



Agenda Paper

for the

Ordinary Meeting of Council

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

on

**Tuesday, 22 August, 2017
at 7.00pm**

Cr: Cr Alex del Porto (Mayor)

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



Members of the Gallery

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

Section 92 The Chair's Duties and Discretions

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

- (a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community.
- (b) may demand retraction of any inappropriate statement or unsubstantiated allegation;
- (c) must ensure silence is preserved in the public gallery during any meeting
- (d) must call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and
- (e) must call to order any person who is disruptive or unruly during any meeting.

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

Your cooperation is appreciated

Chairperson of Council

Order of Business

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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 25 July 2017.

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

Nil

8. Minutes of Advisory Committees

8.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 9 AUGUST 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/175854

The minutes of the Audit Committee meeting held on 9 August 2017 which forms an attachment are presented in camera in accordance with the Local Government Act 1989 Section 89(2)(h) – any other matter which the Council or a Special Committee considers would prejudice the Council or any person.

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

Executive summary

Purpose and background

To advise Council of the business transacted at the Audit Committee held on 9 August 2017.

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

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

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

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

- Internal and external financial reporting;
- Management of financial and other risks;
- Effectiveness of the internal and external audit functions;
- Provision of an effective means of communication between the external auditor, internal auditor, management and Council; and
- Advice and recommendations on various matters within 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 Audit Committee by providing independent and objective assurance on internal corporate governance, risk management, internal control and compliance.

Key issues

The matters discussed at the meeting on 9 August 2017 included:

Chief Executive Officer's Update

The Chief Executive Officer reported on a number of parliamentary report 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:

- Public Participation and Community Engagement,
- Public Participating in Government Decision Making; and
- Board Performance.

Brighton Golf Course Water Harvesting Project

The Chief Executive Officer advised the Committee that the Brighton Golf Course Water Harvesting project was progressing well and on schedule for completion.

Independent Audit Committee Member – retirement

The Chief Executive Officer advised the Committee that it was appropriate a letter under the seal of Council be presented to Dr Purcell recognising his significant contribution to the Audit Committee over the past six years. The Chief Executive Officer indicated that this was a tradition for ongoing members.

Local Government Performance Reporting Framework

The Chief Executive Officer indicated that the Performance Statement is currently being audited by VAGO, who have raised no concerns with the data provided. It was indicated that the Performance Statement would be presented to the Audit committee at its September meeting.

VAGO Interim Management Letter

The VAGO Representative Mr Tim Loughlan presented the Interim Management Letter and it was indicated that there were no substantial issues presented as part of the audit. It was further advised that the External Auditors are currently drafting the closing report for consideration at the 6 September meeting.

Information Technology (IT) Controls

The VAGO Representative Mr Tim Loughlan presented the report on Information Technology (IT) controls management letter.

The Chairman also raised the issue of ongoing governance that drives the IT and sought some form of comfort for the Committee to ensure, Bayside has in place the right governance structures in place.

The Director Corporate Services indicated that the organisations IT Strategy is currently being reviewed which will focus on the strategic governance factors and risk assessment on a strategic and operational level.

Effectiveness of the Internal Control Environment Accounts Payable

The Manager Finance tabled a report on the organisation's internal controls environment relating to accounts payable.

June 2017 – Financial Report

The Manager Finance tabled the financial report for the 12 month period to June 2017.

Internal Audit Review – Road Management Plan

The Internal Auditor presented the Internal Audit report on Council's compliance with its Road Management Plan. The review focussed on:

1. The plan in terms of legislative requirements;
2. Policies and procedures supporting the plan
3. Council's processes for meeting its obligations under its Road Management Plan;
4. The recording and complying with the RMP's asset inspections;
5. Recording, prioritising and complying with the Plan's road maintenance standards and defect response; and
6. Reporting and follow up of Road Management Plan compliance to senior management.

Overall, the Internal Audit found that the current controls in place over compliance with RMPs maintained by Council need strengthening. The audit identified a range of controls that should be implemented in order to reduce the identified weaknesses and exposures.

As a result of the audit review 10 findings were identified, 2 with a high risk rating, 5 with a moderate risk rating and 3 with a low risk rating.

Risk Management Report

The Manager Commercial Services tabled Risk Report outlining the organisation's risk appetite approach.

2016/17 Annual Report of the Audit Committee

The Governance Manager tabled the draft 2016/17 Annual Report of the Audit Committee for consideration by the Committee.

Recommendation

That Council:

1. notes the minutes of the Audit Committee held on 9 August 2017, and
2. adopts the following recommendations of the Audit Committee meeting of 9 August 2017:

8.1 Chief Executive Office's Report

That the Audit Committee recommends to Council that a letter under the seal of Council be presented to Dr A J Purcell in recognition of his outstanding contribution to the Audit Committee over the past 6 years.

9.8.1.2016/17 Annual Report of the Audit Committee

That the Audit Committee:

1. notes the content of the draft 2016/17 Audit Committee Annual Report subject to minor editorial changes;
2. presents the Audit Committee Annual Report to Council; and
3. recommends to Council that the Audit Committee Annual Report be included in the 2016/17 Annual Report.

Support Attachments

1. Minutes - 09 August 2017 - Audit Committee (separately enclosed) ⇒

8.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 31 JULY 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/176201

The minutes of the Chief Executive Officer's Employment Matters Committee held on 31 July 2017 (attached) are presented in-camera in accordance with the Local Government Act 1989 given they contain a personnel matter and contractual matter in accordance with section 89(2) (a) and (d) of the Local Government Act 1989.

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

Executive summary

Purpose and background

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

The responsibilities of the Committee are to:

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

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

Key issues

Items discussed at the Chief Executive Officer's Employment Matters Committee on 31 July 2017 related to the fourth quarter of the Chief Executive Officer's Performance Plan for 2016/17.

The Chief Executive Officer tabled the performance report for the reporting period of 2016/17 and highlighted the activities undertaken during the period.

The Committee discussed the percentage of completion of some activities and minor changes were made to the summary.

The meeting also discussed the Chief Executive Officer's Professional and Personal Development for 2017/18.

Recommendation

That Council notes the minutes of the Chief Executive Officer's Employment Matters Committee held on 31 July 2017;

Support Attachments

1. Minutes - 31 July 2017 - CEO Employment Matters Committee (separately enclosed) ⇨

Considerations and implications of recommendation

Liveable community

Social

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

Natural Environment

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

Built Environment

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

Customer Service and Community Engagement

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

Human Rights

There are no Human Rights implications associated with this report.

Legal

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

Finance

There are financial implications associated with this report.

Links to Council policy and strategy

There are no policy or strategy implications associated with this report.

8.3 MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON 21 JUNE 2017

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/176295

Executive summary

Purpose and background

To present the minutes of the Arts and Culture Advisory Committee meeting held on 21 June 2017 to Council for noting.

Key issues

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

A copy of the 21 June 2017 minutes of the Arts and Culture Advisory Committee is attached for Council's information.

Recommendation

That Council:

1. notes the minutes of the Arts and Culture Advisory Committee meeting held on 21 June 2017; and
2. adopts the recommendation of the Arts and Culture Advisory in relation to the following matter:

Item 6.2 – Design competition for seating under the Cork Tree Brighton Cultural Precinct

That the Advisory Committee notes the report on the design competition for seating under the Cork tree at the Brighton Cultural Precinct and recommends to Council that the competition for public seating under the tree not be pursued given the significant impact that the seat would have on the health of the significant tree.

Support Attachments

1. Minutes - 21 June 2017 - Arts & Culture Advisory Committee for August meeting ↴

Considerations and implications of recommendation**Liveable community****Social**

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

Natural Environment

There are no natural environment impacts associated with this report.

Built Environment

There are no built environment impacts associated with this report.

Customer Service and Community Engagement

There are no customer service or community engagement implications associated with this report.

Human Rights

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

Legal

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

Finance

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

Links to Council policy and strategy

The Arts and Culture Advisory Committee has a direct link to the Council Plan with regards to connecting with the community and supporting arts and culture.



**Minutes of the
Arts & Culture Advisory Committee Meeting**

held in the Bayside Room
Corporate Centre
76 Royal Avenue
Sandringham
on Wednesday 21 June 2017

The Meeting commenced at 6:00pm

External Members	Ms Karen Wilson Mr Robert Dryden Mr Don Fulton Ms Pamela Darling Ms Bozena Rutecki Mr Brian Hewitt Ms Sarah Morris Mr John Thompson Ms Isabella Kottek	
Councillors	Cr Sonia Castelli	
In attendance	Paulina Xerri Terry Callant Giacomina Pradolin	Executive Manager Communications, Customer and Cultural Services Manager Governance Arts & Culture Program Coordinator

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 - 6.1 Gallery@BACC Board Update
 - 6.2 Design Competition for Seating under Cork Tree Brighton Cultural Precinct
 - 6.3 Future Directions
7. General Business
8. Confirmation of date of future meetings

1. Welcome and opening of the meeting

The Chairman welcomed members of the Advisory Committee to the meeting.

2. Present

All members were present with the exception of Ms Isabella Kotteck.

Ms Karen Wilson
Mr Robert Dryden
Mr Don Fulton
Ms Pamela Darling
Ms Bozena Rutecki
Mr Brian Hewitt
Ms Sarah Morris
Mr John Thompson

3. Apologies

An apology was received from Ms Isabella Kotteck.

4. Disclosure of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

5. Adoption and Confirmation of the minutes of previous meeting

5.1 Confirmation of the Minutes of previous meeting held on 19 September 2016

Moved Mr Brian Hewitt

Seconded Mr Robert Dryden

That the minutes of the Arts and Culture Advisory Committee meeting held on 19 September 2016 be received and noted.

CARRIED

6. Reports

6.1 GALLERY@BACC BOARD UPDATE

Communications, Customer & Cultural Services - Cultural services

File No: FOL/17/371 – Doc No: DOC/17/112045

The Art and Culture Program Coordinator outlined some of the activities of the Gallery Board including the 2018 Exhibition Program and the recent acquisition to the Gallery collection.

The Advisory Committee expressed a desire to meet with the Gallery Board to better understanding the role of the Board and discuss future opportunities for the Gallery and the proposed establishment of an Arts Precinct.

The Advisory Committee also sought a list of items within the Bayside Art Collection.

Moved Mr Brian Hewitt

Seconded Mr Robert Dryden

That the Advisory Committee:

1. notes Gallery@BACC Board update and supports the Board's Strategic Plan 2017 – 2021;
2. expresses a strong desire to meet with the Gallery Board to better understand the role of the Board and discuss future opportunities for the Gallery including an Arts Precinct; and
3. seeks a list of items within the Bayside Art Collection.

CARRIED

6.2 DESIGN COMPETITION FOR SEATING UNDER CORK TREE BRIGHTON CULTURAL PRECINCT

Communications, Customer & Cultural Services - Cultural services

File No: FOL/13/394 – Doc No: DOC/17/116148

The Arts and Culture Program Coordinator reported the proposed design competition for seating under the Cork Tree at the Brighton Cultural Precinct and indicated that the tree is listed on both the National Trust and Bayside registers of significant trees. The tree is indeed very significant and the National Trust describes the tree as an impressive species with both scientific and social significance.

Following advice from Council's arborist, it was agreed that any seating would require the construction of a stable base or foundation, and this type of construction would severely damage the network of roots and place the health of the tree at risk, therefore it is recommended not to proceed with the competition on this basis.

Bayside City Council

Arts & Culture Advisory Committee Meeting - 21 June 2017

Moved Mr Don Fulton**Seconded Mr Brian Hewitt**

That the Advisory Committee notes the report on the design competition for seating under the Cork tree at the Brighton Cultural Precinct and recommends to Council that the competition for public seating under the tree not be pursued given the significant impact that the seat would have on the health of the significant tree.

CARRIED**6.3 FUTURE DIRECTIONS**

Communications, Customer & Cultural Services - Cultural services
File No: FOL/13/394 – Doc No: DOC/17/116250

The Arts and Culture Program Coordinator outlined the future directions of arts and cultural planning for the municipality and indicated it was proposed to undertake a comprehensive community participation / engagement process to gain a greater understanding of the community's future needs of Art and Culture in the municipality.

Moved Mr Brian Hewitt**Seconded Ms Bozena Rutecki**

1. That the Arts and Culture Advisory Committee supports the organisation's initiate to undertake a robust community engagement / research process to ascertain the needs and aspirations of the community in the arts and culture area that this will inform future arts and culture programming; and
- 2/ That the Arts and Culture Advisory Committee consider at its next meeting a proposed communications for the community engagement / research process to provide input .
- 3/ That the Arts and Culture Advisory Committee supports the use of the Cultural Development Planning Framework as outlined in the report.

CARRIED**7. General Business**

There were no items of general business that related to the terms of reference of this Arts and Culture Advisory Committee.

8. Confirmation of date of future meetings

The next meeting of the Advisory Committee will be on 18 October 2017.

The Chairperson declared the meeting closed at 7.56pm.

CONFIRMED THIS INSERT 18 DAY OF OCTOBER 2017

CHAIRPERSON:

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9. Reports by Special Committees

Nil

10. Reports by the Organisation

10.1 FUTURE PROVISION OF NETBALL FACILITIES - SITE ASSESSMENT OUTCOMES

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/169957

Executive summary

Purpose and background

The purpose of this report is to provide Council with the outcomes of a review of the Netball Needs Assessment and the assessment of the compatibility of a number of sites to accommodate netball into the future.

A Strategic Needs Assessment of Stadium Facilities (the Needs Assessment) was completed in 2014 and investigated the need for stadium facilities and outdoor courts to service demand and to provide a strategic direction for the development of netball and basketball in Bayside. The Needs Assessment identified the need for access to two indoor and eight outdoor netball courts. There are currently six outdoor and one indoor netball courts at the Thomas Street site.

Due to a range of site restrictions the additional one indoor and two outdoor netball courts cannot be accommodated on the existing netball footprint at the Thomas Street Netball Centre site.

At its 20 December 2016 meeting Council resolved that it:

1. *Acknowledges that the three Bayside athletics clubs do not support the proposed relocation of athletics to a like facility at Dendy Park and development of a two indoor and eight outdoor court netball centre at Thomas Street, and without this support, the proposal is not feasible;*
2. *Writes to the lead petitioners to notify them of the recommendations included in this report;*
3. *Reconfirms its commitment to meet the identified needs for netball being the provision of two indoor and eight outdoor netball courts, including a commitment to consider funding in 2017/18 and future years as required to meet the needs of netball in Bayside;*
4. *In keeping with its commitment to engage stakeholders, convenes a Project Reference Group including representatives of Sandringham and District Netball Association to update the Netball Needs Assessment and in the form of site assessment and facility planning, examine alternatives for Council to respond to the needs of netball in Bayside;*
5. *Presents a report to the August 2017 Ordinary meeting of Council outlining the findings of the netball site assessment and facility planning activities;*
6. *Engages representatives of the Sandringham Athletics Club, Sandringham Little Athletics Club and Brighton Little Athletics Club to convene a Project Reference Group and complete a needs assessment for athletics in Bayside;*

7. *Presents a report to the September 2017 Ordinary meeting of Council outlining the findings of the Athletics Needs Assessment and recommend next steps for Council to support athletics in Bayside; and*
8. *Notes that Council's current 2016/17 Budget includes a sum of \$206,689 that may be utilised to progress netball site assessment and facility planning and complete an Athletics Needs Assessment.*

In February 2017 a Project Reference Group (PRG) was convened that included representatives of the Sandringham and District Netball Association (SDNA) and Council staff.

Key issues

Review of Netball Needs Assessment

The PRG spent time reviewing the 2014 Netball Needs Assessment with consideration given to recent and projected SDNA membership trends and updated demographic data including projected population increases for Bayside. The review was complemented by feedback from a local recreation consultant who has completed a number of similar projects for various municipalities and peak sporting bodies.

The review found that participation numbers in netball continue to increase and with appropriate levels of facility provision (number of courts) participation will outstrip the projected 2031 numbers detailed in the original Needs Assessment.

As such it was identified that a minimum of 12 outdoor courts with night match floodlighting are required to meet the projected future need of netball in Bayside. This need may be complemented by the inclusion of two indoor courts that would facilitate representative team/squad training and matches and provide flexibility to move some activities indoors during rain and extreme heat events.

Following the review it is recommended that to meet the future needs of netball in Bayside a minimum of 12 outdoor courts is required.

Site Assessment

The PRG considered ten sites throughout Bayside rating each site's compatibility with the construction and operation of a netball centre. Sites considered during the site assessment included:

- Elsternwick Park South;
- Sandringham Golf Driving Range;
- Brighton Golf Course (East end adjacent to Dendy Street);
- Sandringham Golf Course (West end adjacent to Tulip Street);
- 92 – 96 Talinga Road, Sandringham (vacant commercial property);
- Thomas Street Netball Centre;
- Sandringham Secondary College (Holloway Road);
- Larmenier church and school site (vacant);
- Thomas Street Reserve; and
- Elsternwick Park North (Oval 2).

For a variety of reasons a number of these sites are not considered suitable for a netball centre. The PRG identified three sites as potentially suitable for the development of a netball centre and subsequently assessed these sites in further detail.

Elsternwick Park South

An area adjacent to Ovals 3 and 4 at Elsternwick Park South was examined as a potential netball centre site.

Further assessment revealed the proposed Elsternwick Park South site (as set out in Attachment 1) includes site and soil conditions that would result in major construction issues and additional costs.

For these reasons the site is considered not suitable at this time.

Brighton Golf Course

By reducing a current Par 5 hole by one or two shots and reclaiming the adjacent practice fairway area (as set out in Attachment 2), Council could accommodate a new netball centre. Further detailed assessment identified the following issues:

- The course is currently leased until 2028, so site access would need to be negotiated with the lease holder;
- Golf users would be impacted;
- Proximity to houses on eastern boundary;
- Increased traffic conditions on Dendy Street (single entry/exit point) would create major winter season (April to September) traffic issues particularly as high vehicle numbers merge with Dendy Park soccer traffic at the Nepean Highway intersection; and
- The site has limited to no capacity for any future expansion of netball facilities without further realignment of the golf course.

For these reasons Brighton Golf Course was considered the second most preferred site.

Sandringham Golf Driving Range

The PRG identified the Sandringham Golf Driving Range (as set out in Attachment 3) as the most preferred site for the following reasons:

- Sufficient space is able to accommodate the proposed netball centre and any required future expansion;
- It is located in a commercial zone with limited residential impacts;
- Traffic and parking treatments can be implemented to minimise congestion;
- The potential to return three hectares of the site to informal open space linking with George Street Reserve and Merindah Park; and
- An opportunity to significantly improve vegetation on the entire site.

There are two issues facing the potential for netball development at Sandringham Golf Driving Range including:

- The site is a former landfill with potential soil contamination and compaction issues; and
- The site is currently leased until 31 December 2024, so site access before this time would need to be negotiated with the lease holder.

Soil Contamination and Compaction Issues at Sandringham Golf Driving Range

The site has previously been used as landfill and as such has some residual soil contamination and compaction issues that may impact construction and increase project costs relative to a site that was not a landfill. Construction of 12 outdoor courts is considered feasible while construction of a large two court indoor facility would require careful planning and design to mitigate the site condition issues.

Concept design of the site would look to reduce risks associated with soil conditions by situating any new building in areas with minimal compaction issues.

Current Lease Arrangements at Sandringham Golf Driving Range

The Sandringham Golf Driving Range is currently leased until 31 December 2024 and Council receives \$126,000 in annual rent. It is likely that SDNA would seek a community rental model requiring it to pay an annual rental amount much less than this current return for Council.

To commence development of the netball centre in the short term Council would need to negotiate early termination with the current leaseholder. If the current lease was to run its term, Council would gain access to the site in January 2025. A projected 18 – 24 month construction timeframe would mean that the new netball centre would be available for use no earlier than July – December 2026.

Impact on Current Driving Range Users

The closure of the driving range would have an impact on current users as no other driving range facility currently operates in Bayside. A proposal being considered by Council for a new driving range at Sandringham Golf Course may provide a suitable alternative. MGA Driving Range is 6km from Sandringham Golf Driving Range and provides an alternative for users.

Current Thomas Street Netball Centre

If the proposed development of a netball centre was established at the Sandringham Golf Driving Range it is proposed to demolish the current Thomas Street Netball centre and repurpose this site for other open space uses.

Next Steps

It is recommended that Council identifies the Sandringham Golf Driving Range as the future location for a two indoor and 12 outdoor court netball centre and undertakes further planning work to establish the feasibility of the proposal.

Recommendation

That Council:

1. Identifies the Sandringham Golf Driving Range as its preferred site for two indoor and 12 outdoor netball centre;
2. Undertakes further planning work to establish the feasibility of establishing a netball centre on the site of the Sandringham Golf Driving Range;
3. Receive a report at a future Council meeting on the establishment of a netball on the site of the Sandringham Golf Driving Range; and
4. Advise members of the Project Reference Group on the outcomes of this report.

Support Attachments

1. Attachment 1 - Elsternwick Park South ↴

2. Attachment 2 - Brighton Golf Course ↴
3. Attachment 3 - Sandringham Golf Driving Range ↴

Considerations and implications of recommendation

Liveable community

Social

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

Natural Environment

There is an opportunity to greatly enhance the natural environment of the land currently used as the Sandringham Golf Driving Range including significant landscape improvements and the potential for 3 hectares of new informal, revegetated open space.

Built Environment

Preliminary site analysis shows the soil at Sandringham Golf Driving Range to contain low levels of contamination and some compaction issues. However, results indicate the area would be suitable for the construction of paved netball courts.

Further design work will determine the most suitable site layout to minimise costs associated with soil contamination and compaction issues.

Customer Service and Community Engagement

A Project Reference Group was convened in February 2017 that included representatives from Sandringham and District Netball Association. Several meetings and many emails and phones calls have been conducted with PRG members.

The Project Reference Group would inform design development of the proposed netball centre at Sandringham Golf Driving Range.

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

Human Rights

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

Legal

The Sandringham Golf Course is currently leased until 31 December 2024. Council would be required to negotiate with the current lessee if earlier access to the site was required.

Finance

Concept designs for netball facilities at the Sandringham Golf Driving Range site will identify development costs for any proposed works. These designs are proposed to be based on 12 floodlit outdoor courts and two indoor courts. The Long Term Financial Plan includes a funding allocation of \$7.4 million towards the development of netball facilities in Bayside.

Council currently receives \$126,286 in annual rent from the Sandringham Golf Driving Range lease.

Links to Council policy and strategy

Improvement to sport and recreation facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan, Recreation Strategy 2013, and Wellbeing for All Ages and Abilities Strategy 2013 – 2017.

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

Elsternwick Park South – 25,000sqm



Brighton Golf Course – 30,000sqm



Sandringham Golf Driving Range – 65,000sqm



10.2 RESPONSE TO PETITION - INAPPROPRIATE DEVELOPMENT IN HAMPTON EAST

City Planning & Community Services - Urban Strategy
File No: PSF/15/8752 – Doc No: DOC/17/173696

Executive summary

Purpose

To present Council with a response to a petition received by Council at its 25 July 2017 Ordinary Meeting relating to inappropriate development in Hampton East.

Background

At the 25 July 2017 Ordinary Meeting of Council, Council received a petition with 108 signatories which requested Bayside City Council to limit overdevelopment and provide protection for residents against inappropriate development.

The petition stated:

"We the undersigned hereby petition Bayside City Council to:

1. Limit overdevelopment in line with the election undertakings given by our present Councillors;
2. Retain our part of Hampton East as 'General Residential' by not proceeding with the proposal to rezone it as an 'activity centre';
3. Provide protection for current and future residents against overshadowing by introducing a municipal policy guaranteeing solar access throughout the year;
4. Ensure that safety is not compromised in the narrow streets of Hampton East by traffic congestion and parking deficiency;
5. Provide the legal resources needed to defend Council rulings where cases of inappropriate development are appealed through VCAT."

Key issues

Each point referred to in the petition has been responded to below.

Limit overdevelopment in line with the election undertakings given by our present Councillors.

Balancing growth with community aspirations does not mean growth cannot occur, rather the form and associated impacts of growth need to be carefully managed to ensure development is undertaken in an appropriate manner.

The Bayside Residential Strategic Framework Plan provides direction and certainty for all in relation to what type of development is to occur and where.

Medium and high density development is to be focused within identified Housing Growth Areas based on a prioritised hierarchy of Activity Centres. Hampton East (Moorabbin) Activity Centre has been identified in State Policy as a Major Activity Centre and as one of the primary focus areas for future residential development within Bayside given its proximity to a wide range of commercial functions and locations along the Frankston Railway line and large lot sizes.

A portion of land within the Hampton East (Moorabbin) Activity Centre is designated as a Key Focus Residential Growth Area.

Key Focus Residential Growth Areas are where the majority of medium and high density residential development will be located. These areas should provide a diverse range of housing types to meet the needs of the existing and future Bayside community.

The height, site coverage, scales and massing of new development must be in accordance with the recommendations of a Structure Plan and relevant planning scheme provisions.

Currently, the residential areas within the centre are within the Residential Growth Zone and the General Residential Zone. The role of the Residential Growth Zone is to enable new housing diversity and growth in activity centre locations. The role of the General Residential Zone is to respect and preserve urban character whilst enabling moderate housing growth.

Council does not presently have specific planning controls in place to guide development within the Hampton East Activity Centre, which comprises part of the broader Moorabbin Major Activity Centre.

Council adopted the *Hampton East (Moorabbin) Structure Plan 2016* as a tool to manage, influence and facilitate change within the centre. The Structure Plan includes a shared vision for the centre and identifies the type and scope of change projected for the centre over time.

Council is in the process of implementing the Structure Plan into the Bayside Planning Scheme (the Scheme) through Planning Scheme Amendment C151. Amendment C151 seeks to introduce specific controls for the individual precincts within the activity centre to ensure that new development aligns with Council's preferred vision for the centre as per the Adopted *Hampton East (Moorabbin) Structure Plan 2016*.

Amendment C151 was considered by an independent Planning Panel appointed by the Minister for Planning to consider opposing views on the amendment.

Council is still to consider the recommendation of the Planning Panel and make a final decision as to how to proceed with Amendment C151.

As there is currently no guidance in the Planning Scheme as to Council's preferred vision for the centre, there is currently limited guidance as to what acceptable development is and how amenity impacts could be managed.

Retain our part of Hampton East as 'General Residential' by not proceeding with the proposal to rezone it as an 'activity centre'.

Whilst Council is proposing to rezone the centre to an Activity Centre Zone, the zoning of the land will not change the designation of the area as a Major Activity Centre as this has been established in State Government policy for many years.

The General Residential Zones provides for a mandatory height control of 3 storeys (11 metres). Whilst this provides certainty in terms of the maximum building heights expected in the area, the zone alone does not provide guidance or direction in terms of landscape provisions and built form transition from the existing Residential Growth Zone to manage and minimise unfavourable amenity impacts.

Given the area's attributes, being close to transport, shopping and other services, the area is embedded in State policy as an area for growth.

The Activity Centre Zone is the preferred zone of the State Government for guiding activity centre policy, and is consistent with the controls in place in the City of Kingston component of the Moorabbin MAC.

Council will make a final decision on Amendment C151, which proposes to introduce the Activity Centre Zone Schedule 1 to the centre, at a future Council Meeting.

Provide protection for current and future residents against overshadowing by introducing a municipal policy guaranteeing solar access throughout the year.

The Activity Centre Zone Schedule 1 which is proposed to apply to the centre provides guidance about how buildings should be designed in order to minimise overshadowing and other amenity impacts resulting from higher density development.

The Planning Scheme provides guidance as to how overshadowing, access to daylight and wall heights should be managed. Council has no strategic justification to prepare a municipal wide approach to managing overshadowing as this is governed by State Government policy in the form of Clauses 54, 55 and 58.

These provisions are performance based rather than mandatory standards, as encouraged by planning practices. Whilst Planning Schemes specify an objective that needs to be achieved, a degree of freedom is provided as to how it is achieved, to ensure the best design outcome is provided on a case by case basis. This allows for the decision maker to undertake an assessment of the proposal and decide whether the proposal meets the relevant planning objectives and achieves an appropriate balance between competing planning policies.

It is highly unlikely that any proposal to increase the requirements relating to overshadowing would be supported by the State Government. VCAT has consistently found that it is inappropriate and unrealistic to make the test that (where tensions arise) any one new building needs to completely avoid overshadowing any adjacent existing property, including solar panels. Rather, any overshadowing impacts must not be unreasonable as confirmed by *John Gurry & Assoc v Moonee Valley CC* [VCAT 1258]. This performance based approach allows for development to have regard to the individual conditions of a site and ensure it is designed appropriately rather than applying a blanket control which prevents overshadowing entirely.

Ensure that safety is not compromised in the narrow streets of Hampton East by traffic congestion and parking deficiency.

The *Road Management Act* 2004 establishes a system for the management of safe and efficient public roads that best meet the needs and priorities of State and local communities. This sets out that Council, as a local road authority, must have regard in performing road management functions to the principal object of road management and the works and infrastructure management principles.

The *Hampton East (Moorabbin) Structure Plan* 2016 provides a range of transport and parking objectives and strategies for the activity centre which are to be introduced through Amendment C151.

Council's current *Managing on Street Car Parking Demand Policy* 2016 and *Residential Parking Scheme Policy* 2016 provide guidance on how Council approaches parking in Bayside.

Further streetscape design will need to occur in relation to the creation of the connector road through the centre and how traffic conditions can be improved.

In addition, the Parking Strategy to be developed by Council in 2017/18 will consider how Council approaches car parking around key destinations such as activity centres.

Provide the legal resources needed to defend Council rulings where cases of inappropriate development are appealed through VCAT.

Not all inappropriate developments require a legal representation to advocate a position on behalf of Council.

Where Council assess the site context, design response and planning controls affecting a site and determines that an application would result in overdevelopment, Council officers are able

to defend its decision to refuse an application at VCAT. In some cases, external representation is sought however the need for such is considered on a case by case basis.

In order for a development to be considered inappropriate a policy framework that articulates future character for the area needs to be established to guide the future built form of an area. At present, there is no policy guidance specific to the Hampton East Activity Centre area within the Planning Scheme and the Structure Plan is unlikely to be given considerable weight without being referenced in the Scheme.

As there is presently a lack of guidance in the Bayside Planning Scheme as to Council's expectations for the centre, Council is less likely to successfully defend a position that development is inappropriate, than it would be, if it was equipped with a strong structure plan. It is Council's intention to be so equipped, and to represent effectively the vision for development in this area.

Recommendation

That Council write to the head petitioner and advise of its response.

Support Attachments

1. John Gurry & Assoc v Moonee Valley CC ↓


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Victorian Civil and Administrative Tribunal

John Gurry & Assoc Pty Ltd v Moonee Valley CC & Ors (Includes Summary) (Red Dot) [2013] VCAT 1258 (12 July 2013)

Last Updated: 6 August 2013

RED DOT DECISION SUMMARY

The practice of VCAT is to designate cases of interest as 'Red Dot Decisions'. A summary is published and the reasons why the decision is of interest or significance are identified. The full text of the decision follows.

This Red Dot Summary does not form part of the decision or reasons for decision.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P3020/2012

PERMIT APPLICATION NO. MV 652

2011

IN THE MATTER OF

John Gurry & Associates Pty Ltd v Moonee Valley
City Council

BEFORE

Philip Martin, Member

NATURE OF CASE	Potential overshadowing of existing adjacent solar panels
LOCATION OF PASSAGE OF INTEREST	Paragraphs 9 to 35 and paragraphs 71-72.
REASONS WHY DECISION IS OF INTEREST OR SIGNIFICANCE	
APPLICATION – significant, interesting or unusual use or development; application of policy, provision or principle; or circumstances	Discussion of how the planning decision maker should consider the potential overshadowing by a proposed development of existing adjacent solar panels, with some relevant factors suggested.
CHANGE TO LEGISLATION OR VPPS – whether change to	Affirmation of the <i>Chen v Melbourne CC</i> recommendation that there be a proper State-wide statutory assessment framework for planning decision

VPPs or statutory provisions is required or desirable

makers to utilise, in terms of what constitutes 'acceptable impacts' where a proposed development might cause overshadowing of existing adjacent solar panels.

SUMMARY

1. This proceeding involves 14 proposed dwellings on a relatively large site in Moonee Ponds. Where the Applicant has sought review of Council's Notice of Refusal to Grant a Permit, the Tribunal has refused the proposal, primarily on 'neighbourhood character' grounds.
2. This decision has been red-dotted because the Tribunal was required to consider the potential overshadowing of existing solar panels on an adjacent dwelling. In the absence of a comprehensive statutory framework for assessing this issue, each decision turns on its own facts. This decision nominates various factors as being useful reference points (as applicable) for planning decision makers dealing with this type of 'potential overshadowing of existing neighbouring panels' planning dispute:
 - (primary factor) The ultimate test is one of 'reasonableness', not avoiding overshadowing altogether.
 - (primary factor) What constitutes 'legitimate expectations' in light of the strategic planning controls and policies affecting the subject land?
 - (primary factor) Have the relevant solar panels been placed in an unreasonably vulnerable position on the host building?
 - Whether the position of the solar panels on the host building is due to constraints arising from heritage planning controls or a heritage covenant?
 - What model of solar panels are involved?
 - How much supporting evidence any one party has provided?
 - How long ago were the existing adjacent solar panels installed on the host building?

The decision includes more detailed discussion of the three primary factors listed above.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P3020/2012

PERMIT APPLICATION NO. MV 652
2011

CATCHWORDS

[Section 77](#) of the [Planning and Environment Act 1987](#), Moonee Valley Planning Scheme, generous irregular shaped lot, proposal for the construction of 14 dwellings and car parking dispensation for two visitor spaces, Council has issued Notice of Refusal, issues of the potential overshadowing of existing solar panels on an adjacent dwelling, car parking dispensation, neighbourhood character and potential external amenity impacts, permit refused.

APPLICANT	John Gurry and Associates P/L
RESPONSIBLE AUTHORITY	Moonee Valley City Council
RESPONDENTS	Anthea White, Cathy Horton-Crundall, Gerard Horton-Crundall, Gavan Moody, Peter & Glenys Dettmann, Dean Griggs
SUBJECT LAND	11-17 Evans Street MOONEE PONDS VIC 3039
WHERE HELD	55 King Street, Melbourne
BEFORE	Philip Martin, Member
HEARING TYPE	Hearing
DATE OF HEARING	17 May 2013
DATE OF ORDER	12 July 2013
CITATION	John Gurry & Assoc Pty Ltd v Moonee Valley CC & Ors (Includes Summary) (Red Dot) [2013] VCAT 1258

ORDER

1. The decision of the Responsible Authority is affirmed.
2. In permit application No. MV 652 2011, no permit is granted.

Philip Martin
Member

APPEARANCES

For Applicant	Mr Russell Hocking (consultant planner). Mr Hocking called expert traffic engineering evidence from Ms Deborah Donald.
For Responsible Authority	Ms Lorraine Stupak (consultant planner)

For Respondents

The following neighbours presented in person –
Anthea White, Cathy and Gerard Horton-Crundall,
Gavan Moody and Dean Griggs.

INFORMATION

Description of Proposal	The construction of 14 dwellings and car parking dispensation for two visitor spaces.
Nature of Proceeding	Section 77 of the Planning and Environment Act1987 (merits review).
Zone and Overlays	Residential 1 zone and no overlay controls.
Permit Requirements	Clause 32.01-4 – the construction of two or more dwellings on a lot.
Relevant Scheme policies and provisions	SPPF – Clauses 11, 15, 16 and 18. LPPF – Clauses 21.02, 21.03, 21.04 and 21.05.
Land Description	The subject land is roughly a wedge-shaped lot, being unusually large at 1890 sqm. It backs on to a large public reserve. It is currently improved by 10 older and modest single storey dwellings, more occupying the middle and eastern areas of the site. The western area is vacant and apparently has been used during some periods for car parking by the occupants of the existing dwellings. This is an established residential area.
Tribunal Inspection	The Tribunal inspected the site and surrounds after the hearing.
Cases discussed	<i>Surrowee Pty Ltd & ACF Inc v Melbourne CC</i> (VCAT Ref. P50111/2001), <i>Knox City Council v Tulcanay</i> [2004] VSC 375 , <i>Healy v Surf Coast SC</i> (VCAT Ref. P362/2005), <i>Harris v Port Phillip CC</i> (VCAT Ref. P1909 2006), <i>Bowden v Greater Geelong CC</i> [2007] VCAT 1334 , <i>Kirkman v Hobsons Bay CC</i> [2010] VCAT 1463 , <i>Chen v Melbourne CC</i> (Red dot) [2012] VCAT 1909 .

REASONS

WHAT IS THIS APPLICATION ABOUT?

1. It is proposed to redevelop the subject land at 11-17 Evans Street in Moonee Ponds for fourteen dwellings, plus car parking dispensation for two visitor parking spaces. Objections have been received, including a concern that existing adjacent solar panels would be overshadowed by the new development. In the context of the Council Delegate Planner recommending the approval of the proposal, Council has issued a Notice of Refusal to Grant a Permit, with the Applicant seeking the Tribunal's review of same.
2. With the review site lying relatively close to the Moonee Ponds Creek to the north, it is common ground that the review site lies within an area of Aboriginal Cultural Heritage Sensitivity. The Permit Application materials included an Aboriginal Heritage Report^[1], discussing the aboriginal heritage investigations made and putting forward the conclusion that the site is sufficiently disturbed that no Cultural Heritage Management Plan (CHMP) is required under the [Aboriginal Heritage Regulations 2007](#).
3. The hearing of this matter came before me on 17 May 2013. Over the day I received submissions from the persons listed above, plus I received the expert traffic evidence of Ms Donald. As part of the preliminary matters at the beginning of the hearing, it was expressly confirmed that no other party took issue with the Applicant's position that the site is sufficiently disturbed that no CHMP is required (and I am satisfied with this position). I inspected the site and surrounds after the hearing.
4. It was common ground that whilst the formal application plans remain those plans date stamped "1 March 2012", the Tribunal could in its discretion also consider the potential further design changes discussed at page 14 of the Delegate Report and set out in the draft Condition 1 sub-clauses, as well as the following change recommended by the expert traffic witness Ms Donald (which is what I have done). Ms Donald suggested that in relation to the new Dwelling 10, its front garage and front door be 'flipped' to improve the turning movement in and out of the more easterly car parking space in this garage.
5. The key issues in this review have been:
 - Ms White's 'overshadowing of existing solar panels' objection.
 - Car parking dispensation issues.
 - External amenity issues.
 - Neighbourhood character issues.
6. In summary, I see no significant concerns with the alleged 'overshadowing of solar panels', and I consider the necessary 'car parking dispensation for two visitor spaces' to be reasonable. In relation to potential external amenity impacts, I consider that a less imposing interface is required between the new Dwelling 10 vis-à-vis

the closest neighbouring properties. However I am satisfied this is capable of being resolved through design changes implemented by the permit conditions. The key issue on which the whole proceeding has turned is the height and extent of continuous upper level built form of the development that would present to both Evans Street and the rear reserve, which I consider excessive and an unacceptably poor neighbourhood character outcome. Hence I have affirmed Council's Notice of Refusal.

7. My discussion of the 'overshadowing of solar panels' issue includes not only resolving this aspect of the planning dispute before me, but also consideration (as a general guide) of 'relevant factors to consider' when this issue becomes contentious.
8. My reasons follow.

SOLAR PANEL ISSUES

Introduction

9. I have indicated above that the eastern side neighbour Ms White expressed concerns about the proposed closest new two storey dwelling (Dwelling 10) overshadowing the existing solar panels located on the rear of her single storey No. 19 Evans Street period dwelling. Ms White's solar panels have been installed in an east-west manner across the lower skillion roof at the rear of her dwelling. This east-west orientation means that these panels sit at right-angles to the common side boundary.
10. In response, Mr Hocking for the Applicant submitted that if one reviews the relevant shadow diagrams and bearing in mind that the east-facing upper wall of the proposed Dwelling 10 would be stepped in by two metres, Dwelling 10 would cause minimal overshadowing of these solar panels as at 22 September^[2]. He also highlighted that these solar panels had not existed at the time the permit application for this proposal was lodged with Council.
11. During my site inspection, I walked around the backyard of the White property and took note of the location of the solar panels. In response to my query at this point, Ms White confirmed that the panels were only installed in recent months^[3].
12. The State planning policy framework says very little of assistance about the role of solar panels and how much impact upon them by new developments is acceptable. Clause 19.01-1 features provisions dealing with the provision of renewable energy, with the relevant objective being "*To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met*". Whilst the accompanying strategies include "*Facilitate renewable energy development in appropriate locations*", generally the relevant

- text is very generic and does not take the debate much further for our purposes here. To the Tribunal's knowledge, similarly there is little (if any) specific guidance on this issue at the local policy level in Victoria.
13. There is a considerable body of previous Tribunal decisions reviewing the acceptability or otherwise of a proposed new (typically two or three level) building causing some degree of overshadowing of the windows and/or outdoor secluded private open space of an abutting neighbouring property. See for example *Harris v Port Phillip CC*^[4] and *Kirkman v Hobsons Bay CC*^[5].
 14. However as far as I know there are very few previous Tribunal decisions specifically dealing with the tension between proposed new development and how that development might overshadow existing adjacent solar panels.
 15. Two early cases grappling with this particular issue are *Bowden v Greater Geelong CC*^[6] from 2007 (see my discussion of this case further below) and the 2002 decision of *Surrowee Pty Ltd & ACF Inc v Melbourne CC*^[7]. This *Surrowee* case involved a proposed 8 level serviced apartment building, to be built adjacent to the now well known "60L Green Building" in Carlton that was being constructed at that stage. It was common ground that the 60L Green Building was intended to be a 'demonstration project' in terms of sustainable built form, including the use of solar panels on its roof. The Tribunal ultimately found that the degree of impact of the proposal on the 60L Green Building would be within reasonable parameters.
 16. In the context of greater take up of solar water heating/solar power generation in recent times, and a correspondingly greater public debate about the role of different forms of sustainable energy, the 2013 red dot decision of *Chen v Melbourne CC*^[8] provided some helpful discussion on this issue of 'potential overshadowing of solar panels'.

Chen decision

17. *Chen* involved the proposed construction of two double storey dwellings in a residential area. The Tribunal refused the proposal, primarily on the basis it would be a poor neighbourhood character outcome. However a further issue arising was that a side neighbouring property featured 14 solar panels. In this regard, the Tribunal stated as follows (for convenience, I have excluded footnotes).
18. Turning to the impacts of this proposal, there are 14 solar panels arranged in two groups of seven on the north-east facing roof of No. 33 Bayswater Road. These would be partially overshadowed by Unit 1 between 9.00 am and until after midday on the equinox. A letter tabled by Mr Martinuzzo from a solar and sustainability consultant states that the panels are designed to produce most energy from the morning

light and “in effect if the top row is in the full sun but the lower rows are not, neither two strings will produce any power”. The estimated total loss of the solar system would be between 50-70%.

19. Although the author of this letter was not called to give evidence, there is no other material before me refuting the conclusion that a loss of 50-70% would occur.
20. If this information is correct, I consider that this degree of loss is unreasonable and the proposal does not seek to minimise its impacts on an existing solar collecting device, contrary to Clauses 55.03-5 and 22.07-1 of the planning scheme.
21. In saying this I also observe that there is no quantifiable guidance available at the present time with which to form a judgement about whether the impacts of a proposal upon neighbouring solar collecting devices will be acceptable or not. Such judgements are occurring on an ad-hoc, case-by-case basis. It would appear timely for there to be consistent and clear guidance on a statewide basis to create greater certainty about what might be regarded as acceptable impacts. This would be of great benefit to affected landowners, proponents of new developments and decision makers.
22. Until any new statutory assessment framework is put in place, the Tribunal’s decision making about what constitutes ‘acceptable impacts’ remains by necessity done on a case-by-case basis.
23. I endorse Member Taranto’s observation in *Chen* that ‘*consistent and clear guidance on a statewide basis*’^[9] would make the situation much easier for all stake-holders. Having such a framework would provide a more coherent and consistent approach, with much less uncertainty about what constitutes ‘acceptable impacts’.
24. However until such framework is provided, it seems helpful for the Tribunal to suggest some relevant factors to be considered (having regard to the submissions made to me in this case about this issue). In other words, while:
 - each dispute will ultimately turn on its own facts;
 - not all factors will necessarily be relevant in any one instance; and
 - different weight might apply to those factors that are relevant

I have set out below some suggested factors to be considered in disputes regarding the potential overshadowing of existing adjacent solar panels.

For the removal of any doubt, the Tribunal must ‘take the site and neighbouring properties’ as they are, and it is not enough for neighbours to merely flag the possibility of installing solar panels at some future stage.

Relevant factors to consider with 'potential overshadowing of existing adjacent solar panels'

Where a dispute arises about the potential overshadowing of existing adjacent solar panels by a proposed new development, as a general guide, the following seem useful key factors to consider:

- The ultimate test is 'reasonableness', rather than avoiding any overshadowing altogether.
- What constitutes 'legitimate expectations' in light of the strategic planning controls and policies affecting the subject land?
- Have the relevant solar panels been placed in an unreasonably vulnerable position on the host building?

These three key factors are discussed in more detail further below.

Other less central but still helpful factors to consider as applicable may include:

- Whether the position of the solar panels on the host building is due to constraints arising from heritage planning controls or a heritage covenant?
- What model of solar panels are involved eg. whether the individual panels are designed to work in parallel with each other or as a combined group?
- How much supporting evidence any one party has provided (eg. photos, vertical shadow diagrams and/or a professional report by a solar consultant), to advance their case about the likely extent of overshadowing?
- How long ago were the existing adjacent solar panels installed on the host building?

Further discussion of three primary 'overshadowing of solar panels' factors

Test of 'reasonableness'

25. Consistent with the *Surrowee* decision, given the range of factors to be balanced which may be pulling in different directions, it would be inappropriate and unrealistic to make the test that (where tensions arise) any one new building needs to completely avoid overshadowing any adjacent existing solar panels. Rather, any overshadowing impacts on the adjacent existing solar panels must be

reasonable. Using a test of 'what is reasonable' is also consistent with the position set by the Victorian Supreme Court decision of *Knox City Council v Tulcan Pty Ltd*^[10] that the ultimate test for the approval of any one planning proposal is not that it needs to be optimal, but rather that it must be 'acceptable'.

'Legitimate expectations' in light of the strategic planning context

26. Where a dispute arises about the potential overshadowing of existing solar panels, it seems important to understand whether the strategic planning controls and policies affecting the subject land point to this being a go-go area, or a go-slow area, or something in-between. If for example the review site falls within a residential hinterland location which features zoning controls and/or local policies aiming for a more minimal level of built form change, there are greater constraints on 'legitimate development expectations' and it is easier to give more weight to protecting sunlight to existing solar panels.
27. The reverse applies to review sites in or near activity centres, public transport nodes or nominated urban villages, where the planning framework^[11] is overtly supporting substantially higher residential densities and 'change is coming'. In this second scenario, the 'legitimate expectations' of the neighbours need to be tempered, given the need to balance the neighbours' 'access to sunlight' expectations with the overt policy encouragement for more intense built form.
28. This need to consider potential overshadowing of existing adjacent solar panels in a 'bigger picture' planning policy context is well described in the *Surrowee* decision as follows:
 86. 86. We add that there is an obvious irony in the case presented by the Applicant. It is argued that the intensity of development adjacent to the 60L Green Building should be restricted, however, the South Carlton precinct is being encouraged for intensive development in response, inter alia, to broader goals including the environmental benefits of urban consolidation. We do not accept the submissions of Mr Southall that urban consolidation is restricted to residential development forms, rather, much of the focus of the State Planning Policy Framework and many of the Council documents tendered to us (eg Carlton ILAP) is on promoting environmental sustainability through a range of complementary actions including higher density development (without distinguishing land use types) in appropriate locations where, for example, access to public transport is excellent.

Have the solar panels been placed in an unreasonably vulnerable position?

29. I endorse the general approach taken by Member Cimino in the *Bowden v Greater Geelong CC*^[12] decision of assessing the appropriateness or otherwise of the positioning of any adjacent existing solar panels on the host building. The *Bowden* case involved a proposed two storey dwelling in the Newtown area. A key issue was the extent of anticipated overshadowing of solar panels on the carport of one of the abutting properties (owned by Mr Bowden). In this regard, Member Cimino made the following findings (again excluding footnotes for convenience).
23. The second aspect of the overshadowing issue relates to the impact on the solar panels on the carport roof that are part of the pool's heating system. It is clear that the proposed dwelling will cast shadows over those panels. Based on the shadow diagrams presented, at about 3.00 pm, the proposed dwelling would cast shadows over about 25 per cent of the panel area on the carport. There would be no shadow before midday with shadows at 1.00 pm and 2.00 pm being less than at 3.00 pm. All of this does not take into account the shadowing impact of existing vegetation near the boundary, some of which I observed to be reasonably dense even in mid winter.
24. On reviewing Clause 54, it seems to me that there are no specific provisions that deal with this type of issue. Unlike the pool, the panels are located on the roof of the carport and do not form part of the open space. The provisions of Clause 44.04-5 and Standard A14 do not apply. Accordingly, the consideration of this issue relies on a judgement being made as to whether the extent of the impact is reasonable in the circumstances.
25.
26. In this case, the solar panels have been installed in a convenient place; that is, on the carport roof. However, the carport is located in a position that is vulnerable or susceptible to the impacts of development on the neighbouring property. While efforts to embrace and effectively utilise alternative and environmentally friendly energy sources deserve strong support, it is also important that the infrastructure be installed in a way that does not unreasonably prejudice the use and development of nearby land in a way that is supported by policy and the purpose of the zone.
30. I consider the balancing exercise described in [26] above to be an important and helpful one. While the greater use of solar water heating and solar power are important examples of sustainable energy, it should not become 'open slather' in terms of where solar panels are placed on a host building and how close these panels are

to the nearest property boundaries. For example, whilst it might be cheaper and more convenient to install solar panels on that part of a host building:

- (horizontally) extending close to, or running parallel with, a property boundary; or
- (vertically) at a lower section of the roof of the host building

this choice might also be open to the type of concerns discussed by Member Cimino at [26].

31. This ‘balancing of interests’ between two landowners is similar in concept to the approach taken by the Tribunal in *Healy v Surf Coast SC*^[13]. That case involved the vexed issue of ‘the sharing of views’, where a proposed new building would impact on the viewlines of an existing one. The Tribunal at [21] identified several criteria to be considered. In particular, the Tribunal confirmed that there is no legal or absolute right to a view, and that (amongst other factors) it needs to be assessed “...*whether those objecting have taken all appropriate steps to optimise development of their own properties*”.

Findings with ‘overshadowing of existing solar panels’ objection raised by Ms White

32. Returning to the facts before me and the ‘overshadowing of solar panels’ objection made by Ms White, I make the following findings, applying the factors set out above as applicable.
33. The key practical consideration here seems the orientation of the solar panels on Ms White’s property vis-à-vis the location of the closest new dwelling (Dwelling 10). That is, Ms White’s panels have been laid out in an east-west manner across the lower (north-facing) skillion roof section at the rear of her dwelling. As this east-west orientation is at right-angles to the common side boundary, it has the inherent benefit that the middle and eastern group of solar panels are situated much further away from the common side boundary with the review site.
34. Given this orientation, and bearing in mind that the closest upper level wall of Dwelling 10 would be set back from the common boundary by two metres, it is difficult to see that there will be any overshadowing impacts at all for those solar panels situated on the eastern section of the rear of Ms White’s roof. In relation to those solar panels sitting closer to the common boundary, in all the circumstances I agree with Mr Hocking that:
- the indications are that (working with the 22 September shadow diagrams provided) even the closer panels are unlikely

to experience any overshadowing impacts between 9 am and 3 pm; and

- if there is some degree of late afternoon overshadowing of the closer panels as at 22 September, in all the circumstances, this is within reasonable parameters.
35. In summary, because of the position/orientation of the adjacent existing solar panels vis-à-vis the proposed new development, I am satisfied there is no 'overshadowing of existing solar panels' issue here that would lead to an unacceptable planning outcome. On this basis, it is unnecessary for me to consider the various other relevant factors I have nominated above.

FINDINGS OF TRIBUNAL – MAIN DETERMINATIVE ISSUES

36. By way of preliminary comment, the planning framework here seems straightforward. On the one hand, the site has the advantage of Residential 1 zoning and the absence of any overlay controls that might otherwise constrain its development. There is also some degree of strategic planning policy support (particularly under Melbourne 2030 and the relevant State policies^[14]) for the greater utilisation of this type of generously sized site, adjacent to open space and with relatively good access to services. On the other hand, this is not one of those sites located close to say a railway station or activity centre, where the Planning Scheme is very overtly encouraging considerably higher residential densities. Where there was some peripheral discussion of the proposed Amendment C128, I see nothing turning on this.
37. I also acknowledge that it is self-evident that the review site does have some favourable aspects, that make it suitable per se for some form of medium density housing. The existing buildings on the site are run down and ripe for replacement. With its wedge-shape and Evans Street to the south/Fanny Reserve Park to the north, the subject land only directly interfaces with two residential neighbours to the east and north-east. The site is unusually large at 1890 sqm and enjoys an excellent aspect to the north over the reserve. The interface with the reserve is assisted by the fact that the area of the reserve closest to the review site features considerable landscape screening. The existing improvements have no heritage attributes and much of the site is already cleared. It is common ground that no CHMP is required as part of the proposal. It is a plus for the proposal that there is already some degree of double storey built form in the locality. The situation with the likely 'bin collection' arrangements seems unremarkable – there should be plenty of available footpath area for up to 28 bins to be put out for Council collection.

38. I will now deal with the three remaining key issues identified in my introduction.

Car parking dispensation and traffic issues

39. Both Council and the neighbours objected to the proposed car parking dispensation of two visitor car spaces – they consider two on-site visitor parking spaces are essential. In doing so, they relied on the unusual configuration of this section of Evans Street, which does something of a ‘dog-leg’ as part of extending both sides of the review site. Concerns were also raised about the existing demand for on-street parking near the review site, particularly where parents are dropping off or picking up children vis-à-vis the primary school to the south. Pedestrian safety issues were raised, particularly in relation to people walking or bike riding in and out of the reserve entrance which abuts the western end of the review site.
40. In response, the Applicant relied on the evidence of its expert traffic engineer Ms Donald. Ms Donald’s evidence in summary was that this is a relatively low traffic area, that (despite its unusual layout) vehicles can readily move through this section of Evans Street, and that there is a generous amount of spare on-street car parking capacity (so as to make the proposed visitor car parking dispensation reasonable). Ms Donald regarded the concerns raised about the existing on-street parking demands generated by the school and about ‘pedestrian safety’ as exaggerated.
41. Turning now to my findings, I regard the combination of Ms Donald’s evidence and my own impressions from my site inspection as satisfying me that the necessary car parking dispensation and traffic aspects of the proposal are reasonable. While it would have been preferable for Ms Donald’s written report to have included more detailed ‘parking survey’ information, what was strongly reinforced by my site inspection is that:
- This is very much a quiet local street in a ‘residential pocket’ area, not a significant vehicle thoroughfare – I agree with Ms Donald that the indications are that traffic levels are relatively low. The quite generous width for this section of Evans Street at about 9 metres is a plus for this aspect of the proposal.
 - Most existing dwellings have their own on-site parking.
 - There is a very long street frontage alongside the southern boundary of the review site, which could readily accommodate on-street parking of around 8-9 cars. This section of Evans Street features completely unrestricted on-street parking. While recognising no one dwelling occupant has any formal claim to on-street parking in front of their property, there is a significant

opportunity for very convenient on-street parking right in front of the review site.

42. In addition (whilst various assertions about parking pressures were made in submission by neighbours) neither Council nor the objectors called any expert evidence to substantiate these concerns. During my inspection the level of on-street parking occurring in this section of Evans Street was unremarkable and most of the available on-street parking directly in front of the review site was vacant. Page 7 of Ms Donald's traffic report confirms that there are nearby bus services within a walkable distance.
43. It is conceded at page 28 of the Council written submission that Council's Traffic Department did not object to the proposal. In addition the Council Delegate Planner supported granting dispensation for the two visitor parking spaces.
44. In relation to the turning circle movements for drivers using the internal driveway to get in and out of their garages, I find the situation acceptable. I note Mr Hocking's confirmation at the hearing that his client was open to Ms Donald's recommendation to 'flip' the front door and garage with the southern façade of Dwelling 10. This would make the turning circle movement easier, in terms of cars moving in and out of the Dwelling 10 garage parking space closer to the eastern boundary.
45. In relation to the additional traffic movement generated by the proposal, I am satisfied that the local street network can readily accommodate same. While Evans Street's layout is unusual and some care is needed to steer a vehicle through the necessary 90 degree turns, there are no crash statistics or other overt sign that point to a significant traffic hazard here justifying the refusal or modification of the proposal. I would expect drivers to naturally drive slowly and exercise caution in moving along this section of Evans Street and I do not see the proposal as particularly changing this basic situation.
46. The new primary crossover would have the benefit of being some distance away from the nearest street corners. Although the new Dwelling 1 and 2 joint crossover would be located close to the 'elbow' point where Evans Street (having come up from the south) turns 90 degrees to the east, the new front fencing in this location will be no higher than one metre, the relevant sightlines for approaching drivers are good and there are other existing dwellings also with crossovers close to turning points in the road where it appears all relevant drivers can adapt accordingly.
47. Where the neighbours discussed potential risks for passing pedestrians and/or children riding bikes along the footpath, I regard both of the proposed new crossovers as acceptable. In relation to the

primary new crossover, there is the important positive feature that vehicles using same will be able to both enter and exit in a forward-facing direction. I otherwise agree with Ms Donald that 'cars reversing out of crossovers' is a very common aspect of suburbia and both drivers and pedestrians/bike riders need to exercise due caution.

48. Where children are either bike riding in and out of the abutting park entrance and/or walking or riding to and from the nearby primary school, I agree with Ms Donald that the reality is that such movements already involve having to travel along footpaths in front of many other nearby residential properties featuring vehicles backing out of driveways. It also seems a fair comment that in relation to existing on-street parking pressures, 'school drop-off and pick-up' times only represent a quite limited period of the whole day.

External amenity impacts

49. As mentioned, the only two direct residential interfaces of the review site are to the east and north-east. With respect to the No. 21 Evans Street north-eastern neighbouring property occupied by the Moody family, with the benefit of inspecting their back yard area, subject to two provisos, I am satisfied that it is a reasonable outcome that:
- They have an unusually high rear paling fence, which in itself provides a high level of privacy.
 - The closest part of their back yard to the review site is more in the nature of a service area.
 - The closest new dwelling in Unit 10 has been kept to two rather than three levels high.
50. The two provisos are as follows. First, I am concerned about how close the proposed bedroom at the very northern end of the Dwelling 10 upper level extends towards the more sensitive areas of the Moody backyard. If some form of approval was to issue, I see a more suitable and respectful design approach as being that:
- this bedroom is deleted and instead what is currently shown alongside as the 'home theatre' is converted into a replacement bedroom. The associated en suite could be re-located to the southern end of this revised bedroom, so as to free up the northern end of the revised bedroom area to still have a north-facing balcony.
 - the revised north-facing balcony just referred to be screened up to 1.7 metres, given the relatively close interface with the backyard of the Moody property. In this regard, it is inappropriate that the first floor plan does not show the location of the neighbouring properties to the east and north-east.

51. Dealing now with the interface with the No. 19 Evans Street period dwelling to the east occupied by the White family, it has a quite open back yard area, with little landscape screening on its side of the common side boundary. The paling fence along the common side boundary is a more conventional height. This back yard area largely sits alongside where the new Dwelling 10 would be located.
52. On the one hand, similarly the fact that Dwelling 10 has been kept two rather than three storeys is a positive aspect of the design. However I see some merit to the submission of Ms White that with a development site of almost 2000 sqm with only two direct residential interfaces, there should be a good opportunity to avoid “walls on boundaries” and overly dominant upper walls.
53. Following this approach, I have significant concerns about the visual bulk implications for users of the White back yard, where:
- the eastern wall of the Dwelling 10 garage sits right on the common side boundary with the White property; and
 - the upper level of the new Dwelling 10 (even with the ‘bedroom removal’ modification explained above) is stepped in only two metres from the common side boundary

in the situation where there is virtually no room for any meaningful new landscaping on the review site side of this common side boundary (and where there is minimal existing landscape screening on the White side of this boundary).

54. I see these problems as likely to make the eastern side of the Dwelling 10 upper level (which has minimal articulation) excessively visually dominant when viewed from the White back yard. The Dwelling 10 garage extending right to the common boundary only makes this problem worse.
55. If the proposal were to proceed, I see a fair and reasonable design response to these problems as being that:
- The Dwelling 10 garage be converted into a single rather than a double garage, occupying the western side of the double garage area currently shown in the application plans. This would push the closest revised garage wall further back from the common side boundary and the freed up space could be used for additional landscaping. It would also create an easier turning movement, in terms of a vehicle moving in and out of this single garage space.
 - The southern-most Dwelling 10 upper bedroom be deleted. What was the separate bathroom near the southern end of the Dwelling 10 upper level could be converted into an ensuite for the closest remaining bedroom. With the fully revised Dwelling 10 upper level now simply catering for two bedrooms which

each have an en suite, ResCode only requires a single garage space and this upper level will be more visually palatable when seen from the White back yard.

Neighbourhood Character Issues

56. I now turn to the critical issue on which this proceeding has turned, being whether or not the proposal would constitute an acceptable neighbourhood character outcome.
57. In this regard, I am not concerned about how the new buildings would internally present to the new internal courtyard. Because of:
- the wedge-like shape of the subject land; and
 - the eastern elevation of Dwellings 10 and 11 being at least somewhat screened from public realm views by the intervening neighbouring properties

the key interfaces for 'neighbourhood character' purposes are to the north (the reserve) and to the south (Evans Street).

Merits of proposed northern interface to the reserve

58. Dealing first with this northern interface, I acknowledge that the very fact that there is a reserve to the north in itself makes this interface somewhat less sensitive. In addition it is a plus for the proposal that:
- the northern elevation of the new dwellings is horizontally off-set from the northern boundary, in something of a saw-tooth or 'staggered' manner;
 - there is already some degree of landscape screening provided by the existing significant native trees in the nearby reserve area; and
 - the main play-equipment area of the reserve (which presumably is more actively used) is located more in the central area of the reserve, further away to the north-west.
59. However even allowing for these factors, I still have real concerns regarding the sheer unbroken height of the top (3rd) level of the new north-facing Dwellings 3-9. That is, whilst horizontally the design has the benefit of the 'staggering' mentioned above, the vertical treatment lacks this variation. Rather, the design approach has taken a very ambitious approach of the 3rd/top level of Dwellings 3-9 extending roughly west to east across the northern edge of the subject land, without any breaks to provide some variation. Council during the hearing criticised this uninterrupted top level as being about 80 metres wide^[15] - this width estimate was not in itself queried by the Applicant.

60. Although someone standing in the reserve can see various other two storey existing dwellings, they are typically detached dwellings with substantial visual relief between taller built form, rather than a continuous row of taller buildings. Whilst the landscape screening provided by the nearby trees in the reserve might filter out some of the views of this new three level northern facade, this would be merely partial screening from certain viewing angles – the Applicant's own photo montages reinforce this.
61. In summary, I see a major risk that the design response of Dwellings 3-9 presenting an 80 metre or so long continual three storey high northern facade will be excessively visually dominant when viewed from the reserve to the north. To be clear, the northern interface should be able to accommodate a significant degree of three level built form per se – the problem here is the unrelenting nature of this third level from a vertical perspective (which I consider will look inappropriately 'fortress-like').
62. This likely prospect of a 'visually jarring' outcome is exacerbated by the northern elevation of five of these dwellings including exterior stairs providing direct rear access from the middle level balcony to the ground level courtyard. Whilst I do not question that this would improve internal amenity/functionality, it seems a 'clunky' design response in terms of being an unusual and less than ideal feature of the northern facade.

Merits of proposed southern interface to Evans Street

63. Dealing now with the proposed southern elevation where the two storey Dwellings 11-14 would present to Evans Street, I am less concerned here about height per se. It is a plus for this aspect of the proposal that there is already some degree of double storey built form in this locality. However the existing dwellings on the opposite side of Evans Street are mainly single storey. While there is a group of medium density units further east, they are all single storey. Where some of the nearby dwellings were built as double storey or have had a 2nd level added, these are single detached dwellings which frequently incorporate a significant stepping-in of the upper level, making same sit more comfortably in the streetscape.
64. By contrast, the proposed southern elevation of Dwellings 11-14 (set back horizontally between 3 and 4 metres from the southern boundary at ground level) would involve:
- what I regard as a bare minimum ground level setback treatment;
 - some degree of sheer walls rising straight up two levels;
 - very modest south-facing upper balconies, with a depth of between 900 and 1200 mm;

- all four of these new dwellings having a continuous upper level elevation facing Evans Street, without any proper visual separation or relief in between;
 - a very bold contemporary appearance, including three significant 'blade'-like features which extend in height above the 6.8 metre roof-line of the balance of the upper level.
65. Similar concerns arise with the proposed southern façade of Dwellings 1-3 located on the western side of the new central crossover, although the problem is mildly mitigated by there being three rather than four dwellings involved in this aspect of the design and only one blade.
66. In summary, I consider this aspect of the design response to be a very insensitive one, that is likely to visually dominate the existing neighbourhood character and sit very uncomfortably in its more low-key setting. Whilst I would not necessarily question this type of quite ambitious, bold and very contemporary design treatment in an inner city location like Fitzroy/St Kilda or on a main road location, in my view the design response with the southern facades has missed the important point that the Evans Street streetscape (whilst somewhat eclectic) is relatively low-key and requires a suitably respectful design response.
67. In particular, where:
- Dwellings 1-3 and 11-14 take their pedestrian entrance directly off Evans Street (and therefore treat Evans Street as their 'frontage'); and
 - the dwellings on the opposite side of Evans Street are relatively low key detached dwellings with quite constrained built form

it is a strange and disrespectful design response in my view that Dwellings 1-3/11-14 would present a continuous/unrelenting upper level façade to Evans Street, without any proper attempt to soften this façade.

68. When these major concerns about the proposed southern and northern elevations of the new dwellings are considered in totality, I see these as fatal to the application. On this basis I have made orders above affirming Council's Notice of Refusal to Grant a Permit.

Conclusion

69. Whilst some aspects of the objections raised are either unconvincing or involve issues which can be readily resolved by way of permit conditions, my overall finding has been to refuse the proposal on the basis of its fatal 'neighbourhood character' shortcomings. Hence no permit shall issue.

70. Having resolved to affirm Council's Notice of Refusal, whilst there is no need for me to formally deal with the draft permit conditions, I make the following comments in passing. I share Council's concern that the proposed considerable use of 'home theatres' creates doubt in terms of the potential for these areas to be capable of being used as an additional bedroom. Particularly with an unusually large residential site like this, I support a more overt requirement for the new dwellings to feature rainwater harvesting and solar hot water panels. If any new primary crossover is to support two-way traffic, I agree it should be at least five metres wide.
71. Before closing, in relation to the 'potential overshadowing of adjacent existing solar panels' issue, I am conscious that there are some interesting aspects to this debate going well beyond the scope of this particular planning dispute^[16]. Apart from the more obvious tensions and relevant factors already discussed above, some other more broad ranging aspects which can arise include how best to deal with proposed solar panels in heritage areas, whether 'common law' easement rights or the concept of 'nuisance' still play any role consistent with there being a 'right to sunlight'^[17], alternatively whether new legislation should create a 'presumption of protection of solar access' similar to a riparian right^[18], what lessons can be learned from relevant interstate and overseas jurisdictions, whether there should be any different statutory fee regime to encourage the uptake of solar systems, whether greater training is needed for planners in this area and whether new residential subdivision and development in 'greenfield locations' should more prescriptively provide for the use of solar panels and on-going access to daylight^[19].
72. While there is no doubt that a more proactive and comprehensive approach is needed, these type of broader issues go well beyond the scope of VCAT's role. Rather, they should be factored into the debate about the reform of this area driven by Parliament/the Department of Transport, Planning and Local Infrastructure.

Philip Martin
Member

^[1] See the 'Cultural Heritage Due Diligence Assessment' report dated 27 March 2013 prepared for the Applicant by Australian Cultural Heritage Management.

^[2] Being the relevant ResCode-nominated day for assessing potential overshadowing of adjacent private open spaces – see Standard B21 of Clause 55 of the Planning Scheme.

^[3] That is, only became operative around February 2013.

[4] VCAT Ref. P1909 2006

[5] [\[2010\] VCAT 1463](#)

[6] [\[2007\] VCAT 1334](#)

[7] VCAT Ref. P50111/2001.

[8] (Red dot) [\[2012\] VCAT 1909](#).

[9] See paragraph 43.

[10] [\[2004\] VSC 375](#).

[11] For example, at Clause 11.01-2 of the Planning Scheme dealing with 'Activity centre planning', one of the nominated strategies is "Encourage a diversity of housing types at higher densities in and around activity centres". Similarly at Clause 16.01-2 one housing strategy is "Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport".

[12] [\[2007\] VCAT 1334](#)

[13] VCAT Ref. P362/2005

[14] For example, in Clause 16 dealing with 'Housing', Clause 16.01-4 refers to the objective of having "...a range of housing types to meet increasingly diverse needs" and Clause 16.01-2 has strategies which include "Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area...".

[15] See page 25 of the Council written submission.

[16] See for example "*The ideal model for solar access rights*" journal article by Anna Kapnoullas ((2011) [28 EPLJ 416](#)). In addition the Australian PV Association has produced at least two relevant documents – "*Best Practice Guidelines for Local Government Approval of (Solar) Photovoltaic Installations*" June 2009 and "*Best Practice Guidelines for Local Government Approval of Photovoltaic Installations*" June 2009. Of these two PV Association documents, the latter one in particular features some discussion very relevant to the Victorian situation in its introduction and at pages 29-32.

[17] See pages 431-435 of the journal article by Ms Kapnoullas.

[18] Ms Kapnoullas discusses this point at page 429-431 of her journal article. At page 429 she states that "*A riparian right is broadly defined as an entitlement to a natural resource that accrues as an incident of landownership*".

[19] As above at pages 441-445.

10.3 BRIGHTON SECONDARY COLLEGE SYNTHETIC HOCKEY FACILITY - MANAGEMENT COMMITTEE FINANCIALS UPDATE

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/17/65 – Doc No: DOC/17/100863

Executive summary

Purpose and background

On the 25 March 2014, Council resolved to provide funding towards the renewal of the synthetic hockey surface (\$75,000) at Brighton Secondary College and to receive an annual report summarising the activities of the Brighton Secondary College Hockey Facility Management Committee (Management Committee), including its financial position.

The background to this matter is that in 1999 Council partnered with the Brighton Secondary College (the College) and the Sandringham Hockey Club (currently known as the Southern United Hockey Club) to establish a synthetic sporting facility (the Hockey Facility) for community and school use, on school land at the College.

The management of the Hockey Facility is governed by a Joint Use Agreement (the Agreement) signed by the College, Southern United Hockey Club, Council and the Minister for Education. The initial term of the Agreement expires in 2020. A further term of 10 years is available within the Agreement

Key issues

Over the past 12 months, the Management Committee has met on three occasions; 10 November 2016, 16 March 2017 and 10 August 2017. The key matters considered by the Management Committee over the past 12 months include matters related to the new surface and its maintenance, the growth in hockey club memberships and the need for a pavilion.

Hockey Facility Sinking Fund

As at 10 August 2017 the Management Committee has advised Council that the Hockey Facility fund was reported to hold \$175,613.43. The fund has increased by \$34,687 in the 12 months to 31 July 2017. If this increase in the fund continues at its current rate it is expected to be sufficient to cover the future costs of the replacement of the synthetic surface when required.

Hockey Facility Usage

Winter usage of the Hockey Facility for the past 12 months continues to be very strong at 93%. This high winter usage of the facility reflects hockey as a primarily winter sport. The available hours are limited due to planning permit restrictions (no use of floodlights on Saturdays and Sundays limiting use to 5pm and no use is permitted after 5.30pm on Monday nights).

The Management Committee has advised Council staff that it is considering a formal request to Council seeking to amend the current town planning conditions to allow an additional training and matches on Monday evenings and Saturday and Sunday late afternoons.

Limited summer usage is also reflective of town planning restrictions and the Committee continues to field enquiries from a wide variety of stakeholders including local schools and clubs seeking to use the facility during these non-permitted times.

Recommendation

That Council receives a further report no later than July 2018 from the Management Committee summarising activities, including the financial position of the Brighton Secondary College Hockey Facility Management Committee.

Support Attachments

Nil

Considerations and implications of recommendation**Liveable community****Social**

The provision of synthetic hockey facilities provide positive benefits for young people and adults through their participation and engagement in sport and recreation activities.

Natural Environment

The recommendation in this report does not impact the natural environment.

Built Environment

The recommendation in this report does not impact the built environment.

Customer Service and Community Engagement

Ongoing discussions regarding the management of the Hockey Facility are undertaken with the key stakeholders, including Brighton Secondary College, Brighton Grammar, Southern United Hockey Club and Council.

Human Rights

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

Legal

The Funding Agreement identifies Council's role with the ongoing management and operation of the Hockey Facility.

Finance

As at 10 August 2017 the Hockey Facility fund was reported to hold \$175,613.43, an increase of \$34,687 over the last 12 months. If this increase in the fund continues at its current rate it is expected that the fund will cover the future costs of the replacement of the synthetic surface when required.

Links to Council policy and strategy

Improvement to sport and recreation facilities is supported by a number of key strategy and policy documents including the Council Plan 2017-2021, Bayside 2020 Community Plan and Wellbeing for All Ages and Abilities Strategy 2013 – 2017.

The Bayside 'Active by the Bay' Recreation Strategy includes key principles that support Council partnerships with education bodies for the provision specialist synthetic sporting facilities at school sites.

10.4 INTEGRATED TRANSPORT STRATEGY 2013 - IMPLEMENTATION PROGRESS DURING 2016/17

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/163429

Executive summary

Purpose and background

This report presents a progress update on the implementation of the Integrated Transport Strategy 2013 (ITS) and the supporting suite of transport-mode strategies for the 2016/17 year.

Adopted by Council on 30 April 2013, the role of the ITS is to provide the transport policy and implementation framework for better integration of land use and transport, improve community wellbeing outcomes and promote the sustainability of the transport system within Bayside. The implementation of the ITS is supported by a number of supporting transport-mode strategies and plans that will deliver community benefits associated with a more integrated and sustainable transport system, including:

Walking Strategy 2015	The Walking Strategy guides Council's approach to increasing the number of people who choose to walk more often as a convenient alternative to short vehicle trips within the municipality.
Bicycle Strategy 2013	The Bicycle Strategy guides Council's approach to facilitating an increase in bicycle trips as a convenient alternative to vehicle trips across the municipality.
Road Safety Strategy 2014	The Road Safety Strategy guides Council's approach to reducing the number of fatalities and injuries on the road and path network so that people of all ages and abilities can travel safely, easily and confidently within Bayside.
Public Transport Advocacy Statement 2016	The Public Transport Advocacy Statement identifies a number of priorities that form the basis of Council's advocacy actions to the State government to improve public transport within the municipality.

At the Ordinary Meeting of Council on 25 August 2015 Council resolved (in part) to:

Receive a further report on the implementation of the Bayside Integrated Transport Strategy and the supporting suite of transport strategies and plans during 2015/16.

Key issues

The successful implementation of the ITS continued during 2016/17 in accordance with the timelines outlined in the document, with progress being achieved on the following actions:

- The promotion of sustainable transport options to Bayside residents;
- Amendment of the Bayside Planning Scheme to include the relevant policies and actions of the Bayside Integrated Transport Strategy, the Bayside Bicycle Strategy and the Bayside Walking Strategy;
- Advocacy of the benefits of the outstanding short term actions in the Beach Road Corridor Strategy to seek State government funding for their implementation; and
- Council adopted reviews of the Structure Plans for the Bay Street, Church Street, Hampton Street and Sandringham Village centres. The Structure Plan reviews identified further strategic work in relation to access and movement in the centres; and

- Work commenced to review the Highbury Structure Plan 2004 and develop a structure plan for the Southland and Pennydale area. This work will incorporate sustainable and integrated transport methods to ensure that the Structure Plan outcomes represent Council's broader commitments as outlined in the ITS.

With regard to the actions recommended within each of the supporting transport-mode strategies and plans, the success of the implementation of these documents during 2016/17 is detailed in Attachment 1. The various action plans are being delivered in accordance with the timelines outlined within the respective documents, and it is recommended that Council notes the achievements completed in 2016/17. Highlights of these actions include:

- Filling gaps in the network with 806m of new footpaths at high priority locations;
- New pedestrian facilities such as refuges and ramps;
- Two sections of the Elster Creek Trail (totalling 750m) – was completed through Little Brighton Reserve, Brighton East and the eastern side of St Kilda Street between Elsternwick Park and Spray Street;
- A new bicycle map was developed and launched in November 2016. The new bicycle map has been developed to assist all cyclists with planning the best route for their journey. The map has also been made available as an app that can be downloaded to a mobile phone;
- The continued rollout of the Bicycle Wayfinding Program involving a Bayside Bicycle Map and signed routes;
- Improved intersection line marking treatments on the Bay Trail shared path within the vicinity of pedestrian access points;
- The Beach Road weekend 6am to 10am No Stopping zones were permanently established (previously annual trials);
- Two child car restraint checking days to check if child car restraints have been fitted correctly in parents/carers vehicles;
- The delivery of two Wiser Driver sessions to provide older drivers with advice about the effects of various types of impairments on driving ability;
- A multi-year program of pedestrian crossing works at the roundabouts in Church and Bay Streets Activity Centres was developed and adopted by Council; and
- Advocacy to the State government and Public Transport Victoria (PTV) on public transport related issues.

A mid-term review and update of the ITS is planned during 2017/18 to align the document with the current transport-related community aspirations identified during the engagement activities undertaken in support of the Community Plan 2025, and the strategic objectives of the Council Plan 2017-2021. A focus for the updated ITS will be the development of measurable outcomes-based performance indicators to support the successful implementation of the Strategy.

Recommendation

That Council:

1. notes the actions taken to implement the Integrated Transport Strategy 2013 and the supporting suite of transport-mode strategies and plans during 2015/16; and
2. receives a further report presenting a mid-term review and update of the Integrated Transport Strategy 2017 in March 2018.

Support Attachments

1. Attachment 1 - Completed Actions From Transport-Mode Strategies/Plans Supporting the ITS ↓

Considerations and implications of recommendation

Liveable community

Social

The delivery of actions contained within the ITS and supporting strategies are designed to:

- Increase short walking and cycling trips as convenient alternatives to vehicle trips to enable residents to access goods and services at local destinations;
- Facilitate an increase in the number of people catching public transport;
- Improve access for all people regardless of age, ability, geography and financial circumstance;
- Increase prosperity for businesses and individuals through increased street activity, as more people walk and cycle and spend more time at local shops;
- Improve access to employment and retail services beyond Bayside which is expected to result in a higher level of economic inclusion and participation for all of Bayside's residents;
- Provide better health and wellbeing outcomes as a result of more people achieving their required daily exercise through active modes of travel;
- Increase social connectivity achieved by people being 'out and about' on the street; and
- Improve safety for users of Bayside's road network by reducing the number of vehicle trips and speeds.

Natural Environment

The key focus of the Bayside ITS is to develop a more integrated and sustainable transport system in Bayside. In this regard, the policy framework supports actions which will achieve the following environmental benefits:

- Lowering energy-related transport emissions that contribute to climate change; and
- Reduce noise and air quality impacts associated with reliance on private vehicles.

Built Environment

The implementation of some activities and projects associated with the ITS and the supporting suite of transport strategies and plans has changed the appearance of the built environment. For example, the installation of a bus shelter where one previously did not exist, the installation of a bicycle lane or a pedestrian refuge can change the appearance of the streetscape, particularly for adjacent residents.

Customer Service and Community Engagement

The delivery of specific activities and projects to implement the various strategies and plans discussed in this report has involved varying levels of community and stakeholder engagement that has been undertaken in accordance with Council's Community Engagement Framework, including:

- Proposed Shared Path at Little Brighton Reserve – community engagement involved the mailing of letters to over 400 residents within the immediate vicinity of Little Brighton Reserve. Officers also door knocked local properties to seek feedback on the proposal. This exercise resulted in 95 residents responding directly to officers in relation to the

proposal. Of these 95 residents, 86 (90.5%) supported the proposal to remove vegetation to facilitate the implementation of a shared path within Little Brighton Reserve;

- Proposed Bay Trail Shared Path Duplication, Brighton (between Sandown Street and Bay Street) – community engagement involved an on-site listening post held for three hours on a weekday evening in March 2017, to obtain feedback on the proposal and to answer any questions from the community. To promote the listening post, letters were mailed to local residents and information boards were displayed at the site. Officers spoke with a total of 66 people at the listening post, consisting of adjacent residents and Bay Trail users. Of these 66 people, 94% (62 participants) outlined their support for the project; and
- Consultation with nearby residents for localised actions, such as pedestrian refuges and pedestrian pram ramps.

Human Rights

An update on the implementation of the Bayside ITS during 2016/17 is not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal

There are no legal/statutory requirements applicable to this report.

Finance

Actions recommended in the Bayside ITS and supporting strategies and plans were funded in Council's approved 2016/17 budget. Council's approved 2017/18 budget also contains funding for a range of actions identified in both the Bayside ITS and the suite of supporting strategies and plans. All future actions identified in the Bayside ITS have been factored into Council's Long Term Financial Plan.

Links to Council policy and strategy

The implementation of the Bayside ITS contributes to a number of goals contained within the 2017-21 Council Plan, including 'Transport' and Environment' through:

- enabling mobility and movement for the community, regardless of age or physical ability; and
- encouraging increased public transport use, cycling and walking as alternatives to short private vehicle trips which will reduce greenhouse gas emissions.

Options considered

This report provides an update on the implementation progress of the Bayside ITS and the supporting suite of transport strategies during 2016/17. No other options were considered relevant to this report.

Transport-Mode Strategies/Plans Supporting the ITS Actions Completed

Walking Strategy 2015

The projects completed in 2016/17 include:

- Filling gaps in the network with 806m of new footpaths at the following locations:
 - Beach Road, Sandringham (adjacent to The Crescent Gardens);
 - Jillian Avenue, Highett;
 - Regworth Court, Highett;
 - Highett Road (adjacent to Petersen Reserve);
 - The corner of Dendy Street/Church Street, Brighton;
 - Bent Avenue, Brighton (connection between the bus stop at Elsternwick Park and the Bent Avenue/St Kilda Street intersection)
- Pedestrian improvements such as refuges and ramps were completed at the following locations:
 - Dalgetty Road/Tramway Parade roundabout, Beaumaris
 - Dalgetty Road/Charlotte Road/Hotham Street intersection, Beaumaris
 - Haydens Road/Fourth Street intersection, Beaumaris
 - Edith Avenue/Agnes Avenue intersection, Beaumaris; and
 - Summitt Avenue/Ridge Avenue intersection, Hampton East

Bicycle Strategy 2013

The projects completed in 2016/17 include:

- Little Brighton Reserve Shared Path, Brighton East – A 550m section of the Elster Creek Trail was completed through Little Brighton Reserve;
- St Kilda Street Shared Path, Brighton – A 200m section of the Elster Creek Trail was completed along the eastern side of St Kilda Street between Elsternwick Park and Spray Street to provide a cross boundary connection between Bayside and the City of Port Phillip;
- A new Bayside Bicycle Map was developed and launched in November 2016. The new map has been developed to assist all cyclists with planning the best route for their journey. The map has also been made available as an app that can be downloaded to a mobile phone; and
- The continued rollout of the Bicycle Wayfinding Program across the municipality with the bicycle network south of South Road, Brighton, now signed.

Road Safety Strategy 2014

The actions completed in 2016/17 include:

- Improved intersection line marking treatments have been introduced on the Bay Trail shared path within the vicinity of pedestrian access points with the aim of raising awareness and promoting mutual respect between all path users at the following locations:
 - Opposite Brighton Beach Station (two sites);
 - Opposite South Road, Brighton;
 - Opposite Kinane Street, Brighton;
 - Behind the Royal Brighton Yacht Club; and
 - Opposite Small Street, Hampton.

- The Beach Road weekend 6am to 10am No Stopping zones were permanently established (previously annual trials);
- Two child car restraint checking days to check if child car restraints have been fitted correctly in parents/carers vehicles;
- The delivery of two Wiser Driver sessions to provide older drivers with advice about the effects of various types of impairments on driving ability;
- A multi-year program of pedestrian crossing works at the roundabouts in Church and Bay Street Activity Centres was developed and adopted by Council, with the roundabout at Church Street/Male Street to be treated first in 2017/18; and
- Council was successful in securing \$327,750 from the Federal Government Black Spot Program to address safety issues at the New Street/Wellington Street/Carpenter Street, Brighton.

Public Transport Advocacy Statement 2016

Actions undertaken in 2016/17 include:

- Advocacy to the State government and Public Transport Victoria (PTV) regarding the lack of commuter parking provision within the municipality and the need to improve bus/rail connectivity;
- Advocacy to the State government on matters associated with the removal of the level crossing at Park Road, Cheltenham;
- Advocacy to the State government to retain the heritage listed buildings at Cheltenham Station as part of its proposed redevelopment as part of the level crossing removal works;
- Advocacy to the State government to oppose plans to build a substation on land between the train line and Station Street, Sandringham; and
- Advocacy to PTV for upgrades to 15 bus stops across the municipality. The upgraded bus stops are now fully accessible and provide passengers with shelter and seating provision.

10.5 FLAMMABLE CLADDING TO BUILDINGS

City Planning & Community Services - Director City Planning and Community Services
File No: FOL/17/245 – Doc No: DOC/17/175252

Executive summary

Purpose and background

In light of the tragic London Grenfell tower fire, and the previous Melbourne Lacrosse Building fire, a two part Notice of Motion (NOM) was resolved upon by Council.

The first part required Council to write to both the Minister for Planning and the Victorian Building Authority (VBA) requesting them to undertake fire safety checks on Victorian 'high rise buildings'.

The second part of the Council resolution required Council Officers to report back to Council in August 2017 regarding the fire safety checks.

In 2015, following the fire at the Lacrosse building in Latrobe Street, Docklands, the VBA initiated the External Wall Cladding Audit. This was the first of its kind in Australia and just over 170 high rise residential buildings and public buildings in the Melbourne CBD and immediate surrounding suburbs were audited. Although the building non-compliance rate was found to be 51%, it was determined that the non-compliances did not pose a risk to the safety of occupants of those buildings.

The VBA used its powers under the Building Act to undertake these audits and worked with key agencies such as the Melbourne Fire Brigade (MFB), Fire Engineers, the City of Melbourne's Municipal Building Surveyor (MBS), and in particular the relevant private Building Surveyors who had issued these building permits.

Key issues

Future Auditing

Soon after the Grenfell Tower fire, the Government established a new 'Victorian Cladding Taskforce' co-chaired by the Hon Ted Baillieu and the Hon John Thwaites to oversee a state-wide audit of the non-compliant use of wall cladding. The Taskforce includes senior representatives from all relevant agencies across state and local government:

- VBA
- Worksafe
- Department of Justice and Regulation
- Department of Health and Human Services
- Emergency Management Victoria
- Department of Environment, Land, Water and Planning
- MFB
- Municipal Association of Victoria
- Victorian Municipal Building Surveyor Group

It is important to note that at this stage it is not known what the final decisions of the Taskforce will be, and how future auditing may be undertaken. The Taskforce has been setting out the terms of reference and scope of works, and the board of the Taskforce will likely look deeper into the culture of non-compliance in the industry.

It is very likely, however, that the same or similar processes will be undertaken for the auditing as per the 2015 program.

In a letter sent to the Minister for Planning and the VBA has highlighted the importance of quickly establishing audit timeframes and informing the community of these timeframes.

Recommendation

That Council notes the establishment of the Government appointed Victorian Cladding Taskforce and its role in overseeing a state-wide audit of the non-compliant use of wall cladding.

Support Attachments

Nil

Considerations and implications of recommendation

The Government appointed taskforce established to oversee the auditing process includes all the key organisations required for an effective audit process and it is able to leverage the direct experience from the previous wall cladding audit.

It is important to note the appointment to this Taskforce of the Municipal Association of Victoria (MAV) and the Victorian Municipal Building Surveyors Group (VMBSG) who will represent Council's interests and concerns.

As municipal councils are not designated performance auditors, it is not appropriate for local governments to initiate parallel auditing activities as such parallel activities would negatively impact the effectiveness of the Taskforce program.

Council and its Municipal Building Surveyor, through contacts with these authorities, will be available to assist the Taskforce where requested and, pursuant to legal requirements, will further actively monitor progress and enter into dialogue with the Taskforce and/or relevant authorities during this time. Council's willingness to support the Taskforce has been highlighted in Council's letter to both the Minister and the VBA.

10.6 ANNUAL COMMUNITY GRANTS 2017/18

Environment, Recreation & Infrastructure - Recreation
File No: PSF/17/65 – Doc No: DOC/17/159910

Executive summary

Purpose and background

The purpose of this paper is to present the outcome on the assessment of applications to Council's 2017/18 Annual Community Grants Program (the Program).

The Program encourages and assists local not-for-profit community organisations to enhance and improve the range of leisure, cultural, community development, environmental, health, educational, recreational, sporting and welfare programs and activities offered to Bayside residents.

Council's 2017/18 budget includes an allocation of \$133,945 to fund the Program and applicants may apply for a single grant up to a maximum of \$5,000.

For the past five years applications have been submitted through the online grant management system 'SmartyGrants'. The majority of applicant feedback indicates that the system is easy to use.

Key issues

Promotion of the Program

During the 2017/2018 cycle, promotion of the Program included:

- Email distribution to not-for-profit community groups and organisations;
- Information published on the Bayside website including promotional banner;
- Advertisement in the Bayside Leader;
- Social media posts;
- Media releases issued the week before opening and the week before closing of the application round;
- Flyers distributed to community centres, libraries and senior citizen groups; and
- Information sessions to overview the application process and introduce potential applicants to the SmartyGrants system.

In addition, specialised support sessions were made available to assist applicants with limited access to a computer or those people lacking confidence to submit an online application without assistance. One on one meetings were also held with community groups seeking further assistance.

Applications and assessment

The Program received 93 applications in 2017/2018, exceeding the 88 applications made in 2016/17. The applications reflect the diverse populations and interest within the Bayside community and propose a range of programs and services to strengthen community capacity, increase the overall health and wellbeing of the community, and foster community connectedness across Bayside.

All applicants were required to meet the basic threshold of eligibility and at least one or more aims of the Program. Eligible applications were assessed and prioritised in consultation with relevant Council departments. A point scoring system against criteria in the following categories was utilised:

- Evidence of need;
- Alignment with Council's policies and priorities, particularly the goals and objectives of Wellbeing for All Ages and Abilities Strategy (2013-2017);
- Community involvement and inclusion;
- Equity and access for the community;
- Environmental sustainability; and
- Overall community benefit.

Under this Council endorsed scoring system applicants can receive up to a total of 160 points. The score attributed to each application is used to prioritise the application for funding.

Assessment and recommendations

Table 1 represents a summary of the total number of grants recommended for funding. Following consideration of eligibility requirements and the assessment process and scoring:

Table 1: Annual Community Grants 2017/18

Recommendations	No. of applications	Grant funding requested	Recommended funding
Annual Community Grants 2017/18			
Recommended (Attachment 1)	45	\$175,895	\$133,945
Not recommended	35	\$128,554	\$0
Ineligible	11	\$40,695	\$0
Withdrawn	1	\$4,000	\$0
Subtotal	91	\$349,144	\$133,945
Referred Applications			
MetroAccess	1	\$5,000	TBD
Total	93	\$354,144	\$133,945

Each year specific feedback is provided to unsuccessful applicants to assist them to strengthen future applications or provide suggestions regarding other appropriate funding programs.

Recommendation

That Council allocates the 2017/18 Annual Community Grants recipients as outlined in Attachment 1.

Support Attachments

1. Attachment 1 - Annual Community Grants 2017 - Recommended ↓

Considerations and implications of recommendation

Liveable community

Social

The Community Grants Program encourages and assists local not-for-profit community organisations to enhance and improve the range of leisure, cultural, community development, environmental, health, educational, recreational, sporting and welfare programs and activities offered to Bayside residents.

Natural Environment

Environmental considerations are included as part of the assessment process, with applicants contributing to environmental sustainability scoring higher.

Built Environment

Capital works are not considered eligible as part of the Program.

Customer Service and Community Engagement

The Grants Officer was available before and during the application window. Individual support and specialised presentations were provided to the community and key groups.

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

All applicants are assessed for Public Liability Insurance as part of the eligibility assessment. Applicants are charged with the responsibility to ensure the safety of the program applied for, as outlined within Bayside's Council Grants Policy 2016.

Finance

Council's 2017/18 budget includes an allocation of \$133,945 to fund the Program. The recommended grants (Attachment 1) are within this budget allocation. Refer Table 1 for overview.

Links to Council policy and strategy

The Program is guided by Bayside's Council Grants Policy 2016 and Grants Guidelines (2017/18). Funding applications are scored against the strength of their alignment with the goals and objectives of the Wellbeing for All Ages and Abilities Strategy (2013-2017).

Annual Community Grants 2017/18 – Recommended				
App ID	Name of organisation	Project Title	Brief project description <i>Link with the WAAA</i>	Recommended \$
ACGP2017/18097	Royal Brighton Yacht Club	All Abilities Beach Access	This project will promote inclusion and accessibility in the Bayside community through the installation of rubber matting suitable for beach wheelchair access. <i>Goal 2: A healthy and active community</i>	\$5,000
ACGP2017/18072	Disabled Divers Association	Snorkelling and Scuba Diving for People with Disabilities	This project will promote inclusive physical activity opportunities for people with disabilities through six specialised scuba diving and snorkelling days at local swimming pools. <i>Goal 2: A healthy and active community</i>	\$5,000
ACGP2017/18007	Fairway Hostel	Fairway Cycling Without Age	This project will enhance community connections and expand social opportunities for elderly residents by purchasing a second Triobike under the initiative 'cycling without age'. <i>Goal 2: A healthy and active community</i>	\$5,000
ACGP2017/18082	Dance for Parkinson's Hampton with Auspicious Arts Projects Inc.	Triptych Dancing through Parkinson's	This project will create an inclusive dance program for community members experiencing Parkinson's Disease. <i>Goal 2: A healthy and active community</i>	\$5,000
ACGP2017/18117	Brighton Recreational Centre	Brighton Recreational Centre Pottery Program	This project involves purchasing a new Kiln to expand and promote the pottery program to the Bayside community. <i>Goal 1: An engaged and supportive community</i>	\$5,000
ACGP2017/18018	Bayside Church - Bayside Community Care	Bayside Community Christmas Lunch	This project will host a free community Christmas Day lunch for vulnerable and isolated members of Bayside community. <i>Goal 1: An engaged and supportive community</i>	\$5,000

ACGP2017/18065	St. Stephen's Community Garden Inc.	Green House Project	This project will install a greenhouse at St Stephen's Community Garden to enhance the gardening program. <i>Goal 2: A healthy and active community</i>	\$5,000
ACGP2017/18118	Elwood St Kilda Neighbourhood Learning Centre (ESNLC)	Have a go!	This project will deliver fortnightly art, music and movement series workshops for children and families living on the Elsternwick Estate. <i>Goal 1: An engaged and supportive community</i>	\$5,000
ACGP2017/18011	Connect Health & Community	Community Transport TransAccess Programs	This project will provide a volunteer transport program for disadvantaged Bayside residents accessing healthcare services. <i>Goal 1: An engaged and supportive community</i>	\$4,670
ACGP2017/18022	Black Rock Bowling & Tennis Club Inc.	Barefoot Bowls & Tennis Equipment	This project will expand and enhance the current program by purchasing six modern lawn bowl sets and six tennis racquets to be utilised by new members. <i>Goal 2: A healthy and active community</i>	\$4,200
ACGP2017/18012	Highett Neighborhood Community House	Computer Gaming for Bayside Youth	This project will deliver weekly 2 hour sessions for youth to participate in healthy computer gaming. <i>Goal 1: An engaged and supportive community</i>	\$4,070
ACGP2017/18085	Helen Paul Kindergarten Inc.	Helen Paul Kinder outdoor space - Mindfulness Corner	This project will develop of an outdoor Mindfulness Corner to support mental health and creativity in children. <i>Goal 1: An engaged and supportive community</i>	\$3,950
ACGP2017/18102	Black Rock Life Saving Club Inc.	Cadet Leadership & Development Program	This project will provide a communication workshop for Bayside youth to develop leadership and initiative skills. <i>Goal 1: An engaged and supportive community</i>	\$3,900
ACGP2017/18062	Black Rock Pre School	Black Rock Pre School Indigenous Habitat Discovery Project	This project involves the development of an indigenous play space and garden including a bush kitchen.	\$3,800

			<i>Goal 2: A healthy and active community</i>	
ACGP2017/18111	Black Rock Football Club	Manage mental health, drugs and alcohol	This project will provide a Mental Health First Aid Course for club leaders and to deliver speaker sessions on drug and alcohol abuse. <i>Goal 3: Safe and sustainable environments</i>	\$3,648
ACGP2017/18115	Southern Basketball Association	Launch of Walking Basketball Activities / Competition	This project will launch an inaugural 35 week free Walking Basketball activity / competition for older residents of Bayside. <i>Goal 2: A healthy and active community</i>	\$3,600
ACGP2017/18084	Hampton Community Centre	Follow the Yellow Brick Road to the Rainbow Room	This project will create a permanent gallery corridor for the Inclusive Art classes to display their work and to enhance the program by supplying new art materials such as clay, paints and brushes. <i>Goal 1: An engaged and supportive community</i>	\$3,500
ACGP2017/18086	Australian Skateboarding Federation	Bayside Skate Lessons and Contest	This project will provide inclusive, free, co-educational skateboard workshops occurring after school to introduce participants to skating in a welcoming environment. <i>Goal 2: A healthy and active community</i>	\$3,500
ACGP2017/18037	Beaumaris Theatre Inc.	Youth Theatre Technicians Project	This project will enhance training and support of young people in the professional theatre environment by purchasing communication devices. <i>Goal 1: An engaged and supportive community</i>	\$3,461
ACGP2017/18009	The Bayside Toy Library Inc	Accessible and Positive Early Experiences of STEM Learning in Bayside	This project will enhance learning by developing a toy section based upon STEM (science, technology, engineering and mathematics) disciplines to increase access to, and emphasise developing STEM skills in the early years. <i>Goal 1: An engaged and supportive community</i>	\$3,178

ACGP2017/18081	The Trustee for the National Council of Jewish Women (Vic) Social Support Trust	Caring Mums	This project will provide home support and guidance to new, vulnerable and at-risk mothers. <i>Goal 1: An engaged and supportive community</i>	\$3,000
ACGP2017/18090	123Read2Me Limited	Free Books for Bayside kids who need them	This project will expand existing recycled book box program into public housing estates and to families currently missing out on early childhood literacy opportunities due to financial situation. <i>Goal 1: An engaged and supportive community</i>	\$3,000
ACGP2017/18124	South Oakleigh Wildlife Shelter	Sustainable Community Engagement with Local Wildlife	This project will develop and distribute show bags at educational workshops with schools and community groups about sustainable community engagement with local wildlife. <i>Goal 3: Safe and sustainable environment</i>	\$3,000
ACGP2017/18024	BayleyHouse	Art Therapy after hours workshops	This project will provide an inclusive after hour's art therapy program for the Bayside community. <i>Goal 1: An engaged and supportive community</i>	\$3,000
ACGP2017/18076	The Holland Foundation	Genuine Pathways to Employment 2 (GPE)	This project will up skill long term unemployed, new arrivals or those experiencing disadvantaged in Bayside by providing Retail and Office Administration training programs. <i>Goal 1: An engaged and supportive community</i>	\$2,988
ACGP2017/18100	Bayside Parkin Song	Bayside Parkin Song	This project will provide a weekly choir program focused on speech and music therapy for residents with Parkinson's diseases and their carers. <i>Goal 1: An engaged and supportive community</i>	\$2,900
ACGP2017/18112	Russian Senior Choir of Kingston Inc.	Melbourne Concerts	This project will deliver concerts in Bayside and its surrounding municipalities to promote social connections and multiculturalism.	\$2,710

			<i>Goal 1: An engaged and supportive community</i>	
ACGP2017/18080	Olympic Avenue Kindergarten	OAK's Kitchen Garden	This project will develop of a kitchen garden program. <i>Goal 2: A healthy and active community</i>	\$2,639
ACGP2017/18123	Grace Heart Community Church	Transforming Very Difficult Children & Youth	This project will deliver a six week (non-religious) program aimed to equip parents, guardians and carers of disengaged youth with skills and strategies to address the issue(s). <i>Goal 1: An engaged and supportive community</i>	\$2,500
ACGP2017/18066	Sandringham Baptist Church for Flourish	Flourish - High School Preparation and Resilience Program	This project will subsidise a camp for youth transitioning from primary to secondary school which will focus on team building, resilience & positive mental health strategies. <i>Goal 1: An engaged and supportive community</i>	\$2,500
ACGP2017/18063	Hurlingham Preschool	Outdoor kitchen and learning space	This project will develop an outdoor kitchen learning space. <i>Goal 2: A healthy and active community</i>	\$2,462
ACGP2017/18035	East Beaumaris Kindergarten	East Beaumaris Kindergarten 50th Anniversary Outdoor Play Area Improvement	This project will create permanent art installations with parents and children which reflect Indigenous heritage of the grounds. <i>Goal 1: An engaged and supportive community</i>	\$2,400
ACGP2017/18067	Victorian Association of WW2 Veterans from former SU	Community Performances	This project will create new costumes and stage decorations for eight community performances in Bayside. <i>Goal 1: An engaged and supportive community</i>	\$2,000
ACGP2017/18103	Highett Youth Club	Move My Way - Fitness for Adults	This project will implement a new inclusive initiative which incorporates strength and gymnastics for older adults. <i>Goal 2: A healthy and active community</i>	\$2,000
ACGP2017/18044	Cancer Patients Foundation	Look Good Feel Better	This project will provide support to cancer patients on how to manage appearance related side-effects caused by	\$1,925

			chemotherapy and radiation treatment. <i>Goal 1: An engaged and supportive community</i>	
ACGP2017/18013	Bay Quilters Inc	Quilts From The Heart	This project will develop and distribute volunteer made quilts to victims of sexual abuse, returned servicemen and women who have experienced trauma, and families who are experiencing life threatening illness. <i>Goal 3: Safe and sustainable environment</i>	\$1,785
ACGP2017/18079	Brighton Lions Vic	Raised Garden Beds for Bluff Rd. Public Housing Estate	This project will create two raised garden beds for a vegetable garden at Bluff Rd Housing Estate. <i>Goal 2: A healthy and active community</i>	\$1,466
ACGP2017/18048	Women's Health in the South East	16 Days in the South	This project will raise awareness about violence against women through a social media campaign (16 Days of Activism) and distribution of coffee cups. <i>Goal 3: Safe and sustainable environment</i>	\$1,070
ACGP2017/18015	Russian Cultural & TV Association Inc. Sputnik	Sputnik Ch31 TV programs	This project will produce new television shows for Bayside community, which will be made available to community with DVD's contributed to library. <i>Goal 1: An engaged and supportive community</i>	\$1,000
ACGP2017/18054	Russian United Television Accord Inc.	Producing Movies and Bilingual Programs for Bayside	This project will record community events including a number of Russian festivals, events and excursions. As well as produce an education program to be aired online on channel 31. <i>Goal 1: An engaged and supportive community</i>	\$1,000
ACGP2017/18049	Jack and Jill Kindergarten	Jack and Jill Community Veggie Patch	This project will develop a sustainable herb and vegetable garden. <i>Goal 2: A healthy and active community</i>	\$809
ACGP2017/18113	Wilson Street Kindergarten, Brighton	Expansion of play based learning of	This project will implement play based resources that are age	\$785

		indigenous culture	appropriate and promote indigenous culture. <i>Goal 1: An engaged and supportive community</i>	
ACGP2017/18040	Livingston Kindergarten	Livingston Kindergarten portable projector	This project will purchase a portable projector to enhance learning and communication. <i>Goal 1: An engaged and supportive community</i>	\$699
ACGP2017/18005	All Souls Anglican Church Sandringham	Blooming Big Bush Bonfire BBQ "BBBBBB" - Man Camp	This project will expand and promote new programs (such as woodworks) to attract both primary and secondary school age children. <i>Goal 1: An engaged and supportive community</i>	\$500
ACGP2017/18056	Japanese Welfare Association of Victoria Inc.	The Open Day for making friendship	This project will connect with other local senior groups to exchange skills, experiences and culture through an open day. <i>Goal 1: An engaged and supportive community</i>	\$330
				\$133,945

10.7 SOUTH-EAST REGIONAL WASTE MANAGEMENT GROUP ENVIRONMENTAL ASSURANCE FUND

Environment, Recreation & Infrastructure - Sustainability & Transport
File No: PSF/17/63 – Doc No: DOC/17/164037

Executive summary

Purpose and background

The purpose of this report is to present a proposal for funds provided by Bayside City Council that are currently held in trust by the Metropolitan Waste and Resource Recovery Group (MWRRG) to be released to the City of Greater Dandenong.

As a regional member of the former South-East Regional Waste Management Group (SERWMG), Bayside City Council disposed of waste at the Spring Valley landfill and the Clayton Regional Site until these sites closed.

An Environmental Assurance Fund (the Fund) was established through a Trust Deed between the members of the former SERWMG and Environment Protection Agency (EPA) to meet the cost of future rectification/remediation works for the closed landfill sites. The Fund is held in trust on behalf of the councils who own those landfills. The money is in a specifically established bank account in accordance with the Trust Deed and is payable to the EPA (up to the claimed sum) upon written demand from the EPA. The Trust Deed entitles the Landfill Site Manager on behalf of the relevant owner (relevant council) to make a claim on the fund for “Authorised Payments” associated with the safe ongoing management of the former landfill sites. The Trust Deed also requires the balance of funds to be distributed to the member councils of the Trust at the termination of the Fund.

In October 2006, the Metropolitan Waste Resource and Recovery Group (MWRRG) took over the role of Trustee of the Fund following the dissolution of the SERWMG.

Member councils of the former SERWMG, contributed a levy of 50c per tonne on all waste disposed at the landfills to the Fund from July 1996 until June 2010. Bayside ceased using these landfills in 2003.

Key issues

Since 2010, no further contributions have been made to the Fund due to a change in the EPA's requirements. This was on the basis that a council's liabilities for the ongoing safe management of a landfill remained unchanged, regardless of where and how funding for this purpose was secured.

During 2014 and into 2015, discussions were convened between officers of the councils party to the Fund, the EPA and MWRRG to decide the future of the Fund and its relevance to environmental assurance and ongoing care for the closed landfill sites. This resulted in an in-principle agreement for:

- the Fund to be closed and monies transferred to the council operators of the landfill sites on a proportional basis relative to the contribution, rather than being distributed to the member councils of the trust as required in Clause 18.1 (e) of the Trust Deed in the event that the Fund be terminated;
- Councils responsible for each of the landfill sites to reserve monies from the Fund solely for the rehabilitation of each landfill and not for any other unrelated purpose; and

- For the EPA to retain its legislated right to set regulatory requirements for future rehabilitation works if required.

Recommendation

That Council authorises the Chief Executive Officer to advise the Metropolitan Waste and Resource Recovery Group that Council:

1. agrees to close the Environmental Assurance Fund;
2. agrees to amend Clause 18.1 (e) of the trust deed to include distribution of the Environmental Assurance Fund to the council's landfill operators; and
3. endorses the Metropolitan Waste and Resource Recovery Group to distribute the monies held by the Environmental Assurance Fund as at 30 June 2017 less any wind up and administration costs; and that the distribution be undertaken in accordance with the proportions established and outlined in Attachment 1.

Support Attachments

1. Attachment 1 - Environmental Assurance Fund - Proportional Distributions ↴

Considerations and implications of recommendation

Liveable community

Social

Disposal of domestic waste to landfill is a significant component of the residential recycling and waste management services that help residents to keep their property safe and hygienic through regular removal of waste. Increased resource recovery from the municipal waste stream in the future will reduce reliance on landfills and allow for greater efficiencies and income to be generated that can be invested into other services for the community. The closure of the Environment Assurance Fund will not impact on future waste services.

Natural Environment

Modern cities are challenged by the waste generated by the community and new approaches are needed to address the needs of a sustainable city into the future.

The Environment Assurance Fund was established to address the ongoing impacts of closed landfills sites to the surrounding environments are to be managed by the municipal operators of the landfills and the member councils that contributed wastes when the sites were operating.

Built Environment

There are no built environment implications for Bayside as the former landfills are not within the municipality.

Customer Service and Community Engagement

There are no customer service or community engagement implications associated with the recommendation of this report.

Human Rights

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

Legal

As a regional member of the former SERWMG, Council is liable under the Environmental Protection Act 1970 to contribute to the safe ongoing management of the Spring Valley and Clayton Regional Landfill sites.

As Bayside contributed only 2.2% of the total tonnage of wastes disposed at these landfills, Council's ongoing financial liability is considered minor and adequately covered by the amount held in the Environmental Assurance Fund and Council's current operating budget allocations for landfill contributions should costs for future remediation/ rehabilitation be recovered.

Finance

As a regional member of the Fund, Council's fund balance as at as at 30 June 2016 is \$46,073. The funds transferred to the City of Greater Dandenong from the MWRRG will be held in a restricted reserve solely for the rehabilitation of the former Spring Valley landfill.

As part of determining the distribution of the fund balance as at 30 April 2017, the MWRRG has reconciled the fund and contributions (includes contributions and interest earned less wind up and administration costs, refer to Attachment 1).

Links to Council policy and strategy

The Council Plan 2017-21 includes Goal 8 – Governance: Bayside will enjoy strong and effective democratic representation from its Council and responsive and financially responsible services and facilities that meet community needs.

The commitment by Council to meet the legislative requirements for ongoing safe management of former landfill sites is a demonstration of Council's achievement of this goal.

Options considered

There are no options relevant to this report.

PROPOSED DISTRIBUTION OF FUND BALANCE

	Financial Assurance Fund Contribution Balance	Allocation of Interest received to 31 March 2017	Net Distribution of funds
Clayton Road	\$1,598,081	\$3,419	\$1,601,501
Stevensons Road	\$518,148	\$1,109	\$519,257
Spring Valley	\$314,646	\$673	\$315,319
	\$2,430,876	\$5,201	\$2,436,077

Bayside's total proportion of \$46,073 of the Fund balance is comprised of:

- \$39,818 for Spring Valley Landfill
- \$6,255 for the Clayton Road Landfill

10.8 AMENITY PROTECTION SERVICE REVIEW

City Planning & Community Services - Amenity Protection
File No: FOL/16/6293 – Doc No: DOC/17/174764

Executive summary

Purpose and background

The purpose of this report is to present the key findings and recommendations arising from the Strategic Service Review of Council's Amenity Protection service areas.

The Amenity Protection Service Review is the culmination of a rolling program of strategic Service Reviews that Council has conducted since 2015. The purpose of the Service Review program is to deliver public value through effective and efficient service delivery.

The Service Review is supported by research and analysis undertaken by each of the three Amenity Protection service areas – Environmental Health, Local Laws and Appeals and Planning Investigations. It provides robust, evidence-based recommendations that apply across the department.

The school crossing service, which sits within the Amenity Protection Department, was not within the scope of this Service Review due to concurrent work being undertaken by School Crossing Victoria at a broader level.

The drivers for the review and desired outcomes are to ensure Council is providing modern regulatory services that are:

- Based on the principles of accountability, consistency, transparency, impartiality, proportionality, fairness and effectiveness;
- Provided by staff who demonstrate the utmost integrity, empathetic engagement and are highly competent;
- Risk and evidence based, outcome focussed, integrated, digital first, measurable and timely;
- Relevant and aligned with the needs and expectations of the Bayside community;
- Provided in accordance with statutory obligations; and
- Sustainable, effective services that achieve public value.

Council is currently in a transition stage as it modernises its approach to regulation and service delivery. This includes adopting an outcomes-focused and risk-based operating model to ensure resources are focused on addressing community behaviour that creates the most harm.

Key issues

The following summarises the key findings of the three service areas considered in the Review.

Environmental Health

Data collected and produced for the Local Government Performance Reporting Framework indicates:

- The average number of days it takes for Council to action food complaints is 1.84 days compared to similar Councils of 2.11 days.
- Council has undertaken on average 101.1% of required food safety assessments compared with 99.64% for similar councils.

- Council has followed up 100% of critical and major non-compliance outcome notifications compared with 97.22% for similar councils.

The following key findings emerged from the research and analysis undertaken:

1. Compliance rates are high and there are opportunities to further raise health standards by rewarding good practice.
2. Council is receiving an increasing number of noise complaints, half of which do not result in any action being able to be taken.
3. Council needs a clear policy for resolving repeat complainants.
4. Attracting and retaining quality Environmental Health professionals is a persistent challenge.
5. Business owners have expressed a desire for greater transparency and accessibility of information in relation to the inspection process.

Local Laws and Appeals

Of the 22 Council services rated on community satisfaction, the 'enforcement of local laws' service has been rated in the top ten over the 2014-2016 period. Local Laws and Appeals main challenge is handling the significant volume of phone requests received each day. Local Laws and Appeals has identified opportunities to decrease expenditure through moving to cashless parking ticket machines.

The following key findings emerged from the research and analysis undertaken:

1. The high number of customer services calls fielded by Local Laws and Appeals creates a substantial administrative workload and has service and resourcing implications.
2. There is a significant cost associated with maintaining coin-operated ticket machines.
3. Current rostering practices for Enforcement Officers (Parking, Animal Management, Local Laws officers) are not always compatible with peak times of enforcement.
4. There is scope to improve communication across teams to build understanding and enable continuous improvement.

Planning Investigations

There are significant opportunities identified to deliver improvements, with reduced response times and increased efficiency through improving internal referral processes.

The following key findings emerged from the research and analysis undertaken:

1. Customer satisfaction levels are low in relation to the timeliness of investigations and the quality of customer service.
2. Internal referrals from Development Services are a key driver of delays in responding to planning permit applications.
3. There is a shallow pool of Arborist resources, resulting in the use of external contractors during peak periods, or when staff are on leave.

There are a number of system and process challenges as a result of the division of responsibilities between Planning Investigations and Development Services. This includes the use of Council's customer request systems and application and infringements management that require some additional processing.

Amenity Protection Service Review Recommendations

Below are the six recommendations arising from the findings of the Service Review. The sub-recommendations are provided in more detail in Attachment A. In relation to the recommendations, it is intended the following improvements be made:

1. Develop a Modern Regulator Framework to support a positive and consistent customer experience focused on achievement of community outcomes.
2. Enrich customer experience and accessibility through the provision of digital platforms and information.
3. Invest in proactive approaches to compliance.
4. Modify the Amenity Protection Department structure to ensure alignment with Council's Better Place Approach, Customer Focus Strategy and to support the Modern Regulator Framework.
5. Work collaboratively across the organisation to identify opportunities to enhance overall customer experience.
6. Engage and communicate with all relevant stakeholders to promote transparent and informed decision making.

Recommendation

That Council notes the report on the Amenity Protection Service Review.

Support Attachments

1. Attachment A - Amenity Protection Service Review Executive Summary ↴

Considerations and implications of recommendation

Liveable community

Social

Community members highly value the services provided by the Amenity Protection department. These services are critical to protecting the amenity of residents and visitors to Bayside.

Natural Environment

A number of services of the Amenity Protection department contribute to the improvement of the natural environment.

Built Environment

A number of services of the Amenity Protection department contribute to the improvement of the built environment.

Customer Service and Community Engagement

In completing the Service Review Council undertook a range of benchmarking and survey activities. Comprehensive data and research analysis underpins the Service Review and associated recommendations.

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

Legislation plays a key role in the operation of each of the services areas within the Amenity Protection Department.

Legislation imposes requirements both on Local Government Authorities, businesses and individuals and allows limited discretion in its enforcement of legislation. As a consequence Bayside City Council has a duty to enforce primarily state legislation. A range of penalties may apply when there is non-compliance.

Finance

There are no direct financial implications as a result of this report. Any financial implications as a result of the Service Review will be managed within existing and future budget considerations.

Links to Council policy and strategy

Service reviews are a key enabler of the Better Place Approach. They identify improvement opportunities, targets and measurable outcomes in relation to people, efficiency and service delivery that contribute to making Bayside a better place.

The ongoing program of service review responds to Goal 8 of the Bayside Council Plan 2017-21 to *identify and implement improvements in Council's services, efficiency and outcomes for the Bayside community*.

Executive summary

The Amenity Protection Service Review (the 'Service Review') is the culmination of a rolling program of strategic Service Reviews that Council has produced since 2015. The purpose of the Service Review is to consider the role and function of the Amenity Protection department now and into the future to ensure that each service area delivers modern regulatory services that provide public value, are aligned to community needs, and operate efficiently.

The Service Review is supported by research and analysis undertaken by each of Amenity Protection's three service areas – Environmental Health (EH), Local Laws and Appeals (LLA), and Investigations (INV). It draws upon the key themes to provide robust, evidence-based recommendations that apply across the department.

Recommendations

Below (and overleaf) are the six recommendations arising from the findings of the Service Review. Under each recommendation are more targeted sub-recommendations. The recommendations are supported by the review findings discussed under Section 3 - Review findings.

Recommendation 1

Develop a Modern Regulator Framework to support a positive and consistent customer experience focused on achievement of community outcomes

- a. Develop a Regulation Statement that guides staff and informs the community about how Bayside approaches its regulatory activities.
- b. Determine compliance activities on the basis of proportionality by way of risk assessment and evidence.
- c. Identify and deploy training and development requirements for staff.
- d. Develop a performance measurement framework inclusive of regular qualitative customer satisfaction feedback, which informs continuous improvement initiatives.
- e. Review all processes and procedures associated with Amenity Protection services including the development of a procedure for handling repeat complainants.

Recommendation 2

Enrich customer experience and accessibility through the provision of digital platforms and information

- a. Implementation of cashless ticket machines across Bayside prior to the 17/18 summer period.
- b. Review of all Amenity Protection processes to ascertain suitability for transition to digital channels inclusive of customer feedback/requests for online interaction.
- c. Develop online application forms and payment options to increase shift to digital channels.
- d. Integration of all information and processes with Council's corporate systems with required 'back end' processing capacity and functionality.
- e. Review Council's website content to ensure it is informative and aligns with customer needs.
- f. Mobilise officers to provide immediate, effective and efficient services to the community.

Recommendation 3

Invest in proactive approaches to compliance

- a. Explore and develop proactive compliance programs which reward and recognise compliance.

- b. Reward compliance through formal recognition of best practice.

Recommendation 4

Modify the Amenity Protection Department structure to ensure alignment with Council's Better Place Approach, Customer Focus Strategy and to support the Modern Regulator Framework

- a. Provide a single first point of contact for all customer interactions.
- b. Develop strategies for attracting and retaining quality professionals.
- c. Review the approach to rostering of Enforcement Officers.
- d. Identify opportunities for reward and recognition of outstanding customer outcomes achieved.

Recommendation 5

Work collaboratively across the organisation to identify opportunities to enhance overall customer experience

- a. Review interdependent processes and develop a Service Level Agreement between Investigations and Development Services relating to internal referrals.
- b. Explore opportunities to collaborate with the Open Space Management unit in relation to organisational Arborist functions.
- c. Work with Development Services and other relevant Council service areas to improve the approach taken to managing the impacts and effectiveness of construction management to proactively address issues to minimise complaints and improve effectiveness of compliance.

Recommendation 6

Engage and communicate with all relevant stakeholders to promote transparent and informed decision making

- a. Develop a communications plan to ensure community members are able to access information in ways that are convenient and effective.
- b. Provide greater transparency of process and accessibility of information for food business owners in relation to the registration process.
- c. Council continue to engage with the Red Tape Commissioner regarding any possible proposal to cap or remove revenue generated from food registration fees, and demonstrate the impacts to service and public safety.

Continuous improvement

Amenity Protection is committed to continuously improving the quality and efficiency of its services through self-evaluation and evidence-based learning. The project team considered how each of the service areas can build the organisational capability to deliver the Key Result Areas (KRAs) and propose eight measures to be implemented across the department.

10.9 CON/17/60 DENDY PARK GROUND STABILISATION AND REDEVELOPMENT - STAGES FOUR AND FIVE

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/125170

Executive summary

Purpose and background

The purpose of this report is to recommend the appointment of a contractor to undertake the Dendy Park Ground Stabilisation and Redevelopment Stages four and five under the Contract CON/17/60.

Dendy Park is an old landfill site that was levelled and converted into sportsgrounds in the mid 1900's. In recent years, deep depressions (some being a metre or more deep) have suddenly appeared at various locations on the site. This project involves consolidating and unifying this surface to create acceptable playing conditions for the sporting clubs. The work comprises compaction of the existing surface, filling the compacted areas with suitable soil, reinstating irrigation, providing sub-surface drainage and returfing.

With the sporting clubs input, the ground stabilisation of Dendy Park has been split into stages with stages one, two and three already completed. Stages four and five are proposed to be completed concurrently as part of this tender.

This contract comprises the remaining area of Dendy Park of approximately 2.6 hectares.

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 - Evaluation Matrix.

Key issues

A public tender was advertised and closed on Wednesday 12 July 2017 with the following submissions:

- Contek Constructions Pty Ltd
- Entracon Civil Pty Ltd
- McMahons Pty Ltd
- Hendriksen Contractors

From the initial evaluation, Entracon Civil Pty Ltd and Contek Constructions Pty Ltd were shortlisted and invited for interview. A number of clarifications on items and costs were requested from both prior to the interviews.

At interview, Entracon demonstrated a high degree of experience in this area and a detailed understanding of the project with careful consideration of the site specific risks and are committed to complete the work within the specified timeframe.

At interview, Contek while not having extensive experience in this area, demonstrated a detailed and well considered understanding of the project. Contek also offered the lowest tendered price.

A reference check confirmed that Contek Constructions Pty Ltd is a reliable contractor who produces a very good standard of work.

A Corporate Scorecard check of Contek was undertaken with a satisfactory result.

As shown in Confidential Attachment 1 – Evaluation Matrix, the tender evaluation panel concluded that Contek Constructions Pty Ltd offer the best value for money and recommends that the contract be awarded to Contek.

Recommendation

That Council:

1. Awards contract CON/17/60 Dendy Park Ground Stabilisation and Redevelopment Stages four and five to Contek Constructions Pty Ltd for the lump sum price of \$1,804,808.09 (excl. GST) and \$1,985,288.90 (incl GST);
2. Authorises the Chief Executive Officer to sign all necessary documentation related to CON/17/60 Dendy Park Ground Stabilisation and Redevelopment Stages four and five; and
3. Advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - Evaluation Matrix (separately enclosed) ⇒

Considerations and implications of recommendation

Liveable community

Social

These works are aimed at improving playability of the sportsgrounds for all users. Key users of Dendy Park are: Brighton Soccer Club, East Brighton United Soccer Club, Brighton City Soccer Club and the Brighton District Cricket Club with over 100 teams allocated to use this area.

Natural Environment

The works under this contract include the protection of existing vegetation. The new turf surface will include drought tolerant grass and an efficient irrigation system.

Built Environment

The work under this contract will enhance and improve the overall sportsground surfaces by minimising subsidence and improve useability in all weather conditions.

Customer Service and Community Engagement

Together with the contractor, Council will provide further advice prior to commencement of the work and will maintain contact with key stakeholders during the construction period.

The works have been 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 2017/18 has an allocation of \$1,960,000 (ex GST) for this project. The following table summarises the project budget. Note prices are excluding GST.

Contract cost	\$1,804,808.09
Consultant costs (Estimated)	\$20,000
Contingencies & Project Management Costs	\$135,000
Project Cost (ex GST)	\$1,959,808.09

The budget of \$1,959,808.09 (ex GST) was the allocated budget for Stage 4 works. As Stage 5 has been incorporated in this contract with favourable tender prices, the further \$900,000 that was proposed for the Stage 5 work in the 2018/19 Capital Works will now not be required, as we are proposing to complete the remaining stages within this contract.

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.

Options considered

An option that was considered was to split stages four and five as originally intended. Given there has already been numerous previous stages and disruptions to the relevant sporting clubs and residents and it was expected the available budget this year would be sufficient to complete all remaining works, and so stages four and five were tendered together.

10.10 REPORT ON PROCUREMENT AUSTRALIA CONTRACT 1906/0836 LIBRARY COLLECTIONS, FURNITURE, EQUIPMENT AND ASSOCIATED REQUIREMENTS

Communications, Customer & Cultural Services - Library Services
File No: FOL/11/3537 – Doc No: DOC/17/120002

Executive summary

Purpose and background

To report on the results of the Procurement Australia (PA) Tender No. 1906/0836 and seek Council's endorsement to appoint selected companies to supply library collections, furniture and equipment to Council for two (2) years with two (2) by one (1) year options at Council's discretion.

Key issues

Since 1985, Procurement Australia (PA) has facilitated public tenders and established contracts for members providing measurable savings and procurement expertise on a multitude of common use goods and services, including fuel, electricity, gas, stationery and recruitment.

Bayside City Council appointed a number of key providers in 2012 as the result of a tender run by PA through a publicly tendered process. This contract (1504/0862) expired in July 2017.

In order to comply with the Local Government Act 1989 and Council's Procurement Policy for the purchase of goods to a total value of \$300,000 (inc gst) over the whole term of the contract, a new tender was required.

Forty two Councils, including Bayside, responded to the request from PA to participate in a new Tender process for the supply of Library Collections, Furniture, Equipment and Associated Requirements 1906/0836. This new process provided a group procurement opportunity offering value to participating Councils in both cost and efficiency.

Libraries operate a diverse range of programs and services. To meet these needs 14 categories of products and services were identified for the tender. The tender process opened in February 2017 and the submissions were assessed by PA using a weighted scoring system. Whilst the scoring varied between companies, it was advised that some of the companies tendering were specialist suppliers and had other qualities which brought their scores down (eg. Smaller company, no website). Suppliers recommended by PA are deemed as having complied with the process and are suitable for selection depending on the requirements of each member Council. Tenders were evaluated by category, and thus the PA contract is awarded by category.

Council is asked to endorse those companies where the anticipated spend over the potential four year contract period may be greater than the Chief Executive Officer's financial delegation. The recommended suppliers are based on the needs of the Bayside Library Service over the next four years and are anticipated to supply library collections, furniture and equipment exceeding individual contract values of \$300,000 over the potential four (4) year supply period.

Council will also appoint additional suppliers, for whom the potential spend over the four year period sits within the Chief Executive Officer delegation.

Recommendation

That Council:

1. approves the following suppliers as contractors for the provision of library collections, furniture and equipment for the libraries over the next four years:

Category 1 Printed material - English

- James Bennett Pty Ltd

Category 3 Large Print materials

- Bolinda Publishing Pty Ltd

Category 4 Printed Magazines and newspapers

- EBSCO
- iSubscribe Pty Ltd

Category 6 Digital Collections – English and LOTE

- Bolinda Digital Pty Ltd
- OverDrive

Category 9 Full shelf ready services

- D&THaroutunian
- Lewis Logic

Category 11 Library Management System

- Civica Pty Ltd

Category 12 RFID

- F E Technologies

Category 13 Library furniture, shelving and associated products

- CEI Pty Ltd (Raeco)
- Intraspace Pty Ltd
- SANZAP Pty Ltd; and

2. authorises the Chief Executive Officer to sign all necessary documentation to access the above suppliers from Procurement Australia.

Support Attachments

1. Weighted Aggregate Scores from 1906-0836 - Library Collections - Consolidated Evaluation Report Final ↓

Considerations and implications of recommendation**Liveable community****Social**

This contract will enable the Library to source materials at the most cost effective price from accredited and reliable suppliers and to provide a vibrant and attractive library collection that will continue to attract visitors to the Library.

Natural Environment

This tender has no impact on the natural environment.

Built Environment

This tender has no impact on the built environment.

Customer Service and Community Engagement

The Library provides a customer-driven collection and the selected suppliers are able to provide the resources demanded by the community.

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 procurement Policy and Section 186 of the Local Government Act 1989.

Finance

The contract period for use of the recommended suppliers is for two (2) years with two (2) one (1) year options at Council's discretion. The 2017-2018 budget for print and digital Library materials plus cataloguing and processing is \$830,000 (ex gst). Over the possible four (4) year period of the contract the commitment is estimated to be \$3.3 million.

Links to Council policy and strategy

Contracted purchasing of Library resources supports the provision of a modern library service that meets the needs of the community and is supported by a number of Council policies and plans including the Council Plan 2017-2021.



9 – Weighted Aggregated Scores

Scoring Methodology – Category 1 (inclusive) to Category 8 (inclusive)

Scoring is calculated against the weightings applied to each criterion.

Non-Price related criteria:	60%
Compliance with Specifications – Mandatory	0%
Customer Focus	35%
Contractors Performance	50%
Corporate and Social Responsibility	15%
Price related criteria*:	40%
Tendered Discount Structure	50%
Tender Base Price Structure (Currency)	10%
Pricing review/variation scheme	20%
Other applicable financial factors	20%

Scoring Methodology – Category 13

Scoring is calculated against the weightings applied to each criterion.

Non-Price related criteria:	60%
Compliance with Specifications – Mandatory	0%
Customer Focus	35%
Contractors Performance	50%
Corporate and Social Responsibility	15%
Price related criteria*:	40%
Tendered Discount Structure	10%
Tender Base Price Structure (Unit Price)	70%
Pricing review/variation scheme	10%
Other applicable financial factors	10%

Scoring Methodology – Category 9 (Inclusive) to Category 12(Inclusive) and Category 14

*The price related criteria are not applicable for above categories, because these categories are more projects based, where customisation will likely be required. These categories will be solely based (100%) on non-price related criteria to evaluate and set up the panel, noting the tender will not call for pricing at this stage.

Individual RFQ will be conducted under the contract within the panel suppliers when needed and quotations will be sourced.

Non-Price related criteria:	100%
Compliance with Specifications – Mandatory	0%
Customer Focus	35%
Contractors Performance	50%
Corporate and Social Responsibility	15%



Each of the above criteria is broken down into sub criteria and a sub weighting is applied totalling the criteria weighting.

Scores are then applied to each sub criterion and a calculation is made against the sub weighting.

1. Customer Focus (35%)
 - a. Product/Service Diversity (10%)
 - b. Customer Satisfaction (15%)
 - c. Value Added Products/Services (10%)
2. Contractor Performance (50%)
 - a. Responsiveness and Reliability of Products/Services (Resources sufficiency) (15%)
 - b. Relevant expertise and experience (10%)
 - c. Quality Management and Continuous Improvement (10%)
 - d. Contract Management & Reporting (15%)
3. Corporate Social & Supply Chain Responsibility Profile (15%)
 - a. Corporate Governance (5%)
 - b. Environmental and Supply Chain Impact (5%)
 - c. Workplace Practices & Social Impact (5%)

The Tenderers response is compared to the Tender specification and industry best practice.

The following general scoring is applied based on the Tenderers' response.

0 – No response

1 – Marginal response – Tenderer's response is way below the minimum requirement

2 – Inadequate response provided but still have gaps to meet minimum level required

3 – Acceptable response – Tenderer's response addressed the minimum requirement

4 – Above average response – Tenderer's response exceeded the minimum requirement

5 – Outstanding response – Tenderer's response addressed all requirements and exceeded some/all requirements

Tendered Discount/Price Structure

The price related scores for Category 1 - Printed Material – English, Category 2 - Printed Material – LOTE, Category 3: Large Printed Material, Category 7- Audio/Visual Materials - English and Category 8 - Audio/Visual Materials - LOTE are calculated on the following factors.

Score	Scoring Methodology
0	No response received
1	Received Supplier set prices or where an up-to 4.99% discount applies
2	Where a 5% - 9.99% discount applies
3	10% - 14.99% discount
4	Where a 15% to 24.99% discount applies
5	Where a discount equal to or greater than 25% applies

The price related scores for Category 4 - Printed Magazines and Newspapers – English, Category 5 - Printed Magazines and Newspapers – LOTE

Score	Scoring Methodology
0	Not used
1	Not used
2	No title rates and no discount
3	Title rates submitted and discount offered
4	Not used



5	Not used
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Category 6 - Digital Collections – English & LOTE

Score	Scoring Methodology
0	No response received
1	Marginal response received and difficult to evaluate against other tenders
2	Some response received but expensive in both fixed annual cost and flexible rates in all tiers
3	Meet the minimum requirement; provide lowest rates in less than 50% of all tiers
4	Lowest rates provided in over 50% of all tiers
5	Lowest rates in both fixed annual cost and flexible rates in all tiers

Category 13 - Library Furniture - Shelving

Score	Scoring Methodology
0	No response received
1	Response received but no discount
2	Discount between 0.01%-2.99%
3	Discount between 3% – 9.99%
4	Discount between 10% - 14.99%
5	Discount over 15%

Additional price sub criteria factors were scored as follows.

Tendered Base List Price Structure

Following Base list price evaluation applies to Category 1 (inclusive) to Category 8 (inclusive):

Score	Scoring Methodology
0	Not used
1	Not used
2	Multiple international base list price offered
2.5	One international base list price offered
3	Australia Recommended Retail Price offered
4	Not used
5	Not used

Category 13 - Library Furniture - Shelving

Score	Scoring Methodology
0	No response received
1	Pricing ranked in lowest 30% (starting from dearest end)
2	Middle 40.01% - 70%
3	Middle 20.01% - 40%
4	Top 5.01% - 20%
5	Top 5%

Other applicable financial factors (MOQ – Minimum Order Quantity, Domestic Delivery, Payment terms)

Score	Scoring Methodology
0	No response received
1	none of the three conditions apply (no MOQ, free delivery for some region, accept contract



	payment term) and higher than average cost apply to all three
2	none of the three conditions apply (no MOQ, free delivery for some region, accept contract payment term) and at least one section is lower than average
3	one of the three conditions apply (no MOQ, free delivery for some region, accept contract payment term)
4	Two of the three conditions apply (no MOQ, free delivery for some region, accept contract payment term)
5	All three conditions apply (no MOQ, free delivery for some region, accept contract payment term)

Pricing Review/Variation Scheme

Score	Scoring Methodology
0	No response received
1	Subject to suppliers' proposal
2	Hold price for 12 months
3	Hold price for 18 months
4	Hold price for 24 months
5	Hold price through contract life



Category # 1 - Printed Material - English	
Supplier	Overall Score
Peter Pal Library Supplier	404
James Bennett Pty Ltd	402
Sound Text Media Pty Ltd	388
ALS Library Services Pty Ltd	362
Julian Wood Bookseller Pty Ltd	349
The Book House	336
Readings Pty Ltd	329
Caval Limited	319
Educational Concepts (Sales) Pty Ltd	315
DLS Australia Pty Ltd	311
Merian Books Pty Ltd trading as Farrell's Bookshop trading as Farrell's Bookshop	309
Baker & Taylor, Inc.	309
Metropolis Bookshop	286
Parade Books Pty Ltd	282
Link Educational Supplies Pty Ltd	276
Digital Education Services	265
All Star Comics Melbourne Pty Ltd	260
R&W Investments T/A Booked at North Adelaide	244
The Comic Place	241
Lonsdale Authorised Newsagency	182

Category # 2 - Printed Material - LOTE	
Supplier	Overall Score
Caval Limited	349
Global Language Books Pty Ltd	320
Arab friends Book club	318
Link Educational Supplies Pty Ltd	316
Baker & Taylor, Inc.	304
Z & P Cultural Promotion	290
BDM Universal	290
Books Music & Videos	289
Aussie Global Books	281
LOTE Libraries Direct Pty Ltd	268
Zagreb Croatian Bookshop	257
Greek Book Importers	242
Hansol Books	200
DDN Consulting Pty Ltd	198
C C Books Australia Pty Ltd	179
Lonsdale Authorised Newsagency	0
Digital Education Services	0



Category # 3 - Large Print Material	
Supplier	Overall Score
Peter Pal Library Supplier	400
James Bennett Pty Ltd	375
Bolinda Publishing Pty Ltd and Bolinda Digital Pty Ltd and Bolinda Digital Pty Ltd	363
ALS Library Services Pty Ltd	354
Caval Limited	333
Ulverscroft Large Print Books	333
Wavesound Pty Ltd	332
The Book House	331
Baker & Taylor, Inc.	308
DLS Australia Pty Ltd	298
Link Educational Supplies Pty Ltd	275
Julian Wood Bookseller Pty Ltd	271
Parade Books Pty Ltd	263
R&W Investments T/A Booked at North Adelaide	203
Lonsdale Authorised Newsagency	181
Books Music & Videos	0

Category # 4 - Printed Magazine & Newspapers - English	
Supplier	Overall Score
The Book House	302
Prenax Pty Ltd	270
Robert Bruce Short and Jennifer Fay Short trading as Modbury Newsagents	261
Box Hill South Newsagency	250
The I and S Neal Family Trust trading as newsXpress Ballarat	241
Lonsdale Authorised Newsagency	220
iSubscribe Pty Ltd	214
EBSCO	214

Category # 5 Printed Magazine & Newspapers - LOTE	
Supplier	Overall Score
Arab friends Book club	297
Aussie Global Books	279
Books Music & Videos	276
Prenax Pty Ltd	273
Z & P Cultural Promotion	268
LOTE Libraries Direct Pty Ltd	266
Box Hill South Newsagency	256
Robert Bruce Short and Jennifer Fay Short trading as Modbury Newsagents	249
DDN Consulting Pty Ltd	240
Zagreb Croatian Bookshop	233



C C Books Australia Pty Ltd	226
Greek Book Importers	225
Lonsdale Authorised Newsagency	214
EBSCO	208

Category # 6 - Digital Collections – English & LOTE	
Supplier	Overall Score
James Bennett Pty Ltd	355
Bibliotheca RFID Library Systems Australia Pty Ltd	321
OverDrive	318
Bolinda Publishing Pty Ltd and Bolinda Digital Pty Ltd and Bolinda Digital Pty Ltd	314
Peter Pal Library Supplier	312
Caval Limited	292
Wavesound Pty Ltd	281
MDM ENTERTAINMENT PTY LTD	261
Beamafilm Pty Ltd.	256
Prenax Pty Ltd	238
Aussie Global Books	225
Books Music & Videos	220
Arab friends Book club	0
Digital Education Services	0

Category # 7 - Audio/Visual Materials - English	
Supplier	Overall Score
Peter Pal Library Supplier	378
James Bennett Pty Ltd	377
Bolinda Publishing Pty Ltd and Bolinda Digital Pty Ltd and Bolinda Digital Pty Ltd	359
Julian Wood Bookseller Pty Ltd	349
MDM ENTERTAINMENT PTY LTD	331
Wavesound Pty Ltd	326
Ulverscroft Large Print Books	324
KL Media Pty Ltd Trading as All Access Australasia	323
ALS Library Services Pty Ltd	321
Readings Pty Ltd	306
The Book House	296
Caval Limited	289
Digital Education Services	280
PARADE BOOKS PTY LTD	259
Baker & Taylor, Inc.	248
Beamafilm Pty Ltd	0
Sound Text Media Pty Ltd	0



Category # 8 - Audio/Visual Materials - LOTE	
Supplier	Overall Score
Caval Limited	320
Arab friends Book club	318
KL Media Pty Ltd Trading as All Access Australasia	313
Global Language Books Pty Ltd	295
BDM Universal	289
Books Music & Videos	288
Digital Education Services	280
Aussie Global Books	279
MDM ENTERTAINMENT PTY LTD	278
Baker & Taylor, Inc.	276
Z & P Cultural Promotion	270
LOTE Libraries Direct Pty Ltd	265
Greek Book Importers	240
C C Books Australia Pty Ltd	220
Zagreb Croatian Bookshop	218
Hansol Books	177
Wavesound Pty Ltd	0
Beamafilm Pty Ltd	0

Category # 9 - Full Shelf Ready Services, Unbundled Cataloguing Services and/or Processing Services	
Supplier	Overall Score
Bolinda Publishing Pty Ltd and Bolinda Digital Pty Ltd and Bolinda Digital Pty Ltd	405
James Bennett Pty Ltd	401
Peter Pal Library Supplier	372
Sound Text Media Pty Ltd	364
Protect-A-Book	348
Caval Limited	342
ALS Library Services Pty Ltd	340
Ulverscroft Large Print Books	330
Wavesound Pty Ltd	328
MDM ENTERTAINMENT PTY LTD	325
EBSCO	320
The Book House	320
KL Media Pty Ltd Trading as All Access Australasia	311
Baker & Taylor, Inc.	301
Julian Wood Bookseller Pty Ltd	300
LOTE Libraries Direct Pty Ltd	279
Aussie Global Books	261
Digital Education Services	260
Z & P Cultural Promotion	249

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Lewis Logic	239
Books Music & Videos	238
DLS Australia Pty Ltd	236
D&T Haroutunian Pty. Ltd.	234
C C Books Australia Pty Ltd	184
CEI Pty Limited (Raeco)	0

Category # 10 - Associated Support Services	
Supplier	Overall Score
Bolinda Publishing Pty Ltd and Bolinda Digital Pty Ltd and Bolinda Digital Pty Ltd	393
James Bennett Pty Ltd	390
Peter Pal Library Supplier	359
Sound Text Media Pty Ltd	353
ALS Library Services Pty Ltd	332
Bibliotheca RFID Library Systems Australia Pty Ltd	323
Ulverscroft Large Print Books	319
Caval Limited	318
MDM ENTERTAINMENT PTY LTD	309
Wavesound Pty Ltd	309
Julian Wood Bookseller Pty Ltd	302
The Book House	300
Baker & Taylor, Inc.	299
Beamafilm Pty Ltd.	247
Aussie Global Books	242
Books Music & Videos	234
DLS Australia Pty Ltd	223
CEI Pty Limited (Raeco)	0

Category # 11 - Library Management System (LMS)	
Supplier	Overall Score
Civica	355
OCLC	336
SirsiDynix	330
Aurora Information Technology	310
Insight Informatics Pty Ltd	300
Beamafilm Pty Ltd.	0



Category 12 - Radio Frequency Identification (RFID)	
Supplier	Overall Score
Bibliotheca RFID Library Systems Australia Pty Ltd	355
F E Technologies Pty Ltd	341
Adilam Technologies	262
SANZAP Pty Ltd	252

Category 13 - Library Furniture and Shelving	
Supplier	Overall Score
CEI Pty Limited (Raeco)	393
Resource Furniture Pty Ltd	296
Intraspace Pty Ltd	281
Abax Kingfisher Pty Ltd	234
SANZAP Pty Ltd	217

Category # 14 - Digital Discovery and Evaluation Tools	
Supplier	Overall Score
OCLC	335
Bibliotheca RFID Library Systems Australia Pty Ltd	333
EBSCO	320
SANZAP Pty Ltd	296
The Book House	284
Beamafilm Pty Ltd.	236
Wavesound Pty Ltd	0
DLS Australia Pty Ltd	0
Baker & Taylor, Inc.	0

10.11 EXTENSION OF CONTRACT NO: 080976 MANAGEMENT AND OPERATION OF STREET SWEEPING AND SHOPPING CENTRE CLEANING SERVICES AND CONTRACT NO: 080977 MANAGEMENT AND OPERATION OF INFRASTRUCTURE MAINTENANCE SERVICES TO CITYWIDE SERVICE SOLUTIONS PTY LTD

Environment, Recreation & Infrastructure - City Assets & Projects
File No: PSF/17/74 – Doc No: DOC/17/158443

Executive summary

Purpose and background

The purpose of the report is to advise Council of the status, and recommend an extension to the following contracts for a period of one year.

1. Management and Operations of Street Sweeping and Shopping Centre Cleaning Services, Contract No: 080976, and
2. Management and Operation of Infrastructure Maintenance Services, Contract No: 080977.

Both contracts were awarded on the basis of a seven year initial term with three one year optional extensions at Council's discretion based on the Service Provider's performance measured against the Key Performance Indicators in the contracts.

The Management and Operation of Street Sweeping and Shopping Centre Cleaning Services contract commenced on 3 March 2010 with Citywide Service Solutions Pty Ltd. Under this contract Citywide Service Solutions Pty Ltd is providing all management, supervision, labour, materials, plant, equipment and customer service supports to carry out the following services:

- Shopping Centre, Car Park, Laneway Cleaning Services – Programmed and reactive works of shopping centre, car park, laneway cleaning services and weed control services; and
- Street Cleaning Services – Programmed and reactive works of street cleaning services, street cleaning and weed control services.

Management and Operation of Infrastructure Maintenance Services contract commenced on 3 March 2010 with Citywide Service Solutions Pty Ltd. Under this contract Citywide Service Solutions Pty Ltd is providing Operational and Management services to carry out infrastructure maintenance services within the municipality. The services are:

- Line Marking Services – Programmed and reactive works to ensure quality line markings exist on all Council roadways;
- Footpaths, Kerb and Channel, and Drainage Repairs – Maintenance of footpaths, shared bike paths, kerb and channels, pram crossings, traffic management devices and drainage system including pits and pipelines;
- Roads, Carparks and Bridges – Programmed and reactive maintenance of all roadways, sealed/channelled laneways, 12 foreshore carparks and five bridges in the municipality;
- Street Signs and Furniture – Including parking and traffic control signs as well as bollards, fencing, bicycle racks and other roadside furniture are to be maintained; and
- Drainage Pipe and System Clearing – Works include both programmed, reactive and emergency drainage pipe clearing as well as emergency drainage system clearing.

Both of these contracts were extended for one year in 2016. The extended contract terms will end on 2 March 2018. A decision on further extending the contracts is now required to be made.

Key issues

Citywide Service Solutions Pty Ltd has performed satisfactorily and has met all performance targets during the course of the current contracts.

Citywide Service Solutions Pty Ltd has demonstrated over the past eight years that it is committed to a partnering approach and has consistently met the specified requirements under these contracts.

Over the eight year contract period Citywide Service Solutions Pty Ltd have received some demerit points under the contracts and Citywide Service Solutions Pty Ltd acted immediately to improve its performances in the respective areas.

Recommendation

That Council authorises the Chief Executive Officer or his delegate to extend the following contracts with Citywide Service Solutions Pty Ltd for the period of 3 March 2018 to 2 March 2019 in accordance with the terms of the current contracts for:

1. Management and Operations of Street Sweeping and Shopping Centre Cleaning Services, Contract No: 080976, and
2. Management and Operation of Infrastructure Maintenance Services, Contract No: 080977.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

The works under Contract No: 080976 Management and Operation of Street Sweeping and Shopping Centre Cleaning Services and Contract No: 080977 Management and Operation of Infrastructure Maintenance Services to Citywide Service Solutions Pty Ltd keep public infrastructure hazard free and in good condition, so that the Bayside Municipality can be enjoyed by its residents and visitors.

Natural Environment

The current contracts stipulate that environmentally friendly products are used wherever possible. To minimise environmental impacts Citywide Service Solutions Pty Ltd complies with this requirement. The contractor has adopted a range of changes during the contract term to improve its environmental performance.

Built Environment

Maintenance of infrastructure and removal of infrastructure in poor condition, street sweeping and controlling weeds maintains and improves the built environment to ensure it is in good condition and fit for its intended use.

Customer Service and Community Engagement

Council's customer request system keeps records of services provided by the service provider under these contracts. Customer service performances are monitored in regular performance meetings and reports.

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

Management and Operations of Street Sweeping and Shopping Centre Cleaning Services, Contract No: 080976 and Management and Operation of Infrastructure Maintenance Services, Contract No 080977 both include extension options at Council's discretion and it is recommended that Council exercise the second extension option of one year.

The works under this contract facilitate Council complying with Council's responsibility under the Road Management Act 2004.

Finance

The recommended extension to the contracts is under the same terms and conditions as the current contracts. The contract expenditure will be in line with the current and future budgets.

Service Contract and number	Current 2017/18 Budget
Management and Operations of Street Sweeping and Shopping Centre Cleaning Services, Contract No: 080976	\$1,236,776
Management and Operation of Infrastructure Maintenance Services, Contract No 080977	\$4,009,040

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.

The works under the contracts directly relate to ensuring assets and infrastructure continue to meet current and expected needs.

Options considered

Not Applicable to this report.

10.12 NAMING OF A LANEWAY BETWEEN NEPEAN HIGHWAY, THOMAS STREET AND CENTRE ROAD EAST BRIGHTON

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/178269

Executive summary

Purpose and background

To assign a name to a laneway bounded by Nepean Highway, Thomas Street and Centre Road.

Council is required to assign a name to unnamed laneways where properties sense of address is via the laneway and to enable access for emergency services.

The laneway between Nepean Highway, Thomas Street and Centre Road abuts several properties and provides access to a number of properties. Refer to the attached plan. The laneway is used for parking and is accessible however in some sections the laneway is gravel and not constructed.

Earlier this year the proposal to name the laneway was put forward to residents abutting the laneway to seek agreement on the name Thomas Lane, however the Office of Geographical Names indicated this name was not appropriate as it would cause confusion with other similar names in nearby areas.

More recently, residents were once again consulted on the preferred name of Luxe Lane and consultation was undertaken with the Office of Geographical Names to ensure this name has not been used elsewhere in Bayside, or greater Victoria.

Key issues

As a result of the community consultation six residents responded all indicated the need for the lane to be named.

One respondent preferred an alternative name, while another respondent was supportive of the name but requested the laneway to be sealed. Another respondent requested drainage works to be undertaken to mitigate flooding from the laneway to abutting properties.

The remaining submissions were in support of the proposed name.

The drainage issues are being addressed as part of the 2017/18 drainage program for the City. The sealing of the laneway will be investigated to establish options once drainage rectification has taken place.

Given the local community support for the naming of the laneway to be known as Luxe Lane it is recommended that Council advise the Registrar of Geographical Names of Council's preferred name being "Luxe Lane.

Recommendation

That Council:

1. approves the use of the name 'Luxe Lane' for the laneway between Nepean Highway, Thomas Street and Centre Road;

2. advises the Registrar of Geographical Names of Council decision;
3. advises abutting owners of the laneway once advice has been received from the Registrar of Geographical Names and the laneway has been formally gazetted; and
4. erects appropriate street name signage once the laneway name has been formally gazetted.

Support Attachments

1. Plan of Laneway abutting Nepean Highway, Thomas Street and Centre Road East Brighton ↓

Considerations and implications of recommendation

Liveable community

Social

The naming of this laneway will provide those residents whose property frontage abuts the laneway a sense of address but more importantly provides a sense of address for emergency services to locate specific properties.

Natural Environment

There are no natural environment implications associated with this report.

Built Environment

There are no built environment implications associated with this report.

Customer Service and Community Engagement

All properties abutting the laneway were letter box dropped of the proposal to name the laneway

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

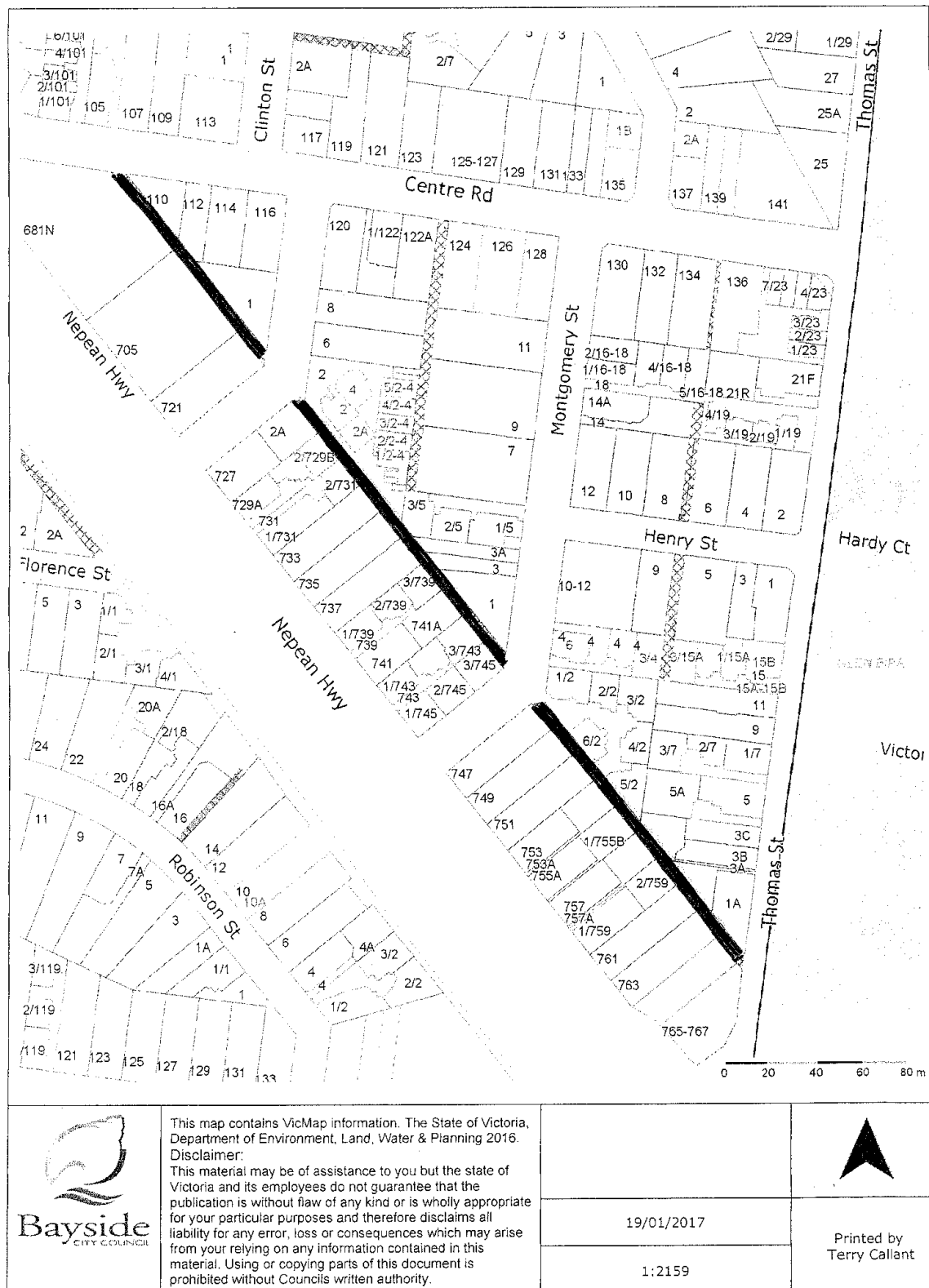
Schedule 10 (5) of the Local Government Act 1989 provides that Council may approve, assign or change the name of a road and in exercising that power must act in accordance with the guidelines in force for the time, being under the Geographical Place Names Act 1998 and must advise the Registrar under the Act of the action taken.

Finance

Approximate cost for Council for the installation of signage is around \$500. Upgrade to the drain within the laneway is part of the 2017/18 budget.

Links to Council policy and strategy

This reports relates to Council's policy on naming of streets and roads and places and has regard to the guidelines of the Geographical Place Names.



10.13 METROPOLITAN PARTNERSHIPS

Corporate Services - Governance
File No: PSF/17/75 – Doc No: DOC/17/125696

A report on the Metropolitan Partnership proposition will be circulated to Councillors prior to the meeting.

Support Attachments

Nil

insert text

10.14 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/17/68 – Doc No: DOC/17/178609

Executive summary

Purpose and background

This report presents to Council a schedule of actions pending for the period to 25 July 2017.

Key issues

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

Recommendation

That Council notes the Council Action Awaiting Report.

Support Attachments

1. Council Action Awaiting report- August meeting ↴

Council Action Awaiting Report Attachment

DATE OF MEETING	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
19.08.14	10.7 Planning Scheme Amendment C116: Mandatory height controls in Hampton Street Activity Centre & Willis Street Urban Design Framework 3. receives a further report at the conclusion of the exhibition process for both Amendments to consider submissions and legal representation requirements.	DCPCS	Officers are currently in the process of seeking authorisation for Amendment C130. It is Council's confirmed intention to run amendment C116 and C130 for Hampton in parallel. Amendment C116 has been put on hold pending outcome of Amendments C113-C115.
25.11.14	10.4 Home and Community Care (HACC) Service Review 8. receives further reports as information becomes available on the arrangements to be put in place in subsequent years, in order to consider Council's future role and contribution to meeting the needs of its community for home support services;	DCPCS	Report to proceed to the June 2018 Council Meeting.
25.08.15	10.1 Hampton Willis Street Precinct – Traffic Management and Scout Hall Site That Council: 4. receives a further separate report no earlier than the November Ordinary Meeting of Council regarding the future use or sale of 6A Willis Street Hampton;	DCorp	A report was presented outlining the options for 6A Willis Street. Consideration was deferred to a future time pending the outcome of traffic management in the precinct. A report will be provided to the new Council on the future of the site including use as carpark, open space or sale.
22.09.15	10.7 Strategic Service Review – Family & Childrens Services That Council 8. develops a ten year improvement plan for kindergartens; 12. considers the statement of purpose principles identified in the Family and Children's Services review as part of the development of the next Early Years Action Plan due in 2017	DCPCS	Interim Report was presented to 23 August 2016 Council meeting. Resolution stated that ten year improvement plan is to be presented to April 2017 Council meeting. To be undertaken when Early Years Action Plan is developed as part of the Wellbeing for all Ages Abilities Plan in 2017.
27.10.15	10.1 Request to purchase land 3 Hansen Street That Council indicates its intention to sell a portion of the land adjacent to number 3 Hansen Street to the owner of the abutting land and refers the matter to the Director of Corporate Services to negotiate a suitable sale price and conditions and Council to further consider the matter at a future meeting.	DCorp	Owner has been advised survey plans need to be finalised to allow Council to provide a sworn valuation. Further work is pending upon the acceptance of these costs as per the Discontinuance and Sale of Land procedures. The owner has yet to accept the costs so surveying and valuation is yet to occur.

24/05/16	10.2	<p>Sandringham Village Streetscape Masterplan</p> <p>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.</p>	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	<p>Childrens' Sensory Garden Investigation</p> <p>That Council:</p> <ol style="list-style-type: none"> 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	<p>Bayside Public Transport Advocacy Statement</p> <p>That Council:</p> <ol style="list-style-type: none"> 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.
16/08/16	10.5	<p>Bayside Integrated Transport Strategy Implementation Progress 2015/16</p> <p>That Council:</p> <ol style="list-style-type: none"> 2. receives a further report on the implementation of the Bayside Integrated Transport Strategy and the supporting suite of transport strategies and plans at the conclusion of the 2016/17 financial year. 	DERI	Completed: Report included in the August 2017 meeting agenda.

13/09/16	10.2	Acquisitive Art Prize That Council resolves to review the Acquisitive Art Prize governance, process and criteria for 2018 and beyond in November 2017.	DCPCS	A report will be presented to Council in November 2017.
20/12/16	10.2	Future Provision of Netball and Athletics Facilities in Bayside That Council: 5. Presents a report to the August 2017 Ordinary meeting of Council outlining the findings of the netball site assessment and facility planning activities; 7. Presents a report to the September 2017 Ordinary meeting of Council outlining the findings of the Athletics Needs Assessment and recommend next steps for Council to support athletics in Bayside.	DERI	Completed: Report including in the August 2017 meeting agenda. A report will be presented to the September 2017 Council meeting.
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.
28/02/17	10.7	Bay Trail Shared Path Public Safety Risks and Outstanding Audit Actions That Council receives a further report following the completion of the community consultation and the phased approach for the implementation of the program.	DERI	A report will be submitted to Council following the community consultation.
27/04/17	10.6	10 Year Kindergarten Improvement Plan – Expanded Scope That Council received a ten year Early Year's Infrastructure Plan at the 21 November Council Meeting.	DCPCS	Report to be presented to the November Council Meeting.

27/04/17	10.7	<p><u>Statutory Planning Service Update – April 2017</u></p> <p>That Council receives a further report at the November 2017 Council Meeting providing:</p> <ul style="list-style-type: none"> a) a review of the Final Bayside 2017 LGPRF result with comparable Inner Metro Melbourne Councils; b) details of the service improvements between April 2017 and September 2017 towards the Year 1 target; and c) a summary of continuous improvement activities that are planned for the remainder of the 2017/18 financial year. <p><u>Additional Planning and Amenities Committee Meetings</u></p> <p>That Council receives a report at the November 2017 meeting cycle to consider options for clarifying and improving the Council Delegations which govern which statutory planning applications must be heard by the Planning and Amenities Committee.</p>	DCPCS	Report to be presented to the November Council Meeting.
27/04/17	10.13	<p><u>Planning Scheme Amendment C126 – Implementation of the Bayside Small Activity Centre Strategy 2014</u></p> <p>That Council:</p> <ul style="list-style-type: none"> 2. Defer consideration of the submissions to Amendment C126 until its 19 September 2017 Ordinary Meeting. 	DCS	Report to be presented to the November Council Meeting.
23/5/17	10.2	<p><u>Flammable Cladding to Buildings</u></p> <p>That Council:</p> <ul style="list-style-type: none"> 1. write to the Minister for Planning and the Victorian Building Authority urging them to urgently undertake fire safety checks on high-rise buildings across Victoria to investigate whether they contain flammable cladding, similar to the kind thought to have been used in the tragic London Grenfell tower fire and the Lacrosse Building in Docklands. 2. Council Officers to report back to Council no later than August 2017 regarding fire safety checks. 	DCPCS	Report to be presented to the September 2017 meeting.
27/6/17	12.2	<p><u>Completed: Report included on the August 2017 meeting agenda.</u></p>	DCPCS	Completed: Report included on the August 2017 meeting agenda.

25/7/17	7.1	<u>Petition: Inappropriate Development in Hampton East</u> That the petition be received and a report be submitted to the 22 August 2017 Ordinary Meeting for consideration.	DCP&CS	Completed: Report included on the August 2017 meeting agenda.
25/7/17	10.4	<u>Sandringham Golf Course Increased Investment and Upgrade Proposal</u> That Council receives a report on the outcomes of the consultation to determine if the proposal should proceed.	DCS	Report to be submitted Council following the consultation.
25/7/17	10.6	<u>Response to petition - Reclaim the historic name 'Pennydale' for the neighbourhood bounded by Bay Road, Frankston railway line, Park Road and the residential zone on both sides of Jack Road.</u> That Council considers a further report on the matter following the completion of the community consultation process, and to further address the strong link with the locality and sense of place.	DCS	A further report will be submitted Council following completion of the community consultation process.
25/7/17	10.9	<u>Bayside Environmental sustainability Framework 2016-2025 Annual Progress Report</u> That Council receives a further report in the first quarter of the 2018/19 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.	DERI	A further to report to be submitted to the October 2017 meeting.

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Evans
2. **MAV Environment Committee** – Director Environment, Recreation & Infrastructure
3. **Metropolitan Transport Forum** – Cr Martin
4. **Municipal Association of Victoria** – The Mayor Cr del Porto
5. **Inner South Metropolitan Mayors' Forum** – The Mayor Cr del Porto
6. **Metropolitan Local Government Waste Forum** – Cr Heffernen

12. Urgent Business

13. Notices of Motion

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 2017 - 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.



Adrian Robb

Chief Executive Officer