gov.au

From: John Darmody [mailto:john@darms.com.au]
Sent: Monday, 25 June 2018 12:57 PM
To: Kenton Shue <kshue@bayside.vic.gov.au>
Subject: HM: Ne: Objection to Road Sale 13-15 New Street Brighton

Thank you - please arrange meeting after 7 July if possible.

Kind Regards
John Darmody
Director
DARM'S PROPERTY
www.darms.com.au
john@darms.com.au
Telephone: 0412 204 222

On Jun 25, 2018, at 12:51 PM, Kenton Shue <kshue@bayside.vic.gov.au> wrote:

Hi John,

Thank you for your response and proposed solution.

Your Property, 2 Seaview Avenue does not have carriageway easements rights, over the parcel of land west of 2A Seaview Avenue. As a result of this you have no legal access to the right of way, nor have you required
or used the road rear 13-15 New Street for access for >15 years. Therefore you have no legal interest or claim to the proposed land (to be discontinued and sold) and Council does not believe that a Covenant on the land should be lodged, restricting development potential in favour of yourself, limiting the market value and sale price of the land, as per your objection email sent on 22/6/18.

The valuation report is confidential, however if you would like to come into Council, I can show you a hard copy of the valuation. Given the Local Government Act requires Council under section 189 to sell land at market value, we see this process to be transparent and should not be of major concern to yourself.

I am looking into an alternative Special Committee Meeting after the 5 July 2018. Will let you know.

Please let me know if all the information from Council’s knowledge is correct.

Kind regards,

Kenton Shee | Property Officer
Commercial Services
Bayside City Council
76 Royal Avenue Sandringham VIC 3191
Tel 95994746 | Fax 9598 4474
Email kshee@bayside.vic.gov.au
www.bayside.vic.gov.au

From: John Darnody [mailto:john@clares.com.au]
Sent: Friday, 22 June 2018 5:33 PM
To: Kenton Shee <kshe@bayside.vic.gov.au>
Subject: Re: Objection to Road Sale 13-15 New Street Brighton

Hi Kenton

Thank you for your quick feedback.

Despite your advice we are not persuaded to withdraw our objection. Our request to restrict development on the land is not addressed adequately.

In addition I would be interested in viewing the market valuation to understand the assumptions on how it was assessed.

Finally we are unable to agree that the sale is in the best interest of the community - as we are are part of that group and a loss of our private space privacy is clearly not in our interest.

Notwithstanding the above should council see fit to devise reasonable permanent covenants applicable to the land as a condition of the sale of the land that protect our privacy - we will may willing to be reconsider our position.
Kind Regards
John Darmody
Director
DARMS PROPERTY
www.darmor.com.au
john@darmor.com.au
Telephone - 0412 704 222

On Jun 22, 2018, at 4:57 PM, Kenton Shue <kshue@bayside.vic.gov.au> wrote:

Hi John,

Thank you for your response. I will look into arranging an alternative Special Committee Meeting.

To respond to your three concerns:

1. This sale of land is independent of the planning application. You are more than welcome to object to their development permit, however 15 New Street already has the land enclosed and occupied.

2. As per the report to Council on 22 May 2018 – please see Council Agenda and Minutes. This will explain that as per the Local Government Act 1989, section 189 will not allow Council to sell the land for less than market. We have used our certified practicing valuer to prepare a market valuations for these two parcels of land.

3. You may well have carriageway rights, over part of the road, however the section of the Road being discontinued (near 13-15 New Street) is of no interest to you. The part of the Road which you may use and have carriageway rights over is not being discontinued – you will still have vehicular and pedestrian access. Please see plan of section of Road to be discontinued below:

I hope I have convinced you to withdraw your objection, and pursue any further development and planning objections through Planning.

Council divests any revenue received from these discontinuance and sale of redundant right of ways to a Public Open Space fund, which is reinvested into providing more public open space to the residents in the suburb.

I hope you understand that this sale of unused and redundant Council right of way is in the best interests of both the community and Council.
Happy to discuss any further concerns.

Kind regards,

Kenton Shue | Property Officer
Commercial Services
Bayside City Council
76 Royal Avenue Sandringham VIC 3191
Tel: 95954746 | Fax: 9595 4474
Email: kshue@bayside.vic.gov.au
www.bayside.vic.gov.au

From: John Darmody (jdarmony@bayside.com.au)
Sent: Friday, 22 June 2018 4:25 PM
To: Kenton Shue <kshue@bayside.vic.gov.au>
Cc: jdarmody@bigpond.com
jdarmody@bigpond.com

Subject: Objection to Road Sale 13-15 New Street
Brighton

Dear Kenton,

Further to your letter dated 15 June 2018 – I confirm that my wife and I are owners at 2 Seaview Avenue
Brighton.

We object to the land shown in the table being sold by Council on the following grounds:

- The owners of 13-15 New St will then apply for a permit for housing that has the potential to overlook our backyard and private space;
- The value of the land being sold is below market;
- We have carriage way rights over the land which will be diminished by sale of the land at rear of 13 & 15 New St.

We also understand Council’s objective to see better utilisation of the land and are willing to discuss this issue further.

An example of a compromise could be that the land to be sold has a caveat over it so that it cannot be a) considered as land when considering permit applications and calculating matters such as site coverage. In addition that all new building setbacks that are applied to new development are assessed from the existing boundaries of 13 & 15 New St – EXCLUDING the boundaries of the road to be acquired. This would provide us piece of mind that the planning permit applications would be for development with sufficient set back to protect our privacy.
Finally we advise that we would request the right for our position to be heard by the Special Committee of Council – however are unable to attend on 5 July. We would ask that the meeting be pushed out one week and we could attend on 12 July at the same time if possible.

Thank you in advance for your consideration of our position.

Best Regards

JULIE AND JOHN DARMOODY
2 SEAVIEW AVENUE
BRIGHTON
John Darmody | Director
DARMOY Property
M: 0412 204 222
E: john@darmos.com.au
W: www.darmos.com.au

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sender by return email, delete it from your system and destroy any copies. The sender gives no warranty
that any attachments to this email are free from viruses or other defects.
Council's view if presented:

- We are prepared to consider
  bringing equipment to the back yard etc.
- To undertake gardening activity and
  mowing
- of our house is being used:
  - As a walkway to the beach if the front
    of our house is being used.
  - To bring goods into the back of our
  - home every now and then:
- The right of carriageway:
  - Residents of 2 Seaview Avenue use
  - the carriageway access to their
    homes located along the
  - roadway/laneway;
- We have a legal right to the
  - carriageway;
- We have not stated it's clear
  - this being removed.
- The right of carriageway – we do not consent to
- 2 Seaview Avenue – has a legal
- The certificate of title;
- Right to the right of carriageway:
- 2 Seaview Avenue – 2 Seaview Avenue
  Birtinya Beach 3186

Daniel O'Neill, Co-Ordination 17 July 2018
Title Plan

Location of Land
- Parish: MOORABBIN
- Township: 
- Section: 
- Crown Allotment: 
- Crown Portion: 2 (port)
- Last Plan Reference: LOT 1 ON TP923337D (port)
- Derived From: Vol 1421 Fol 019 (port)
- WACSA Co-ordinates: E 325 000 N 5 800 035 Zone: 55
- Depth Limitation: DOES NOT APPLY

Easement Information

<table>
<thead>
<tr>
<th>Easement Reference</th>
<th>Purpose</th>
<th>Width (Metres)</th>
<th>Origin</th>
<th>Land Benefited/In Favour of</th>
</tr>
</thead>
</table>

WARNING: THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR UPDATED INFORMATION.

THIS PLAN HAS BEEN PREPARED FOR LAND VICTORIA FOR TITLE DIAGRAM PURPOSES.

Assistant Registrar of Titles

Scale: 1:250

Hellier McFarland
Level 2, 1911 Malvern Road, Malvern East, VIC 3145
PO Box 1206, Darling, VIC 3145
Tel 03 9521 0851  Fax 03 9521 0851
www.hellier.com.au  info@hm.com.au

LICENSED SURVEYOR
RAYMOND FRANCIS EARLS

Item 10.6 – Reports by the Organisation  Page 152 of 187
Executive summary

Purpose and background
The purpose of this report is to seek approval to commence the statutory procedures under section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (the Act) to discontinue the 3.05m wide right of way (road) adjoining 42 Murphy Street and 55 Brickwood Street, Brighton (the Subject Road), shown hatched on Attachment 1, and to sell the land from the road to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton (the Proposal).

Council has recently received an enquiry from the owner of 42 Murphy Street, Brighton for the possible discontinuance and sale of the Subject Road. Initial investigations identified that whilst the Subject Road is physically ‘open’ and constructed in concrete few if any of the adjoining properties appear to use the road for vehicle or pedestrian access.

The Subject Road is currently listed on Council’s Register of Public Roads, in accordance with schedule 1 of the Road Management Act 2004. It also remains as a ‘Road’ on Title Plan 554260, contained within certificate of title Volume 3568 Folio 443.

Key issues
The subject Road ends at the southern boundary of the Elsternwick Primary School. Whilst an existing cyclone mesh gate at the end of the road suggests that the road had been used for access to the School in the past, both the School Council and the Department of Education and Training have confirmed that the road is no longer used for access to the School and support the Proposal.

A planning permit has recently been issued for a second dwelling at the rear of 42 Murphy Street ( Permit 2017/452/2). The second dwelling does not rely on the road for access nor requires any additional land area. The owner, being the original applicant, has signed a ‘Letter of Offer’ to purchase half of the land for the sole purpose of additional private open space.

The adjoining owners of 55 Brickwood Street, whilst initially supportive of the Proposal, have stated that they now object to the Proposal and would prefer to retain the status quo. They are of the view that the proposed development at 42 Murphy Street will have a substantial negative impact on both the visual amenity and value of their land. Accordingly, their preference is for the subject road to remain in order to provide a buffer between the two properties and allow for the parking of their trailer in it.

Council officers have informed the owners of 55 Brickwood Street that they do not support retention of the road merely to provide a buffer between the two properties nor for the parking of a trailer. Given that the road appears to be no longer used or reasonably required as a road for public use Officers are recommending to Council that it commence the statutory procedures for the discontinuance and sale of the road.

Whilst the owners of 55 Brickwood Street have returned a positive ‘Letter of Offer’, they have done so reluctantly and remain opposed to the Proposal.
All necessary service authorities and Council Departments have been consulted and no objections have been received. None of the service authorities have any assets within the land nor requirements over the land.

The property at 55 Brickwood Street currently has two stormwater outlets discharging onto the surface of the road. If discontinued, Council’s City Assets and Projects Department has directed that the owner of this property will be required to redirect this stormwater away from the road and into the internal drainage system of the property.

Purchasers will also be responsible for removing any concrete from the road and reinstating any fencing.

The subject Road is considered by officers to be no longer reasonably required for public use and as such it is appropriate that procedures be commenced for its possible discontinuance and sale to the adjoining property owners.

**Recommendation**

That Council:

1. Commence the statutory procedures, pursuant to section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (the Act), for the discontinuance of the 3.05m wide road adjoining 42 Murphy Street and 55 Brickwood Street, Brighton, shown hatched in Attachment 1 and to sell the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton by private treaty (the Proposal);

2. Give Public Notice of the Proposal in the appropriate newspapers and on Council’s website under sections 82A, 207A and 223 of the Act that the land from the road be sold to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton in accordance with Council policy and the purchase prices shown in Table 1 within this report;

3. If no submissions are received following the publication of the Public Notice, authorise the Director Corporate Services to undertake the necessary procedural steps to complete the formal procedures for the discontinuance of the road and sale of the land to the owners of 42 Murphy Street and 55 Brickwood Street, Brighton (the Proposal) including the execution of all relevant documentation;

4. In the event that written submissions are received, a further report be presented to Council or a Special Committee of Council to consider the submissions received in accordance with section 223 of the Local Government Act 1989 and for a decision whether to discontinue and sell the road, part of the road or not to discontinue and sell the road.

5. In the event of any submitters requesting to be heard in support of their written submission, a further report will be presented to a Special Committee of Council in accordance with section 223 of the Act consisting of all Councillors with a quorum of four Councillors to hear/consider the submission/s received at a meeting to be held on Thursday, 1 November 2018 in the Council Chambers, Boxshall Street, Brighton and for a decision whether to discontinue and sell the road, part of the road or not to discontinue and sell the road.

**Support Attachments**

1. Attachment 1 Survey Plan ↓
2. Attachment 2 Title Plan ↓
Considerations and implications of recommendation

Liveable community

Social
The sale of discontinued right of ways will remove the need for Council to regularly maintain land that it may no longer be required to hold ownership over to deliver social needs. In this case the land is used for drainage purposes by South East Water. This drainage service will still continue to operate if the land ownership was transferred through easement rights.

Natural Environment
There are no impacts associated with this report.

Built Environment
The Proposal will provide property owners with an opportunity to gain title to the land which is no longer required for municipal purposes.

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

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

Legal
The statutory procedures require Council to give public notice of its intention to discontinue and sell the Subject Road and invite submissions from affected parties. Notification will also be given on Council's website. In addition, all joining property owners will be advised of the Proposal in writing and informer of their right to make a submission.

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

In the event that any submitters request to be heard in support of their written submission, the Special Committee of Council will hear/consider the submission/s received prior to making a decision on the Proposal.

If no submissions are received, the Council, will resolve to discontinue the road in full, in part or not to discontinue the road.
Finance

Council’s independent valuer, Matheson Stephen Valuations, has set a value of $1,815.00 m² (or $70,400.00) for the land from the Subject Road (inclusive of GST).

In accordance with Council Policy the land has been allocated to the adjoining property owners in accordance with the division shown on Title Plan TP959864B in Attachment 2. The purchase price for each parcel is shown in the below table.

Table 1:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Property</th>
<th>Area</th>
<th>Market Value</th>
<th>GST</th>
<th>Council’s Cost</th>
<th>Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>42 Murphy St, Brighton</td>
<td>19.5m2</td>
<td>$32,000</td>
<td>$3,200</td>
<td>$6,000</td>
<td>$41,200</td>
</tr>
<tr>
<td>2</td>
<td>55 Brickwood St, Brighton</td>
<td>19.5m2</td>
<td>$32,000</td>
<td>$3,200</td>
<td>$6,000</td>
<td>$41,200</td>
</tr>
</tbody>
</table>

Both adjoining property owners have signed conditional ‘Letters of Offer’ to purchase the land for the combined sum of $82,400.00, if the road can be discontinued.

Links to Council policy and strategy

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

Council’s Property Strategy Principle One

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

Council Plan Goal 7 – Financial Responsibility and Good Governance

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability.
Item 10.7 – Reports by the Organisation
10.8 CONTRACT CON/18/77 ROAD RESURFACING PROGRAM 2018/19 - 2019/20

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/182982

Executive summary

Purpose and background
The purpose of this report is to appoint a contractor to undertake the Road Resurfacing Program for 2018/19 – 2019/20 under Contract CON/18/77.

The works under this contract comprises asphalt resurfacing of various roads throughout the municipality and all associated works such as road surface profiling, traffic management, line marking and utility service alterations.

The contract is proposed to commence on 1 October 2018, for a total period of 21 months. This contract is a Schedule of Rates contract.

This work is an asset renewal activity, delivered in accordance with the relevant Asset Management Plan and Road Management Plan. The condition of roads throughout the municipality has been audited via Council’s pavement management system and validated by site inspections.

Key issues
Bayside City Council undertook a collaborative tender advertising process with Kingston City Council. This method of tendering was conducted in order to assess potential cost savings for Council by aggregating the road resurfacing works for both Councils under a single advertisement.

The tender was constructed keeping contractual documents for each council separate and incorporating a provision for cost savings if a contract was awarded for both councils’ work.

A public tender was advertised in The Age and released through Kingston Council’s eTendering portal on Saturday 23 June 2018 and closed on Thursday 19 July 2018 with the following submissions:

(1) Alex Fraser Asphalt Pty Ltd;
(2) Boral Resources (Vic) Pty Ltd Trading as Boral Asphalt;
(3) Downer EDI Works Pty Ltd;
(4) Fulton Hogan Pty Ltd;
(5) Prestige Paving Pty Ltd; and
(6) Parkinson Group (Vic) Pty Ltd.

The result of the analysis can be found in Confidential Attachment 1: Evaluation Matrix.

The financial component of each submission was assessed by utilising indicative quantities of asphalt, road surface profiling, line marking and utility service alterations projected to be completed throughout the life of the contract.
After analysing the submissions the tender evaluation panel found that the cost savings the tenderers offered for completing both Bayside and Kingston City Council works simultaneously were small.

The table shown in Confidential Attachment 2 summarises the indicative prices and discounts received from tenderers based on a schedule of rates.

In order to apply the discount to the tendered price for Bayside City Council’s program, Kingston City Council must appoint the same contractor to complete its program. It is evident that the tendered prices from the different companies do not support a proposition for both Councils to award a contract to the same contractor. Both Councils can achieve a better price by appointing different contractors.

From the initial evaluation Alex Fraser Asphalt was shortlisted and invited to interview. At interview Alex Fraser Asphalt demonstrated a good understanding of the works and are committed to completing the work within the required timeframe.

Alex Fraser Asphalt has been conducting asphalt resurfacing works in Melbourne for 20 years and has an extensive history in delivering capital works for State and Local Government. Alex Fraser Asphalt has successfully delivered the Road Resurfacing Program for Bayside City Council in the past and passed all Quality Assurance and OH&S requirements.

Confidential Attachment 3 provides the tendered schedule of rates for Alex Fraser Asphalt.

As shown in Confidential Attachment 1 – Evaluation Matrix, the tender evaluation panel concluded that Alex Fraser Asphalt offers the best value for money and recommends that the contract be awarded to Alex Fraser Asphalt.

**Recommendation**

That Council:

1. Awards Contract CON/18/77 Road Resurfacing Program for 2018/19 – 2019/20 to Alex Fraser Asphalt Pty Ltd (ABN: 60 083 841 963) for the specified schedule of rates in Confidential Attachment 3;

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/77 Road Resurfacing Program for 2018/19 – 2019/20; and

3. Advises the unsuccessful tenderers accordingly.

**Support Attachments**

1. Confidential Attachment 1 - CONTRACT CON/18/77 Road Resurfacing Program Tender Evaluation Matrix (separately enclosed) (confidential)
2. Confidential Attachment 2 - CONTRACT CON/18/77 Road Resurfacing Program Price Summary (separately enclosed) (confidential)
3. Confidential Attachment 3 - CONTRACT CON/18/77 Road Resurfacing Program Schedule of Rates (separately enclosed) (confidential)
Considerations and implications of recommendation

Liveable community

Social
The works under this contract are aimed at improving the condition and safety of roads in the municipality.

Natural Environment
A condition of tender was to offer a price using environmentally friendly asphalt products. This includes both recycling of asphalt and road materials, use of recycled product in asphalt and use of 'warm' asphalt.

Built Environment
Road resurfacing improves the condition of a road. Damaged or deteriorated road surfaces allow water to ingress into the underlying pavement contributing to road failure and also trigger maintenance works.

Customer Service and Community Engagement
Advice in relation to the work and traffic management arrangements will be communicated directly to the local residents prior to commencement of the work in relevant areas.

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

Legal
This Request for Tender was undertaken in accordance with the Bayside City Council's Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance
The allocation for Road Resurfacing Program in the 2018/19 budget is $2.2 Million.

The extent of work will be managed to ensure that the expenditure does not exceed budget allocations during the total contract period of 21 months. No minimum quantity of work is guaranteed to the successful contractor.

As the contract is a schedule of rates contract, it does not have a total contract value. Hence, it is appropriate that this contract be awarded on the basis of the schedule of rates.

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 recommend the appointment of a Head Consultant and Architectural Services for the Sandringham Library and Maternal Child Health Centre (MCHC) and the Masonic Hall Redevelopment under the proposed Contract CON/18/81.

This contract proposes to engage a complete design team for the effective investigation, engagement, stakeholder forums, design and documentation for all three projects forming the Sandringham Precinct Project. This will include the simultaneous design for the Sandringham Library, the Maternal Child Health Centre and Sandringham Masonic Hall to provide contemporary compliant community facilities. Planning and authority approvals are varied on each project and achieving all of the required approvals will determine the final construction commencement dates.

**Library**

The 2016 Library Review identified an increased demand for library services across the municipality with Sandringham Library ranked as having the second highest patronage. Council has since endorsed that the Sandringham Library and the recently purchased Masonic Hall be redeveloped expeditiously to accommodate the library needs as well as the other associated community group requirements. The project objective is to create a place based community activity precinct in Sandringham incorporating both the library and masonic hall buildings and will be further complemented by a separate council project, being the Sandringham Streetscape Upgrade Project.

Proposed works to the library will include providing a new entrance, full internal redesign to achieve a modern space with updated client services. This library refurbishment will address current demand, will allow the ability to meet future growth and include a new MCHC in a dedicated space with a separate entry. Currently the library shares its floor area with Sandringham Life Activities Group and Sandringham Historical Society. These groups are to be relocated to Sandringham Masonic Hall to allow for the library expansion and the MCHC facility. Design will meet the requirement for all abilities access, age or gender.

**Masonic Hall**

The Victorian Heritage registered double storey Masonic Hall is located almost opposite the library and is to be refurbished to accommodate for the following groups; Sandringham Life Activities, Sandringham Historical Society and if size and final design allows to also include Black Rock Activity Group.

These refurbishment design works need to achieve the mandatory compliances including all relevant heritage approvals, meet the requirements of the tenant community clubs for any ability, age or gender and best accommodate their individual user needs.
This contract is for a Head Consultant and Architectural Services is for the full design of the Sandringham Precinct Project and will include the following stages:

**Stage 1:** Investigation of existing buildings and authority requirements to achieve approvals such as Heritage Victoria and Melbourne Water and to provide concept design package.

Attend and facilitate client/users workshops with the relevant stakeholders to ascertain the needs and wants of each of the user groups.

**Stage 2:** Assist with the planning application process for the library/MCHC and Masonic Hall projects

**Stage 3:** Services to include a comprehensive and co-ordinated contract documentation package to enable Council to invite contractors to tender the works. Details to include all the user groups’ requirements, services upgrades and achieve the requisite approvals.

Assisting with advice during construction tender procurement process.

**Stage 4:** Provide services during contract administration and liability period.

**Key issues**

Five architecture companies were invited to tender for the services through a selective tender process utilising the State Government Construction Supplier Register. All invited tenderers had the experience and resources to undertake the project. The following companies submitted a tender:

1. Croxon Ramsay Pty Ltd;
2. Hede Architects Pty Ltd;
3. Katz Architecture Pty Ltd;
4. Mantric Architecture Pty Ltd; and
5. Searle x Waldron Pty Ltd.

Each submission was reviewed at a Tender Evaluation Panel Meeting. From the initial evaluation, Croxon Ramsay Pty Ltd and Katz Architecture were shortlisted based on the evaluation criteria and invited for an interview.

At interview Croxon Ramsay representatives clearly demonstrated the companies understanding of the projects specific technical, social and timing requirements. The information they provided satisfied Council that our expectations and requirements to be delivered under this Contract will be met.

Croxon Ramsay Pty Ltd has previously completed full design services for the Bayside City Council sportsground pavilion projects of similar value and complexity and completed on time. Over the last thirteen years the company has displayed a proven track record in delivery of many relevant local government community design projects with clients including Brimbank and Boroondara City Councils, City of Port Philip and City of Monash.

As shown in Confidential Attachment 1 – Evaluation Matrix, the Tender Evaluation Panel concluded that Croxon Ramsay offered the best value for money. After post tender clarifications were confirmed and with the inclusion of all the non-financial evaluation criteria, Croxon Ramsay is best placed to undertake the works and the Tender Evaluation Panel recommends the contract be awarded to Croxon Ramsay Pty Ltd. Pricing was clarified and no changes from their submission reported.
Recommendation

That Council:

1. Awards Contract CON/18/81 Head Consultant and Architectural Services for Sandringham Library, Maternal Child Health Centre and Masonic Hall Redevelopment to Pty Ltd for the lump sum price of $413,838.00 (excl. GST) and $455,222 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/18/81 Head Consultant and Architectural Services for Sandringham Library, Maternal Child Health Centre and Masonic Hall Redevelopment;

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/18/81 Sandringham Library, Maternal Child Health Centre and Masonic Hall Redevelopment Tender Evaluation Matrix (separately enclosed)

Considerations and implications of recommendation

Liveable community

Social

Council purchased the Sandringham Masonic Hall in Abbott Street Sandringham for $2.5 million early in 2018. The purchase was to ensure that the significant heritage building is preserved and made accessible to the community and a budget of $2.4 million has been allocated to the refurbishment of the building.

After the masonic hall is renovated and upgraded, it will provide valuable space for a range of community services and activities which are currently operating in other Council facilities in the area.

In line with the Victorian Public Libraries 2030 Strategic Framework and to maintain current and future visitation to Sandringham Library, this facility upgrade needs to be creative, community minded, provide for all abilities access, gender equity as well as providing affordable access to its services for the community. The re-design of the library will provide an inviting fresh, flexible and up to date facility.

Natural Environment

Libraries are recognised as contributors to wellbeing through opportunities for lifelong education, access to technology, healthy ageing by social connection and recreation. The facility will accommodate for the broader general community by providing disability and community bus parking and all abilities access.

The inclusion of the MCHC will be specific in its design and will achieve a family friendly, comfortable, compliant and flexible community space.

Built Environment

The library facility will provide the community with up to date library services in line with State contemporary library standards.

The library will have a new internal fitout to the existing building structure and if feasible to include some minor building footprint increases including a relocated entry to be incorporated.
into the design and provide linkage to the vibrant local streetscape. New elements include audio visual and electronic services, improved staff amenity, office and meeting spaces and storage.

The incorporated MCHC design will allow for some areas which can be used by different community group’s use outside of their client appointment hours.

The Masonic Hall will be repurposed to provide compliant, comfortable community spaces for the proposed user groups.

The Sandringham Historical Association and Sandringham Life Activities Group will be relocated to the refurbished Masonic Hall.

**Customer Service and Community Engagement.**

A community engagement plan is being developed to ensure all stakeholders are adequately included and collaborated with on the project. This plan also refers to other Council projects currently underway in the precinct, including the Sandringham Village Streetscape, and will incorporate the Sandringham Precinct Streetscape Project.

Information regarding the works, as well as the temporary and permanent relocations of the Sandringham Life Activities Club and the Historical Society at the library have been communicated to tenants.

**Human Rights**

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

**Legal**

This Request for Tender was undertaken in accordance with the Bayside City Council's Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

**Finance**

The Capital Works Budget for 2017-20 has a total project allocation of $3.88 million for the Library/MCHC and $2.4 million for the Masonic Hall (ex GST).

The 2018/19 budget has a total of $991,128.00 (ex GST) for the library/MCHC and $150,000 (ex GST) for the Masonic Hall. The contract value is within the 2018/19 allocated budget allowance and is 6.6% of the overall budget and in line with expectations.

| Design Contract cost | $413,838.00 ex GST |

**Links to Council policy and strategy**


**Options considered**

Not applicable to this report.
10.10 CONTRACT CON/18/86 ELSTERNWICK PARK OVAL NO. 2
SPORTSGROUND RECONSTRUCTION

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/18/97 – Doc No: DOC/18/184171

Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of a contractor to undertake the Elsternwick Park Oval No. 2 Sportsground Reconstruction under the Contract CON/18/86.

Elsternwick Park is approximately 36 hectares and located in the northern most boundary of Bayside’s municipality. In the north-west corner is oval number 2 which is the home ground for the Elsternwick Amateur Football Club, the East Brighton Vampires Junior Football Club and the Elsternwick Cricket Club.

This contract proposes to deliver a partial reconstruction of the oval surface area. The oval is approximately 12,400 square metres and will be partially reconstructed to deliver new drainage, irrigation, fencing, goal posts and turf.

This Request for Tender was undertaken in accordance with Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989. The result of the analysis can be found in Confidential Attachment 1 – CON/18/86 Elsternwick Park Oval No. 2 Sportsground Reconstruction - Tender Evaluation Matrix.

Key issues
A public tender was advertised and closed on Wednesday 15 August 2018 with the following submissions:

- Contek Constructions Pty Ltd;
- Depan Group Pty Ltd;
- Evergreen Turf Group Pty Ltd;
- Hendriksen Contractors Pty Ltd;
- Hume Turf and Machinery Pty Ltd; and
- Turfcare and Hire Pty Ltd.

From the initial evaluation, Evergreen Turf Group Pty Ltd, Hume Turf and Machinery Pty Ltd (Hume Turf), Depan Group Pty Ltd and Hendriksen Contractors Pty Ltd were shortlisted and invited for interview. A number of clarifications on items were requested prior to the interviews.

At interview, Hume Turf demonstrated a high degree of experience in this area and a detailed understanding of the project. The program of works shows a commitment to complete the work within the specified timeframe.

As shown in Confidential Attachment 1 – CON/18/86 Elsternwick Park Oval No. 2 Sportsground Reconstruction - Tender Evaluation Matrix, the tender evaluation panel concluded that Hume Turf offer the best value for money and recommends that the contract be awarded to Hume Turf.
Recommendation

That Council:

1. Awards contract CON/18/86 Elsternwick Park Oval No. 2 Sportsground Reconstruction to Hume Turf and Machinery Pty Ltd (ABN:14 170 602 450) for the lump sum price of $919,152 (excl. GST) and $1,011,067.20 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/86 Elsternwick Park Oval No. 2 Sportsground Reconstruction; and

3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON1886 Elsternwick Park Oval 2 Reconstruction Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social

These works propose to improve existing sporting infrastructure and provide a better playing surface for football and cricket clubs to meet current standards. The Elsternwick Amateur Football Club and the East Brighton Vampires Junior Football Club have over eleven teams allocated to use this sports ground during the winter season.

In the summer months, Elsternwick Park Oval No. 2 is utilised by the Elsternwick Cricket Club which caters for approximately one hundred and fifty playing members.

Natural Environment

The works under this contract include the protection of existing vegetation. The works also include the use of drought tolerant turf to minimise future water use.

Built Environment

The work under this contract will enhance and improve the overall sportsground surfaces by improving useability in all weather conditions. The contract also addresses existing contaminated soil conditions at Elsternwick Park Oval 2 and proposes any excavated material be sent offsite in accordance with the Environmental Management Plan.

Customer Service and Community Engagement

The reconstruction of Elsternwick Park Oval 2 was an outcome of Council's decision on the future use of Elsternwick Park North.

Council and the contractor will inform all nearby residents of the works via letter, two weeks prior to the works commencing and will maintain contact with key stakeholders during the construction period.
The works have been scheduled to commence on 1 October 2018. This is the preferred delivery time as it is post the football season and a suitable time for reconstructing ovals and laying turf.

**Human Rights**

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

**Legal**

This request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

**Finance**

The Capital Works Budget for 2018/19 has an allocation of $1,034,000 (excl. GST) for this project. The following table summarises the project budget. Note prices are excluding GST.

<table>
<thead>
<tr>
<th></th>
<th>Budget (excl. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract cost</td>
<td>$919,152</td>
</tr>
<tr>
<td>Consultant and project management costs (Estimated)</td>
<td>$25,000</td>
</tr>
<tr>
<td>Contingencies</td>
<td>$89,848</td>
</tr>
<tr>
<td>Project Cost (excl. GST)</td>
<td>$1,034,000</td>
</tr>
</tbody>
</table>

The allocated budget of $1,034,000 (excl. GST) will be sufficient to complete the project.

**Links to Council policy and strategy**

This project is consistent with the 2017/2021 Council Plan as identified under Goal 4: Open Space – Strategy: Protect and ensure the quality of our open space including beaches and foreshore.

The reconstruction of Elsternwick Park Oval No.2 is consistent with priority six of Council’s ‘Active by the Bay’ Recreation Strategy 2013-2022 to ‘ensure the provision of quality sporting and recreation facilities and support infrastructure’. The project addresses action item 50 of the strategy to prioritise recreation and sporting infrastructure improvements that among other points increase or maintain participation; meet an identified growth in demand and increase the assets functional life. Previously due to issues of condition, Elsternwick Park Oval No.2 has been unable to service more than just the Elsternwick AFC senior club and a handful of mid-week junior training sessions. This project will benefit a number of user groups year-round, particularly football clubs in the northern areas of Council, which are currently experiencing significant capacity concerns, primarily stimulated by the successful launch of the elite AFL Women’s competition. Across Bayside, junior girl’s participation in football has increased from seven dedicated girl’s teams in 2016 to nineteen in 2017 and twenty-nine in 2018, putting further pressure on Council’s existing network of sportsgrounds.

**Options considered**

Not applicable to this report.
Executive summary

Purpose and background
The purpose of this report is to recommend the appointment of a contractor to undertake the WL Simpson Reserve sportsground reconstruction under the Contract CON/18/89.

The Reserve accommodates two full sized soccer pitches and a synthetic cricket pitch. There are currently a number of issues with this oval which make it extremely difficult to produce and maintain a satisfactory playing surface. These include poor topsoil and inadequate drainage.

This contract involves the reconstruction of the oval surface area of approximately 15,180 square metres including drainage, irrigation and turf.

This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989. The result of the analysis can be found in Confidential Attachment 1 – Contract CON/18/89 Simpson Reserve Reconstruction Tender Evaluation Matrix.

Key issues
A public tender was advertised and closed on Wednesday 8 August 2018 with the following submissions:

- Evergreen Turf Group Pty Ltd;
- Hume Turf & Machinery Pty Ltd;
- SJM Turf & Civil Pty Ltd;
- Hendriksen Contractors Pty Ltd; and
- Depan Group Pty Ltd

From the initial evaluation, Evergreen Turf Group Pty Ltd (Evergreen Turf) was shortlisted and invited for interview. A number of clarifications on items were requested prior to the interview.

At interview, Evergreen Turf demonstrated a high degree of experience in this area and a detailed understanding of the project. Evergreen Turf are committed to complete the work within the specified timeframe.

As shown in Confidential Attachment 1 – Contract CON/18/89 Simpson Reserve Reconstruction Tender Evaluation Matrix, the tender evaluation panel concluded that Evergreen Turf offer the best value for money and recommends that the contract be awarded to Evergreen Turf.
Recommendation
That Council:

1. Awards contract CON/18/89 WL Simpson Reserve Sportsground Reconstruction to Evergreen Turf Group Pty Ltd for the lump sum price of $875,300.58 (excl. GST) and $962,830.63 (incl. GST);

2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/18/89 WL Simpson Reserve Sportsground Reconstruction; and

3. Advises the unsuccessful tenderers accordingly.

Support Attachments
1. Confidential Attachment 1 - CONTRACT CON/18/89 Simpson Reserve Reconstruction Tender Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social
These works are aimed at improving playability of the sportsgrounds for all users. Key users of WL Simpson Reserve in the winter period when usage is at its highest are the Hampton Junior Soccer Club, who have over twenty eight teams allocated to use this area.

In the summer months, WL Simpson Reserve is utilised by the Hampton Central Cricket Club. This caters for approximately one hundred and thirty playing members of the club.

Natural Environment
The works under this contract include the protection of existing vegetation. The works also include the use of drought tolerant turf to minimise future water use.

Built Environment
The work under this contract will enhance and improve the overall sportsground surfaces by improving useability in all weather conditions.

Customer Service and Community Engagement
Together with the contractor, Council will provide advice prior to commencement of the work and will maintain contact with key stakeholders during the construction period.

The works are planned in consultation with the relevant sporting clubs.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.
Legal
This request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance
The Capital Works Budget for 2018/19 has an allocation of $1,100,000 (excl. GST) for this project. The following table summarises the project budget. Note prices are excluding GST.

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract cost</td>
<td>$875,300.58</td>
</tr>
<tr>
<td>Consultant and project management costs (Estimated)</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Project Cost (excl. GST)</td>
<td>$900,300.58</td>
</tr>
</tbody>
</table>

The allocated budget of $1,100,000 (excl. GST) for these works is sufficient to complete the project. Any savings in budget will be used to offset any projects within the capital program that are over budget.

Links to Council policy and strategy
This project is consistent with the 2017/2021 Council Plan as identified under Goal 4: Open Space – Strategy: Protect and ensure the quality of our open space including beaches and foreshore.

The reconstruction of WL Simpson Reserve is consistent with priority six of Council’s ‘Active by the Bay’ Recreation Strategy 2013-2022 to ‘ensure the provision of quality sporting and recreation facilities and support infrastructure’. The project addresses action item 50 of the strategy to prioritise recreation and sporting infrastructure improvements that among other points increase or maintain participation; meet an identified growth in demand and increase the assets functional life. The project will benefit a number of user groups year-round, including the large winter season club, Hampton Junior Soccer Club who have over 700 members using the site. Demand for soccer in Bayside has grown consistently over time, with 41% more players overall and 118% more women and girls participating in 2017 compared to 2009.

Options considered
Not applicable to this report.
10.12 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/212374

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 18 September 2018.

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

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
1. Council Action Awaiting report - September Meeting ↓
## Council Action Awaiting Report Attachment

<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 24/05/16        | 10.2 | **Sandringham Village Streetscape Masterplan**  
3. in the event that the bus route change to Bay Rd, Beach Road, Melrose Street and Station Street does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented to a future Council meeting for adoption. | DCPCS | In the event that the bus route changes in Bay Road, Beach Road, Melrose Street and Station Street and does not proceed and the Village Square feature not be achievable, a revised Master Plan without the Village Square concept will be presented at a future Council meeting for adoption. |
| 24/05/16        | 10.7 | **Children’s Sensory Garden Investigation**  
That Council:  
1. notes the typical elements of a suburban sensory garden;  
2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;  
3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and  
4. receives a further report detailing the financial implications associated with the establishment of a sensory garden. | DERI | A further report will be provided to a future Council meeting. |
| 21/06/16        | 10.3 | **Bayside Public Transport Advocacy Statement**  
That Council:  
2. receives further updates of the Bayside Public Transport Advocacy Statement as part of the annual Integrated Transport Strategy (ITS) update report required as part of Council’s resolution for adopting the ITS to seek the endorsement of any new advocacy issues and positions that are evolved. | DERI | Further updates on the Bayside Public Transport Advocacy Statement will be provided to Council for adoption for any new advocacy issues when they arise. |
| 28/02/17        | 10.4 | **Potential Land Purchase**  
1. authorises the Chief Executive Officer to seek to negotiate the purchase of approximately 0.35 hectare of land at the CSIRO site in Highett for the potential future development of a library and community facilities; and  
2. receives a further report on the outcomes of these negotiations | DCorp | A further report will be submitted to Council following the negotiations. |
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/10/17</td>
<td>10.1</td>
<td><strong>Amendment C151 – Hampton East (Moorabbin) Structure Plan</strong>&lt;br&gt;That Council following the Minister for Planning decision in relation to the above receives a report that outlines the scope for an additional study for precincts 3, 5 and 6 including costs, funding options and timing.</td>
<td>DCPCS</td>
<td>A report will be submitted to Council following the Minister for Planning’s decision in 2018.</td>
</tr>
<tr>
<td>24/10/17</td>
<td>10.16</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong>&lt;br&gt;That Council&lt;br&gt;2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
<td>DERI</td>
<td>A further report will be presented to a future Council meeting following Heritage Victoria’s assessment of the Planning Application.</td>
</tr>
<tr>
<td>21/11/17</td>
<td>10.1</td>
<td><strong>National Disability Insurance Scheme</strong>&lt;br&gt;That Council&lt;br&gt;4. Receives a further report prior to June 2018, with options for Council’s ongoing role in relation to disability inclusion, advocacy and planning beyond the cessation of the Inclusive Communities funding in June 2018.</td>
<td>DCPCS</td>
<td>A report is included on the agenda on this matter under the heading of “Building Inclusive Communities Funding Update”.</td>
</tr>
<tr>
<td>19/12/17</td>
<td>10.15</td>
<td><strong>Bayside Film Festival</strong>&lt;br&gt;4. Pending the outcome of the grant application, a further report be provided to Council which includes the findings of the work undertaken should the application be successful, and in the event that it is not, Council receive a further report.</td>
<td>DCCCS</td>
<td>A report will be submitted to Council at the October 2018 meeting</td>
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<tr>
<td>DATE OF MEETING</td>
<td>ITEM</td>
<td>COUNCIL RESOLUTION</td>
<td>COMMENTS/STATUS</td>
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<tr>
<td>24/4/18</td>
<td>10.2</td>
<td>Future Provision of Netball Facilities – Update</td>
<td>A report will be submitted to Council at the October 2018 meeting.</td>
<td></td>
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</tbody>
</table>

That Council:

8. Receives a report at or before the 23 October 2018 Council meeting on the establishment and project timeline of a netball centre on the site of the Sandringham Golf Driving Range;
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
</tr>
</thead>
</table>
| 19/6/18         | 10.4   | **Draft Southland-Pennylane Structure Plan: Survey Results and Next Steps**  
1. Defers the Adoption of the Pennylane Structure Plan for a period of three months to:  
a) Clarify and where appropriate refine the Draft Structure Plan recommendations in consultation with members of the Pennylane Action Group;  
b) Allow a period for further community engagement to seek feedback from the broader Pennylane Community on any material changes to the Draft Structure Plan; and  
c) Review the outcomes of the broader community engagement and present the revised Draft Structure Plan to Council at the 18 September 2018, Ordinary meeting of Council. | DCPCS    | An updated status report is included on the 18th of September Agenda and a substantive report will be provided to Council in October following the completion of consultation. |
| 19/6/18         | 10.5   | **Notice of Motion 271 – Elisternwick Park South Ovals 3 & 4**  
That Council:  
2. Receives a report at the 21 August 2018 Ordinary Meeting detailing:  
a) The outcomes of community consultation on the proposed sporting infrastructure improvements at Elisternwick Park Ovals 3 and 4; and  
b) Mechanisms by which Council can ensure that any sporting association that is allocated use of these ovals is fully utilising other sports grounds allocated to it. | DERI     | Given community consultation has been extended until 17 August, it is proposed a report will be submitted to a Special Meeting of Council to be held on Wednesday 19 September 2018 specifically for this matter. |
<table>
<thead>
<tr>
<th>Item</th>
<th>Report Title</th>
<th>Date of Council Meeting</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.12</td>
<td>Black and Well Street Car Park Feasibility Study</td>
<td>18 September 2018</td>
<td>That Council: 1. Considers a community consultation process on the options for the development of additional car parking in the Church Street Major Activity Centre (MAC); 2. Undertakes a parking study of the Church Street MAC to inform the amount of additional car parking required in the area; 3. Receives a further report at the October 2018 Ordinary Meeting of Council on the outcomes of the consultation and parking investigation.</td>
</tr>
<tr>
<td>196/18</td>
<td>Building Inclusive Communities Funding Update</td>
<td>18 September 2018</td>
<td>That Council receives a further report to be submitted to Council at the May 2019 meeting, 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 2018.</td>
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<tr>
<td>24/7/18</td>
<td>10.2</td>
<td>Elsternwick Park Golf Course Decommissioning Plan</td>
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<td>That Council:</td>
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<td>1. postpones a decision of the future of the buildings on the site</td>
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<td></td>
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<td>of the old Elsternwick Park Golf Course pending the</td>
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<td>evaluation of potential community use and consultation with</td>
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<td>community groups and the Elsternwick Park Association;</td>
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<td>2. adopts four key priorities for the site: i) environment, ii) public</td>
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<td>amenity, iii) flood mitigation, and iv) water quality</td>
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<td>3. continues to work with Melbourne Water, City of Port Phillip</td>
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<td>and City of Glen Eira on the development of a plan to</td>
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<td>implement a passive open space/environmentally focussed</td>
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<td>reserve and negotiate funding arrangements and</td>
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<td>partnerships regarding planning, capital works</td>
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<td>improvements, ongoing site management and maintenance;</td>
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<td>4. establishes a community reference panel including</td>
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<td>representatives from the Elsternwick Park Association to:</td>
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<tr>
<td></td>
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<td>a. provide input into the development of the park and to</td>
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<td>consider future management models; and</td>
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<td>b. develop a project plan for the park;</td>
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<td>5. continues to maintain the area of the former golf course at</td>
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<td></td>
<td>Elsternwick Park North as an area of publicly accessible</td>
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<td>open space while the planning work and consultation for the</td>
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<td>future design and management of the site is being</td>
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<td>completed;</td>
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<td>6. develops, as a matter of priority, an action plan to address to</td>
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<td>impact of dogs off lead in the park; and</td>
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<td>7. that a report on the progress and update is provided to the</td>
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<tr>
<td></td>
<td></td>
<td>December 2018 Ordinary Meeting of Council.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| DERI | A report to be submitted to Council in December 2018. |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/7/18</td>
<td>10.3</td>
<td>Highest Structure Plan – Community Survey Results and Next Steps</td>
</tr>
<tr>
<td>10/10</td>
<td></td>
<td>Bayside City Council Ordinary Council Meeting - 18 September 2018</td>
</tr>
<tr>
<td>2/18/18</td>
<td>7.1</td>
<td>Petition – To ban the burning of solid fuel materials outdoors</td>
</tr>
<tr>
<td>2/18/18</td>
<td>7.2</td>
<td>Petition – To retain status quo at Elsternwick Park South</td>
</tr>
<tr>
<td>2/18/18</td>
<td>7.3</td>
<td>Petition - For Oval 3 and 4 Reactivation at Elsternwick Park South</td>
</tr>
</tbody>
</table>

**DCP**

A report is included on the 18 September 2018 agenda.

**DCPCP**

A report is included on the 18 September 2018 agenda.

**DCRP**

A report will be submitted to Council in November 2018.

**DER**

A report will be submitted to a Special Council Meeting on 19 September 2018.
<table>
<thead>
<tr>
<th>Item</th>
<th>10.12 – Reports by the Organisation</th>
</tr>
</thead>
</table>

### Integrated Transport Strategy 2013 - Implementation

<table>
<thead>
<tr>
<th>2/18/18</th>
<th>10.3</th>
<th>Bayside Environmental Sustainability Framework 2016-2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/18/18</td>
<td>10.4</td>
<td>Hampton Street Activity Centre Social Infrastructure Needs</td>
</tr>
<tr>
<td>2/18/18</td>
<td>10.5</td>
<td>Early Years Infrastructure Plan</td>
</tr>
</tbody>
</table>

#### Integrated Transport Strategy 2013 - Implementation

- A further report will be provided to Council on the completion of the development works.

#### Bayside Environmental Sustainability Framework 2016-2025

- That Council receives a further report detailing progress against targets, the overall success of actions and reviewing issues and risks.

#### Hampton Street Activity Centre Social Infrastructure Needs

- That Council receives a progress report every four months.

#### Early Years Infrastructure Plan

1. That Council receives a further report detailing options for the development of a new development in the area.
2. That Council receives a further report following a review of the Infrastructure Plan in your fire.
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Description</th>
<th>Author</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<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>DERI</td>
<td>That Council receives a report at the June 2019 Council Meeting.</td>
</tr>
<tr>
<td>21/8/18</td>
<td>10.12</td>
<td><strong>Response to Notice of Motion - 266 - Commuter Shuttle Bus Service</strong>&lt;br&gt;That Council conducts a review after three months of operation with a report to Council in February 2019.</td>
<td>DERI</td>
<td>That Council receives a report in February 2019.</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&lt;br&gt;d) reviews Statutory Planning performance KPIs during the preparation of the 2019/20 Council Plan</td>
<td>DCP</td>
<td>That Council receives a report in August 2019 and reviews KPIs in April 2019 as part of the Council Plan review.</td>
</tr>
</tbody>
</table>
11. Reports by Delegates

1. Association of Bayside Municipalities – The Mayor Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Cr Clarke Martin
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – The Mayor Cr Laurence Evans
6. Metropolitan Local Government Waste Forum – Cr Michael Heffernen

12. Urgent Business
13. Notices of Motion

13.1 NOTICE OF MOTION - 275- APPOINTMENT OF A MENTAL HEALTH AMBASSADOR

Corporate Services - Governance
File No: PSF/18/103 – Doc No: DOC/18/218061

I hereby give notice that I intend to move at the Ordinary Council Meeting to be held on 18 September 2018 at 7:00pm at the Council Chambers, Civic Centre, Boxshall Street, Brighton the following Notice of Motion:

Motion
That Council appoints Cr James Long as Mental Health Ambassador to:

1. work in conjunction with the Mayor of the Day to raise community awareness of issues relating to mental health; and

2. attend a range of local government events during Victorian Mental Health month in October 2018 and liaise with other Councils and other levels of government to promote mental health awareness.

Cr James Long BM JP

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 BAYSIDE BUILT ENVIRONMENT AWARDS 2018 - JUDGING PANEL RECOMMENDATIONS

(LGA 1989 Section 89(2)(h) matters which the Council considers would prejudice the Council or any person.)

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