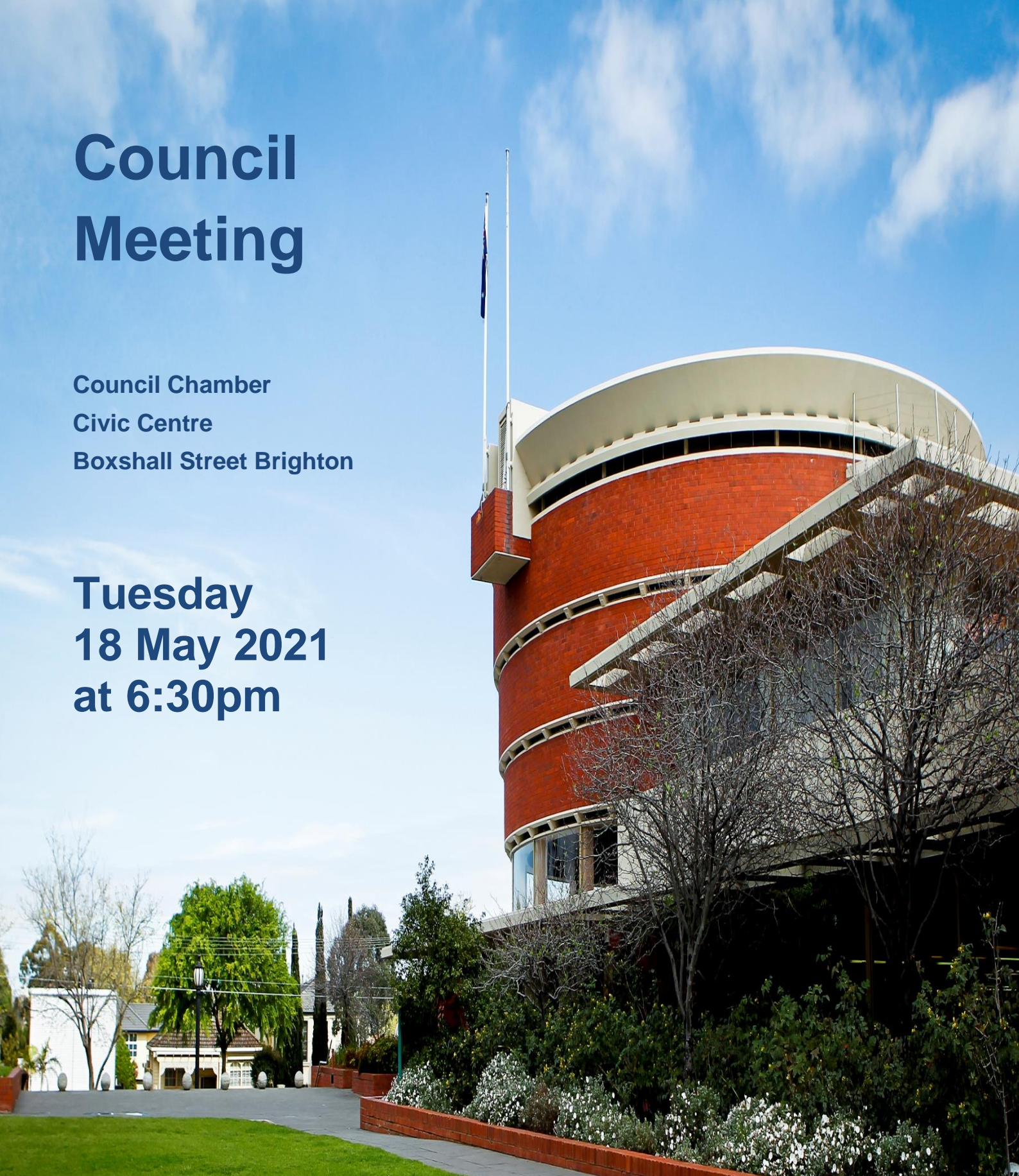


Council Meeting

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
18 May 2021
at 6:30pm



Agenda

Chair: Cr Laurence Evans OAM (Mayor)

Councillors: Cr Sonia Castelli (Deputy Mayor)
Cr Alex del Porto
Cr Hanna El Mouallem
Cr Clarke Martin
Cr Jo Samuel-King MBBS
Cr Fiona Stiffold

Important Notice

As a result of the relaxation of Victoria's 'COVIDSafe' settings, Council recently resolved, subject further changes in public health directions, for the **reintroduction of members of the public to the Council Chamber** for Council and delegated committee meetings.

If attending a meeting, you will need to provide your contact details on arrival as required by Council's COVIDSafe plan. Officers will assist with this process and a QR code facility will be available.

Depending on the number of Councillors and officers present, 25 to 30 community members may be present in the public gallery at any given time. Therefore, you may be directed to a waiting area and we ask that you vacate the Chamber at the conclusion of each item.

Council and delegated committee meetings can also be live-streamed via Council's website:

[Live Council Meetings](#)

Please note: due to the review presently underway of Council's Governance Rules, Council also resolved to continue with the current temporary meeting procedures until the review is completed in the coming weeks, so as to limit disruption to meeting processes.

Alternative arrangements are in place for members of the community to **be heard** in relation to eligible items listed on the agenda, or to **submit a public question**, via the following links:

[Requests to be heard \(Provide a Written Statement\)](#)

[Ask a question at an Ordinary Meeting of Council](#)

For further information, please speak with the Governance office on 9599 4444

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 20 April 2021.

6. Public Question Time

7. Petitions to Council

There were no petitions submitted to the meeting.

8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/132191

Executive summary

Purpose and background

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

Key issues

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


Recommendation

That Council notes the Assembly of Councillors record/s submitted as required by the *Local Government Act 1989*:

- 26 April 2021 Strategic Issues Discussion
- 27 April 2021 Strategic Issues Discussion.

Support Attachments


1. Record of Assembly of Councillors - 26 April 2021 Strategic Issues Discussion ↓
2. Record of Assembly of Councillors - 27 April 2021 Strategic Issues Discussion ↓



Record of Assembly of Councillors

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

<i>Meeting Information</i>		
<i>Meeting Name/Type</i>	Strategic Issues Discussion	
<i>Meeting Date</i>	26 April 2021	
<i>Start Time</i>	4:30pm	
<i>Matters discussed</i>	3.1 Kerbside collection schedule frequency change 3.2 Suburban Rail Loop Update 3.3 Neighbourhood Character Review 2020–21: Project Update 3.4 Local Law Review - Statutory Consultation Submission Review	
<i>Attendees</i>		
<i>Councillors</i>	Mayor, Cr Laurence Evans OAM Cr Alex del Porto Cr Hanna El Mouallem Cr Clarke Martin Cr Fiona Stitfold	
<i>Staff</i>	Mick Cummins – Chief Executive Officer Jill Colson – Director Corporate Services Bryce Craggs – Director Community and Customer Experience Adam McSwain – Director Environment, Recreation & Infrastructure Hamish Reid – Director City Planning and Amenity Juliana Aya – Manager Urban Strategy Terry Callant – Manager Governance and Corporate Reporting John Coates – Manager Amenity Protection Tim Cummins – Acting Manager Sustainability and Transport	
<i>Apologies</i>		
<i>Councillors</i>	Cr Sonia Castelli Cr Jo Samuel-King MBBS	
<i>Conflict of Interest disclosures</i>		
<i>Matter No</i>	<i>Councillor making disclosure</i>	<i>Councillor left meeting</i>
	Nil	



Record of Assembly of Councillors

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

<i>Meeting Information</i>		
<i>Meeting Name/Type</i>	Strategic Issues Discussion	
<i>Meeting Date</i>	27 April 2021	
<i>Start Time</i>	4:30pm	
<i>Matters discussed</i>	3.1 Indigenous Cultural Awareness Presentation	
<i>Attendees</i>		
<i>Councillors</i>	Mayor, Cr Laurence Evans OAM Cr Sonia Castelli Cr Alex del Porto Cr Hanna El Mouallem Cr Clarke Martin Cr Jo Samuel-King MBBS Cr Fiona Stitfold	
<i>Staff</i>	Mick Cummins – Chief Executive Officer Jill Colson – Director Corporate Services Bryce Craggs – Director Community and Customer Experience Hamish Reid – Director City Planning and Amenity Terry Callant – Manager Governance and Corporate Reporting Robert Lamb – Governance Officer	
<i>Apologies</i>		
<i>Councillors</i>	Cr Sonia Castelli Cr Jo Samuel-King MBBS	
<i>Conflict of Interest disclosures</i>		
<i>Matter No</i>	<i>Councillor making disclosure</i>	<i>Councillor left meeting</i>
	Nil	

8.2 MINUTES OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD ON 10 MAY 2021

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/139209

Executive summary

Purpose and background

To present the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 10 May 2021 to Council for noting.

The Disability Access and Inclusion Advisory Committee was established in 2020 and is constituted for the purpose of providing advice and supporting Council in the development of the Municipal Public Health and Wellbeing Plan 2021–25 (MPHWP) and to consider other strategic and infrastructure issues that may impact people with a disability.

The functions of the Committee are to provide advice and recommendations to Council on the following matters:

- considering the outcomes of the community health and wellbeing survey and other sources of community health information
- identifying issues of access to the built, social and natural environments
- identifying barriers to inclusion in community and economic life in Bayside
- discussing potential solutions (actions) to identified issues
- assisting in prioritising actions to be included in the MPHWP
- assisting in monitoring implementation.

In addition, the Disability Access and Inclusion Advisory Committee also provides specific advice from a disability perspective on nominated Council strategies, masterplans, programs and infrastructure priorities.

The Disability Access and Inclusion Advisory Committee membership comprises 2 Councillors appointed by Council and 10 ordinary members appointed through a public expression of interest process.

Key issues

A meeting of the Disability Access and Inclusion Advisory Committee was held on 10 May 2021 to consider the following matters:

- proposed update to the Committee's Terms of Reference
- nominations for appointment of Chairperson and Deputy Chairperson of the Committee
- Municipal Public Health and Wellbeing Plan 2021-2025.

A copy of the 10 May 2021 minutes of the Disability Access and Inclusion Advisory Committee meeting is attached for Council's information.

A report dealing with the Proposed update to the Committee's Terms of Reference and Nominations for appointment of Chairperson and Deputy Chairperson of the Committee is included item 10.10 to this agenda.

Recommendation

That Council notes the minutes of the Disability Access and Inclusion Advisory Committee meeting held on 10 May 2021.

Support Attachments

1. 10 May 2021 Disability Access and Inclusion Advisory Committee Minutes ↴



**Minutes of the
Disability Access and Inclusion Advisory Committee
Meeting**

held in the Bayside Room
Corporate Centre
76 Royal Avenue
Sandringham
on Monday 10 May 2021

The Meeting commenced at 6:30pm

Councillors	Cr Hanna El Mouallem Cr Clarke Martin
External Members	Ms Emily Costello Mr Ade Djajamihardja Mr Mark Glascodine Ms Jo Levett Mr Jeff Naylor Ms Emma Olivier Mr Sam Seoud Mr Andrew Turner Ms Tara Webb
Officers	Joan Andrews – Manager Community Services Damien Van Trier – Manager Open Space, Recreation and Wellbeing Lauren Waycott – Community Wellbeing Coordinator Robert Lamb – Governance Officer Andrew Shannon – Inclusion Officer

Bayside City Council

Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021

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- 9. Confirmation of date of future meetings

Bayside City Council

Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021

1. Welcome and opening of the meeting

The Governance Officer opened the meeting at 6:30pm and welcomed members of the Committee and officers to the meeting.

2. Nomination of Chairperson and Deputy Chairperson

Officers recently identified that the Disability Access and Inclusion Advisory Committee Terms of Reference are silent on the method by which the Chairperson of the Committee is to be elected and arrangements in the absence of the Chairperson.

It was therefore proposed that:

- the Terms of Reference be further updated so that the Committee must nominate a Chairperson (and a Deputy Chairperson who would act as Chairperson in absence of the Chair)
- the Committee nominate a Chairperson and Deputy Chairperson (who must both be Councillors) at its first meeting with the nominations to form the recommendation to Council
- the Committee appoints a Chairperson (who must also be a Councillor) 'pro tem' for the purpose of conducting its first meeting.

Terms of Reference

The Governance Officer detailed the proposed changes to the Committee's Terms of Reference.

The Committee agreed that it recommend to Council that section 8.3 and 8.4 of the Disability Access and Inclusion Advisory Committee Terms of Reference be amended as follows:

8.3 Chairperson

- *The Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Committee.*
- *The Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting (or, at another Meeting of Council if an appointment at an Annual Meeting is not possible), taking into account any recommendation of the Advisory Committee.*
- *The Chairperson term is for a maximum of two years.*
- *The Chairperson of the Advisory Committee has a casting vote on occasions where there is an equal number of votes on a matter. In the absence of the appointed Chairperson from a meeting, the Deputy Chairperson will undertake the duties of the Chairperson.*

8.3.1 Role of Chairperson

The role of the Chairperson includes, but is not limited to:

- *Chairing of meetings of the Advisory Committee in accordance with the meeting agenda distributed to Committee Members.*

Bayside City Council

Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021

- *Conducting meetings in a manner that promotes full participation, communications, involvement, consensus, mutual respect and listening.*
- *Providing time during meetings for any Advisory Committee Member to raise any issue they believe is relevant.*
- *Has a casting vote on occasions where there is an equal number of votes on a matter.*
- *The Chairperson (or Deputy Chairperson) will be part of the interview panel for the recruitment of new ordinary members of the Advisory Committee.*

8.3.2 Deputy Chairperson

- *The Deputy Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Advisory Committee.*
- *The Deputy Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting (or, at another Meeting of Council if an appointment at an Annual Meeting is not possible), taking into account any recommendation of the Advisory Committee.*
- *The Deputy Chairperson term is for a maximum of two years.*
- *The Deputy Chairperson of the Advisory Committee will undertake the duties of the Chairperson in the absence of the Chairperson.*

8.4 Meeting Agendas and Minutes

- *Agenda and associated material will be prepared and provided to members one week prior to the meeting. DAIAAC members may propose agenda items for consideration. Agenda items should be submitted to the Inclusion Officer two weeks before the next scheduled meeting, to allow time to prepare information for the meeting.*
- *Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.*

Nominations for Chairperson

Nomination received from Cr El Moullem Seconded by Ms Levett

That **Councillor Clarke Martin** be nominated as Chairperson of the Disability Access and Inclusion Advisory Committee for the remainder of the 2020–21 Council Year.

Cr Martin accepted the nomination.

As there were no further nominations for Chairperson, the Committee recommends to Council that **Cr Clarke Martin** be appointed Chairperson of the Disability Access and Inclusion Advisory Committee for the remainder of the 2020–21 Council Year.

Bayside City Council

**Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021**

Nominations for Deputy Chairperson

Nomination received from Cr Martin

Seconded by Mr Djajamihardja

That **Councillor Hanna El Mouallem** be nominated as Deputy Chairperson of the Disability Access and Inclusion Advisory Committee for the remainder of the 2020–21 Council Year.

Cr El Mouallem accepted the nomination.

As there were no further nominations for Deputy Chairperson, the Committee recommends to Council that **Cr Hanna El Mouallem** be appointed Chairperson of the Disability Access and Inclusion Advisory Committee for the remainder of the 2020–21 Council Year.

Procedural Motion

Moved: Cr El Mouallem

Seconded: Ms Webb

That **Cr Martin** be appointed Chairperson pro tem for this meeting.

CARRIED

Cr Martin was appointed Chairperson for the remainder of the meeting.

Bayside City Council

Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021

3. Present

Councillors: Cr Clarke Martin (Chairperson)
Cr Hanna El Mouallem

External Members:

Ms Emily Costello
Mr Ade Djajamihardja
Mr Mark Glascodine
Ms Jo Levett
Mr Andrew Turner
Ms Tara Webb

Officers in attendance:

Joan Andrews – Manager Community Services
Damien Van Trier – Manager Open Space, Recreation and Wellbeing
Lauren Waycott – Community Wellbeing Coordinator
Robert Lamb – Governance Officer
Andrew Shannon – Inclusion Officer

4. Apologies

Apologies were received from Ms Emma Olivier, Mr Jeff Naylor and Mr Sam Seoud.

Moved: Ms Costello

Seconded: Ms Webb

That the apologies of Ms Emma Olivier, Mr Jeff Naylor, and Mr Sam Seoud be received and leave of absence granted.

CARRIED

The Inclusion Officer also advised the meeting that Committee member, Margaret Hamilton has tendered her resignation from the Committee.

It was noted that the original selection panel for the Committee is in the process of seeking a replacement community member. It is expected that the a recommendation to Council of a new appointment would be possible for the 18 May 2021 Council meeting.

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Bayside City Council

Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021**5. Disclosure of any Conflict of Interest**

There were no conflicts of interest submitted to the meeting.

6. Adoption and Confirmation of the minutes of previous meeting

An induction session was held on 12 April 2021. Therefore there were no formal minutes for adoption at this meeting.

7. Reports**7.1 ACTIONS ARISING**

Environment, Recreation and Infrastructure - Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/125424

Moved: Ms Levett**Seconded: Mr Glascodine**

That the Disability Access and Inclusion Advisory Committee notes this report.

7.2 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2021-2025

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/124089

Moved: Ms Costello**Seconded: Mr Djajamihardja**

That the Disability Access and Inclusion Advisory Committee notes this report and provides feedback on the four health and wellbeing themes.

The Committee provided officers with feedback on the four health and wellbeing themes and the Community Wellbeing Coordinator outlined the next steps which will include community consultation on the Draft Health and Wellbeing Plan to commence in July and development of the Disability Action Plan.

Bayside City Council

Disability Access and Inclusion Advisory Committee
Meeting - 10 May 2021

8. General Business

There was no general business discussed.

9. Confirmation of date of future meetings

Officers outlined the following proposed meeting schedule:

Monday 26 July 2021

Monday 9 August 2021

Monday 13 September 2021

Monday 8 November 2021

Monday 17 January 2022

The Chairperson declared the meeting closed at 7:59pm.

9. Reports by Special Committees

9.1 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 31 MARCH AND 14 APRIL 2021 TO HEAR SUBMISSIONS IN RELATION TO THE PROPOSAL TO MAKE NEIGHBOURHOOD AMENITY LOCAL LAW 2021

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/132193

Executive summary

Purpose and background

The purpose of this report is to note the Minutes of the Special Committee of Council established to hear submissions regarding the proposal to make the Neighbourhood Amenity Local Law 2021.

Council, at its Special meeting on 17 December 2020, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to the proposal to make Neighbourhood Amenity Local Law 2021, in accordance with Section 223 of the *Local Government Act 1989*.

Key issues

Attached for Council's information is a copy of the Special Committee of Council Minutes of the meeting held on 31 March and 14 April 2021. It is proposed that Council considers the submissions received in conjunction with the report submitted in this Agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 31 March and 14 April 2021 to hear submissions in relation to the proposal to make Neighbourhood Amenity Local Law 2021.

Support Attachments

1. 31 March and 14 April 2021 Special Committee of Council Minutes ↓

Considerations and implications of recommendation

Liveable community

Social

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

Natural Environment

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

Climate Emergency

There are climate emergency impacts associated with the minutes of this Special Committee of Council.

Built Environment

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

Customer Service and Community Engagement

Consultation on the proposed Local Law was undertaken in accordance with Section 223 of the *Local Government Act 1989*.

Human Rights

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

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

The process associated with the proposed Local Law has been undertaken in accordance with Section 223 of the *Local Government Act 1989*.

Finance

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

Links to Council policy and strategy

Council Plan 2017–21, 7.2.1 focuses on improving and protecting the local amenity through robust local laws and policies.

Special Committee of Council

To hear submissions in relation to:

Proposal to make Neighbourhood Amenity Local Law 2021



held remotely and live-streamed via Council's website

Wednesday 31 March 2021 at 6pm (Night 1)

Wednesday 14 April 2021 at 7pm (Night 2)

Minutes



Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

PRESENT (31 March 2021 hearing):

Chairperson: Cr Laurence Evans OAM (Mayor)

Councillors: Cr Alex del Porto
Cr Hanna El Mouallem
Cr Fiona Stitfold

Officers: Mick Cummins Chief Executive Officer
Hamish Reid Director City Planning and Amenity
Terry Callant Manager Governance and Corporate Reporting
John Coates Manager Amenity Protection
Andrew Biffin Service and Efficiency Coordinator
Robert Lamb Governance Officer

PRESENT (14 April 2021 hearing):

Chairperson: Cr Laurence Evans OAM (Mayor)

Councillors: Cr Sonia Castelli (Deputy Mayor)
Cr Alex del Porto
Cr Clarke Martin

Officers: Mick Cummins Chief Executive Officer
Hamish Reid Director City Planning and Amenity
Terry Callant Manager Governance and Corporate Reporting
John Coates Manager Amenity Protection
Andrew Biffin Service and Efficiency Coordinator
Robert Lamb Governance Officer

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Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

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5. Requests to be heard in support of submissions

Night 1 – Wednesday 31 March 2021 (at 6pm):

1. Mr Andrew Osborne
2. Mr James Burns
3. Mr Mark Doran
4. Mr Mark Harrop
5. Mr Gilson Cabral
6. Mr Michael Evans
7. Mr Ian Clarke
8. Mr Nathan Goss
9. Mr Tony Shepherd
10. Ms Amie Cousins
11. Mr Mike Halstead-Lyons
12. Mr Nigel Hillier
13. Mr Derek Screen (on behalf of Pennydale Residents Action Group (Inc.))

Night 2 – Wednesday 14 April 2021 (at 7pm):

1. Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.)
2. Mr Rene Santander
3. Anne Preston (on behalf of Victorian Drone Flyers) (also for: Mr Glenn Bachelor, Mr Jeff Powell, Mr David Whipp, Mr Joel Strickland, Mr Daniel Tan, Mrs Victoria Burt, Mr John Collins [The Drone Studio], and Mr Hamish Mitchell)
4. Mr Toan Doan
5. Mr Zach Conn
6. Mr George Millington
7. Mr Luke Absolom
8. Ms Lynne Witynski
9. Ms Anne Dennis (on behalf of Steering Committee Bayside Community Nursery)
10. Mr Alexander Kotsirilos
11. Mr James McDonagh
12. Ms Amanda Levi (on behalf of Bayside Dog Alliance)
13. Mr Andrew Hemsley
14. Mr Alan Clapham
15. Ms Elizabeth Jensen (on behalf of Marine Care Ricketts Point and Ricketts Point 3193 Beach Patrol)

1. Welcome and opening of the meeting

The meeting commenced at 6pm and the Mayor welcomed Councillors, Council officers and members of the public participating remotely or following the live-streaming to the Special Committee Meeting established to hear submissions in relation to the Proposal to make Neighbourhood Amenity Local Law 2021.

2. Apologies

The Mayor noted that given the meeting is to be held over two evenings, the Mayor and 3 other Councillors (only) will be present at each hearing.

The Mayor Cr Evans, Cr del Porto, Cr El Mouallem and Cr Stitfold heard submitters in support of submissions on Wednesday 31 March 2021.

The Mayor Cr Evans, Cr Castelli, Cr del Porto and Cr Martin heard submitters in support of submissions on Wednesday 14 April 2021.

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

In accordance with Section 223 of the *Local Government Act 1989*, Council must consider any submissions received by the Council following a minimum of 28 days after the publication of the public notice. At the closing date of submissions, Council received 163 written submissions (including one pro forma submission submitted individually by 54 community members) in relation to the Proposal to make Neighbourhood Amenity Local Law 2021. Of the 163 submissions received, 28 submitters requested to be heard in support of their submission:

Mr Andrew Osborne, Mr James Burns, Mr Mark Doran, Mr Mark Harrop, Mr Gilson Cabral, Mr Michael Evans, Mr Ian Clarke, Mr Nathan Goss, Mr Tony Shepherd, Ms Amie Cousins, Mr Mike Halstead-Lyons, Mr Nigel Hillier, Mr Derek Screen (on behalf of Pennydale Residents Action Group (Inc.)), Mr Rene Santander, Anne Preston: (on behalf of Victorian Drone Flyers) (also for: Mr Glenn Bachelor, Mr Jeff Powell, Mr David Whipp, Mr Joel Strickland, Mr Daniel Tan, Mrs Victoria Burt, Mr John Collins [The Drone Studio], and Mr Hamish Mitchell), Mr Toan Doan, Mr Zach Conn, Mr George Millington, Mr Luke Absalom, Ms Lynne Witynski, Ms Anne Dennis (on behalf of Steering Committee Bayside Community Nursery), Mr Alexander Kotsirilos, Mr James McDonagh, Ms Amanda Levi (on behalf of Bayside Dog Alliance), Mr Andrew Hemsley, Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.), Mr Alan Clapham, Ms Elizabeth Jensen (on behalf of Marine Care Ricketts Point and Ricketts Point 3193 Beach Patrol).

The Mayor reminded the speakers that Section 223 (b)(i) of the *Local Government Act 1989* indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council's Governance Rules 2020, submitters in relation to section 223 of the *Local Government Act 1989* be granted up to 10 minutes to speak in support of their submission. A copy of the submissions received was circulated to all councilors for their consideration prior to the meeting.

4.1 SUBMISSION - MR DAVID LANGMEAD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/25087

It is recorded that a submission from Mr David Langmead was received. The submission did not include a request to be heard.

4.2 SUBMISSION - MR NIGEL HILLIER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28957

It is recorded that a submission from Mr Nigel Hillier was received, and Mr Hillier spoke for 6 minutes in support of his submission.

4.3 SUBMISSION - MR RICHARD BOWEN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28955

It is recorded that a submission from Mr Richard Bowen was received. The submission did not include a request to be heard.

4.4 SUBMISSION - MR SCOTT FARNDELL

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28952

It is recorded that a submission from Mr Scott Farnnell was received. The submission did not include a request to be heard.

4.5 SUBMISSION - MR JOHN CAIN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28941

It is recorded that a submission from Mr John Cain was received. The submission did not include a request to be heard.

4.6 SUBMISSION - MR NIELS ENDRES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28917

It is recorded that a submission from Mr Niels Endres was received. The submission did not include a request to be heard.

4.7 SUBMISSION - DR VICKI KARALIS (ON BEHALF OF SANDRINGHAM FORESHORE ASSOCIATION)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28897

It is recorded that a submission from Dr Vicki Karalis was received. The submission did not include a request to be heard.

4.8 SUBMISSION - MRS PEGGY NIMORAKIOTAKIS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28843

It is recorded that a submission from Mrs Peggy Nimorakiotakis was received. The submission did not include a request to be heard.

4.9 SUBMISSION - MR CHRIS NIMORAKIOTAKIS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28829

It is recorded that a submission from Mr Chris Nimorakiotakis was received. The submission did not include a request to be heard.

4.10 SUBMISSION - MR DAVID FRITH

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28869

It is recorded that a submission from Mr David Frith was received. The submission did not include a request to be heard.

4.11 SUBMISSION - MR ROD HAMMOND

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28183

It is recorded that a submission from Mr Rod Hammond was received. The submission did not include a request to be heard.

4.12 SUBMISSION - MS ELIZABETH JENSEN (ON BEHALF OF MARINE CARE RICKETTS POINT AND RICKETTS POINT 3193 BEACH PATROL)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/28961

It is recorded that a submission from Ms Elizabeth Jensen was received. Ms Jensen requested to be heard in support of her submission however did not join the meeting.

4.13 SUBMISSION - MR MATTHEW MCENIRY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/30175

It is recorded that a submission from Mr Matthew McEniry was received. The submission did not include a request to be heard.

4.14 SUBMISSION - MRS ALISON HORTON (ON BEHALF OF SANDRINGHAM FORESHORE ASSOCIATION, MARINE CARE RICKETTS POINT AND 3193 BEACH PATROL)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/36644

It is recorded that a submission from Mrs Alison Horton was received. The submission did not include a request to be heard.

4.15 SUBMISSION - MR SAMUEL MURRAY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/36655

It is recorded that a submission from Mr Samuel Murray was received. The submission did not include a request to be heard.

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4.16 SUBMISSION - DR RANDYL FLYNN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/36665

It is recorded that a submission from Dr Randy Flynn was received. The submission did not include a request to be heard.

4.17 SUBMISSION - MS ANNE PRESTON (ON BEHALF OF VICTORIAN DRONE FLYERS; AND, FOR MR GLENN BACHELOR, MR JEFF POWELL, MR DAVID WHIPP, MR JOEL STRICKLAND, MR DANIEL TAN, MRS VICTORIA BURT, MR JOHN COLLINS [THE DRONE STUDIO], AND MR HAMISH MITCHELL).

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/75937

It is recorded that a submission from Ms Anne Preston was received, and Ms Preston spoke for 9 minutes and 25 seconds in support of her submission.

4.18 SUBMISSION - PROVIDED SEPARATELY BY 54 INDIVIDUALS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/36685

It is recorded that a pro forma submission was provided separately by the following 54 individuals.

Mr Mudrul Patil, Ms Terrie O'Dwyer, Mr Constantine Ongarezo, Mr Brett Suthers, Mr Marcal Schopfer, Mr Alexander Sunny, Mr Mitsuhiro Kato, Miss Holly Savage, Mr Daniel Tan, Mrs Hassan Adly, Ms Sim Chong, Miss Joelly Say, Mrs Victoria Burt, Mr Joel Strickland, Mr Alan Vidot, Mr David Whipp, Mr Paul Del Vescovo, Mr Jeff Powell, Mr Sunny Keo, Mr Mitchell Robertson, Mr Robert Frieling, Mr Glenn Bachelor, Mr Jason Walters, Mr Ian Knight, Mr Ash Farman, Mr Colin Earney, Mr Philip Mallis, Mr Dylan Wood, Mr David Diep, Mr Darren Taylor, Mr Garry Allan, Mr Jason East, Miss Melinda Kerr, Mr Tim Vermey, Dr Steve Jolly, Mr Jeff Bee, Mr David Williams, Mr Clint Robertson, Mr Mark Giddens, Mr Brett Wooderson, Mr Maurie McBain, Mr Hamish Mitchell, Mr Andrew Littleford, Mr Steven Chazikantis, Mr Rumes Srimareswaran, Mr Joel Fyson, Mr Nicholas Parkin, Mr Peter Turner, Mrs Christine Boak, Mr Matthew Youd, Mr Andrew Boskovic, Mr John Collins, Mr Struan Robertson, Mr Shannon Biggs.

The following persons indicated they were being represented by Ms Anne Preston (who was heard by the special committee):

Mr Glenn Bachelor, Mr Jeff Powell, Mr David Whipp, Mr Joel Strickland, Mr Daniel Tan, Mrs Victoria Burt, Mr John Collins [The Drone Studio], and Mr Hamish Mitchell).

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4.19 SUBMISSION - MS JUSTINE GORNY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72621

It is recorded that a submission from Ms Justine Gorny was received. The submission did not include a request to be heard.

4.20 SUBMISSION - MR TOM VALENTA

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41224

It is recorded that a submission from Mr Tom Valenta was received. The submission did not include a request to be heard.

4.21 SUBMISSION - MR PAUL TILLEY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41205

It is recorded that a submission from Mr Paul Tilley was received. The submission did not include a request to be heard.

4.22 SUBMISSION - MR ANDREW OSBORNE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41185

It is recorded that a submission from Mr Andrew Osborne was received, and Mr Osborne spoke for 8 minutes and 3 seconds in support of his submission.

4.23 SUBMISSION - MS LYNNE WITYNSKI

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41150

It is recorded that a submission from Ms Lynne Witynski was received, and Ms Witynski spoke for 2 minutes and 55 seconds in support of her submission.

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4.24 SUBMISSION - MR GREG PHELAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41128

It is recorded that a submission from Mr Greg Phelan was received. The submission did not include a request to be heard.

4.25 SUBMISSION - MR JAMES BURNS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41100

It is recorded that a submission from Mr James Burns was received. Mr Burns requested to be heard in support of his submission however did not join the meeting.

4.26 SUBMISSION - MR DANIEL MAJMAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/41067

It is recorded that a submission from Mr Daniel Majman was received. The submission did not include a request to be heard.

4.27 SUBMISSION - MR ALAN CLAPHAM

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/40809

It is recorded that a submission from Mr Alan Clapham was received. Mr Clapham requested to be heard in support of his submission however did not join the meeting.

4.28 SUBMISSION - MRS MARY YOUSSEF

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/40793

It is recorded that a submission from Mrs Mary Youssef was received. The submission did not include a request to be heard.

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4.29 SUBMISSION - MR MARK CALLEJA

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53617

It is recorded that a submission from Mr Mark Calleja was received. The submission did not include a request to be heard.

4.30 SUBMISSION - MS OLIVIA BROOKS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53671

It is recorded that a submission from Ms Olivia Brooks was received. The submission did not include a request to be heard.

4.31 SUBMISSION - MR MARK DORAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53717

It is recorded that a submission from Mr Mark Doran was received. Mr Doran requested to be heard in support of his submission though later withdrew as an apology.

**4.32 SUBMISSION - MR RICHARD MOORE (ON BEHALF OF
NEWDISCOVERY)**

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53733

It is recorded that a submission from Mr Richard Moore was received. The submission did not include a request to be heard.

4.33 SUBMISSION - MS ANNE TOURNEY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53772

It is recorded that a submission from Ms Anne Tourney was received. The submission did not include a request to be heard.

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4.34 SUBMISSION - MR JOHN BUTLER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53888

It is recorded that a submission from Mr John Butler was received. The submission did not include a request to be heard.

4.35 SUBMISSION - MR NICHOLAS BATZIALAS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53915

It is recorded that a submission from Mr Nicholas Batzialas was received. The submission did not include a request to be heard.

4.36 SUBMISSION - MR ALEXANDER KOTSIRILOS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53933

It is recorded that a submission from Mr Alexander Kotsirilos was received. Mr Kotsirilos requested to be heard in support of his submission however did not join the meeting.

4.37 SUBMISSION - MS MAXINE JACONA

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53945

It is recorded that a submission from Ms Maxine Jacona was received. The submission did not include a request to be heard.

4.38 SUBMISSION - MS JANE BENNETT

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/53972

It is recorded that a submission from Ms Jane Bennett was received. The submission did not include a request to be heard.

4.39 SUBMISSION - MR JOHN ANDERSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/54011

It is recorded that a submission from Mr John Anderson was received. The submission did not include a request to be heard.

4.40 SUBMISSION - MR DAVID REABURN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/54528

It is recorded that a submission from Mr David Reaburn was received. The submission did not include a request to be heard.

4.41 SUBMISSION - MR JACOB DICKMANN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/54569

It is recorded that a submission from Mr Jacob Dickmann was received. The submission did not include a request to be heard.

4.42 SUBMISSION - MR DANIEL BROOKS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/54747

It is recorded that a submission from Mr Daniel Brooks was received. The submission did not include a request to be heard.

4.43 SUBMISSION - MRS CLEIDE PEREIRA

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/55263

It is recorded that a submission from Mrs Cleide Pereira was received. The submission did not include a request to be heard.

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4.44 SUBMISSION - MR DEREK SCREEN (ON BEHALF OF PENNYDALE RESIDENTS ACTION GROUP INC.)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61545

It is recorded that a submission from Mr Derek Screen was received. Mr Screen requested to be heard in support of his submission though later withdrew as an apology.

4.45 SUBMISSION - MR IAN WILSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61512

It is recorded that a submission from Mr Ian Wilson was received. The submission did not include a request to be heard.

4.46 SUBMISSION - MR FUZZY SCHNEIDER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61502

It is recorded that a submission from Mr Fuzzy Schneider was received. The submission did not include a request to be heard.

4.47 SUBMISSION - MR ANDREW HEMSLEY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61451

It is recorded that a submission from Mr Andrew Hemsley was received. Mr Hemsley requested to be heard in support of his submission however did not join the meeting.

4.48 SUBMISSION - MR LOCHLIN DURANCE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61446

It is recorded that a submission from Mr Lochlin Durance was received. The submission did not include a request to be heard.

4.49 SUBMISSION - MR JOHN KING

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61420

It is recorded that a submission from Mr John King was received. The submission did not include a request to be heard.

4.50 SUBMISSION - MR MICHAEL BUSUTTIL

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61399

It is recorded that a submission from Mr Michael Busuttill was received. The submission did not include a request to be heard.

4.51 SUBMISSION - MISS BREA KENNELLY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72846

It is recorded that a submission from Miss Brea Kennelly was received. The submission did not include a request to be heard.

4.52 SUBMISSION - MR MARTIN WHELAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61368

It is recorded that a submission from Mr Martin Whelan was received. The submission did not include a request to be heard.

4.53 SUBMISSION - MR LUKE LUCAS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61359

It is recorded that a submission from Mr Luke Lucas was received. The submission did not include a request to be heard.

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4.54 SUBMISSION - MR MATTHEW MURDOCH

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61351

It is recorded that a submission from Mr Matthew Murdoch was received. The submission did not include a request to be heard.

4.55 SUBMISSION - MISS DANIELLE GOLDSMITH

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61335

It is recorded that a submission from Miss Danielle Goldsmith was received. The submission did not include a request to be heard.

4.56 SUBMISSION - MS MICHELLE VAN KAMPEN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61327

It is recorded that a submission from Ms Michelle Van Kampen was received. The submission did not include a request to be heard.

4.57 SUBMISSION - MR JAMES MCDONAGH

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61318

It is recorded that a submission from Mr James McDonagh was received, and Mr McDonagh spoke for 7 minutes and 7 seconds in support of his submission.

4.58 SUBMISSION - MR STEPHEN LE POIDEVIN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61295

It is recorded that a submission from Mr Stephen Le Poidevin was received. The submission did not include a request to be heard.

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4.59 SUBMISSION - MS KAT DONNARUMMA

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61278

It is recorded that a submission from Ms Kat Donnarumma was received. The submission did not include a request to be heard.

4.60 SUBMISSION - MS LUCIA CHIODI

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61235

It is recorded that a submission from Ms Lucia Chiodi was received. The submission did not include a request to be heard.

4.61 SUBMISSION - MRS LUCY SIMMONDS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61210

It is recorded that a submission from Mrs Lucy Simmonds was received. The submission did not include a request to be heard.

4.62 SUBMISSION - MS NICOLE ROGALSKI

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72833

It is recorded that a submission from Ms Nicole Rogalski was received. The submission did not include a request to be heard.

4.63 SUBMISSION - MR RENE SANTANDER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72826

It is recorded that a submission from Mr Rene Santander was received. Mr Santander requested to be heard in support of his submission however did not join the meeting.

4.64 SUBMISSION - MR KARL STADE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72811

It is recorded that a submission from Mr Karl Stade was received. The submission did not include a request to be heard.

4.65 SUBMISSION - MR ROBERT BROWN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72806

It is recorded that a submission from Mr Robert Brown was received. The submission did not include a request to be heard.

4.66 SUBMISSION - MR TERRY JONES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72798

It is recorded that a submission from Mr Terry Jones was received. The submission did not include a request to be heard.

4.67 SUBMISSION - MR GEORGE MILLINGTON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61204

It is recorded that a submission from Mr George Millington was received, and Mr Millington spoke for 4 minutes in support of his submission.

4.68 SUBMISSION - MR SIMON FANNING

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61144

It is recorded that a submission from Mr Simon Fanning was received. The submission did not include a request to be heard.

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4.69 SUBMISSION - MR DAVE JONES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72796

It is recorded that a submission from Mr Dave Jones was received. The submission did not include a request to be heard.

4.70 SUBMISSION - MR NATHAN H (NO SURNAME SUPPLIED)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72789

It is recorded that a submission from Mr Nathan H (no surname supplied) was received. The submission did not include a request to be heard.

4.71 SUBMISSION - MR DAVID GREENWOOD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72780

It is recorded that a submission from Mr David Greenwood was received. The submission did not include a request to be heard.

4.72 SUBMISSION - MR BRAD KRAHE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72775

It is recorded that a submission from Mr Brad Krahe was received. The submission did not include a request to be heard.

4.73 SUBMISSION - MS MARIA COOPER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72768

It is recorded that a submission from Ms Maria Cooper was received. The submission did not include a request to be heard.

Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

4.74 SUBMISSION - MR ANTHONY COOPER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72744

It is recorded that a submission from Mr Anthony Cooper was received. The submission did not include a request to be heard.

4.75 SUBMISSION - MR DAVID BROWN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72724

It is recorded that a submission from Mr David Brown was received. The submission did not include a request to be heard.

4.76 SUBMISSION - MR NICHOLAS DYSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72685

It is recorded that a submission from Mr Nicholas Dyson was received. The submission did not include a request to be heard.

4.78 SUBMISSION - MRS ELIZABETH HUGHES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61129

It is recorded that a submission from Mrs Elizabeth Hughes was received. The submission did not include a request to be heard.

4.78 SUBMISSION - MS CAIT EVES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61117

It is recorded that a submission from Ms Cait Eves was received. The submission did not include a request to be heard.

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4.79 SUBMISSION - MS ETEL NAGYIDAI

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61103

It is recorded that a submission from Ms Etel Nagyidai was received. The submission did not include a request to be heard.

4.80 SUBMISSION - MR CHRIS KNIGHT

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72643

It is recorded that a submission from Mr Chris Knight was received. The submission did not include a request to be heard.

4.81 SUBMISSION - MR JASON SHEVLOCK

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72639

It is recorded that a submission from Mr Jason Shevlock was received. The submission did not include a request to be heard.

4.82 SUBMISSION - MS TANYA JAMES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72635

It is recorded that a submission from Ms Tanya James was received. The submission did not include a request to be heard.

4.83 SUBMISSION - MR MARC BAPTISTA (ON BEHALF OF DJI OWNERS AUSTRALIA)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72632

It is recorded that a submission from Mr Marc Baptista was received. The submission did not include a request to be heard.

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4.84 SUBMISSION – MR SIMON MURRAY

City Planning and Amenity – Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72629

It is recorded that a submission from Mr Simon Murray was received. The submission did not include a request to be heard.

4.85 SUBMISSION - MR LUKE ABSOLOM

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61048

It is recorded that a submission from Mr Luke Absolom was received. Mr Absolom requested to be heard in support of his submission though later withdrew as an apology.

4.86 SUBMISSION - MS HELLEN CROSS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72623

It is recorded that a submission from Ms Helen Cross was received. The submission did not include a request to be heard.

4.87 SUBMISSION - MR ALLEN FROME

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73016

It is recorded that a submission from Mr Allen Frome was received. The submission did not include a request to be heard.

4.88 SUBMISSION - MRS BARBARA MCTIGUE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/64564

It is recorded that a submission from Mrs Barbara McTigue was received. The submission did not include a request to be heard.

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4.89 SUBMISSION - MRS SARAH GREEN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/64559

It is recorded that a submission from Mrs Sarah Green was received. The submission did not include a request to be heard.

4.90 SUBMISSION - MR FRANZ LIMBACH

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/64556

It is recorded that a submission from Mr Franz Limbach was received. The submission did not include a request to be heard.

4.91 SUBMISSION - MR IAN MILLER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73007

It is recorded that a submission from Mr Ian Miller was received. The submission did not include a request to be heard.

4.92 SUBMISSION - MRS GALINA LIKHOVETSKY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/64533

It is recorded that a submission from Mrs Galina Likhovetsky was received. The submission did not include a request to be heard.

4.93 SUBMISSION - MS RACHAEL BAUSOR

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/64513

It is recorded that a submission from Ms Rachael Bausor was received. The submission did not include a request to be heard.

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4.94 SUBMISSION - MR JON BAGGE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73003

It is recorded that a submission from Mr Jon Bagge was received. The submission did not include a request to be heard.

4.95 SUBMISSION - MR DAVID WILMOT

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62700

It is recorded that a submission from Mr David Wilmot was received. The submission did not include a request to be heard.

4.96 SUBMISSION - MR BOB ROGERSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72996

It is recorded that a submission from Mr Bob Rogerson was received. The submission did not include a request to be heard.

4.97 SUBMISSION - MS BELLA FANNING

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62664

It is recorded that a submission from Ms Bella Fanning was received. The submission did not include a request to be heard.

4.98 SUBMISSION - MRS SOPHIE FANNING

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62434

It is recorded that a submission from Mrs Sophie Fanning was received. The submission did not include a request to be heard.

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4.99 SUBMISSION - MR MARK HARROP

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62432

It is recorded that a submission from Mr Mark Harrop was received, and Mr Harrop spoke for 4 minutes and 3 seconds in support of his submission.

4.100 SUBMISSION - MR JOSEPH MCMAHON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72989

It is recorded that a submission from Mr Joseph McMahon was received. The submission did not include a request to be heard.

4.101 SUBMISSION - MR HENRY RUIZI

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72978

It is recorded that a submission from Mr Henry Ruizi was received. The submission did not include a request to be heard.

4.102 SUBMISSION - MR GUILLAUME DILLEE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62423

It is recorded that a submission from Mr Guillaume Dillee was received. The submission did not include a request to be heard.

4.103 SUBMISSION - MR TOAN DOAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72972

It is recorded that a submission from Mr Toan Doan was received. Mr Doan requested to be heard in support of his submission however did not join the meeting.

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4.104 SUBMISSION - MRS PENNY MCCONNELL

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62405

It is recorded that a submission from Mrs Penny McConnell was received. The submission did not include a request to be heard.

4.105 SUBMISSION - MR MATHEW GLENDAY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72960

It is recorded that a submission from Mr Mathew Glenday was received. The submission did not include a request to be heard.

4.106 SUBMISSION - MR STEPHEN FIGURES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72922

It is recorded that a submission from Mr Stephen Figures was received. The submission did not include a request to be heard.

4.107 SUBMISSION - MR ROGER FARRER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62383

It is recorded that a submission from Mr Roger Farrer was received. The submission did not include a request to be heard.

4.108 SUBMISSION - MR GILSON CABRAL

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62378

It is recorded that a submission from Mr Gilson Cabral was received. Mr Cabral requested to be heard in support of his submission however did not join the meeting.

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4.109 SUBMISSION - MR ANTONIO MONTERO

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72916

It is recorded that a submission from Mr Antonio Montero was received. The submission did not include a request to be heard.

4.110 SUBMISSION - MR JAMIE KASSMAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72905

It is recorded that a submission from Mr Jamie Kassman was received. The submission did not include a request to be heard.

4.111 SUBMISSION - MS LISA KEMPTON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62370

It is recorded that a submission from Ms Lisa Kempton was received. The submission did not include a request to be heard.

4.112 SUBMISSION - MRS HELENA CANNON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62356

It is recorded that a submission from Mrs Helena Cannon was received. The submission did not include a request to be heard.

4.113 SUBMISSION - MR DAVID EAST

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72903

It is recorded that a submission from Mr David East was received. The submission did not include a request to be heard.

Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

4.114 SUBMISSION - MR TOD WALKER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72889

It is recorded that a submission from Mr Tod Walker was received. The submission did not include a request to be heard.

4.115 SUBMISSION - MR OSCAR HOWARD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72878

It is recorded that a submission from Mr Oscar Howard was received. The submission did not include a request to be heard.

4.116 SUBMISSION - MR PHILIP ROWSE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/72864

It is recorded that a submission from Mr Philip Rowse was received. The submission did not include a request to be heard.

4.117 SUBMISSION - MS SUZANNE BYRNE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62351

It is recorded that a submission from Ms Suzanne Byrne was received. The submission did not include a request to be heard.

4.118 SUBMISSION - MS ANNE DENNIS (ON BEHALF OF STEERING COMMITTEE BAYSIDE COMMUNITY NURSERY)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/62347

It is recorded that a submission from Ms Anne Dennis was received. Ms Dennis requested to be heard in support of her submission however did not join the meeting.

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4.119 SUBMISSION - MR LACHLAN HUGHES

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61895

It is recorded that a submission from Mr Lachlan Hughes was received. The submission did not include a request to be heard.

4.120 SUBMISSION - MR PAUL ANSCOMBE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61878

It is recorded that a submission from Mr Paul Ancombe was received. The submission did not include a request to be heard.

4.121 SUBMISSION - MR MARK WOLFENDEN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61870

It is recorded that a submission from Mr Mark Wolfenden was received. The submission did not include a request to be heard.

4.122 SUBMISSION - MR STEPHEN SNOW

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/64600

It is recorded that a submission from Mr Stephen Snow was received. The submission did not include a request to be heard.

4.123 SUBMISSION - MR GRAHAM LEE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/61863

It is recorded that a submission from Mr Graham Lee was received. The submission did not include a request to be heard.

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4.124 SUBMISSION - MS FIONA NIELD (ON BEHALF OF HOUSING INDUSTRY ASSOCIATION)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66294

It is recorded that a submission from Ms Fiona Nield was received. The submission did not include a request to be heard.

4.125 SUBMISSION - MR RUSS CASTLEMAN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66303

It is recorded that a submission from Mr Russ Castleman was received. The submission did not include a request to be heard.

4.126 SUBMISSION - MR ADRIAN FINLAYSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66310

It is recorded that a submission from Mr Adrian Finlayson was received. The submission did not include a request to be heard.

4.127 SUBMISSION - MR MICHAEL EVANS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66319

It is recorded that a submission from Mr Michael Evans was received. Mr Evans requested to be heard in support of his submission however did not join the meeting.

4.128 SUBMISSION - MR DAVID SIMPSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66341

It is recorded that a submission from Mr David Simpson was received. The submission did not include a request to be heard.

Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

4.129 SUBMISSION - MR WAYNE MITCHELL

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73031

It is recorded that a submission from Mr Wayne Mitchell was received. The submission did not include a request to be heard.

4.130 SUBMISSION - MS JEN BISHOP (ON BEHALF OF ANIMAL JUSTICE PARTY)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66543

It is recorded that a submission from Ms Jen Bishop was received. The submission did not include a request to be heard.

4.131 SUBMISSION - MR GRAEME BROWNFIELD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69705

It is recorded that a submission from Mr Graeme Brownfield was received. The submission did not include a request to be heard.

4.132 SUBMISSION - MR IAN CLARKE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66560

It is recorded that a submission from Mr Ian Clarke was received. Mr Clarke requested to be heard in support of his submission however did not join the meeting.

4.133 SUBMISSION - MR ALAN KAADEN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66583

It is recorded that a submission from Mr Alan Kaaden was received. The submission did not include a request to be heard.

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4.134 SUBMISSION - MR NATHAN GOSS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66607

It is recorded that a submission from Mr Nathan Goss was received, and Mr Goss spoke for 10 minutes in support of his submission.

4.135 SUBMISSION - MR JUERGEN KRANZ

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73067

It is recorded that a submission from Mr Juergen Kranz was received. The submission did not include a request to be heard.

4.136 SUBMISSION - MR CAMERON VOSS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73079

It is recorded that a submission from Mr Cameron Voss was received. The submission did not include a request to be heard.

4.137 SUBMISSION - MR ZACH CONN

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/70814

It is recorded that a submission from Mr Zach Conn was received. Mr Conn requested to be heard in support of his submission though later withdrew as an apology.

4.138 SUBMISSION - MR KEVIN WILSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69699

It is recorded that a submission from Mr Paul Wilson was received. The submission did not include a request to be heard.

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4.139 SUBMISSION - MRS EMILY HOEY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69695

It is recorded that a submission from Mrs Emily Hoey was received. The submission did not include a request to be heard.

4.140 SUBMISSION - MR MATHEW PEATE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69689

It is recorded that a submission from Mr Mathew Peate was received. The submission did not include a request to be heard.

4.141 SUBMISSION - MR RUSSELL BLACK

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73178

It is recorded that a submission from Mr Russell Black was received. The submission did not include a request to be heard.

4.142 SUBMISSION - MS TEANA KALEOPA

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73170

It is recorded that a submission from Ms Teana Kaleopa was received. The submission did not include a request to be heard.

4.143 SUBMISSION - MR TONY SHEPHERD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69686

It is recorded that a submission from Mr Tony Shepherd was received, and Mr Shepherd spoke for 2 minutes and 26 seconds in support of his submission.

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4.144 SUBMISSION - MR STUART THOMPSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69675

It is recorded that a submission from Mr Stuart Thompson was received. The submission did not include a request to be heard.

4.145 SUBMISSION - MS HEATHER MACFARLANE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69669

It is recorded that a submission from Ms Heather Macfarlane received. The submission did not include a request to be heard.

4.146 SUBMISSION - MR CHARLES WATERS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69665

It is recorded that a submission from Mr Charles Waters was received. The submission did not include a request to be heard.

4.147 SUBMISSION - MS AMANDA LEVI (ON BEHALF OF BAYSIDE DOG ALLIANCE)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69660

It is recorded that a submission from Ms Amanda Levi was received, and Ms Levi spoke for 4 minutes and 26 seconds in support of her submission.

4.148 SUBMISSION - MR MILAN DRASKOVIC

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69266

It is recorded that a submission from Mr Milan Draskovic was received. The submission did not include a request to be heard.

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4.149 SUBMISSION - MRS GLENYS FRASER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69238

It is recorded that a submission from Mrs Glenys Fraser was received. The submission did not include a request to be heard.

4.150 SUBMISSION - MR GRAEME JOYNSON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69165

It is recorded that a submission from Mr Graeme Joynton was received. The submission did not include a request to be heard.

4.151 SUBMISSION - MR GEORGE REYNOLDS (ON BEHALF OF BAYSIDE RESIDENTS GROUP - RATEPAYERS VICTORIA INC.)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69095

It is recorded that a submission from Mr George Reynolds was received, and Mr Reynolds spoke for 4 minutes and 10 seconds in support of his submission.

4.152 SUBMISSION - MS KATRINA FRASER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69082

It is recorded that a submission from Ms Katrina Fraser was received. The submission did not include a request to be heard.

4.153 SUBMISSION - MS AMIE COUSINS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69074

It is recorded that a submission from Ms Amie Cousins was received, and Ms Cousins spoke for 6 minutes and 26 seconds in support of her submission.

Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

4.154 SUBMISSION - MR CHRIS SUTTON

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69063

It is recorded that a submission from Mr Chris Sutton was received. The submission did not include a request to be heard.

4.155 SUBMISSION - MS LAURA MARANTZ

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73160

It is recorded that a submission from Ms Laura Marantz was received. The submission did not include a request to be heard.

4.156 SUBMISSION - MR KEVIN HOWARD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/69055

It is recorded that a submission from Mr Kevin Howard was received. The submission did not include a request to be heard.

4.157 SUBMISSION - MS BRIDGET WONG (ON BEHALF OF AERIAL PHOTOGRAPHERS RECREATION GROUP)

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73144

It is recorded that a submission from Ms Bridget Wong was received. The submission did not include a request to be heard.

4.158 SUBMISSION - MS EMILY REINHARD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73127

It is recorded that a submission from Ms Emily Reinhard was received. The submission did not include a request to be heard.

4.159 SUBMISSION - MR DAVID REINHARD

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73096

It is recorded that a submission from Mr David Reinhard was received. The submission did not include a request to be heard.

4.160 SUBMISSION - MR BRIAN GOSLEY

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/73197

It is recorded that a submission from Mr Brian Gosley was received. The submission did not include a request to be heard.

4.161 SUBMISSION - MR KELVIN GULLIVER

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/66049

It is recorded that a submission from Mr Kelvin Gulliver was received. The submission did not include a request to be heard.

4.162 SUBMISSION - MR MIKE HALSTEAD-LYONS

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/81147

It is recorded that a submission from Mr Mike Halstead-Lyons was received, and Mr Halstead-Lyons spoke for 5 minutes and 47 seconds in support of his submission.

4.163 SUBMISSION - MISS JODIE CLARENCE

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/37637

It is recorded that a submission from Miss Jodie Clarence was received. The submission did not include a request to be heard.

Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

31 MARCH 2021 – NIGHT 1

As detailed above, the following speakers were heard on 31 March 2021:

1. Mr Andrew Osborne
2. Mr Mark Harrop
- 3 Mr Nathan Goss
4. Mr Tony Shepherd
5. Ms Amie Cousins
6. Mr Mike Halstead-Lyons
7. Mr Nigel Hillier

PROCEDURAL MOTION:

Moved: Cr del Porto

Seconded: Cr El Mouallem

That the meeting be adjourned, to be resumed at 7pm on 14 April 2021 via electronic media and livestreamed on Council's website; and that the submissions heard on 31 March 2021 in relation to the proposal to make Neighbourhood Amenity Local Law 2021 be received and noted and further considered as part of Council's deliberations at the 18 May 2021 Ordinary Meeting of Council.

CARRIED

It is recorded that the meeting was adjourned at 6:58pm 31 March 2021.

Bayside City Council Special Committee of Council Meeting - 31 March and 14 April 2021

14 APRIL 2021 – NIGHT 2

PROCEDURAL MOTION:

Moved: Cr del Porto

Seconded: Cr Martin

That the Special Committee of Council established to hear submissions in relation to the proposal to make Neighbourhood Amenity Local Law 2021, in accordance with Section 223 of the *Local Government Act 1989*, be resumed.

CARRIED

It is recorded that the meeting was resumed at 7pm on 14 April 2021.

PROCEDURAL MOTION:

Moved: Cr del Porto

Seconded: Cr Martin

That Mr George Reynolds be heard at this stage of the meeting.

CARRIED

As detailed above, the following speakers were heard on 14 April 2021:

1. Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.)
2. Anne Preston (on behalf of Victorian Drone Flyers) (also for: Mr Glenn Bachelor, Mr Jeff Powell, Mr David Whipp, Mr Joel Strickland, Mr Daniel Tan, Mrs Victoria Burt, Mr John Collins [The Drone Studio], and Mr Hamish Mitchell)
3. Mr George Millington
4. Ms Lynne Witynski
5. Mr James McDonagh
6. Ms Amanda Levi (on behalf of Bayside Dog Alliance)

Moved: Cr del Porto

Seconded: Cr Castelli (Deputy Mayor)

That all submissions in relation to the proposal to make Neighbourhood Amenity Local Law 2021 be received and noted, and further considered as part of Council's deliberations at the Ordinary Meeting of Council on 18 May 2021.

CARRIED

The Mayor declared the meeting closed at 7:46pm.

9.2 MINUTES OF THE SPECIAL COMMITTEE OF COUNCIL HELD ON 14 APRIL 2021 TO HEAR SUBMISSIONS IN RELATION TO THE REVIEW OF COUNCILLOR AND MAYORAL ALLOWANCES

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/132194

Executive summary

Purpose and background

The purpose of this report is to note the Minutes of the Special Committee of Council established to hear submissions regarding the review of Councillor and Mayoral Allowances.

Council, at its meeting on 16 February 2021, established a Special Committee of Council for the purpose of undertaking the statutory process to hear submissions in relation to review of Councillor and Mayoral Allowances, in accordance with Section 223 of the *Local Government Act 1989*.

Key issues

Attached for Council's information is a copy of the Special Committee of Council Minutes of the meeting held on 14 April 2021. It is proposed that Council considers the submission received in conjunction with the report submitted in this Agenda.

Recommendation

That Council notes the Minutes of the Special Committee of Council held on 14 April 2021 to hear submissions in relation to the review of Councillor and Mayoral Allowances.

Support Attachments

1. 14 April 2021 Special Committee of Council Minutes ↓

Considerations and implications of recommendation

Liveable community

Social

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

Natural Environment

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

Climate Emergency

There are climate emergency impacts associated with the minutes of this Special Committee of Council.

Built Environment

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

Customer Service and Community Engagement

Consultation on the review was undertaken in accordance with Section 223 of the *Local Government Act 1989*.

Human Rights

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

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

The process associated with the review has been undertaken in accordance with Section 223 of the *Local Government Act 1989*.

Finance

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

Links to Council policy and strategy

The minimum and maximum levels of allowances are determined by legislation. Council is required to determine allowances within the range set by the legislation. The superannuation component is based on 9.5% of the allowance payable subject to a proposed increase to 10% from 1 July 2021.

Special Committee of Council

To hear submissions in relation to:

Review of Councillor and Mayoral Allowances



held remotely and live-streamed via Council's website

**Wednesday 14 April 2021
at 6:30pm**

Minutes



PRESENT:

Chairperson: Cr Laurence Evans OAM (Mayor)

Councillors: Cr Sonia Castelli (Deputy Mayor)
Cr Alex del Porto
Cr Clarke Martin

Officers: Mick Cummins Chief Executive Officer
Hamish Reid Director City Planning and Amenity
Terry Callant Manager Governance and Corporate Reporting
John Coates Manager Amenity Protection
Andrew Biffin Service and Efficiency Coordinator
Robert Lamb Governance Officer

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- 2. Apologies
- 3. Disclosure of any Conflict of Interest
- 4. Submissions
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- 5. Requests to be heard in support of submissions

The following listed people have requested to be heard in support of their submission to Special Committee of Council Meeting:

 - 1. Mr George Reynolds

1. Welcome and opening of the meeting

The meeting commenced at 6:30pm and the Mayor welcomed Councillors, Council officers and members of the public participating remotely or following the live-streaming to the Special Committee Meeting established to hear submissions in relation to the review of Councillor and Mayoral Allowances.

2. Apologies

The Mayor noted that due to the scheduling of other Special Committee meetings, he would be joined by 3 other Councillors (only):

The Mayor Cr Evans was joined by Cr Castelli, Cr del Porto and Cr Martin to hear submitters in support of submissions.

3. Declarations of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.

4. Submissions

In accordance with Section 223 of the *Local Government Act 1989*, Council must consider any submissions received by the Council following a minimum of 28 days after the publication of the public notice. At the closing date of submissions, Council received one submission in relation to the review of Councillor and Mayoral Allowances. The submitter requested to be heard in support of his submission:

The Mayor reminded the speaker that Section 223 (b)(i) of the *Local Government Act 1989* indicates that Council must provide the person with the opportunity to be heard in support of their submission and that in accordance with Council's Governance Rules 2020, submitters in relation to section 223 of the *Local Government Act 1989* be granted up to 10 minutes to speak in support of their submission. A copy of the submission received was circulated to all councillors for their consideration prior to the meeting.

4.1 SUBMISSION - MR GEORGE REYNOLDS

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/100144

It is recorded that a submission from Mr George Reynolds was received, and Mr Reynolds spoke for 9 minutes and 30 seconds in support of his submission.

Moved: Cr Martin

Seconded: Cr Castelli (Deputy Mayor)

That the submission in relation to the review of Councillor and Mayoral Allowances be received and noted, and further considered as part of Council's deliberations at the Ordinary Meeting of Council on 18 May 2021.

CARRIED

The Mayor declared the meeting closed at 6:45pm.

10. Reports by the Organisation

10.1 PROPOSED ANNUAL BUDGET 2021–22

Corporate Services - Finance
File No: PSF/21/24 – Doc No: DOC/21/140230

Executive summary

Purpose and background

The purpose of this report is to present the Proposed Annual Budget 2021-22 for in-principle approval prior to commencing public consultation prior to its formal adoption.

The Local Government Act 2020 received Royal Assent on 24 March 2020. The 2021-22 Budget will be the first budget to be prepared under the new Act.

Key issues

The proposed Budget 2021-22 has been prepared in accordance with the requirements of the Local Government Act 2020 and Council's Community and Stakeholder Engagement Policy 2021. The budget is in line with Council's commitment to sustainable budgeting, responsible financial management and the Victorian Government's rate cap.

The 2021–22 Annual Budget funds Council's services, initiatives and capital program and reflects a financially sustainable position while achieving the strategic objectives outlined in the first year of the draft Council Plan 2021–25. This proposed budget commits funding to the Goals of the draft Council Plan over the next 12 months namely:

- Our Planet – leading better, smarter, and sustainable futures
- Our People – nurturing all people and thriving healthy communities
- Our Place – fostering Bayside's liveability, open spaces and exceptional places
- Our Promise – promising open and accountable civic leadership.

The ambitious agenda delivered by this budget will be funded by a rate increase of 1.5%, which is in accordance with the Victorian Government's rate cap.

\$73.9 of the proposed budget is earmarked to deliver important community infrastructure as part of the capital works budget. This continues Council's multi-year program to address historic under-investment and is enabled by continuing strong financial management

The capital works program will deliver important community infrastructure including:

- Bayside Netball centre \$15.050 million
- Dendy Street Beach pavilion \$7.1 million
- Tulip Street Basketball extension \$6.9 million
- Feasibility and design work for Bayside's Warm Water Pool
- Design and construction of 4 sports pavilions \$7.6 million
- Fern Street Early Years Centre \$5.9 million
- Foreshore, parks and open space infrastructure \$6.5 million including \$2 million on foreshore masterplan implementation, \$1.325 million on playgrounds, \$0.2 million on older adults' exercise equipment.

Council will also take possession of 3 hectares of land as part of an agreement between the Commonwealth Government and the developer who has purchased the previous CSIRO site

in Graham Road, Highett. As part of the agreement, Council will be gifted three hectares of land in 2021–22 and another one hectare of land in 2022–23. The agreement ensures that three hectares encompassing the Highett Grassy Woodland will be set aside for conservation to encourage regeneration of indigenous species and natural habitat, whilst a further one hectare of open space has been set aside for recreation purposes.

Council will also focus on its responsibilities to our environment, sustainability and on climate change by funding the following initiatives as part of the 2021–22 budget:

- Implement Council's Climate Emergency Action Plan. \$100,000
- Develop and implement the Urban Forest Strategy.
- Develop a Park Improvement and Habitat Linkage Plan \$45,000
- Increase Council's electric vehicle fleet and expand Bayside's electric vehicle charging station infrastructure \$200,000
- Complete and commence the implementation of the Biodiversity Action Plan \$300,000
- Continue the collaborative procurement practices for an advanced waste processing facility
- Continue Council's investment in community open space by continuing the implementation of the Elsternwick Park masterplan, commence the development of the Highett Grassy Woodland and Wangara road masterplans, and investigate opportunities for investment in open space in Council's activity centres

The net cost of delivering services to the community will be \$67.8 million with an underlying increase of 4.9% from 2020–21. This is driven largely by a significant reduction in interest income of \$1.3 million as reserves are drawn down to fund the capital program, a reduction in other income particularly parking fees and fine revenue \$0.7 million due to economic recovery from COVID-19, and a \$1.15 million increase in waste costs driven by an increase in the State Government Landfill levy and recycling costs.

Productivity and efficiency savings of \$0.35 million are identified in the operating budget and there is also a strong underlying operating surplus of \$13.6 million for 2021–22

The budget proposes an increase in rates of 1.5% in accordance with the State Government Rate Cap legislation and a waste charge increase of 7.8% driven largely by the increase in the State Government landfill levy and recycling costs.

Council will continue to maintain a sound cash position with cash and investments to be drawn down by \$31 million in 2021–22 to fund Council's capital program.

Councillors will consider community feedback at a briefing on the 8th June, prior to a Special Meeting of Council to adopt the budget on 29 June.

Please refer to the attached 2021–22 Budget for a full analysis.

Consultation

From 19 May 2021, the Proposed Annual Budget 2021–22 will be available for public consultation for 14 days via Council's website www.bayside.vic.gov.au and available for inspection during normal business hours at the Corporate Centre, 76 Royal Avenue, Sandringham and Councils libraries. A 'Have your Say' social media campaign will also be run through this period and the results of the campaign and community feedback for discussion at a Councillor briefing on 8 June 2021 prior to the final adoption of the budget at a Special Meeting of Council to be held on 29 June 2021.

Recommendation

That Council:

1. formally prepares the Proposed Annual Budget 2021–22 (including the Schedule of Fees and Charges) for the purpose of community consultation
2. invites submissions on the proposed Budget 2021–22 in accordance with its Community and Stakeholder Engagement Policy 2021
3. authorises the Chief Executive Officer or delegate to effect any minor administrative changes which may be required to the proposed Budget 2021–22
4. notes that the Proposed Annual Budget 2021–22 be presented for adoption as Council's Budget 2021–22, in accordance with section 94 of the *Local Government Act 2020*.

Support Attachments

1. Bayside City Council Proposed Budget 2021-22 (separately enclosed)

Considerations and implications of recommendation

Liveable community

Social

There are no social impacts associated with this report.

Natural Environment

There are no natural environmental impacts associated with this report.

Climate Emergency

There are no climate emergency impacts associated with this report.

Built Environment

There are no built environmental impacts associated with this report.

Customer Service and Community Engagement

The public has the opportunity to make a comment and provide feedback on any proposal contained in the Budget.

From 19 May 2021, the Proposed Annual Budget 2021–22 will be available for public consultation for 14 days via Council’s website www.bayside.vic.gov.au and available for inspection during normal business hours at the Corporate Centre, 76 Royal Avenue, Sandringham and Councils libraries. A ‘Have your Say’ social media campaign will also be run through this period and the results of the campaign and community feedback for discussion at a Councillor briefing on 8 June 2021 prior to the final adoption of the budget at a Special Meeting of Council to be held on 29 June 2021.

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

Proposed budget to be placed on Council’s website for community feedback including a ‘have your say’ social media campaign.	Wednesday 19 May 2021
Submission close at 11.59pm (14 days)	Wednesday 2 June 2021
Community engagement report to be provided for Council consideration at briefing	Tuesday 8 June 2021 at 4:30pm
Budget adopted at Special Council meeting	Tuesday 29 June at 6.30pm

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

In accordance with the *Local Government Act 2020* section 94, Council must prepare a budget for each financial year and the subsequent 3 financial years. and must include

financial statements, description of the services and initiatives to be funded, how they will contribute to achieving the strategic initiatives specified in the draft Council Plan, the prescribed indicators and measures of service performance to be reported against in the performance statement, funding of major initiatives, services and capital works, rating information and any 'special order' for rate cap variation.

The budget also complies with part 3 of the *Local Government Planning and Reporting Regulations 2020*.

Finance

In accordance with the legislation, an Annual Budget has been prepared, which details the financial resources required to achieve the Council Plan 2021–25.

Links to Council policy and strategy

The proposed Budget 2021–22 is aligned to Goal 4 Our Promise in the draft Council Plan 2021–25 and the following strategic objectives

- 4.2.1 We engage with our community, consider all views and report openly enabling people to be informed about and involved in key decisions policies and projects that affect them.
- 4.3.1 Ensure integrated planning and sound financial management while allocating resources to meet community needs

10.2 REVENUE AND RATING PLAN 2021-22 TO 2024-25

Corporate Services - Finance

File No: PSF/21/24 – Doc No: DOC/21/139338

Executive summary

Purpose and background

The report proposes that Council adopts the Revenue and Rating Plan 2021/22–2024/25.

Key issues

In accordance with Section 93 of the *Local Government Act 2020*, Council must prepare and adopt a Revenue and Rating Plan by the next 30 June after a general election for a period of at least the next 4 financial years.

The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable rating approach for Bayside which in conjunction with other income sources will adequately finance the objectives in the council plan.

Total revenue from all sources included in the 2021–22 Budget

Revenue Source	\$'000
General Rates and Municipal Charge	103,776
Grants - Operating	11,157
Statutory Fees and Fines	8,404
User Fees	8,381
Rental Income	3,951
Contributions - monetary - capital	2,750
Grants - Capital	2,971
Other Income	1,878
Interest Income	1,200
Total Revenue	144,468

Rates and Charges

Rates and charges make up 72% of Council's total revenue and the Revenue and Rating Plan canvasses the limited range of rating options available to Council under the *Local Government Act 1989* including the following:

- the choice of which valuation base to be utilised (of the three available choices under the Act)
- the consideration of uniform rating versus the application of differential rates for various classes of property
- the most equitable level of differential rating across the property classes
- consideration of the application of fixed service charges for the areas of waste collection and municipal administration
- the application of special rates and charges
- a review of the rate payment dates and options available to Council.

Other Revenue

Council also provides a number of services and facilities to our local community, and in doing so, collects revenue to cover the cost of providing these services and facilities.

Other revenue makes up 28% of Bayside's total revenue and the revenue and rating plan outlines the principles that are used in decision making for other revenue sources such as fees and charges, grants, external contributions, rental income, interest income.

Recommendation

1. That Council

- a) continues to apply Capital Improved Valuation as the valuation methodology to levy Council rates
- b) continues to apply a uniform rate across each type or class of land
- c) continues to allow a discount on the commercial rate to Cultural and Recreational properties
- d) continues to review the impact of Council revaluations and assesses the rates applied to achieve an outcome that is considered equitable by Council
- e) considers the use of special rates and charges as an alternative funding source in instances that fit circumstances such as funding of specifically defined projects
- f) continues to apply a Municipal Charge as part of its rating strategy
- g) continues to apply a Waste Service Charge as part of its rating strategy based on cost recovery of waste costs

2. That for rate payment date options Council:

- a) continues to apply both the mandatory rate instalment payment option and the lump sum payment option
- b) continues to offer direct debit payments over nine monthly instalments
- c) retains the option for those residents who wish to pay all instalments in a single payment by the end of August
- d) continues to apply a payment discount to those residents who wish to make full payment by 31 August each year set at a cost neutral basis based on forecast investment interest rates.

Support Attachments

1. Revenue and Rating Plan 2021-22 to 2024-25 ↓

Considerations and implications of recommendation

Liveable community

Social

There are no social impacts associated with this report.

Natural Environment

There are no natural environmental impacts associated with this report.

Climate Emergency

There are no climate emergency impacts associated with this report.

Built Environment

There are no built environmental impacts associated with this report.

Customer Service and Community Engagement

Deliberative community engagement is not prescribed for a Revenue and Rating Plan in either the *Local Government Act 2020*, or the Local Government (Planning and Reporting) Regulations 2020. Council is undertaking a deliberative process for its Financial Plan and Council Plan.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

The *Local Government Act 2020* requires Council to prepare a Revenue and Rating Plan to cover a minimum period of 4 years following each Council election. The Revenue and Rating Plan establishes the revenue raising framework within which Council proposes to work.

Finance

The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable revenue and rating approach for Bayside which in conjunction with other income sources will adequately finance the objectives in the council plan.

Links to Council policy and strategy

The proposed Revenue and Rating Plan 2021–25 is aligned to Goal 4 Our Promise in the 2021-2025 Council Plan and the following strategic objectives

- 4.3.1 Ensure integrated planning and sound financial management while allocating resources to meet community needs.

Bayside City Council

Revenue and Rating Plan 2021/22 – 2024/25

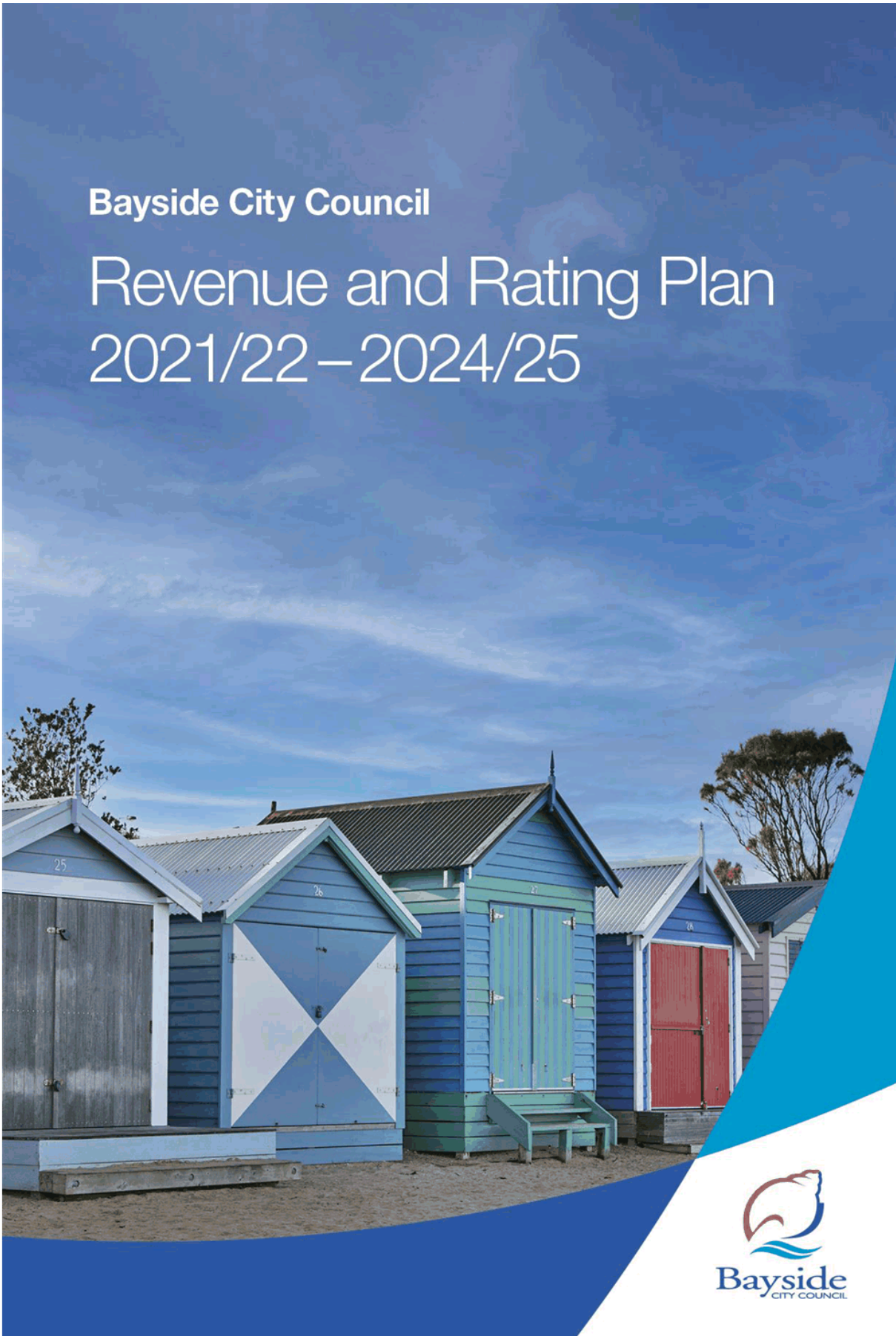


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1. Executive Summary

The purpose of this Revenue and Rating Plan is to consider what rating options are available to Council under the Local Government Act 1989 and how Council's choices in applying these options contribute towards meeting an equitable rating strategy.

It is important to note at the outset that the focus of this plan is very different to that which is discussed in the Financial Plan/Annual Budget. In these latter documents the key concern is the quantum of rates required to be raised for Council to deliver the services and capital expenditure required. In this plan, the focus instead is on how this quantum will be equitably distributed amongst Council's ratepayers.

The Rating Plan considers the limited range of rating options available to Council under the Local Government Act 1989 including the following:

- The choice of which valuation base to be utilised (of the three available choices under the Act).
- The consideration of uniform rating versus differential rates for various classes of property.
- The most equitable level of differential rating across the property classes.
- The application of fixed service charges for the areas of waste collection and municipal administration.
- The application of special rates and charges.
- A review of the rate payment dates and options available to Council

Key issues and findings

Council has established a rating structure comprised of three key elements. These are:

- **General Rates** – Based on property values (using the Capital Improved Valuation methodology), which are indicative of capacity to pay and form the central basis of rating under the *Local Government Act 1989*;
- **Service Charges** - A 'user pays' component for council services to reflect benefits provided by Council to ratepayers who benefit from a service; and
- **Municipal Charge** - A 'fixed rate' portion per property to cover some of the administrative costs of Council.

This is the platform which has formed the basis of the current approach to rating at Bayside City Council and there are no recommended changes to the current approach.

This plan recommends that Council adopts the following:

Section	Strategy Recommendations
Determining which valuation base to use	That Council continues to apply Capital Improved Valuation as the valuation methodology to levy Council rates.
Determining the Rating System - Uniform or Differential?	Council continues to apply a uniform rate across each type or class of land.
Cultural and Recreational Lands Act (CRLA)	That Council continues to allow a discount on the commercial rate to Cultural and Recreational properties.
Impact of Council Revaluations	That Council continues to review the impact of Council revaluations and assesses the rates applied to achieve an outcome that is considered equitable by Council.
Special Rates & Charges	That Council considers the use of special rates and charges as an alternative funding source in instances that fit circumstances such as funding of specifically defined projects (eg streetscape works, stormwater drainage, upgrading of footpaths with non-standard materials and undergrounding of power lines) where special benefit can be shown to exist to, or a special request is received from, a grouping of property owners, or for raising funds for a dedicated purpose.
Municipal Charge	That Council continues to apply a Municipal Charge as part of its rating strategy.
Service Rates and Charges	That Council continues to apply a Waste Service Charge as part of its rating strategy based on cost recovery of waste costs.
Rate Payment Date Options	<ol style="list-style-type: none"> 1. That Council continues to apply both the mandatory rate instalment payment option and the lump sum payment option 2. That Council continues to offer direct debit payments over nine monthly instalments 3. That Council retains the option for those residents who wish to pay all instalments in a single payment by the end of August

Section	Strategy Recommendations
	4. That Council continues to apply a payment discount to those residents who wish to make full payment by 31 August each year set at a cost neutral basis based on forecast investment interest rates.

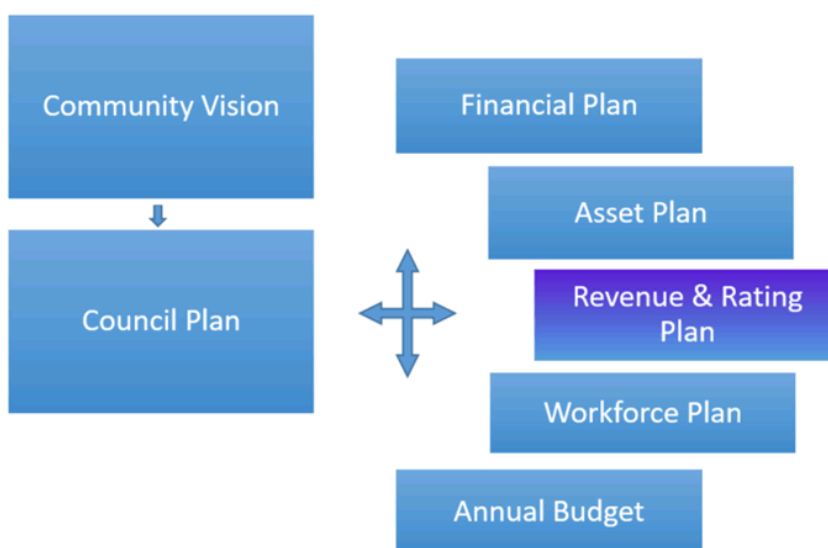
2. Purpose

The Local Government Act 2020 requires each council to prepare a Revenue and Rating Plan to cover a minimum period of four years following each Council election. The Revenue and Rating Plan establishes the revenue raising framework within which the Council proposes to work.

The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable revenue and rating approach for Bayside which in conjunction with other income sources will adequately finance the objectives in the council plan.

This plan is an important part of Council’s integrated planning framework, all of which is created to help Council achieve its promise flexible and transparent decision making through open and accountable governance”.

Strategies outlined in this plan align with the objectives contained in the Council Plan and will feed into our budgeting and long-term financial planning documents, as well as other strategic planning documents under our Council’s strategic planning framework.



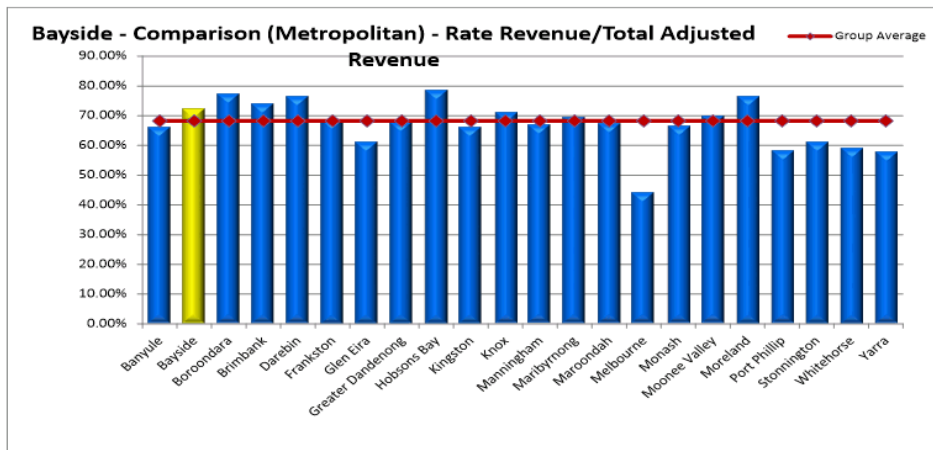
This plan will explain how Council calculates the revenue needed to fund its activities, and how the funding burden will be apportioned between ratepayers and other users of Council facilities and services.

In particular, this plan will set out decisions that Council has made in relation to rating options available to it under the *Local Government Act 2020* to ensure the fair and equitable distribution of rates across property owners. It will also set out principles that are used in decision making for other revenue sources such as fees and charges.

It is also important to note that this plan does not set revenue targets for Council, it outlines the strategic framework and decisions that inform how Council will go about calculating and collecting its revenue.

3. Introduction

Bayside relies heavily on Council rates as its major source of income. The following graph indicates that Bayside received 73.1% of its total income from rates in 2019/20 which is higher than the average for inner metropolitan Councils of 68%. Furthermore 80% of Council's revenue is set by others which significantly reduces Council's flexibility to manage its resources to respond to uncertainty and shocks such as the COVID-19 pandemic.

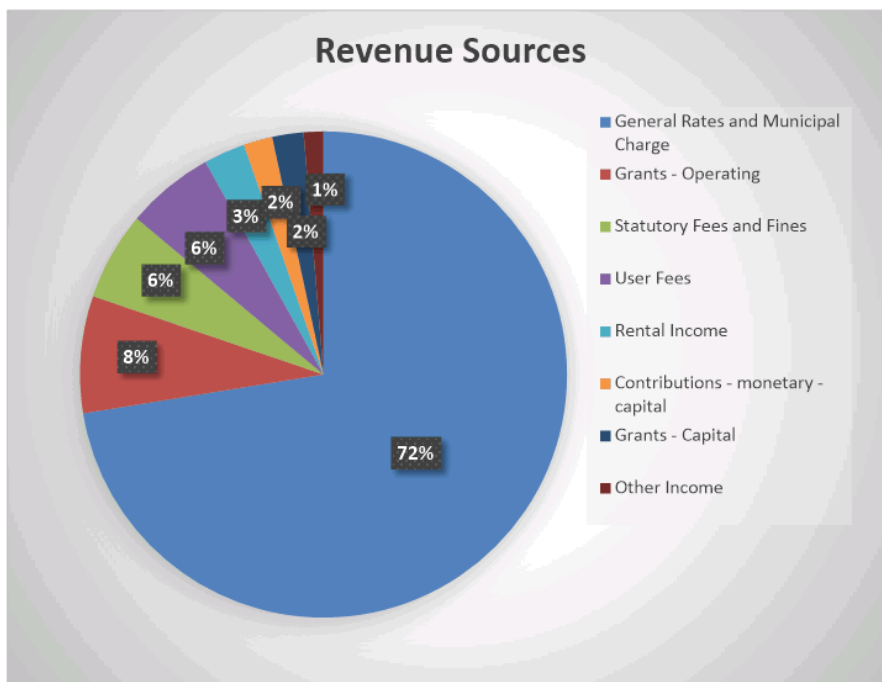


The factors that contribute to this situation are:

- Bayside is considered to be a wealthy community which means that it receives a relatively low level of government grants as these grants are often allocated on a perceived needs basis.
- Council does not have significant revenue generating assets nor does it receive substantial revenue from car parking fees and fines.

An additional factor is that Bayside is predominantly a residential municipality with commercial/industrial assessments making up around 7% of the total number of rateable properties. This is low compared to other inner metropolitan Councils. This means that the bulk of the rate burden falls on households as there is very little opportunity for cross subsidization from industrial/commercial ratepayers. As a result residential rates per assessment is above the inner metro average. It's the price our residential ratepayers pay for having a low-density municipality with relatively low growth.

Council provides a number of services and facilities to our local community, and in doing so, must collect revenue to cover the cost of providing these services and facilities.



Council's revenue sources include:

Revenue Source	\$'000
General Rates and Municipal Charge	103,776
Grants - Operating	11,157
Statutory Fees and Fines	8,404
User Fees	8,381
Rental Income	3,951
Contributions - monetary - capital	2,750
Grants - Capital	2,971
Other Income	1,878
Interest Income	1,200
Total Revenue	144,468

Rates are the most significant revenue source for Council and make up 72% of its annual income.

The introduction of rate capping under the Victorian Government's Fair Go Rates System (FGRS) has brought a renewed focus to Council's long-term financial sustainability. The FGRS continues to restrict Council's ability to raise revenue above the rate cap unless application is made to the Essential Services Commission for a variation. Maintaining service delivery levels and investing in community assets remain key priorities for Council. This strategy will address Council's reliance on rate income and provide options to actively reduce that reliance.

Council provides a wide range of services to the community, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to statutory or discretionary services. Some of these, such as statutory planning fees are set by State Government statute and are commonly known as regulatory fees. In these cases, councils usually have no control over service pricing. However, in relation to other services, Council can set a fee or charge and will set that fee based on the principles outlined in this Revenue and Rating Plan.

Council revenue can also be adversely affected by changes to funding from other levels of government. Some grants are tied to the delivery of council services, whilst many are tied directly to the delivery of new community assets, such as roads or sports pavilions. It is important for Council to be clear about what grants it intends to apply for, and the obligations that grants create in the delivery of services or infrastructure.

4. Rates and Charges

The introduction of rate capping in July 2016 has seen a reduction in rate revenue compared to previous long-term forecasts, with an estimated cumulative impact of around \$75 million over the life of the Financial Plan. Council has been actively pursuing efficiency measures and optimising other income sources to endeavour to ameliorate the impacts on the range and level of services and assets provided to the community.

The Victorian Government appointed an independent panel in 2019 to review all aspects of Victoria's local government rating system. Their final report was submitted to the Minister for Local Government on 31 March 2020 and the Victorian Government released the final report and its response to the 56 recommendations on 21 December 2020. The panel made 56 recommendations concluding that rates are better described as a tax and that the rating system was not broken. The Government response supports 36 of the Panel's recommendations in full, in-principle or in part and prioritises the reforms that will support ratepayers in financial hardship and improve the transparency and consistency of decision making. The Government has confirmed it will not substantially change the arrangements for general rates, nor will it change rate exemptions for charities or other entities or alternative rating arrangements. This gives certainty to all ratepayers as Victoria focuses on social and economic recovery from the COVID-19 pandemic.

Rates are property taxes that allow Council to raise revenue to fund essential public services to cater to their municipal population. Importantly, it is a taxation system that includes flexibility for councils to utilise different tools in its rating structure to accommodate issues of equity and to ensure fairness in rating for all ratepayers.

Council has established a rating structure comprised of three key elements. These are:

- **General Rates** – Based on property values (using the Capital Improved Valuation methodology), which are indicative of capacity to pay and form the central basis of rating under the *Local Government Act 1989*;

- **Service Charges** - A 'user pays' component for council services to reflect benefits provided by Council to ratepayers who benefit from a service; and
- **Municipal Charge** - A 'fixed rate' portion per property to cover some of the administrative costs of Council.

Striking a proper balance between these elements will help to improve equity in the distribution of the rate burden across residents.

Council makes a further distinction when applying general rates by applying rating differentials based on the purpose for which the property is used. That is, whether the property is used for residential, commercial or industrial purposes. This distinction is based on the concept that different property categories should pay a fair and equitable contribution, taking into account the benefits those properties derive from the local community.

The Victorian City Council rating structure comprises three differential rates (residential or general, commercial/industrial, and farm). These rates are structured in accordance with the requirements of Section 161 'Differential Rates' of the *Local Government Act 1989*, and the Ministerial Guidelines for Differential Rating 2013.

Bayside does not use differential rating but rather uses a uniform rate across its rating categories.

- Residential 100%
- Commercial 100%
- Industrial 100%
- Farm land / Not Applicable

Council also levies a municipal charge. The municipal charge is a minimum rate per property and declared for the purpose of covering some of the administrative costs of Council. In applying the municipal charge, Council ensures that each ratable property in the municipality makes a contribution.

The formula for calculating General Rates, excluding any additional charges, arrears or additional supplementary rates is:

- Valuation (Capital Improved Value) x Rate in the Dollar (Differential Rate Type)

The rate in the dollar for each rating differential category is included in Council's annual budget.

Planning for future rate increases is therefore an essential component of the financial planning process and plays a significant role in funding both additional service delivery and the increasing costs related to providing Council services.

Council is aware of the balance between rate revenue (as an important income source) and community sensitivity to rate increases. With the introduction of the State

Government's Fair Go Rates System, all rate increases are capped to a rate declared by the Minister for Local Government, which is announced in December for the following financial year.

Council currently utilises a service charge to fully recover the cost of Council's waste services. The waste service charge is not capped under the Fair Go Rates System.

4.1 Rating Legislation

There are saved provisions of the Local Government Act 1989 that are still applicable and form part of the legislative framework to determine council's ability to develop a rating system. These include Part 8 Rates and charges on rateable land; Division 1 Declaration of rates and charges ; Division 2 Payment of rates and charges and Part 8A Rate Caps. The framework provides significant flexibility for Council to tailor a system that suits its needs.

Section 155 of the *Local Government Act 1989* provides that a Council may declare the following rates and charges on rateable land:

- General rates under Section 158
- Municipal charges under Section 159
- Service rates and charges under Section 162
- Special rates and charges under Section 163

The recommended strategy in relation to municipal charges, service rates and charges and special rates and charges are discussed later in this document.

In raising Council rates, Council is required to primarily use the valuation of the rateable property to levy rates. Section 157 (1) of the *Local Government Act 1989* provides Council with three choices in terms of which valuation base to utilise. They are: Site Valuation, Capital Improved Valuation (CIV) and Net Annual Value (NAV).

The advantages and disadvantages of the respective valuation basis are discussed further in this document.

Section 94(2) of the *Local Government Act 2020* states that Council must adopt a budget by 30 June each year (or at another time fixed by the Minister) to include:

- a) the total amount that the Council intends to raise by rates and charges;
- b) a statement as to whether the rates will be raised by the application of a uniform rate or a differential rate;
- c) a description of any fixed component of the rates, if applicable;
- d) if the Council proposes to declare a uniform rate, the matters specified in section 160 of the *Local Government Act 1989*;
- e) if the Council proposes to declare a differential rate for any land, the matters specified in section 161(2) of the *Local Government Act 1989*;

Section 94(3) of the *Local Government Act 2020* also states that Council must ensure that, if applicable, the budget also contains a statement –

- a) that the Council intends to apply for a special order to increase the Council's average rate cap for the financial year or any other financial year; or
- b) that the Council has made an application to the ESC for a special order and is waiting for the outcome of the application; or
- c) that a special Order has been made in respect of the Council and specifying the average rate cap that applies for the financial year or any other financial year.

This plan outlines the principles and strategic framework that Council will utilise in calculating and distributing the rating burden to property owners, however, the quantum of rate revenue and rating differential amounts will be determined in the annual budget.

4.2 Rating Principles

When developing a rating strategy, a Council should give consideration to the following good practice taxation principles:

- Wealth Tax, Equity, Efficiency, Simplicity, Benefit, Capacity to Pay, Diversity.

Wealth Tax

The "wealth tax" principle implies that the rates paid are dependent upon the value of a ratepayer's real property and have no correlation to the individual ratepayer's consumption of services or the perceived benefits derived by individual ratepayers from the expenditures funded from rates.

Equity

Horizontal equity – ratepayers in similar situations should pay similar amounts of rates (ensured mainly by accurate property valuations, undertaken in a consistent manner, their classification into homogenous property classes and the right of appeal against valuation).

Vertical equity – those who are better off should pay more rates than those worse off (the rationale applies for the use of progressive and proportional income taxation. It implies a "relativity" dimension to the fairness of the tax burden).

Efficiency

Economic efficiency is measured by the extent to which production and consumption decisions by people are affected by rates.

Simplicity

How easily a rates system can be understood by ratepayers and the practicality and ease of administration.

Benefit

The extent to which there is a nexus between consumption/benefit and the rate burden.

Capacity to Pay

The capacity of ratepayers or groups of ratepayers to pay rates.

Diversity

The capacity of ratepayers within a group to pay rates.

The rating challenge for Council therefore is to determine the appropriate balancing of competing considerations.

Rates and Charges Revenue Principles:

Property rates will:

- be reviewed annually.
- not change dramatically from one year to next; and
- be sufficient to fund current expenditure commitments and deliverables outlined in the Council Plan, Financial Plan and Asset Plan.

4.3 Determining which valuation base to use

Under the *Local Government Act 1989*, Council has three options as to the valuation base it elects to use. They are:

- **Capital Improved Value (CIV)** – Value of land and improvements upon the land.
- **Site Value (SV)** – Value of land only.
- **Net Annual Value (NAV)** – Rental valuation based on CIV.

Capital Improved Value (CIV)

Capital Improved Value is the most commonly used valuation base by local government with over 90% of Victorian councils applying this methodology. Based on the value of both land and all improvements on the land, it is generally easily understood by ratepayers as it equates to the market value of the property.

Section 161 of the *Local Government Act 1989* provides that a Council may raise any general rates by the application of a differential rate if –

- a) It uses the capital improved value system of valuing land; and
- b) It considers that a differential rate will contribute to the equitable and efficient carrying out of its functions.

Where a council does not utilise CIV, it may only apply limited differential rates in relation to farmland, urban farm land or residential use land.

Advantages of using Capital Improved Value (CIV)

- CIV includes all property improvements, and hence is often supported on the basis that it more closely reflects “capacity to pay”. The CIV rating method takes into account the full development value of the property, and hence better meets the equity criteria than Site Value and NAV.
- With the increased frequency of valuations (previously two-year intervals, now annual intervals) the market values are more predictable and has reduced the level of objections resulting from valuations.

- The concept of the market value of property is more easily understood with CIV rather than NAV or SV.
- Most councils in Victoria have now adopted CIV which makes it easier to compare relative movements in rates and valuations across councils.
- The use of CIV allows council to apply differential rates which greatly adds to council's ability to equitably distribute the rating burden based on ability to afford council rates. CIV allows council to apply higher rating differentials to the commercial and industrial sector that offset residential rates.

Disadvantages of using CIV

- The main disadvantage with CIV is the fact that rates are based on the total property value which may not necessarily reflect the income level of the property owner as with pensioners and low-income earners.

Site value (SV)

There are currently no Victorian councils that use this valuation base. With valuations based simply on the valuation of land and with only very limited ability to apply differential rates, the implementation of Site Value in a Victorian City Council context would cause a shift in rate burden from the industrial/commercial sectors onto the residential sector, and would hinder council's objective of a fair and equitable rating system.

Advantages of Site Value

- There is a perception that under site value, a uniform rate would promote development of land, particularly commercial and industrial developments. There is, however, little evidence to prove that this is the case.
- Scope for possible concessions for urban farmland and residential use land.

Disadvantages of using Site Value

- Under SV, there will be a significant shift from the industrial/commercial sector onto the residential sector of council. The percentage increases in many cases would be in the extreme range.
- SV is a major burden on property owners that have large areas of land. Some of these owners may have much smaller/older dwellings compared to those who have smaller land areas but well-developed dwellings - but will pay more in rates. A typical example is flats, units, or townhouses which will all pay low rates compared to traditional housing styles.
- The use of SV can place pressure on council to give concessions to categories of landowners on whom the rating burden is seen to fall disproportionately (eg. Farm land and residential use properties). Large landowners, such as farmers for example, are disadvantaged by the use of site value.
- SV will reduce Council's rating flexibility and options to deal with any rating inequities due to the removal of the ability to levy differential rates.
- The community may have greater difficulty in understanding the SV valuation on their rate notices, as indicated by many inquiries from ratepayers on this issue handled by council's customer service and property revenue staff each year.

Net annual value (NAV)

NAV, in concept, represents the annual rental value of a property. However, in practice, NAV is loosely linked to capital improved value for residential and farm properties. Valuers derive the NAV directly as 5 per cent of CIV. In contrast to the treatment of residential and farm properties, NAV for commercial and industrial properties are assessed with regard to actual market rental. This differing treatment of commercial versus residential and farm properties has led to some suggestions that all properties should be valued on a rental basis. Overall, the use of NAV is not largely supported. For residential and farm ratepayers, actual rental values pose some problems. The artificial rental estimate used may not represent actual market value, and means the base is the same as CIV but is harder to understand.

Strategy Recommendations

It is recommended that Bayside City Council continue to apply Capital Improved Valuation as the valuation base for the following reasons:

- CIV is considered to be the closest approximation to an equitable basis for distribution of the rating burden.
- CIV provides Council with the option to levy a full range of differential rates if required. Limited differential rating is available under the other rating bases.
- It should be noted that most of the 79 Victorian Councils apply CIV as their rating base and as such, it has a wider community acceptance and understanding than the other rating bases.

Property Valuations

The *Valuation of Land Act 1960* is the principle legislation in determining property valuations. Under the *Valuation of Land Act 1960*, the Victorian Valuer-General conducts property valuations on an annual basis. Victorian City Council applies a Capital Improved Value (CIV) to all properties within the municipality to take into account the full development value of the property. This basis of valuation takes into account the total market value of the land including buildings and other improvements.

The value of land is always derived by the principal of valuing land for its highest and best use at the relevant time of valuation.

Supplementary Valuations

Supplementary valuations are carried out for a variety of reasons including rezoning, subdivisions, amalgamations, renovations, new constructions, extensions, occupancy changes and corrections. The Victorian Valuer-General is tasked with undertaking supplementary valuations and advises council on a monthly basis of valuation and Australian Valuation Property Classification Code (AVPCC) changes. Supplementary valuations bring the value of the affected property into line with the general valuation of other properties within the municipality.

Objections to property valuations

Part 3 of the *Valuation of Land Act 1960* provides that a property owner may lodge an objection against the valuation of a property or the Australian Valuation Property Classification Code (AVPCC) within two months of the issue of the original or amended (supplementary) Rates and Valuation Charges Notice (Rates Notice), or within four months if the notice was not originally issued to the occupier of the land.

A property owner must lodge their objection to the valuation or the AVPCC in writing to the Victorian City Council. Property owners also have the ability to object to the site valuations on receipt of their Land Tax Assessment. Property owners can appeal their land valuation within two months of receipt of their Council Rate Notice (via Council) or within two months of receipt of their Land Tax Assessment (via the State Revenue Office).

4.4 Determining the Rating System- Uniform or Differential?

Council may apply a uniform rate or differential rates to address the needs of the Council. They are quite different in application and have different administrative and appeal mechanisms that need to be taken into account.

Uniform rate

Section 160 of the Act stipulates that if a Council declares that general rates will be raised by the application of a uniform rate, the Council must specify a percentage as the uniform rate. Rates will be determined by multiplying that percentage by the value of the land.

Bayside City Council has adopted uniform rates since amalgamation.

Differential Rates

Some Councils with a far broader base of properties (Residential, Commercial and Industrial) have adopted differential rating as they consider that differential rating contributes to the equitable distribution of the rating burden. Differential rating allows particular classes of properties to be assessed at different levels from the general rate set for the municipality. Differential rating allows Council to shift part of the rate burden from some groups of ratepayers to others, through different "rates in the dollar" for each class of property.

Under the Local Government Act 1989, Council is entitled to apply differential rates **provided it uses Capital Improved Valuations** as its base for rating.

Advantages of a differential rating system

The perceived advantages of utilising a differential rating system are:

- There is greater flexibility to distribute the rate burden between all classes of property, and therefore link rates with the ability to pay and reflecting the tax deductibility of rates for commercial and industrial premises.

- Differential rating allows Council to better reflect the investment required by Council to establish infrastructure to meet the needs of the commercial and industrial sector.
- Enables Council to encourage particular developments through its rating approach e.g. encourage building on vacant blocks.
- Allows Council to reflect the unique circumstances of some rating categories where the application of a uniform rate may create an inequitable outcome
- Allows Council discretion in the imposition of rates to 'facilitate and encourage appropriate development of its municipal district in the best interest of the community'.

Disadvantages of Differential Rating

The perceived disadvantages in applying differential rating are:

- The justification of the differential rate can at times be difficult for the various rating groups to accept giving rise to queries, objections and complaints where the differentials may seem to be excessive.
- Differential rates can be confusing to ratepayers, as they may have difficulty understanding the system. Some rating categories may feel they are unfavourably treated because they are paying a higher level of rates than other ratepayer groups.
- Council may not achieve the objectives it aims for through differential rating. For example, Council may set its differential rate objectives to levy a higher rate on land not developed, however it is uncertain as to whether the differential rate achieves those objectives.
- Political pressure could be applied to favour certain categories over others, potentially impacting the perceived fairness of the rating system.

4.5 What differential rates could be applied?

The table below highlights the uniform rate that is currently applied by Bayside City Council and the number of relevant assessments in each category, excluding CRLA properties (figures as at April 2021):

Category	Valuations \$	Number of properties	Rate in the dollar	Income \$
Residential	68,171,260,000	43,381	0.00112776	76,880,820
Commercial	3,225,310,000	2,452	0.00112776	3,637,376
Industrial	796,010,000	832	0.00112776	897,708
Total	72,192,580,000	46,665		81,415,904

In Bayside City Council, 93% of rateable properties are Residential, and therefore any implementation of varied differential rates would result in minimal impact to residential ratepayers overall, however, could have significant impact on Commercial and or Industrial ratepayers.

Bayside has historically adopted a single uniform rate.

The following are various differential rates which could be considered for Bayside:

Commercial rate – A commercial rate would promote economic development objectives for the City including the development of the retail precinct. The commercial differential rate would be part of a rating system which maintains, as far as possible, the current rates burden on commercial properties given the tax deductibility of rates for businesses and the extent of use of the city's infrastructure by business, especially the road network.

Industrial rate – An industrial rate could promote economic development objectives for the municipality including industrial development. The industrial differential rate would be part of a rating system which maintains, as far as possible, the current rates burden on industrial properties given the tax deductibility of rates for businesses and the extent of use of the city infrastructure by industry, especially the road network.

Residential vacant land - A higher residential vacant land rate could promote housing development objectives for the municipality including the development of vacant land in residential zoned areas.

Commercial/Industrial vacant land – Higher Commercial and Industrial Vacant Land rates could promote economic development objectives for the municipality including the development of vacant land in commercial and industrial zoned areas.

Retirement Village rate – A lower retirement village rate could be used to reflect the usage of Council's services and facilities. This could have a similar effect as a Council Pensioner Remission, but would apply to all retirement villages. Currently only a few Victorian councils offer a Retirement Village rate separated from Residential.

Rooming (Boarding) House rate – A rate could be used to reflect the usage of the property primarily for low-cost accommodation by people with low incomes. These properties are often privately owned and are exempt from State Land Tax. There are specific criteria which must be met to qualify, including maximum tariff charges.

General Rates (Residential) - This category which has 43,381 rateable assessments includes all residential properties, including flats and units. It contributes 94% of the general rates levied.

This strategy recommends that Council continue applying the general rate for all residential properties, including flats, units, vacant residential, rooming houses and retirement villages.

General Rates (Commercial, Industrial & Bathing Boxes) - Bayside City Council has 3,284 non-residential assessments (excluding CRLA), contributing 6% of the general rates levied.

Council raises its ad valorem rates through a uniform rate. In the final report from the Local Government Rating System Review Panel, it was suggested that there is a lack of clarity about rationales and evidence for using differentials. The simplest form of ad valorem rates is the uniform rate. This is raised by a single rate in the dollar being applied to the valuation of all properties in the municipality.

Strategy Recommendations

That Council continues to apply a uniform rate for all rating categories, including commercial, industrial, vacant land and retirement villages.

4.6 Cultural & Recreational Land Act (CRLA) Properties

In accordance with the Cultural and Recreational Lands Act 1963 (CRLA), Council is required to declare properties that qualify as Cultural and Recreational Lands for the purpose of special consideration in regard to rates payable. Council is required to base the amount of rates payable upon the services provided by the municipality in relation to such lands and also having regard to the benefit to the community derived from such recreational lands.

Pursuant to the legislation, rates for CRLA properties are required to be calculated on a different method than the method used for the calculation of general rates (other rateable properties). The rates calculation is required to consider the benefits that CRLA properties provide to the community. The calculation for Bayside is as follows:

CRLA		General Rates
"In Use" Valuation discounted in recognition to the benefits to the community	V	"Capital Improved Value"
X		X
60% Rate in the dollar which notionally assign 60% of Council's service costs to sporting clubs		Rate in the dollar

On the basis of cost to Council, it has been calculated that for the purposes of determining a rate payable under the Cultural and Recreation Lands Act, (notionally 60% of the rate in the dollar) can be attributable to sporting clubs.

Pursuant to the previous discussion, it is not appropriate to apply the capital improved valuation (CIV) to determine the level of rates payable. A more effective basis for rating is the 'in use' valuation that has regard for the 'benefit to the community'.

'In use' valuations were determined following discussions with Council's legal representative, Maddocks, and Council's contract valuers, Matheson Stephen Valuations. To provide a valid basis for the transitional period all CRLA properties have utilised the PPRZ valuation for consistency and fairness by our valuation contractors. The 'in use' valuation is preferred for the following reasons:

- A fairer and more equitable basis for determining valuation according to community benefit.
- Reflects a valuation process that recognises the character of recreational land's role within the community.

- A methodology that enables minimal discrimination between public & residential zoning from a community benefit perspective.

When the “in use” valuation as assessed by Council’s contract valuer is multiplied by the current CRLA rate in the dollar the resulting charge will become the “deemed” Cultural and Recreational Lands Rate.

Strategy Recommendations

That Council continues to allow a discount on the commercial rate to Cultural and Recreational properties.

4.7 Understanding the impacts of Council Revaluations

Under the requirements of the Local Government Act 1989 Council is required to receive yearly valuations from a Valuer General Victoria.

There is a common misconception that if a property’s valuation rises then Council receives a “windfall gain” with additional income. Unlike State Land Tax, this is not so as the revaluation process results in a redistribution of the rate burden across all properties in the municipality. Any increase to total valuations of the municipality is offset by a reduction to the rate in dollar used to calculate the rate for each property. Total income is fixed each year as part of the budget process. Council only seeks to increase the total amount of revenue required in order to account for CPI, wage and other service cost increases imposed upon it and annual rate increases are capped in accordance with the State Government Rate Cap Legislation.

The below table highlights the impact of the 2021 Council revaluation (figures as at 30 April 2021), which are the most recent available. The 2021 revaluation will be used for rating in 2021/22.

Property Revaluations			
Category	2020 Valuations \$	2021 Valuations \$	% Increase (Decrease)
Residential	63,411,410,000	68,171,260,000	7.5%
Commercial	3,278,515,000	3,225,310,000	-1.6%
Industrial	785,505,000	796,010,000	1.3%
Cultural and Recreational	775,520,000	786,410,000	1.4%
Total	63,411,410,000	68,171,260,000	6.9%

The table highlights that overall, the valuations have increased by 6.9% over the past year.

Council needs to be mindful of the impacts of revaluations on the various property types in implementing the uniform rate outlined in the previous section. Changes

to valuations can result in rating 'shocks' where a particular area, category or property type increases in values disproportionately to the average across Bayside.

Strategy Recommendations

That Council acknowledges the impact of Council revaluations.

4.8 Special Rates & Charges

Special rates and charges are covered under Section 163 of the Local Government Act, which enables Council to declare a special rate or charge or a combination of both for the purposes of

- Defraying any expenses; or
- Repaying with interest any advance made or debt incurred, or loan raised by Council.

An important aspect of Special Rates & Charges are that funds raised are exempt from Rate Capping, as the funds are both restricted in use, and in most cases they are effectively approved by those affected.

There are detailed procedural requirements that Council needs to follow to introduce a special rate or charge, including how Council can apply funds derived from this source.

Section 185 of the Local Government Act provides appeal rights to VCAT in relation to the imposition of a special rate or charge. The Tribunal has wide powers, which could affect the viability of the special rate or charge. It can set the rate or charge completely aside if it is satisfied that certain criteria are not met.

Council should be particularly mindful of the issue of proving that special benefit exists to those that are being levied the rate or charge. Council should also be aware that, with the introduction of rate capping, it is expected that a Special Rate may not result in additional income, rather a redistribution of the rate burden. If Council requires a Special Rate to provide additional income, it may be required to lodge a submission with the Essential Services Commission. Also, if Council receives more money than is required for the project, the excess moneys must be refunded.

In summary, differential rates are much simpler to introduce and less subject to challenge, although they provide Council with no additional income (unless a Special Variation is approved by the Essential Services Commission).

There may be instances however where a special charge is desirable if raising the levy by use of CIV is not equitable, or where additional income is required for a specific purpose.

It is recommended that Council considers the use of special rates and charges in the instances outlined below.

Strategy Recommendations

That Council considers the use of special rates and charges as an alternative funding source in instances that fit the following circumstances:

- Funding of specifically defined projects (eg streetscape works, stormwater drainage, upgrading of footpaths with non-standard materials and undergrounding of power lines) where special benefit can be shown to exist to, or a special request is received from, a grouping of property owners
- Raising funds for a dedicated purpose

In circumstances outside of the above two scenarios, Council may use differential rating to achieve its objectives

4.9 Municipal Charge

Another principle rating option available to Councils is the application of a municipal charge. Under Section 159 of the Local Government Act, council may declare a municipal charge to cover some of the administrative costs of the Council. The legislation is not definitive on what comprises administrative costs and does not require Council to specify what is covered by the charge.

A Council's total revenue from a municipal charge in a financial year must not exceed 20 per cent of the combined sum total of the Council's total revenue from the municipal charge and general rates.

The application of a municipal charge represents a choice to raise a portion of the rates by a flat fee for all properties, rather than sole use of the CIV valuation method. In applying the legislation, the maximum amount that Bayside could levy as a municipal charge would be approximately \$373.72 per assessment based upon the 2020/21 rates however the Municipal Charge is currently \$160.30.

The arguments in favour of a municipal charge are similar to waste charges. They apply equally to all properties and are based upon the recovery of a fixed cost of providing administrative services irrespective of valuation. The same contribution amount per assessment to cover a portion of Council's administrative costs can be seen as an equitable method of recovering these costs.

The argument against a municipal charge is that this charge is regressive in nature and would result in lower valued properties paying higher overall rates and charges than they would if it was removed. The equity objective in levying rates against property values is reduced by using a municipal charge as it is levied uniformly across all assessments.

This strategy recommends that council continue to apply a Municipal Charge.

Strategy Recommendations

That Council utilises a Municipal Charge as part of its rating strategy.

4.10 Service Rates and Charges

Section 162 of the Local Government Act 1989 provides Council with the opportunity to raise service rates and charges for any of the following services:

- a) The provision of a water supply.
- b) The collection and disposal of refuse.
- c) The provision of sewerage services;
- d) Any other prescribed service.

Bayside City Council currently applies a Waste Service Charge for the collection and disposal of refuse. Council retains the objective of setting the Service charge for waste at a level that fully recovers both the direct and indirect costs of the waste function.

The advantages of the waste service charge is that it is readily understood and accepted by residents as a fee for a direct service that they receive. It further provides equity in the rating system in that all residents who receive the same service level all pay an equivalent amount.

The disadvantage of a waste service charge is similar to the municipal charge in that it is regressive in nature. A fixed charge to a low valued property comprises a far greater proportion of the overall rates than it does to a more highly valued property.

On balance however it is recommended that Council retain the existing waste service charge. Unlike a municipal charge where the direct benefit to the resident is invisible – the garbage charge is a tangible service that is provided directly to all in the same fashion.

Should Council elect not to have a waste service charge, this same amount would be required to be raised by way of an increased general rate (and would be subject to rate capping restrictions) – meaning that residents in higher valued properties would substantially pay for the waste service of lower valued properties. Whilst this same principle applies for rates in general, the mix of having a single fixed charge combined with valuation driven rates provides a balanced and equitable outcome.

Each property is currently charged one of five waste service charges, depending on the service utilised:

Service	Description
A 140-litre service charge	140 litre general waste bin and includes a recycling bin and optional green waste bin
An 80-litre service charge	80 litre general waste bin which includes a recycling bin and optional green waste bin
A shared 140-litre service charge	Shared general waste bin for example one bin shared between 2 townhouses which includes a recycling bin and optional green waste bin
A contribution charge	Where a service is not available. This generally occurs where there is not enough available street frontage for bins to be placed out for collection and is confirmed in the planning approval process
An availability charge	Equivalent to the contribution charge where a service is available, but the owner or occupier has chosen not to avail themselves of the service

The service charge also funds hard waste collection (where available), street and beach cleaning, litter bins, kerbside recycling, the State Government landfill levy, and waste education programs.

Certain properties are eligible for an exemption from the service charge. Properties which are exempt are advertising signs / billboards, telecommunications facilities (such as mobile phone equipment sites) and electrical substations. These are separately rated; however, no service is provided to them. As no benefit is gained by them for cleaning of public areas it is considered that an exemption for these properties is justified.

Other limited use properties, such as ATMs, do derive a benefit from, or contribute to the need for, cleaning of public areas. ATMs often contribute to street litter (through discarded receipts) and therefore a contribution to the cleaning of these areas can also be justified.

Non rateable properties are exempted from these service charges, unless a service is used. Where a service is used, charges are applied for such services.

Strategy Recommendations

That Council continues to apply a Waste Service charge as part of its rating strategy based on cost recovery of the waste function, and that all rateable properties other than advertising / billboards, telecommunications facilities (mobile phone equipment sites) electrical substations, and bathing boxes are subject to a Waste Service Charge. Non-rateable properties are also charged if they are utilising the service.

4.11 Exemptions from rating

The LGA Section 154 declares that all land is rateable with a number of exceptions including land occupied for municipal purposes, land used exclusively for charitable, education or religious purposes, and certain clubs or memorials under the Patriotic Funds Act, Returned Services League and related associations as defined.

4.12 Collection and administration of rates

Statutory payment Options

There are only two options available under the Local Government Act 1989 for Council to set payment dates.

1. The first is a mandatory instalment approach where payments are required at the end of September, November, February and May. Under this approach, residents can elect to advance pay instalments at any point in order to opt out of the instalment dates.
2. The second is an option of a lump sum payment (which by law is set on the 15 February of each year).

Non-Statutory payment options

To assist ratepayers spread the cost of rates over the year Council also offers a monthly payment option over a nine-month period commencing October where ratepayers agree to pay by direct debit.

Offering of an early payment incentive

Council currently offers a discount where full payment is made by 31 August. The logic applied is that Council accrues a financial benefit when instalments are paid in August rather than paid across the financial year or in a lump sum in February.

	Actual	Actual	Actual	Actual	Budget
Discount offered for early payment	1.2%	1.1%	0.7%	0.5%	0.2%
Average discount provided	\$ 24.46	\$ 23.64	\$ 15.07	\$ 13.05	\$ 5.22
Number of ratepayers who took advantage of the early bird option	8,227	8,249	7,662	7,932	8,000
Total rate revenue received by 31st August	17,547,832	19,909,559	18,035,910	19,240,902	19,000,000
Total rate revenue foregone by Council	- 201,261	- 195,040	- 115,462	- 103,486	- 41,394

The option for a payment discount should therefore be based around making the payment options equal in terms of interest earnings potential under either option. The amount of the discount is assessed annually as part of the budget process. This is based on full payments being received approximately 5.5 months early, on 31 August rather than 15 February each year.

Interest on arrears and overdue rates

Interest is charged on all overdue rates in accordance with Section 172 of the *Local Government Act 1989*. The interest rate applied is fixed under Section 2 of the *Penalty Interest Rates Act 1983*, which is determined by the Minister and published by notice in the Government Gazette.

Pensioner rebates

Holders of a Centrelink or Veteran Affairs Pension Concession card or a Veteran Affairs Gold card which stipulates TPI or War Widow may claim a rebate on their sole or principal place of residence. Upon initial application, ongoing eligibility is maintained, unless rejected by Centrelink or the Department of Veteran Affairs during the annual verification procedure. Upon confirmation of an eligible pensioner concession status, the pensioner rebate is deducted from the rate account before payment is required by the ratepayer.

Deferred payments

Under Section 170 of the *Local Government Act 1989*, Council may defer the payment of any rate or charge for an eligible ratepayer whose property is their sole place of residency, allowing ratepayers an extended period of time to make payments or alternatively to forestall payments on an indefinite basis until the ratepayer ceases to own or occupy the land in respect of which rates and charges are to be levied.

Deferral of rates and charges are available to all ratepayers who satisfy the eligibility criteria. Where Council approves an application for deferral of rates or charges, the interest rate applied is fixed under Section 2 of the *Penalty Interest Rates Act 1983*, which is determined by the Minister and published by notice in the Government Gazette.

Ratepayers seeking to apply for such provision will be required to submit a Rates Deferment Application form which is available at the council offices, on the Council website or which can be posted upon request.

Financial Hardship

Council is working to help ratepayers who are experiencing difficulties due to the Coronavirus /COVID-19 pandemic as it impacts lives and businesses. Council has introduced changes to its hardship policy to support our community at this time. This covers any remaining balance of rates for the 2019/20 year and any continuing difficulty in meeting payment of rates in 2020/21. The assistance will be by way of a rates payment deferral, without any penalty interest being charged.

To qualify, ratepayers will need to make an application declaring how they have been impacted by COVID-19 and how that is impacting on their ability to pay their rates.

Debt recovery

Council makes every effort to contact ratepayers at their correct address, but it is the ratepayers' responsibility to properly advise Council of their contact details. The *Local Government Act 1989* Section 230 and 231 requires both the vendor and buyer of property, or their agents (e.g. solicitors and or conveyancers), to notify Council by way of notice of disposition or acquisition of an interest in land.

If an account becomes overdue, Council will issue an overdue reminder notice which will include accrued penalty interest. In the event that the account remains unpaid, Council may take legal action without further notice to recover the overdue amount. All fees and court costs incurred will be recoverable from the ratepayer.

If an amount payable by way of rates in respect to land has been in arrears for three years or more, Council may take action to sell the property in accordance with the *Local Government Act 1989* Section 181.

Fire Services Property Levy

In 2016 the Victorian State Government passed legislation requiring the Fire Services Property Levy to be collected from ratepayers. Previously this was collected through building and property insurance premiums. The Fire Services Property Levy helps fund the services provided by the Metropolitan Fire Brigade (MFB) and Country Fire

Authority (CFA), and all levies collected by Council are passed through to the State Government.

The Fire Services Property Levy is based on two components, a fixed charge, and a variable charge which is linked to the Capital Improved Value of the property. This levy is not included in the rate cap and increases in the levy are at the discretion of the State Government.

Strategy Recommendations

1. That Council continues to apply both the mandatory rate instalment payment option and the lump sum payment option
2. That Council continues to offer direct debit payments over nine monthly instalments
3. That Council retains the option for those residents who wish to pay all instalments in a single payment by the end of August
4. That Council continues to apply a payment discount to those residents who wish to make full payment by 31 August each year set at a cost neutral basis based on forecast investment interest rates.

Rates and charges based on the current settings

Rates and charges	Forecast	Budget	3 year plan \$'000		
	\$'000	'\$000	2022/23	2023/24	2024/25
Projection	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	2.00%	1.50%	1.75%	2.00%	2.50%
General Rates	79,497	81,416	83,357	85,782	88,710
Municipal Charges	7,314	7,487	7,679	7,911	8,190
Cultural and Recreational Land Act	332	322	328	334	343
Waste Service Charge	13,499	14,151	14,728	15,434	16,175
Supplementary rates	493	500	582	595	611
Early bird discount	(103)	(100)	(102)	(104)	(107)
Total rate and charges revenue	101,032	103,776	106,572	109,952	113,921

5. Other Revenue Items

5.1 Use Fees and Charges

User fees and charges account for 6% of Council's total revenue

User fees and charges are those that Council will charge for the delivery of services and use of community infrastructure.

Examples of user fees and charges include:

- Parking Fees
- Planning and infrastructure
- Animal registration fees
- Waste Management fees
- Aged and Health Care service fees
- Leases and facility hire fees

The provision of infrastructure and services form a key part of council's role in supporting the local community. In providing these, council must consider a range of 'Best Value' principles including service cost and quality standards, value-for-money, and community expectations and values. Council must also balance the affordability and accessibility of infrastructure and services with its financial capacity and in the interests of long-term financial sustainability.

In providing services to the community, council must determine the extent of cost recovery for particular services consistent with the level of both individual and collective benefit that the services provide and in line with the community's expectations.

Council reviews the table of fees and charges as part of its annual budget process each year. Proposed pricing changes will be included in this table and will be communicated to stakeholders before the budget is adopted, giving them the chance to review and provide valuable feedback before the fees are locked in.

Increases are applied on a 'per service' basis, but as a general principle fee increases are in line with the increase in the CPI. However, in some instances fees are tied to legislative limits such as formulae relating to pension levels for home care services, or upper limits governing fines. The ability to increase in this area of non-rate income is therefore limited.

Councils must also comply with the government's Competitive Neutrality Policy for any business activities they provide and adjust their service prices to neutralise any competitive advantages when competing with the private sector.

Strategy Recommendations

That service users make a reasonable contribution towards the cost of those services

For budget purposes Council will continue to budget in accordance with the projected increase in the CPI over the life of this plan.

The following table represents the projected income from fees and charges based on the forecast CPI.

User fees and charges	Forecast	Budget	3 year plan \$'000		
	\$'000	'\$000	2022/23	2023/24	2024/25
Projection	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	2.00%	1.50%	1.75%	2.00%	2.50%
Total user fees and charges	6,666	8,381	8,528	8,699	8,916
Total	6,666	8,381	8,528	8,699	8,916

5.2 Statutory fees and charges

Statutory fees and fines are those which council collects under the direction of legislation or other government directives. The rates used for statutory fees and fines are generally advised by the state government department responsible for the corresponding services or legislation, and generally councils will have limited discretion in applying these fees.

Examples of statutory fees and fines include:

- Planning and subdivision fees
- Building and Inspection fees
- Infringements and fines
- Land Information Certificate fees

Penalty and fee units are used in Victoria's Acts and Regulations to describe the amount of a fine or a fee.

Strategy Recommendations

It is acknowledged that Statutory fees and charges are mandated through government and are not at the discretion of Council. For budget purposes Council will continue to budget in accordance with the projected increase in the CPI over the life of this plan.

Statutory fees and charges Projection	Forecast \$'000	Budget \$'000	3 year plan \$'000		
	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	2.00%	1.50%	1.75%	2.00%	2.50%
Total Statutory fees and charges	6,489	8,404	8,551	8,722	8,940
Total	6,489	8,404	8,551	8,722	8,940

5.3 Grants

Operating grants account for 7.7% of Council's total revenue.

Grant revenue represents income usually received from other levels of government. Some grants are singular and attached to the delivery of specific projects, whilst others can be of a recurrent nature and may or may not be linked to the delivery of projects.

The Victorian Grants Commission (VGC) is responsible, under federal legislation, to distribute the total amount received from the federal government to the 79 Victorian Councils. The VGC Grants comprise a 'General Purpose Grant' and a 'Roads Grant' and accounts for approximately \$2.9M per annum. Bayside receives a lower level of State and Federal Government grants than many other Councils. This is a function of the high socio-economic status of the Bayside community.

Capital grants are usually non recurrent and only known funding is included in future projections. Capital grants expected to be received over the coming four years is \$14.3 million.

Council will pro-actively advocate to other levels of government for grant funding support to deliver important infrastructure and service outcomes for the community. Council may use its own funds to leverage higher grant funding and maximise external funding opportunities.

When preparing its financial plan, council considers its project proposal pipeline, advocacy priorities, upcoming grant program opportunities, and co-funding options to determine what grants to apply for. Council will only apply for and accept external funding if it is consistent with the Community Vision and does not lead to the distortion of Council Plan priorities.

Grant assumptions are then clearly detailed in council's budget document. No project that is reliant on grant funding will proceed until a signed funding agreement is in place.

Strategy Recommendations

That Council regularly engages with local Members of State and Federal Parliaments to ensure they understand the financial pressures on Bayside City Council and the need for improved funding from other levels of government.

Operating Grants Projection	Forecast \$'000	Budget \$'000	3 year plan \$'000		
	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	2.00%	1.50%	1.75%	2.00%	2.50%
Operating Grants	12,469	11,157	11,352	11,579	11,868
Total	12,469	11,157	11,352	11,579	11,868

Capital Grants Projection	Forecast \$'000	Budget \$'000	3 year plan \$'000		
	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	2.00%	1.50%	1.75%	2.00%	2.50%
Capital Grants	1,431	2,971	9,321	1,621	371
Total	1,431	2,971	9,321	1,621	371

5.4 Contributions

Contributions represent funds received by Council, usually from non-government sources, and are usually linked to projects.

Contributions can be made to council in the form of either cash payments or asset hand-overs.

Examples of contributions include:

- Monies collected from developers under planning and development agreements
- Monies collected under developer contribution plans and infrastructure contribution plans
- Contributions from user groups towards upgrade of facilities
- Assets handed over to council from developers at the completion of a subdivision, such as roads, drainage, and streetlights.

Contributions should always be linked to a planning or funding agreement. Council will not undertake any work on a contribution-funded project until a signed agreement outlining the contribution details is in place.

Contributions linked to developments can be received well before any council expenditure occurs. In this situation, the funds will be identified and held separately for the specific works identified in the agreements.

Strategy Recommendations

That Council engages with community groups and sporting organizations to build strong partnerships and to explore alternative funding models for the replacement/upgrade of community facilities.

Capital Contributions Projection	Forecast \$'000	Budget \$'000	3 year plan \$'000		
	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	2.00%	1.50%	1.75%	2.00%	2.50%
Capital Contributions	4,792	2,750	3,691	3,832	12,875
Total	4,792	2,750	3,691	3,832	12,875

5.5 Interest on Investments

Council receives interest on funds managed as part of its investment portfolio, where funds are held in advance of expenditure, or for special purposes. The investment portfolio is managed in accordance with Council's Investment Policy, which seeks to maximise returns on funds, whilst minimising risk.

Interest income will reduce over the life of the plan as Council continues to fund its ambitious capital program from restricted and discretionary cash reserves.

Interest Income Projection	Forecast \$'000	Budget \$'000	3 year plan \$'000		
	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	In accordance with Council's Investment Policy				
Interest Income	1,268	1,200	696	631	636
Total	1,268	1,200	696	631	636

5.6 Property Income

Council's property portfolio has been assembled over many decades and includes land and buildings that are used for:

- direct service delivery by Council
- the delivery of community-based services by not for profit organisations
- recreational and sporting pursuits
- commercial activity
- passive open space, environmental management and car parking

Council currently has 256 occupancy agreements with various tenants for a variety of community, social, recreational, or commercial purposes on Council owned or managed land. Council receives an annual rental income of \$3.8 million from its leased/licensed assets predominantly from commercially leased assets (Golf, Café, Leisure Centre and School use) with only minimal rental return from community leased assets of \$242,000.

Below is a breakdown of Occupancy Uses and Income for property leased or licensed to other parties. Generally, these relate to community groups at a minimum rental set by annual fees and charges, however Council also has a number of commercial assets such as golf courses and café's which provide a market rental return to Council.

Use	Number	Income
Arts and Culture (includes artists in residence zero income)	19	\$3,865
Kindergartens	19	\$5,941
Life Saving Clubs and Coast Guard	7	\$1,511
Scouts and Girl Guides	16	\$3,774
Sporting (mixed commercial and community)	11	\$123,097
Bowling Clubs	7	\$13,109
Tennis (mixed commercial and community)	9	\$224,796
Misc. Community Groups	10	\$9,157
Council Depot	4	\$421,460
Educational (Kamesburgh, Billilla)	6	\$139,818
Golf Courses	4	\$1,048,883
Leisure Centre	5	\$625,455
Bathing Boxes	92	\$78,439
Boat Sheds	13	\$39,514
Foreshore Café	4	\$550,301
Telecommunications	17	\$468,539
Mobile food vendors	8	\$48,531
Carparks	3	\$7,172
Total		\$3,813,326

The following key principles are embedded in Council's Property Strategy 2018 – 2021

- Council property is to be used to deliver the highest possible community value
- Property assets are to be fit for purpose, well maintained and financially sustainable
- Property occupied by community and not for profit groups will have high levels of utilisation and generate demonstrable benefits to the broader community
- Decisions on the future use of property will be transparent and deliver equitable outcomes
- Council property will be used to leverage strategic outcomes and commercial return where appropriate

Income from property in 2020/21 has been impacted by the introduction of the State Government's COVID-19 Commercial tenancy relief scheme which was introduced in response to the emerging COVID-19 global pandemic. Rental income from property is

forecast to be (\$1.3M) unfavorable to Budget for 2020/21 but is expected to return to normal levels from 2021/22 now that the relief scheme has ended.

Property Income Projection	Forecast \$'000	Budget \$'000	3 year plan \$'000		
	2020/21	2021/22	2022/23	2023/24	2024/25
Assumptions	In accordance with Council's Property Strategy and Leasing Policy				
Property Income	2,664	3,951	4,020	4,100	4,203
Total	2,664	3,951	4,020	4,100	4,203

In accordance with Council's Leasing and Licensing Policy 2018

- Commercial tenants will pay a rental that is market driven and may be determined by a market rental assessment carried out by a valuer, or as the result of an expression of interest process or similar program.
- Not for profit community groups, clubs and other community organisations rental will be determined based on specified policy criteria to determine the level of support from Council and at a minimum rental will be set in accordance with Council's schedule of fees and charges.

10.3 NEIGHBOURHOOD AMENITY LOCAL LAW 2021

City Planning and Amenity - Amenity Protection
File No: FOL/20/1664 – Doc No: DOC/21/136245

In accordance with Chapter 2, Section 64(10) of Council's Governance Rules 2020, individual presentations (*written statements are presently the temporary means for presentations to Council meetings) cannot be accepted in response to this report as the matter was subject to a public submissions process in accordance with section 223 of the Local Government Act 1989.

Executive summary

Purpose and background

The purpose of this report is to:

- Present the proposed Neighbourhood Amenity Local Law 2021 (the New Local Law) (Attachment 1) and the incorporated Local Law Guidelines (the Guidelines) (Attachment 2) for Council adoption;
- Prescribe the entire Foreshore Reserve Area as a smoke free area;
- Prescribe the Red Bluff Cliffs Foreshore Area as an area where consuming Liquor or possessing open containers of Liquor is prohibited;
- Make administrative updates to Council Policies to reference the new Local Law; and
- Authorise any member of Victoria Police to enforce the Liquor restrictions of Clause 58 of the new Local Law.

Bayside City Council has the authority to make the Local Law under section 111 of the Local Government Act 1989 (the Act). Under the Act, Local Laws 'sunset' after ten years and accordingly, Council's current Local Law No. 2 'Neighbourhood Amenity' is due to sunset in April 2022. At the 18 February 2020 Council Meeting, it was resolved to bring forward the Local Law review and to commence the process in April 2020.

The purposes of the new Local Law are to:

- (1) protect community safety and neighbourhood amenity;
- (2) protect public assets and infrastructure, and the built and natural environment;
- (3) enhance the use, access and enjoyment of public places for the community's benefit;
- (4) provide for the administration of Council's powers and functions; and
- (5) revoke Council's Neighbourhood Amenity Local Law No. 2.

Key issues

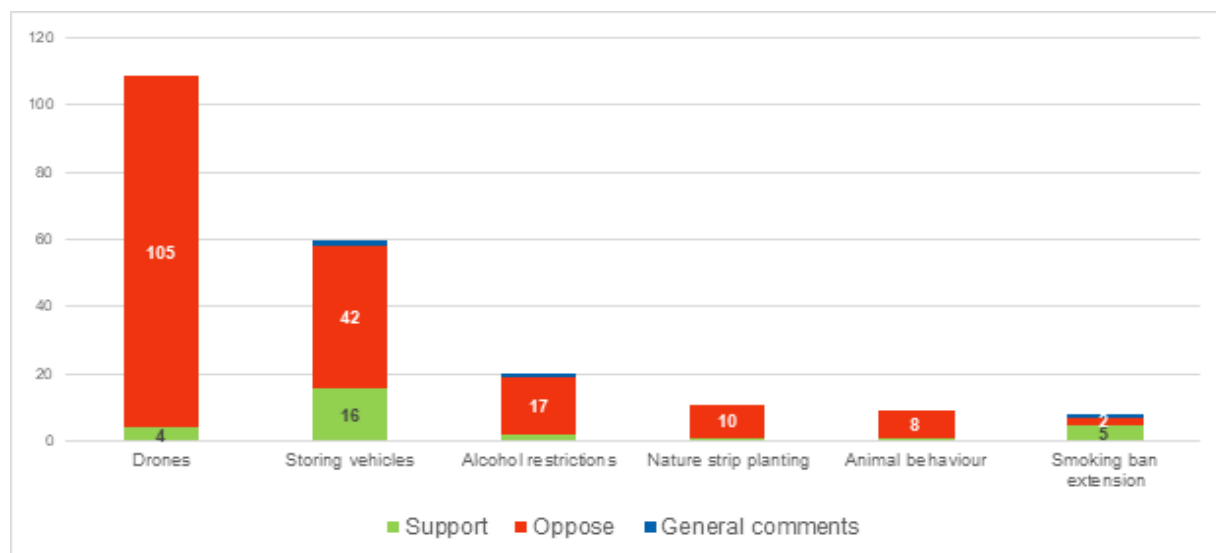
In August and September 2020 external consultation was undertaken on the existing Local Law and eight new ideas. The consultation resulted in high levels of community participation (6,959 respondents) These inputs informed the drafting of a proposed Local Law and Local Law Guidelines.

Following drafting of the proposed Local Law and Local Law Guidelines a Community Impact Statement (LLCIS) was developed in accordance with the State Government's Best Practice Guidelines (Attachment 3).

From 28 January 2021 to 5 March 2021 a second community engagement was undertaken in accordance with the statutory consultation requirements of Section 223 of the Local Government Act 1989, inviting written submissions and requests to be heard on the proposed Local Law.

A total of 216 individuals or representatives of stakeholder groups participated in providing feedback. There were 162 unique submissions, in addition to a pro forma submission received from 54 individuals regarding drones.

Figure 1: Top 6 topics referenced in submissions and feedback sentiment



In accordance with Section 223 a Special Committee of Council was held on 31 March 2021 & 14 April 2021 where 13 people spoke to their submissions in relation to the proposed Local Law. A summary of all Section 223 submissions and Officer comments is provided in Attachment 4.

Proposed Local Law Changes in Consideration of Section 223 Submissions:

In consideration of the submissions received, Council officers recommend changes to the proposed local law and the Guidelines which have been incorporated into the new Local Law and the Local Law Guidelines. The changes and reasons are listed below:

1. Remove Clause 65, Model Aeroplanes, and the definition of "Model Aeroplane" from Clause 10 of the proposed Local Law. Although Council can technically have a Local Law to address model aeroplane operators on Council land, it will have limited practical impact. The Civil Aviation and Safety Authority (CASA) is the sole regulator of Model Aeroplane flight (including drones) across Australia, and CASA regulations will strengthen in 2022. Further information on this recommendation is provided in Attachment 5.
2. Remove Clause 35(2) of the proposed Local Law which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. While there are a moderate / low number of resident complaints regarding the issue and this could justify inclusion of a clause, on balance Council officers recommend removal of the clause as it will largely cause the problem to change location and will be difficult to enforce. Further information on this recommendation is provided in Attachment 5
3. Amend the wording of Clause 27, Animal Excrement and Conduct, to remove the reference to "disturb" Council Land at Cl. 27(1)(b) and insert Cl. 27(2) which allows animals to dig sand at a beach. The offence for dogs digging at other municipal reserves is retained.
4. Insert a new Sub-Clause at 85(2) in the Impounding Clause to ensure the impounding provision cannot be used for offences of Clause 27, Animal Excrement and Conduct. This is in response to concerns that breaches of Clause 27 could result in impounding and

possible destruction of an animal. This is not Council's intention or practice for these types of offences.

Note: Impound of Dogs is done under the Domestic Animals Act for serious issues such as dog 'at large' or serious attacks.

5. Increase the infringement notice penalty amount to \$1000 per offence for the illegal destruction, damage or removal of a Significant or Protected Tree to strengthen fines for offences not prosecuted but where a fine is appropriate.

Note: The maximum fine a court can order is \$2000 for a Local Law offence and this maximum fine can still be sought by Council Officers. Further information on this recommendation is provided in Attachment 5

6. Increase the infringement notice penalty amount to \$500 per offence for the illegal cutting, trimming or pruning of a Significant or Protected Tree to strengthen fines for offences not prosecuted but where a fine is appropriate.
7. Amend wording of Clause 24, Vegetation on Nature Strips, to allow for Council permission for plantings which do not comply with the Local Law Guidelines. This is to ensure existing non-conforming plantings are not inadvertently caught up in the Local Law and to allow for consideration of suitable alternative plantings with Council permission.
8. Amend wording of Clause 12(1)(c), Unsightly and Dangerous Properties to reflect the current local law's provisions to exempt Australian grasses as follows:

"does not contain undergrowth, scrub, bracken, stubble, grass or weeds, whether dead or alive, in excess of 300mm in height and whether standing or not standing (but excluding the natural height of Australian grasses cultivated in a planned or landscaped garden as well as Municipal Reserves maintained under an approved management plan);"

9. Include a definition for "Fire Hazard" in Clause 10, Definitions for clarification.
10. Include a definition for "Abandoned" in Clause 10, Definitions, to help with clarifying Abandoned Vehicles. Meaning a vehicle which:
 - (a) has no number plates;
 - (b) is unroadworthy; or
 - (c) has not been moved from the road or Council Land on which it stands for 60 days or more;

Note: Vehicles which appear unroadworthy will be referred to the appropriate authority for further assessment. In the event that the vehicles are determined to be unroadworthy by the authority the vehicles would be considered "abandoned" and therefore removed.

11. Remove the definition for "Campervan" from Clause 10, Definitions.

Foreshore Smoking Ban and Red Bluff Cliffs Foreshore Area Liquor Restrictions

The proposal to extend the current Foreshore Smoking Ban to cover the entire Foreshore Reserve area continues to receive support with 5 submissions in support and 2 opposed. Council Officers recommend proceeding with the extended smoking ban area as coloured red in Attachment 6.

The proposed Liquor restriction for the Red Bluff Cliffs Foreshore Area, as coloured red in Attachment 7, has been proposed pursuant to the provisions of Clause 58(2) of the New Local Law at the request of the Victoria Police regarding concerns with large alcohol fuelled parties occurring on a portion of the foreshore at northern end of Half Moon Bay at the Red Bluff Cliffs. Twelve submissions directly opposed Liquor restrictions for Red Bluff Cliffs area

were received, and one was in support. Officers recommend proceeding with Liquor restrictions as proposed.

The Liquor restrictions are as follows:

A person must not, while in or on that municipal reserve (including the road coloured red in the Attachment) or in any motor vehicle within the municipal reserve:

- (a) consume any liquor; or
- (b) have in his or her possession or control any liquor other than liquor in a container with an unbroken seal

at any time or on any day.

Additionally, Officers recommend authorising any member of Victoria Police to enforce Clause 58, Consumption and Possession of Liquor on Municipal Reserves, of the New Local Law as provided for under Section 224A of the Local Government Act 1989.

Recommendation

That Council:

1. adopts the Neighbourhood Amenity Local Law 2021 (the New Local Law), in the form of Attachment 1 to the accompanying officer report
2. adopts the Local Law Guidelines under Clause 9(1) of the New Local Law in the form of Attachment 2 to the officer report
3. authorises the Chief Executive Officer to:
 - (a) give public notice of the making of the New Local Law, in accordance with section 119(3) of the *Local Government Act 1989* (the Act)
 - (b) forward a copy of the New Local Law to the Minister for Local Government, in accordance with section 119(4) of the Act
 - (c) write to each person who made a submission under section 223 of the Act concerning the New Local Law, advising them of Council's decision to make the New Local Law and reasons for doing so (the reasons are set out in the officer report)
4. amends any reference in any Council document to the Neighbourhood Amenity Local Law 2012 (the Previous Local Law) so that it becomes, from 1 July 2021 onwards, a reference to the New Local Law, and, without limiting the generality of this:
 - (a) in the Management of Tree Protection on Private Property Policy 2015 the reference to Clause 36 of the Previous Local Law be amended from 1 July 2021 onwards so as to be a reference to Clause 21 of the New Local Law
 - (b) in the Footpath Trading Policy 2018 the reference to Part 7 of the Previous Local Law be amended from 1 July 2021 onwards so as to be a reference to Division 1 of Part 4 of the New Local Law
5. prescribes the area coloured red in Attachment 6 to the officer report (being the entire Foreshore Reserve within the municipal district, and a municipal place

within the meaning of the New Local Law) as a smoke-free area for the purposes of Clause 60 of the New Local Law

6. prescribes the area coloured red in Attachment 7 to the officer report (being the Red Bluff Cliffs Foreshore area) as a municipal reserve in respect of which, and pursuant to Clause 58 of the New Local Law, a person must not, while in or on that municipal reserve (including the road coloured red in the Attachment), or in any motor vehicle within the municipal reserve:

- (a) consume any liquor; or
- (b) have in his or her possession or control any liquor other than liquor in a container with an unbroken seal

at any time or on any day

7. authorises any member of Victoria Police to enforce Clause 58 of the New Local Law and authorises the Chief Executive Officer to publish a notice in the *Victoria Government Gazette* advising that any member of Victoria Police may enforce that Clause.

Support Attachments

1. Neighbourhood Amenity Local Law 2021 - Attachment 1 (separately enclosed)
2. Local Law Guidelines - Attachment 2 ↓
3. Community Impact Statement- Attachment 3 ↓
4. Local Law Section 223 Submission Summaries and Officer Comments - Attachment 4 ↓
5. Further Information on Key Local Law Topics - Attachment 5 ↓
6. Proposed Smoking Ban Map - Entire Foreshore - Attachment 6 ↓
7. Proposed Liquor Ban Map - Red Bluff Cliffs - Attachment 7 ↓

Considerations and implications of recommendation

Liveable community

Social

Positive social benefit for the community includes:

- protection of community safety and neighbourhood amenity
- protection of public assets and infrastructure, and the built and natural environment
- enhancement of the use, access and enjoyment of public places for the community's benefit.

Natural Environment

Positive impacts on the environment of our City including ensuring the cleanliness, safety and amenity of the municipality. The laws help reduce the negative impacts of waste on the environment including e-waste and stormwater and groundwater pollution from building sites.

Climate Emergency

The proposed Local Law continues to support protection of the tree canopy of Bayside, which provides climate change benefits.

Built Environment

Strengthened provisions for dilapidated buildings will improve the built environment and protect residential amenity and safety.

Customer Service and Community Engagement

The initial phase 1 community engagement gathered community and stakeholder feedback on all eight new Local Law ideas proposed, as well as the existing Local Law. Overall, there were 6,957 individual respondents who provided feedback via a survey (online or hard copy).

The following table summarises the statutory process pursuant to Section 223 of the *Local Government Act 1989*:

Public Notice in The Victoria Government Gazette, The Age newspaper and on Council's website	Thursday 28 January 2021
Submissions closed	Friday 5 March 2021 (5:00pm)
Special Committee of Council to hear submissions	Wednesday 31 March 2021 (6:00pm) and Wednesday 14 April 2021 (7:00pm)
Council Consideration of Submissions	Tuesday 18 May 2021 Ordinary Meeting of Council (6:30pm)

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

A statutory process required under section 119 of the Act must be followed when making any Local Laws. Prior to making a Local Law Section 223 of the *Local Government Act 1989* requires that Council provides the opportunity for any person affected by the proposed local law to make a submission relating to the proposed Local Law.

Throughout the preparation and grafting process of the proposed Local Law, officers have sought legal advice from Council's legal advisors on issues as they have arisen, and where applicable, that advice has guided the preparation of the proposed Local Law.

The proposed Local Law and Guidelines have been legally reviewed.

Once a Local Law is adopted by Council it must be gazetted and a copy forwarded to the State Government Minister with the responsibility for Local Government.

Finance

Implementation of the Local Law in 2021–22 will require some capital funding for additional foreshore smoking ban signage as well as changes to systems, processes, communications and potentially people in FY 2021–22 which has been factored into budget preparations. These changes will be as a result of administration (e.g. permits) and enforcement of new or significantly altered Local Laws.

Any new fees and charges required will be incorporated in in the 2021–22 budget process should the relevant Local Law item be adopted by Council.

Links to Council policy and strategy

Council Plan 2017–21, 7.2.1 focuses on improving and protecting the local amenity through robust local laws and policies.

Attachment 2

Local Law Guidelines, Neighbourhood Amenity Local Law 2021

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In these Local Law Guidelines, “the Local Law” means the “Neighbourhood Amenity Local Law 2021”.

All words and phrases defined in the Local Law have the same meaning in these Local Law Guidelines, unless the context suggests otherwise.

PART 2 - YOUR PROPERTY, TREES AND PETS

DIVISION 1 - YOUR PROPERTY

11. PROPERTY NUMBERS: SIZE, LOCATION AND VISIBILITY

In determining if the requirements of clause 11 of the Local Law are complied with, an Authorised Officer or a Delegated Officer must have regard to:

- (1) the size of the property number;
- (2) the accuracy and completeness of the property number;
- (3) the state of repair of the property number having regard to its visibility;
- (4) the colour of the property number;
- (5) the legibility of the property number from the road immediately adjacent to the front boundary of the property having regard to all or any of:
 - (a) its size, accuracy and completeness;
 - (b) its state of repair;
 - (c) its colour;
 - (d) its distinction from its background; and
 - (e) its freedom from obstruction; and
- (6) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant.

12. UNSIGHTLY AND DANGEROUS PROPERTIES

In determining if a building or other structure on private property is dilapidated under clause 12(2) of the Local Law, an Authorised Officer or a Delegated Officer will consider its state of neglect, disrepair or damage.

This may include but is not limited to consideration of conditions and damage such as:

- (1) broken windows and doors;
- (2) significant damage to roofs and gutters;

- (3) external wall finishes such as peeling paint;
- (4) architectural features;
- (5) graffiti; and
- (6) partially demolished structures;

13. GRAFFITI

This section is intentionally blank.

14. DOMESTIC WASTE INCLUDING RECYCLABLE AND HARD RUBBISH COLLECTIONS

The following set out the guidelines which an occupier must comply with:

(1) Use of Bins

All domestic waste must be placed in rubbish bins ready for collection except that rubbish bins awaiting collection must not be placed on the nature strip, or any other place of collection outside the property boundary, any more than 24 hours prior to the collection day specified by Council from time to time.

(2) Storage of Bins

All domestic waste bins must be stored and maintained in a clean and sanitary condition on the property to which they have been issued.

(3) Prohibited Waste

The following material is prohibited from being placed in rubbish bins for collection by Council:

- (a) slops, liquid waste, harmful or offensive material;
- (b) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
- (c) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;
- (d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
- (e) oil, paint, solvents, acids or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
- (f) e-waste (electronic waste), defined as any item with an electrical plug, cord or battery;

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- (g) trade wastes of any kind; and
- (h) any other matter identified by Council by notice to occupiers of a property.

(4) Recycling and Hard Rubbish Collection

- (a) Where Council has notified occupiers of properties of a recycling or hard rubbish collection, or where an on-demand recycling or hard rubbish collection may operate, the material to be recycled and the hard rubbish to be collected must be left for collection in accordance with Council's instructions;
- (b) Any materials placed on nature strip for recyclable material or hard rubbish collection in accordance with any instruction determined by Council, must not be placed there earlier than 7 days prior to the nominated collection date and materials kept neatly so as to not cause a safety hazard; and
- (c) Any materials placed on nature strip for Recyclable Material or Hard Rubbish collection in accordance with any instruction determined by Council but not collected, regardless of the reason, must be removed no later than 7 days after the nominated collection date.

(5) Removal of Bins and any Spillage

Once the waste has been collected by Council, the empty bins must be returned to the property by the owner or occupier and any waste which has spilled onto the road, nature-strip or surrounding area must be removed by the owner or occupier responsible for the bin within twenty-four (24) hours of collection.

(6) Cleanliness

Bins must be maintained in a clean and tidy manner so as not to cause any health threat or be offensive to any person.

15. REMOVING WASTE WITHOUT AUTHORITY

This section is intentionally blank.

16. BURNING OF MATERIALS

- (1) When determining whether an offence has occurred in relation to the burning of offensive materials in the open and offensive emissions of smoke and odour from outdoor burning, Council or an Authorised Officer or a Delegated Officer must have regard to:
 - (a) Offensive materials that may not be burnt at any time include, but are not limited to, any substance containing any:
 - (i) manufactured chemical;
 - (ii) rubber or plastic;

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- (iii) petroleum, oil or petroleum-based product;
 - (iv) paint or receptacle which contains or which contained paint;
 - (v) food waste, fish or other offensive or noxious matter; or
 - (vi) any other material an Authorised Officer or a Delegated Officer reasonably believes is an offensive material.
- (b) Offensive emissions of smoke and odour from outdoor burning do not include:
- (i) the normal odour of food cooking on a permanent or portable barbeque; or
 - (ii) any emission of offensive smoke or odour from burning materials that the person responsible immediately extinguishes or otherwise prevents from continuing to enter any neighbouring property, and which does not recur within 14 days.
- (2) When determining whether to grant a permit for burning materials in the open as required by clause 16(2), Council or its Authorised Officer or Delegated Officer must have regard to:
- (a) the location of the proposed outdoor burning in proximity to adjoining land;
 - (b) the land-use of the applicant's land and that of adjoining allotments where the burning is to take place;
 - (c) any alternative means of disposal;
 - (d) any adequate means of supervising the burning;
 - (e) any adequate means of controlling and extinguishing the spread of fire;
 - (f) the degree to which the material to be burnt is clean and dry or may produce offensive, toxic or unpleasant smells or smoke;
 - (g) the purpose stated for the burning and available alternative disposal methods;
 - (h) any relevant policies of the Environment Protection Authority; and
 - (i) any other matter an Authorised Officer or a Delegated Officer reasonably believes to be relevant to the circumstances of the application.

17. FIRE HAZARDS

This section is intentionally blank.

18 CAMPING ON PRIVATE PROPERTY

In determining whether to grant a permit to allow camping in an area which is private property and is not a licensed caravan park and has not been prescribed by Council to be a Camping Area as required by clause 18(1), Council or an Authorised Officer or a Delegated Officer must have regard to:-

- (1) the location of the land;
- (2) the land-use of the applicant's land and that of adjoining allotments;
- (3) the suitability of the land for camping;
- (4) the number of tents or other structures to be located on the land;
- (5) the length of time the tents and other structures will be erected on the land;
- (6) the availability of sanitary facilities to the land;
- (7) the likely damage to be caused; and
- (8) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

19. AUDIBLE INTRUDER ALARMS

The following are the operating guidelines for the purpose of clause 19 of the Local Law:

- (1) Any form of intruder alarm must not emit a noise audible beyond the boundary of the property on which it is installed unless the alarm is so constructed or regulated to ensure that:
 - (a) whenever a detection device is activated the Audible Intruder Alarm is automatically rendered inaudible beyond the boundary of the Urban Premises within five (5) minutes of being activated; and
 - (b) the Audible Intruder Alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset.
- (2) Despite Guideline (1) above, an Audible Intruder Alarm may operate for a further period of five (5) minutes following the cessation of the Alarm in accordance with Guideline (1)(a), provided the alarm is activated by a different detection device;
- (3) Where Council receives any complaint that an Audible Intruder Alarm operates on any Property in a way which does not comply with Guideline (1)(a) (whether modified by sub-clause (2) or not), it may investigate the complaint;
- (4) If the investigating officer confirms a failure to comply with Guideline (1), a Notice to Comply may be issued to the owner or occupier requiring that the Audible Intruder Alarm be:

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- (a) adjusted to comply with this Guideline;
 - (b) replaced with a complying Audible Intruder Alarm; or
 - (c) switched off or disconnected.
- (5) If an Authorised Officer or a Delegated Officer determines that urgent circumstances exist under Clause 89, such as a danger to public health from ongoing or uncontrolled repeated loud noise at night, that Officer may take urgent action to ensure that the Audible Intruder Alarm be:
- (a) adjusted to comply with this Guideline; or
 - (b) switched off or disconnected.

20. SHIPPING CONTAINERS

In determining whether to grant a permit for a shipping container on any road, Council Land or private property, an Authorised Officer or a Delegated Officer must follow these Guidelines:

- (1) The permit for a shipping container must be time limited and will be for the number of days or to the date entered on the permit;
- (2) If the Authorised Officer or Delegated Officer reasonably believes the shipping container will create a traffic hazard or obstruction, or other danger to the public, the applicant may be required to take out public liability insurance (minimum \$20 million) and prior to the issue of the permit or the placement of the container, and Council must be provided with a Certificate of Currency of Public Liability Insurance for the application;
- (3) The application or permit should inform the applicant of the safety requirements for the shipping container: that it is the permit holder's responsibility to ensure the container does not represent an unacceptable risk to the health and safety of the public. Any concerns the Authorised Officer or Delegated Officer may have about safety must be satisfactorily resolved prior to issuing the permit;
- (4) The applicant must not intend to use or use the shipping container as a permanent structure or for any purpose that requires planning or building permit approval;
- (5) Any damage to Council property caused by the placement or removal of the shipping container, including pavement, nature strip and services, is to be reinstated by the permit holder. If reinstatement is not completed, works will be undertaken by Council at the permit holder's expense;
- (6) The placement of a container must not obstruct motorists' vision or line of sight at intersections;
- (7) A container proposed to be placed on a road or Council Land may require a traffic management plan and suitable safety measures to ensure no hazard is posed to road users or the public;

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- (8) Pits, valve covers and hydrants must not be obstructed and remain accessible; and
- (9) If the shipping container constitutes a traffic hazard or obstruction, the container must be mounted with yellow reflective tape on the corners of the containers, or lights which must be illuminated between sunset and sunrise and visible from a distance of 200 metres to prevent a hazard to the public.

DIVISION 2 - YOUR TREES

21. TREE PROTECTION- GUIDELINES

The provisions of clause 21 of the Local Law will be administered in accordance with the provisions of *The Management of Tree Protection on private property Policy* incorporated into these Guidelines and attached as Attachment 1. That policy sets out exemptions and considerations for the purposes of clause 21.

In determining whether a tree is a protected under the Local Law, whether a tree-protection offence has occurred and/or whether to issue a permit for removal or pruning of a tree, the Authorised Officer or Delegated Officer must have regard to the following matters:

- (1) When measuring whether or not the single or combined tree trunk circumference is 155 centimetres or more at one metre above ground level, the instrument used for measuring the trunk circumference or combined trunk circumference should be placed at a 90 degree angle to the growth direction of the trunk;
- (2) Any tree is exempt from protection if it is of a species which is a declared noxious weed species;
- (3) Any permit granted may contain a condition stipulating that upon removal of a tree one or more new trees (whether or not of a specified type) must be planted. A planting location may also be specified;
- (4) In an emergency, any tree that is an immediate threat to life and or property may be removed without a permit; and
- (5) A permit for pruning is not required if the pruning is to be carried out by a qualified arborist, in accordance with Australian Standard No.4373. 2007 *Pruning of Amenity Trees*, who certifies his or her work and provides photographs before and after the work.

22. TREES PLANTS NOT TO OBSTRUCT OR OBSCURE

In determining whether to issue a permit for overhanging trees, or whether there has been an offence related to overhanging trees under clause 22 of the Local Law, an Authorised Officer or a Delegated Officer must have regard to whether the overhanging trees:

- (1) have been pruned to comply with the following requirements:

Canopies shall be lifted to provide the following clearances:

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- Footpaths 2.4 metres to lowest foliage or limb;
 - Laneways 4.5 metres to lowest foliage or limb;
- (2) obstruct the view between drivers of vehicles at an intersection;
 - (3) obstruct the view between drivers of vehicles and pedestrians where they come close to each other;
 - (4) obscure a Traffic Control Device from the driver of an approaching vehicle or a pedestrian;
 - (5) obscure street lighting;
 - (6) obstruct vehicular traffic; and
 - (7) otherwise constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of a road or laneway.

The requirements for a clear view at intersections, pedestrian/vehicle conflict areas and traffic control devices are as follows:

- (a) The view between vehicles at intersections:

Plants, fences and other obstructions must, wherever practicable, be kept to a maximum height of one (1) metre in the following areas:

- (i) at signalised intersections

(A triangular area between the corner of each property at the intersection and a line drawn between points 3m back from the intersection.);

- (ii) at major/minor intersections and roundabouts

(A triangular area in both directions from a minor road, or to the right only at a roundabout);

- (b) The view between vehicles and pedestrians:

- (i) Where pedestrians are likely to cross a road or be in close proximity to a road, plants must be no higher than 600mm above the ground for a distance of two (2) metres from the road, except that trees with narrow, clean trunks may be planted (subject to any other requirements for safety and visibility), so long as their foliage is no lower than 2.4 metres above the ground.

23. TREES OR PLANTS CAUSING DAMAGE TO A MUNICIPAL PLACE

This section is intentionally blank.

24. VEGETATION ON NATURE STRIPS

The following set out the guidelines which a person must comply with as required by clause 24 of the Local Law:

- (1) Planting is limited to drought tolerant indigenous ground covers, shrubs and grasses;
- (2) The planting zone must be set back at least 500mm from the back of kerb and kept clear to allow for people to enter and exit their vehicles and properties safely;
- (3) Plantings on corner blocks within 9 metres of an intersection are limited to ground cover plants only to ensure a clear line of sight for motorists;
- (4) Adequate space is provided for placing rubbish and recycling bins for collection;
- (5) A minimum of 1.5 metres from the property line is kept clear to allow for pedestrian access, mail, paper and other deliveries;
- (6) Plantings are kept pruned to a maximum height of 600mm at all times;
- (7) Only permitted gravels and mulches can be used including:
 - a) Fine gravel mulches such as compacted washed granitic sand or similar, or
 - b) Pine or hardwood chips 12mm to 25mm in size;
- (8) Where a gravel or mulch is used on the nature strip:
 - a) it must remain on the nature strip and not allowed to spill onto the footpath, driveways or in the kerb and channel;
 - b) levels must not extend above the level of the footpath or kerb; and
 - c) it must be maintained in a weed free condition; and
- (9) Items not permitted on the nature strip:
 - a) Synthetic turf;
 - b) Letterboxes;
 - c) Irrigation;
 - d) Rocks; or
 - e) Any Items that obstruct the safe flow and vision of pedestrians and traffic or pose a hazard to the public.

DIVISION 3 - YOUR PETS**25. KEEPING ANIMALS**

In determining whether to grant a permit for the keeping of animals where the number exceeds that determined by Council as set out clause 25 (1), Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether a Planning Scheme permit may be required, such as for boarding or breeding of animals;
- (2) the land-use of the applicant's land and that of adjoining allotments;
- (3) the proximity to adjoining properties;
- (4) the amenity of the area;
- (5) the type and additional numbers of animals to be kept;
- (6) the likely effects on adjoining owners;
- (7) the adequacy of animal accommodation; and
- (8) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

26. ANIMAL ACCOMMODATION

In determining what is reasonable accommodation for kept animals and whether such accommodation is adequately maintained as required by clause 26 of the Local Law, an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether a Planning Scheme permit may be required, such as for boarding or breeding of animals;
- (2) the type of animals to be kept and whether those animals are adequately secured within the property boundary;
- (3) the height of the accommodation;
- (4) the location of the accommodation having regard to the amenity of the area;
- (5) the size of the accommodation in terms of its adequacy to house the proposed number and type of animals;
- (6) the security of the accommodation in terms of the animals to be housed in it;
- (7) whether all excreta and other waste are removed and/or treated as often as necessary so that they does not cause a nuisance or offensive condition;
- (8) whether all excreta and other waste are stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the Municipal Environmental Health Officer;

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- (9) whether the ground surrounding the accommodation is drained to the satisfaction of the Municipal Environmental Health Officer;
- (10) whether the area of land within three (3) metres of the area or structure in which the animal is kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- (11) whether all food, grain or chaff is kept in vermin proof receptacles;
- (12) whether the area where animals are kept is always thoroughly cleaned and maintained in a clean and sanitary manner to the satisfaction of the Municipal Environmental Health Officer; and
- (13) any other matter/issue pertaining to the accommodation that the Authorised Officer or Delegated Officer reasonably believes is relevant.

27. ANIMAL EXCREMENT AND CONDUCT

This section is intentionally blank.

28. WASP NEST(S) TO BE REMOVED

This section is intentionally blank.

29. FEEDING OF BIRDS ON PRIVATE PROPERTY

This section is intentionally blank.

PART 3 - VEHICLES AND ROADS

30. PLACING BULK RUBBISH CONTAINERS

In determining whether to grant a permit for the placement of a bulk rubbish container on a road as required by clause 30 of the Local Law, an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
- (2) whether the placement will contravene any traffic control signs;
- (3) protection of any Council assets;
- (4) any requirements under the provisions of the *road Management Act 2004* and any requirements or provisions in the current *Code of Practice for Placement of Waste Bins on roadsides (Vic roads Publication No. 00623)* 2001 as amended from time to time;
- (5) the current (and historical) status of the applicants' trading account with Council;
- (6) whether a copy of a valid insurance certificate of currency has been provided to Council;

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- (7) whether an indemnity/guarantee has been provided to Council; and
- (8) any other matter Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

Note: See also the following clauses in the Local Law:

- Clause 48, Trade or Commercial Waste Bins and Waste Hoppers.
- Clause 64, Obstructions on Council Land.

31. MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

In determining whether to issue a permit for the use of for the use of a motor bike or motorised recreational vehicle under the Local Law on Council Land, an Authorised Officer or a Delegated Officer must have regard to:

- (1) the location of Council Land or private property where the vehicle is to be used;
- (2) the land-use of the applicant's land and that of adjoining allotments within a 500 metre radius;
- (3) the suitability of the land for use by a motor bikes or motorised recreational vehicles (as the case may be);
- (4) the number of vehicles for which the permit is required;
- (5) the days, times and hours such vehicles are to be used;
- (6) the likely effect on the amenity of the area including noise impacts;
- (7) whether owners and occupiers of neighbouring properties should be asked to make comment;
- (8) the likely damage which may be caused to Council Land or any Council Land (as the case may be); and
- (9) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

32. REPAIR OF VEHICLES IS PROHIBITED

This section is intentionally blank.

33. DERELICT, ABANDONED AND UNREGISTERED VEHICLES

In determining whether a vehicle is abandoned because it is unroadworthy, Council or an Authorised Officer or a Delegated Officer must not conclude that a vehicle is unroadworthy unless an officer or employee of the Department of Transport acting in the course of their official duties or a member of Victoria Police has advised that the vehicle is unroadworthy.

In determining whether to grant a permit to leave any derelict, abandoned or unregistered vehicle on any road or Council Land, whether temporarily or permanently, Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) any exceptional circumstances;
- (2) whether the road is an Arterial road;
- (3) the relevant parking restrictions;
- (4) whether an unregistered vehicle has an unregistered vehicle permit issued to it by Department of Transport and it is in the process of being prepared for registration;
- (5) whether the vehicle has significant damage indicating it may be unroadworthy;
- (6) the location the vehicle is to be left;
- (7) the suitability of allowing the vehicle to be left on the road or Council Land including likely impacts on the amenity and safety of the area, other road users and parking;
- (8) the duration of time sought to leave the vehicle on the road or Council Land;
- (9) the likely damage which may be caused to the road or Council Land (as the case may be); and
- (10) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

NOTE: Council will not support an application for a permit to leave any derelict, abandoned or unregistered vehicle on any road or Council Land unless in exceptional circumstances.

34. HEAVY OR LONG VEHICLES: PARKING ON A ROAD OR ON PRIVATE PROPERTY OR COUNCIL LAND

In determining whether to grant a permit for the parking or storage of a heaving vehicle or long vehicle for more than one (1) hour on any private property, Council Land or road for which Council is the Responsible road Authority, Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the road is a declared Arterial road;
- (2) whether the road carries less than 5,000 vehicles per day;
- (3) the width of the road and clearance distance for passing traffic;
- (4) whether the vehicle will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;

- (5) whether the parking will contravene any traffic control devices;
- (6) protection of any Council assets;
- (7) any requirements under the provisions of the *Road Management Act* 2004;
- (8) whether the vehicle would be clearly visible to approaching motorists at a safe distance, given the speed and nature of traffic if left during hours of darkness;
- (9) whether the requirements of regulations regarding vehicle lighting will be complied with; and
- (10) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the circumstances of the application.

35. STORING VEHICLES

In determining whether to grant a permit to keep or store any heavy vehicle or long vehicle upon any road or on any other property (whether private property or Council Land) as required by clause 35, an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the vehicle is derelict, abandoned or unregistered;
- (2) any exceptional circumstances;
- (3) the impacts on amenity, safety and parking in the area;
- (4) the proximity to adjoining properties;
- (5) the likely effect on adjoining owners or occupiers; and
- (6) any other matter an Authorised Officer or a Delegated Officer reasonably believes is relevant to the application.

Note: Council seeks to ensure parking access remains available and roads are safe therefore storing any heavy vehicle or long vehicle upon any road will only be considered in exceptional circumstances.

Note: derelict, abandoned or unregistered vehicles will be subject to the considerations of clause 33, *Derelict, Abandoned and Unregistered vehicles*

36. HEAVY VEHICLES: PERMITS FOR USE ON RESTRICTED USE ROADS

In determining whether to grant a permit to use a road contrary to any sign erected on it, Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) any exceptional circumstances;
- (2) the amount of the damage likely to be caused to the road by the vehicle in respect of which the permit is sought;

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- (3) the type and weight of vehicle;
- (4) the goods to be transported and the weight of those goods;
- (5) alternative roads which are available;
- (6) the necessity to impose speed limits; and
- (7) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the circumstances of the application.

37. BIKE SHARE SCHEME

In determining whether to grant a person who owns or operates a bike share scheme a permit to allow any bicycle owned or operated by that person to be within the municipal district, Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the service is a docked or dockless service;
- (2) the ability of that person to locate and manage any bikes not docked to ensure no adverse safety, amenity or environmental impacts;
- (3) the area of the municipality to which the permit applies;
- (4) the payment of a deposit or bond against any damage to Council Land or assets;
- (5) public liability insurance at a minimum of \$20 million;
- (6) the provision of an indemnity from the permit holder indemnifying Council in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder; and
- (7) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the circumstances of the application.

38. E-SCOOTER SHARE SCHEME

In determining whether to grant a person who owns or operates an e-scooter share scheme a permit to allow any e-scooter owned or operated by that person to be within the municipal district, Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the service is a docked or dockless service;
- (2) the ability of that person to locate and manage any e-scooter not docked to ensure no adverse safety, amenity or environmental impacts;
- (3) the area of the municipality to which the permit applies;
- (4) the payment of a deposit or bond against any damage to Council Land or assets;

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- (5) public liability insurance at a minimum of \$20 million;
- (6) the provision of an indemnity from the permit holder indemnifying Council in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder; and
- (7) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the circumstances of the application.

39. STREET PARTIES & STREET FESTIVALS: PERMITS

In determining whether to grant a permit for a street party, street festival or procession, Council or an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the street party, street festival or procession is planned for a declared Arterial road or any other main thoroughfare under the management and control of Department of Transport, requiring prior permission by the Chief Commissioner of Victoria Police and Department of Transport, and whether their requirements have been met including an appropriate traffic detour signing scheme;
- (2) whether the road can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and street party, street festival or procession patrons and equipment for the duration of the event;
- (3) whether all owners or occupiers of all properties with any immediate vehicular access via the section of road to be closed have been advised by letter and given seven (7) days to comment or object or other arrangements to Council's satisfaction have been put in place to alert relevant owners and occupiers of properties;
- (4) whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by Council or the Authorised Officer or Delegated Officer;
- (5) whether the footpath on at least one side of the road can be kept clear of obstructions; and
- (6) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

PART 4- BUSINESS AND ASSET PROTECTION

DIVISION 1 - BUSINESS

40. ROADSIDE TRADING OR PERFORMING

In determining whether to grant a permit to allow trading or performing from a road or to a person on a road, an Authorised Officer or a Delegated Officer must have regard to:

- (1) whether the safety of road users or the passage of vehicles will be affected by the placement or performance;
- (2) whether permits required by *Public Health and Wellbeing Act 2008*, *Food Act 1984* or any other legislation have been obtained;
- (3) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
- (4) whether the activity will be detrimental to the amenity of the area;
- (5) the nature and duration of any performance and whether it should be time limited;
- (6) whether an alternative performance location can be identified to reduce any annoyance or disruption to property owners or occupiers or other persons lawfully using the area;
- (7) whether audience attracted by a performance may cause traffic, pedestrian or trader disruption;
- (8) whether other performers will be unfairly impacted or excluded by the location or duration of any permit;
- (9) whether appropriate arrangements can be made for wastewater disposal, litter and garbage; lighting; and advertising signs;
- (10) whether the consent of Department of Transport has been obtained where the road is an arterial or Department of Transport controlled road;
- (11) whether any indemnity/guarantee has been provided to Council;
- (12) whether the activity will be detrimental to local businesses in the vicinity; and
- (13) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

41. REGULATION OF TRADING SITES

This section is intentionally blank.

42. DISPLAYING GOODS FOR SALE

The provisions of clause 42 of the Local Law will be administered in accordance with the provisions of Council's *Footpath Trading Policy* incorporated into these guidelines and attached as Attachment 2. That policy sets out requirements and considerations for the purposes of clause 42.

43. USING COUNCIL LAND FOR OUTDOOR EATING FACILITIES

The provisions of clause 43 of the Local Law will be administered in accordance with the provisions of Council's *Footpath Trading Policy* incorporated into these

guidelines and attached as Attachment 2. That policy sets out requirements and considerations for the purposes of clause 43.

44. REMOVING THE FACILITY

This section is intentionally blank.

45. ADVERTISING SIGNS: ERECTING OR PLACING – GUIDELINES (INCLUDING MOBILE BILLBOARDS)

The provisions of clause 45 of the Local Law will be administered in accordance with the provisions of Council's *Footpath Trading Policy* incorporated into these guidelines and attached as Attachment 2. That policy sets out requirements and considerations for the purposes of clause 45.

The erection or placing of advertising signs on the following parts of roads is not permitted:

- (1) On any road or Council Land that is not directly adjacent to the business it is promoting;
- (2) Adjacent to any property line on a footpath in the area referred to as the Pedestrian Zone;
- (3) On any vehicle parked or left standing on a road; or
- (4) In any other location which, in the reasonable opinion of an Authorised Officer or a Delegated Officer, is likely to obstruct motorists' lines of sight or cause danger to any road user, pedestrian or visually disabled person.

In determining whether to grant a permit to allow advertising signs to be placed on a road as required by clause 45(1), the Authorised Officer or Delegated Officer must have regard to:

- (1) the size of the sign;
- (2) any other signs for the applicant's premises;
- (3) whether the safety of road users or the passage of vehicles will be affected by the sign;
- (4) whether the consent of Department of Transport has been obtained where the road is an arterial or Department of Transport controlled road;
- (5) whether the activity will be detrimental to the amenity of the area;
- (6) whether any indemnity/guarantee has been provided to Council;
- (7) whether the activity will be detrimental to local businesses in the vicinity;
- (8) whether the sign is to advertise a non-commercial local educational, cultural, political, religious, social or recreational event on a municipal reserve in which case it is may be subject to a use of municipal reserve permit and the application should be referred accordingly; and

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- (9) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

In determining whether to grant a permit to display for sale any vehicle, trailer, boat or other equipment on any road or Council Land as required by clause 45(3), the Authorised Officer or Delegated Officer must have regard to:

- (1) whether the safety of road users or the passage of vehicles will be affected;
- (2) whether the consent of Department of Transport has been obtained where the road is an arterial or Department of Transport controlled road;
- (3) whether the activity will be detrimental to the amenity of the area;
- (4) whether the activity may pose a risk of damage to Council Land;
- (5) whether the activity will be detrimental to local businesses in the vicinity;
- (6) whether any indemnity/guarantee has been provided to Council; and
- (7) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

46. SHOPPING TROLLEYS

The following is the process to be followed by an Authorised Officer or a Delegated Officer where a shopping trolley is left on a road or Council Land in breach of clause 46 of the Local Law:

- (1) Where a shopping trolley has been left on a road or Council Land, the proprietor of the premises identified on the shopping trolley shall be notified and given a reasonable opportunity to recover the trolley, unless the shopping trolley or its location poses a danger to the users of the road or Council Land;
- (2) If, following notification, the proprietor does not recover the shopping trolley in question within a reasonable period, an Authorised Officer or a Delegated Officer may impound that shopping trolley and issue an infringement to the proprietor of the business; and
- (3) Where a shopping trolley that has been left on a road or Council Land contains the personal belongings of a person who is homeless, an authorised officer must take all reasonable steps to ensure that those belongings are removed for safe keeping and returned to the owner.

47. COLLECTIONS

In determining whether to grant a permit to allow a collection under clause 47 of the Local Law, an Authorised Officer or a Delegated Officer must have regard to:

- (1) the limited number of collection permits to be granted (one per month per location or postcode area, whether door-to-door, highway, or other) and a

- preference to be given to volunteer collectors for charitable organisations benefiting the Bayside community;
- (2) whether the organisation has already received a permit in any particular year for the location or area sought;
 - (3) the times and days it is proposed to collect;
 - (4) the land-use of the relevant land on which the collection would take place and that of adjoining allotments;
 - (5) the matter or thing to be collected and/or distributed;
 - (6) the age of the participants and the capacity for them to be supervised;
 - (7) whether an indemnity/guarantee has been provided to Council;
 - (8) the roads or areas in which the collections would take place;
 - (9) the impact on Traffic and safety of pedestrians;
 - (10) any view of the Victoria Police or Department of Transport (where relevant) concerning the proposed location or conduct of any collection, especially regarding a highway collection;
 - (11) whether the following mandatory requirements for highway collections can be satisfied:
 - (a) the nominated intersection must be controlled by traffic signals;
 - (b) highway collections should be limited to weekends or public holidays;
 - (c) no highway collection shall take place between sunset and sunrise;
 - (d) no highway collections shall take place at an intersection located in a speed zone greater than 70 kilometres per hour;
 - (e) no highway collection shall commence or continue during inclement weather or abnormal atmospheric conditions;
 - (f) collectors shall only enter upon the carriageway:
 - i. when a red traffic control signal is displayed facing vehicles from which they wish to solicit for contributions;
 - ii. shall immediately leave the carriageway and remain on the reservation; or
 - iii. footpath when that traffic control signal changes from red; and
 - (12) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

48. TRADE WASTE BINS AND WASTE HOPPERS

The following set out the guidelines which an occupier must comply with under clause 48 of the Local Law:

(1) Construction of Bins

Waste hoppers or bins used for the collection and storage of trade waste must:

- (a) be constructed of approved impervious material to the satisfaction of the Municipal Environmental Health Officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
- (b) be water-tight, fly and vermin proof;
- (c) if its capacity exceeds 500 litres, contain a removable drainage plug for the purpose of cleaning; and
- (d) be fitted with fly and vermin proof lid with overlapping flanges which must be kept continuously closed; except when being used for the immediate deposit of waste material.

(2) Emptying of Trade Waste Bins

Waste hoppers or bins used for the collection and storage of trade waste must be emptied at least weekly or more regularly if the contents become offensive;

(3) Cleanliness and Storage of Bins

The occupier of private property must ensure that, in relation to bin used for the collection and storage of trade waste:

- (a) the bin is stored and maintained in a clean, sanitary and inoffensive condition and must clean and always keep clean any footway, pavement or ground adjoining the storage area, to the satisfaction of the Municipal Environmental Health Officer;
- (b) the surface upon which the bin is stored is impervious, and graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Municipal Environmental Health Officer;
- (c) the storage site is supplied with a tap connection and hose of a size approved by the Municipal Environmental Health Officer to the satisfaction of the Municipal Environmental Health Officer;
- (d) the bin is screened in such a way and with such material as approved by the Municipal Environmental Health Officer;
- (e) the bin is adequately fenced or constructed in such a way to deny access to the public; and

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- (f) the bin is stored and maintained in a clean and sanitary condition on the land to which it relates.

(4) Notice of Materials to be Deposited

Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

DIVISION 2 – ASSET PROTECTION

49. DRAINAGE TAPPING

In distinguishing between regular rainwater and groundwater being discharged into Council drains, water that enters as a result of rain for a period of 24 hours after rainfall is considered stormwater.

In determining whether to grant a permit to allow a person to tap into any drain under the control of Council as required by clause 49(1), an Authorised Officer or a Delegated Officer must have regard to the following requirements:

- (1) the application for a drainage tapping must include a written request, together with plans approved by a building surveyor;
- (2) the applicant must pay the permit fee in advance of the issuing of the permit;
- (3) the Authorised Officer or Delegated Officer must issue detailed permit conditions regarding excavations, temporary seals, road opening and road opening fee procedures, safety signage for traffic and pedestrians, site cleanliness, final permanent repairs, manner of tappings, and restoration of nature strips;
- (4) a drainage tapping to a legal point of discharge is for the purpose of rainwater only, any other discharge intended must be revealed on the application and is subject to approval by the Authorised Officer or Delegated Officer. Additional information regarding the source, quality, chemical and biological content, quantity and frequency of any other discharge should be given; and
- (5) in considering whether to grant a drainage tapping permit and/or the appropriate conditions applicable to that permit, the Authorised Officer or Delegated Officer may consider any other matter he or she reasonably believes is relevant to the application.

In determining whether to grant a permit to allow a person to discharge groundwater into any drain under the control of Council or into or onto any road or Council Land as required clause 49(2), an Authorised Officer or a Delegated Officer must have regard to the following requirements:

- (1) the application must include a written request, together with plans approved by a building surveyor;

- (2) the applicant must pay the permit fee in advance of the issuing of the permit; and
- (3) the Authorised Officer or Delegated Officer must issue detailed permit conditions regarding excavations, temporary seals, road opening and road opening fee procedures, safety signage for traffic and pedestrians, site cleanliness, final permanent repairs, manner of tappings, and restoration of nature strips.

The Authorised Officer or Delegated Officer must, in considering whether to grant such a permit, have regard to:

- (1) Council's *Subterranean Water Guidelines*;
- (2) whether discharge of groundwater into the environment is a last resort;
- (3) whether groundwater is treated prior to any discharge to ensure the environment is not adversely affected;
- (4) any additional information regarding the source, quality, chemical and biological content, quantity and frequency of any other discharge; and
- (5) any other matter he or she reasonably believes is relevant to the application.

50. A VEHICLE CROSSING IS REQUIRED

This section is intentionally blank.

51. CONSTRUCTING VEHICLE CROSSING

This section is intentionally blank.

52. REMOVING REDUNDANT VEHICLE CROSSINGS

In determining if a vehicle crossing is redundant and Authorised Officer or Delegated Officer will have regard to whether the development of the private property prevents vehicle access onto the land from the vehicle crossing.

53. TEMPORARY VEHICLE CROSSINGS

This section is intentionally blank.

54. ASSET PROTECTION GENERALLY

Protection Works required by an Asset Protection permit will apply to:

- (1) All trees located on Council Land within 4 metres of a building will require protective tree barriers, unless reasonable grounds for exclusion can be shown;
- (2) Other additional trees beyond 4 metres from the building site may also require protective tree barriers if in the reasonable opinion of an Authorised Officer or a Delegated Officer they are at genuine risk of damage from

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traffic movements or other relevant circumstances related to the building works;

- (3) All protective barriers for trees must be properly constructed and installed at the cost of a person in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, as it is amended from time to time;
- (4) For the purposes of this Guideline, a protective barrier may not be required in respect of any tree if Council or an Authorised Officer or a Delegated Officer has advised in writing that a barrier is not required for that tree;
- (5) Protection works will include fencing of the private property of the building works in a manner which:
 - (a) restricts access from Council Land by the general public to the private property at which the building works are being undertaken;
 - (b) retains any refuse and debris from the building works being undertaken at the private property within the boundaries of the private property; and
 - (c) is constructed and installed in accordance with any written direction of Council or an Authorised Officer or a Delegated Officer.
- (6) Any other Council asset at risk of damage from the building works and related activity around the building site.

When considering whether an Asset Protection permit should require the payment of a security bond or an alternative form of security such as a bank guarantee, an Authorised Officer or a Delegated Officer will consider the following:

- (1) the nature of the proposed building works;
- (2) the duration of the building works;
- (3) the condition of the roads, land and assets surrounding the building site;
- (4) an appropriate sum for the bond given the potential risk and likely costs to repair damaged assets; and
- (5) any other relevant matter the officer reasonably believes is relevant.

When considering the application of (or a refund of) a security bond or guarantee, an Authorised Officer or a Delegated Officer will consider the following:

- (1) The findings of any inspection made by an Authorised Officer or a Delegated Officer of the roads, Council Land and other Council assets in the vicinity of the private property after the owner or occupier of the private property advised Council in writing that the building works were completed;

- (2) If in the opinion of the Authorised Officer or Delegated Officer, the building works or activities associated with the building works have caused:
- (a) damage to roads, Council Land or other Council assets; or
 - (b) deposited residue, dirt or mud on roads, Council Land, drains or other Council assets;

the Authorised Officer or Delegated Officer may serve a Notice to Comply on a person requiring a person to repair the damage or remove the material; and

- (3) If the person on whom the Notice to Comply is served fails to repair the damage or remove the material as required by the Notice to Comply, an Authorised Officer or a Delegated Officer may apply the guarantee or bond towards the cost of repairing the damage or removing the material.

55. MANAGING AMENITY ON BUILDING SITES

Unless approved otherwise by a Construction Management Plan forming part of a planning permit, the builder of a building site must comply with the following measures as required by clause 55(1) of the Local Law:

(1) Fencing

The private property must be fenced in a manner which:

- (a) restricts access from Council Land by the general public to the private property at which the building works are being undertaken;
- (b) retains any refuse and debris from the building works being undertaken at the private property within the boundaries of the private property; and
- (c) is constructed and installed in accordance with any written direction of Council or an Authorised Officer or a Delegated Officer.

(2) Site Identification

A private property must display site information including the following information:

- (a) the name of the person carrying out the building works;
- (b) the street and lot number relevant to the private property; and
- (c) a 24-hour emergency contact telephone number or numbers of the person carrying out the building works;

The information must be displayed in a manner approved by an Authorised Officer or a Delegated Officer, located close to the site entry and site boundary, clearly legible from within a vehicle on the adjoining roadway, and in accordance with any planning or building requirements.

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(3) Stormwater Management

Stormwater from the site:

- (a) is to be connected to the stormwater system as soon as possible; and
- (b) managed to ensure contamination of run-off by chemicals, sediments, animal wastes or gross pollutants does not cause stormwater pollution.

(4) Protection of the environment and vegetation

The builder of a building site must ensure:

- (a) Council trees are protected in accordance with Council's *Guideline for Working Near Council Trees*;
- (b) the preservation of grass and vegetation around the building site;
- (c) the minimisation of work on slopes, along streams and environmentally sensitive areas;
- (d) the minimisation of soil exposure and revegetation of Council Land as soon as practicable;
- (e) excess soil is removed from the building site as soon as practicable;
- (f) roads are maintained free of dust, mud and debris;
- (g) no building clean-up, wash down, run off from pressure cleaning brick, tile or pavement cutting or other wastes are discharged offsite or allowed to enter the stormwater system; and
- (h) stormwater entry pits are protected to ensure no stormwater pollution from the building site enters Council's stormwater drains.

(5) Site access and access roads

The builder of a building site must ensure:

- (a) the minimisation of dust or mud from the building site onto road surfaces; and
- (b) the prompt cleaning of any materials, dust or mud from the building site on surrounding footpaths and roads.

(6) Stockpiles and batters

The builder of a building site must ensure:

- (a) stockpiles must not be placed on Council Land and roads unless a Local Law permit has been obtained; and

- (b) permitted stockpiles must be positioned away from drainage flows.

(7) Noise Control

The builder of a building site must ensure:

- (a) building site operating hours must be in accordance with the Local Law prescribed times unless a Local Law permit has been granted to work outside of the prescribed hours or approved otherwise as part of a Construction Management Plan approved as part of a planning permit applying to the private property for the building work;
- (b) deliveries to the site only occur during building site operating hours prescribed in the Local Law unless a permit has been granted to work outside of the prescribed hours;
- (c) equipment used should be of the lowest possible noise rating and incorporate best practice silencing technology wherever possible; and
- (d) trucks must not idle in areas close to residences.

(8) Waste Management

The builder of a building site must ensure:

- (a) litter from the building site is contained in a container kept on the building site unless a Local Law permit has been obtained for alternative waste disposal;
- (b) spills, paint residues or other liquid wastes are cleaned immediately and prevented from entering the stormwater system or soaking into the ground;
- (c) the provision of a dedicated chemical storage area on site;
- (d) recycling wherever possible and ensuring only waste which is not recyclable is sent to landfills; and
- (e) concrete waste from concrete deliveries for the site is contained on site or on the delivery truck.

(9) Outside the Site

The builder of a building site must ensure:

- (a) no concrete or concrete wash-down water or residue enters or remains on Council Land, roads or enters Council's drains;
- (b) no litter, contaminated run-off, chemicals, sediments, animal wastes or gross pollutants enter Council drains;
- (c) Council Land and any road adjacent to the building site remains safe for the public;

- (d) roads, footpaths and gutters around the site are inspected and cleaning daily;
- (e) Council is immediately notified of any damage to Council Land or assets;
- (f) the minimisation of dust from the site;
- (g) all equipment and material used in association with the building works is kept on the building site unless a permit under the Local Law has been obtained;
- (h) trenches are reinstated as soon after pipes or cables are laid;
- (i) building works do not undermine Council Land; and
- (j) building works do not encroach onto Council Land or vested easements unless otherwise consented to by the relevant authority.

56. OCCUPATION OF ROADS

In determining whether to grant a permit for occupation of a road as required clause 56(1), an Authorised Officer or a Delegated Officer must have regard to:

- (1) the suitability of the proposed occupation;
- (2) whether the occupation is required as part of a building site's public protection requirements under regulation 116 of the *Building Regulations 2018*;
- (3) any requirements under the provisions of the *Road Management Act 2004*;
- (4) whether the road is a declared Arterial road;
- (5) any relevant approvals from external agencies or authorities;
- (6) whether a satisfactory Traffic Management Plan in accordance with *AS1742.3 Manual for Uniform Traffic Control Devices, Part 3, Traffic Control Devices for Works on roads*, has been supplied with the application;
- (7) whether an Asset Protection permit has been issued or should be required;
- (8) whether any Council assets require protection or removal;
- (9) whether public liability insurance at a minimum of \$20 million has been supplied; and
- (10) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the circumstances of the application.

PART 5 - SMOKING AND ALCOHOL

57. CONSUMPTION AND POSSESSION OF LIQUOR ON ROADS

This section is intentionally blank.

58. CONSUMPTION AND POSSESSION OF LIQUOR ON MUNICIPAL RESERVES

In preparing a Report to Council for a Resolution prescribing municipal reserves where further restrictions apply to consume liquor or possess or control liquor in unsealed containers, Council officers must follow the following procedure:

- (1) Consider the urgency of any such proposals including input from Victoria Police;
- (2) Prepare and implement a community and internal stakeholder consultation plan consistent with Council's Communication and Engagement Policy if the restrictions are intended to be permanent;
- (3) Provide a summary of key evidence-based research and relevant government and comparative municipality initiatives;
- (4) Prepare an analysis of enforcement issues, including procedures and estimated costs to Council;
- (5) Prepare a risk analysis for the proposed prescription; and
- (6) Prepare a Report for Council summarising all the above, including a recommendation where further restrictions apply to consume liquor or possess or control liquor in unsealed containers.

59. EXEMPTION

This section is intentionally blank.

60. SMOKING IN MUNICIPAL PLACE

In preparing a Report to Council for a Resolution prescribing an area a Smoke Free or a Non-Smoking Area, Council officers must follow the following procedure:

- (1) Prepare and implement a community and internal stakeholder consultation plan consistent with Council's Communication and Engagement Policy;
- (2) Provide a summary of key evidence-based research and relevant government and comparative municipality initiatives;
- (3) Prepare an analysis of enforcement issues, including procedures and estimated costs to Council;
- (4) Prepare a risk analysis for the proposed prescription; and

- (5) Prepare a Report for Council summarising all the above, including a recommendation for an area to be declared 'smoke free'.

PART 6 - COUNCIL LAND (INCLUDING MUNICIPAL PLACES, PARKS, FORESHORE AND COUNCIL BUILDINGS)

DIVISION 1 – MUNICIPAL PLACES AND OTHER COUNCIL LAND

61. BEHAVIOUR IN A MUNICIPAL PLACE - PROHIBITIONS

When determining if certain behaviour is an offence in or on a municipal place, Council or an Authorised Officer or a Delegated Officer must follow these guidelines regarding prohibited behaviour when accessing, using or remaining in a municipal place:

Behaviour considered a breach of the Local Law in or upon any municipal place by any person includes:

- (1) behaving in a manner which is boisterous or harmful and which interferes with the quiet enjoyment by any person using the municipal place or any neighbouring residential premises;
- (2) behaving in a way that is detrimental to the municipal place or other public assets, or in a way that substantially increases the level of personal risk to other users or potential users of that municipal place; and
- (3) except where such behaviour is a reasonable part of an approved public theatrical performance or artistic exhibition:
 - (a) use language or behave in a manner which is indecent, offensive or abusive or which annoys, disturbs, interrupts, molests or obstructs any person's enjoyment of a municipal place;
 - (b) access any pornography on any computer or electronic device;
 - (c) act in a way which endangers any person;
 - (d) use any volatile, explosive or flammable matter;
 - (e) damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or other structure of any kind;
 - (f) carry firearms unless specifically authorised to do so, except if that person is a member of the Victoria Police acting in the course of his or her duties or a person falling within the scope of section 130(2) of the *Firearms Act 1996*;
 - (g) shoot, snare, molest, injure or in any way harm or interfere with any bird or animal;
 - (h) use any life-saving or fire-fighting device unless during an emergency, an authorised practice or rehearsal for an emergency or

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with the approval of a person in charge or an Authorised Officer or Delegated Officer; or

- (i) act contrary to any sign or conditions of use applying to that municipal place.

62. DAMAGING/DEFACING A MUNICIPAL PLACE

This section is intentionally blank.

63. INTERFERENCE WITH A WATERCOURSE AND OTHER AREAS

This section is intentionally blank.

64. OBSTRUCTIONS ON COUNCIL LAND

This section is intentionally blank.

DIVISION 2 – PARKS AND FORESHORE

65. BEHAVIOUR WITHIN A MUNICIPAL RESERVES - PROHIBITIONS

In determining whether behaviour of any person within a municipal reserve constitutes a breach of the Local Law, an Authorised Officer or a Delegated Officer must follow these guidelines.

Behaviour considered a breach of the Local Law in or upon any municipal reserve by any person includes:

- (1) acting to endanger any person, with or without their knowledge;
- (2) interfering with any structure, notice, building or part of it, seat, play equipment, tree or plant;
- (3) acting contrary to any notice or sign;
- (4) leaving in the municipal reserve or in any building on it any litter except in receptacles provided;
- (5) walking on flower beds or borders, climbing trees, steep banks or cliff faces, or getting on or over any fence or gate or entering any prohibited areas as designated by Council or an Authorised Officer or a Delegated Officer from time to time;
- (6) posting bills or advertisements on any of the fences, gates, walls, seats of other structures;
- (7) using, other than as part of an approved permitted use, any amplifier, musical instrument, public address or sound broadcasting equipment so as to disturb other persons;
- (8) behaving in a disorderly, unseemly or indecent manner;
- (9) spitting or expectorating upon or otherwise fouling any path or structure;

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- (10) rolling or throwing stones or missiles, other than in approved permitted organised sporting practice or competition;
- (11) creating or taking part in any fight or disturbance;
- (12) entering or remaining while in an intoxicated condition or while under the influence of any illicit drug;
- (13) playing any unlawful game or making any wager for money or carrying on any form of gambling;
- (14) acting contrary to any lawful direction by any Council staff or an Authorised Officer or a Delegated Officer, including a direction to leave the municipal reserve;
- (15) remaining at any time when lawfully directed to leave by any Authorised Officer or Delegated Officer or employee of Council notwithstanding that a fee or charge for admission may have been paid;
- (16) unreasonably interfering with hindering or interrupting any employee of Council or an Authorised Officer or a Delegated Officer in carrying out their duties; and
- (17) causing a kite to fly in or over that municipal reserve in such a manner to unreasonably interfere with the enjoyment of any other person.

66. ACTIVITY WITHIN A MUNICIPAL RESERVE – PERMITTED ACTIVITIES

This section is intentionally blank.

67. ACCESS TO MUNICIPAL RESERVES

This section is intentionally blank.

68. CAMPING PROHIBITED ON COUNCIL LAND

If the person or persons may be experiencing homelessness the following requirements must be followed by an Authorised Officer or a Delegated Officer:

- (1) Refer the matter to Victoria Police if public safety is at imminent risk;
- (2) If a person or persons are sleeping rough and have set up a campsite the matter will be referred to the Manager Community Services or responsible delegate to identify assistance/supports that may be required and to determine the appropriate intervention/response to support the person or persons; and
- (3) If the person refuses to accept assistance and/or supports and where there is an impact on the safety and/or amenity of the broader community, an Authorised Officer or a Delegated Officer may act to eliminate the safety and/or amenity impact on the community in consultation with the Manager Community Services or responsible delegate.

69. LIGHTING FIRES

In determining whether to grant a permit to light, use or congregate around a fire on any municipal place or municipal reserve, Council or an Authorised Officer or a Delegated Officer must take into account the following:

- (1) the purpose for the fire such as for cultural or ceremonial purposes;
- (2) any exceptional circumstances;
- (3) the risk to public safety and the surrounding environment;
- (4) measures proposed to ensure the fire is managed safely; and
- (5) any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

70. FILMING ON COUNCIL LAND

Consideration of the film friendly principles under the *Filming Approval Act 2014*.

71. PARKING ON MUNICIPAL RESERVES

This section is intentionally blank.

72. RIDING ANIMALS ON COUNCIL LAND

This section is intentionally blank.

73. FEEDING OF BIRDS ON PUBLIC LAND

This section is intentionally blank.

74. USE OF WHEELED NON-MOTORISED RECREATIONAL DEVICES AND WHEELED CHILD'S TOYS

In preparing a Report to Council for a Resolution prescribing areas in which non-motorised recreational devices and /or wheeled child's toys must not be used, Council officers must follow the following procedure:

- (1) Consider the urgency of any such proposals including input from Victoria Police;
- (2) Prepare and implement a community and internal stakeholder consultation plan consistent with Council's Communication and Engagement Policy;
- (3) Provide a summary of key evidence-based research and relevant government and comparative municipality initiatives;
- (4) Prepare an analysis of enforcement issues, including procedures and estimated costs to Council;
- (5) Prepare a risk analysis for the proposed prescription; and

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- (6) Prepare a Report for Council summarising all the above, including a recommendation for areas in which non-motorised recreational devices and /or wheeled child's toys must not be used.

75. BATHING BOXES

In determining whether to issue or transfer a bathing box permit or licence, an Authorised Officer or a Delegated Officer must have regard to:

- (1) the applicant for a licence must pay the licence fee in full, and/or any transfer fee applicable, prior to the application or transfer being processed or the licence being issued;
- (2) an application for a licence may be refused to any person who is not a bona fide owner or occupier of a dwelling within the municipal district;
- (3) the bathing box must only be used and occupied for the purposes of convenience, comfort, shelter and shade (excluding overnight accommodation) and the storage of equipment and accessories incidental to the use of and access to the Brighton Beach Reserve and any evidence to the contrary should be resolved prior to the issue or renewal of a licence;
- (4) the bathing box must be maintained in good condition acceptable to Council and any evidence to the contrary should be resolved prior to the issue or renewal of a licence;
- (5) the applicant must give evidence (a Certificate of Currency) of Public Liability Insurance in relation to the bathing box in an amount determined of not less than \$20 million prior to the issue or renewal of a licence;
- (6) Council may refuse any application for a licence or by giving one (1) months' notice in writing to the holder of any such licence cancel the licence if it considers it is necessary in the interests of the public so to do and no compensation shall be payable by Council by reason of such cancellation;
- (7) if Council intends to cancel a licence for breach of conditions, Council's Standard permit Conditions would apply; and
- (8) if Council refuses the application for a licence or gives notice of the cancellation of a licence for whatever reason, the applicant or Licensee may within 28 days of notice of the decision, make a submission to Council to have the decision reviewed.

DIVISION 3 – COUNCIL BUILDINGS

76. BEHAVIOUR IN A MUNICIPAL BUILDING – PROHIBITIONS

When determining if certain behaviour is an offence in a municipal building, Council or an Authorised Officer or a Delegated Officer must follow these guidelines regarding prohibited behaviour.

Behaviour considered a breach of the Local Law in a municipal building by any person includes:

- (1) accessing a municipal building if under the age of 8 years unless in the care of an adult;
- (2) depositing any litter in a municipal building except in receptacles provided for that purpose;
- (3) hawking, selling, offering for sale or hiring out any goods, articles or services in a municipal building without Council's or an Authorised Officer's or a Delegated Officer's prior written consent;
- (4) entering or remaining in a municipal building while intoxicated or under the influence of any illegal drug or bring any illegal drug into a municipal building, except only a person attending a function in a municipal building organised with the approval of Council or the Manager in accordance with a liquor licence or permit or a person delivering Liquor to the building in accordance with an order of Council;
- (5) bringing any animal into a municipal building or allowing any animal under his or her control to remain in a municipal building, except an assistance animal as defined by the *Disability Discrimination Act 1992*, or a person attending a Council approved function involving the showing of animals;
- (6) bringing into a municipal building any Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy other than a pram or pusher with a child or a wheelchair or other apparatus for the purpose of assisting a disabled person or a trolley or other similar device in the process of assisting the delivery or removal of goods;
- (7) bringing into a municipal building any chemical, substance, liquid or powder which is dangerous to health or has the potential to foul, pollute or soil any part of a municipal building or to cause discomfort to any persons in a municipal building whether by offensive or noxious smell or otherwise;
- (8) entering or remaining in any part of a municipal building, other than:
 - (a) during the hours in which the municipal building is open to the public;
 - (b) through an entrance provided for the purpose of public entry;
 - (c) in an area set aside for public use;unless that person has the approval of the Manager, an Authorised Officer or a Delegated Officer or Chief Executive Officer, or is a member of Council staff in the course of his or her duties or is a person engaged by Council in the course of performing the function for which he or she was engaged;
- (9) obstructing, hindering or interfering with any Manager, attendant, or other member of Council staff or any person employed at the municipal building in the performance of his or her duties; and

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- (10) re-entering a municipal building within 24 hours after being directed by the Manager, an Authorised Officer or a Delegated Officer or an attendant to leave for any breach of the Local Law or any other law.

77. AVAILABILITY AND HIRE

This section is intentionally blank.

PART 7 - FEES AND CHARGES

78. SETTING FEES AND CHARGES

This section is intentionally blank.

79. WAIVER OF FEES AND CHARGES

This section is intentionally blank.

PART 8 - PERMITS

80. GRANT OF PERMIT

In relation to the exercise of the discretion under the Local Law for the processing of permit applications and the issuing of permits, an Authorised Officer or a Delegated Officer must take into account all of the following factors, considerations and circumstances, as well as any other matters in any other guidelines specific to the type of permit being sought:

- (1) whether additional information is required before dealing with an application;
- (2) whether the appropriate fee or charge has been paid or made subject to an approved payment system, which must occur before the application can be processed;
- (3) whether or not public notice, or written notice to specified adjoining landholders or other parties, of the permit application inviting submissions, should have been or will be made;
- (4) whether the applicant is a Service Authority or a person employed by or acting on behalf of a Service Authority that is not required to obtain a permit in respect of activities for the purposes of the Service Authority, although is nevertheless required to notify Council of any activity prior to its commencement;
- (5) whether the applicant has been exempted by Council from a requiring a permit, although this exemption may be subject to certain conditions being met and maintained during the term of an exemption and the exemption may be modified or cancelled in the same way as a permit.
- (6) whether the rectification, remedying or restoration of a situation or circumstance is required prior to issuing or as a condition of any permit;

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- (7) before issuing a correction to a permit, whether the value, importance and impact of any correction warrants that correction when compared with those works already undertaken or expenses already incurred under the existing permit that might be adversely impacted in time lost and/or new expense to the permit holder by the issue of the correction to the permit
- (8) whether the consent of the owner has been obtained where the applicant is not the owner of the property for which the permit is sought;
- (9) whether this application is or should be conditional upon the granting of some other permit which may be required by Council whether under the Local Law or otherwise;
- (10) whether the permit should be subject to the happening of an event;
- (11) in what way a time limit should be applied by specifying the duration, commencement or completion date; and
- (12) any other matter which Council officer reasonably believes in the circumstances is relevant to the exercise of this discretion.

81. SCOPE OF PERMITS

This section is intentionally blank.

PART 9 - ENFORCEMENT

82. EXEMPTIONS

Council's permit system and associated fee structure is designed to ensure sound fair and accountable management of Council's assets and responsibilities. Council's fee structures already make allowance for community users. Standard permit conditions inform permit holders of their rights of appeal.

Therefore, in the serious matter of considering whether to recommend a permit exemption or fee waiver, an Authorised Officer or a Delegated Officer must have regard to:

- (1) Only a Director, the CEO or Council itself may authorise an exemption from a permit or a fee waiver, therefore any recommendation for such an exemption or fee waiver must be made in writing to the responsible Director, CEO or as a Report to Council;
- (2) Each request for an exemption from a permit or fee waiver must be treated on its individual merits considering the factors set out below, but in the absence of clear or strong justification, should not be recommended; and
- (3) All the following matters are to be taken into consideration:
 - (a) why do the normal permit and its relevant fee structure not work in this case and can these matters be resolved?

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- (b) is the proposed activity or other behaviour of such a kind as to be not contemplated by or capable of being encompassed within the standard relevant permit or permit fee structure?
- (c) is this matter better dealt with under clause 84, Power of Authorised Officers or Delegated Officers to Issue a Notice to Comply, or clause 89, Urgent Powers, of the Local Law, or by reference to Commercial Services to negotiate a long-term Council Lease?
- (d) would an exemption from a permit or waiver of a permit fee seriously increase public risk or Council liability from the proposed activity or behaviour?
- (e) what overriding Council policy or public good is involved to recommend a permit exemption and/or permit fee waiver, which will be seriously inhibited or prevented by the required permit or relevant fee? For example, a genuine scientific research project being undertaken on behalf of recognised research organisation such as a University, Government Department or CSIRO.
- (f) how will the community of Bayside benefit directly or indirectly from the planned activity, which will be seriously inhibited or prevented by the required permit or relevant fee?
- (g) are there overriding special circumstances related to an individual's or a group's personal disadvantage that would consequently be unfairly or unjustly impacted by the normal required permit or relevant fee?
- (h) would issuing this permit exemption and or permit fee waiver set a public policy precedent for similar applications, in which case, should any recommendation be subject to Council approval?
- (i) what are the appropriate conditions, limitations (including time limitations and public liability insurance) which should be included in any letter of exemption from a permit or waiver of permit fee?
- (j) has the applicant party been warned that permit exemptions and permit fee waivers may be subject to conditions and may be cancelled or varied at any time if those conditions are broken?

83. POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO ISSUE A NOTICE TO COMPLY

When considering whether to issue a Notice to Comply, an Authorised Officer or a Delegated Officer must have regard to the following requirements:

- (1) A Notice to Comply must state:
 - (a) the time within which the breach (to which the Notice to Comply relates) must be remedied;

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- (b) any consequence or penalty that may apply if the person served with a Notice to Comply fails to remedy a situation in accordance with the Notice to Comply;
 - (c) the following procedural matters:
 - (i) whether the power exercised to issue the Notice to Comply is derived from Council's Local Laws (and thereby *the Local Government Act 1989* or *Local Government Act 2020*), in which case Council's decision is final on any appeal about any matter or penalty related to that Notice to Comply, or
 - (ii) or whether the power is derived from some other empowering legislation, in which case there is be a right of judicial review of any appeal decision by Council on any matter or penalty related to that Notice to Comply.
- (2) The time specified in a Notice to Comply must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied but should take into account, if applicable:
- (a) the amount of work to be performed in order to observe the Notice;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor that the Authorised Officer or Delegated Officer reasonably believes is relevant in the circumstances.

84. FAILURE TO ADHERE TO A NOTICE TO COMPLY

This section is intentionally blank.

85. IMPOUNDING

When considering and/or exercising the power to impound (and dispose of), an Authorised Officer or a Delegated Officer must have regard to:

In disposing of an impounded animal or thing an Authorised Officer or a Delegated Officer will have regard to the following consideration:

Council's policy for the disposal of unrecovered impounded items is as follows:

- (1) Where the item is declared by the Authorised Officer or Delegated Officer to have no saleable value, it may be disposed of in the most economical way, as determined by the Authorised Officer or Delegated Officer;

- (2) Where the item is declared by the Authorised Officer or Delegated Officer to have some saleable value, the item may be disposed of by tender, public auction or private sale, or failing sale may be given away or disposed of at the discretion of that Authorised Officer or Delegated Officer;
- (3) When choosing which method of disposal by sale, the Authorised Officer or Delegated Officer will consider the following matters:
 - (a) If the total estimated value of the impounded animal or thing is unknown, expert advice should be sought to obtain an estimate of its value;
 - (b) If the estimated value exceeds \$2,000, disposal should be by way of tender or public auction first, and only by way of private sale if the animal or thing fails to sell by tender or public auction; and
 - (c) Sale of impounded animals or things by any means and of any value must be fully documented and reported to Council Executive by the Authorised Officer or Delegated Officer.

86. RECOVERY OF EXPENSES

This section is intentionally blank.

87. APPEALS

This section is intentionally blank.

88. URGENT POWERS

When considering whether to exercise urgent powers in urgent circumstances, an Authorised Officer or a Delegated Officer will apply the following guidelines:

What is regarded as urgent circumstances and whether action should be taken will depend on the circumstances of each situation. Factors to be taken into consideration may include:

- (1) Where:
 - (a) the person by whose default, permission or sufferance the situation has arisen; or
 - (b) the owner or the occupier of the premises or property affected;is not known or cannot be found.
- (2) The right of directly concerned persons to be heard, whether owner or occupier or some other person, provided in the reasonable belief of the Authorised Officer or Delegated Officer this will not cause unacceptable delay in rectifying or reducing an urgent risk.
- (3) Where, in the opinion of the Authorised Officer or Delegated Officer, there exists an urgent risk or threat to:

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- (a) public health;
 - (b) public safety;
 - (c) the environment; or
 - (d) animal welfare
- (4) Whether the need to act is sufficiently urgent, and that the time involved or difficulties associated with the serving of a written warning or Notice to Comply may place a person, or any animal, property or thing at risk or in danger;
- (5) Wherever practicable, a Senior Officer is given prior notice of the proposed action;
- (6) Details of the failure and remedying action are, as soon as possible, forwarded to the person on whose behalf the action was taken;
- (7) The urgent action taken by an Authorised Officer or a Delegated Officer must not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved; and
- (8) An Authorised Officer or a Delegated Officer who takes urgent action must ensure that, as soon as practicable, a report of the action taken is submitted to the Chief Executive Officer.

89. POWER TO ISSUE A DIRECTION

This section is intentionally blank

PART 10 - OFFENCES, PENALTIES, INFRINGEMENT NOTICES AND OFFICIAL WARNINGS

90. OFFENCES AND PENALTIES

This section is intentionally blank.

91. INFRINGEMENT NOTICES

This section is intentionally blank.

92. OFFICIAL WARNINGS

This section is intentionally blank.

ATTACHMENT 1 – MANAGEMENT OF TREE PROTECTION ON PRIVATE PROPERTY POLICY 2015



Council policy title:	Management of Tree Protection on Private Property Policy 2015
Council policy ref no:	C/POL/CPA/001
Council policy owner:	Director City Planning & Amenity
Adopted by:	Bayside City Council
Date adopted:	22 September 2015
Scheduled review:	September 2019
Document reference no:	DOC/15/37434

(Council Policy is a public statement formally resolved by Council, which clearly states Council's requirements in relation to a particular matter or issue. For Council policy approval process, refer Section 10 and Appendix 1 of the Policy Handbook.)

1. Policy intent

Protecting and expanding the tree canopy of the entire municipality is an integral part of neighbourhood amenity, natural beauty and a sustainable environment and identified in Goal 4.1.4 Protecting and enhancing vegetation (increase indigenous plant usage) on private and public land.

The Bayside Planning Scheme Vegetation Protection Overlay (VPO) and Local Law No. 2 'Neighbourhood Amenity' assist Council to protect and expand the tree canopy of the entire municipality. Clause 36 in the Local Law No. 2 'Neighbourhood Amenity', protects Significant and Protected Trees on private property.

This Policy is intended to provide guidance with regard to assessing Local Law permits for Protected Trees on private property in accordance with Local Law No. 2 – Neighbourhood Amenity, Clause 36 – Tree Protection. A person, without a permit, must not destroy, damage or remove or allow to be destroyed, damaged or removed protected or significant trees on any private property.

A permit is not required:

- where pruning is carried out by a qualified Arborist in accordance with the relevant Australian Standard (4373:2007) who certifies his work, including photographs before and after work; or
- in an emergency, any part of a tree that is an immediate threat to life and or property may be removed.

2. Purpose/Objective

The purpose of this Policy is to protect and enhance the urban character, by regulating tree removal and pruning of trees on private property. The replacement planting will be achieved

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Local Law Guidelines, Neighbourhood Amenity Local Law 2021
[8115544: 29444403_1]

using species that are suitable to the local vegetation character of the area and site constraints.

Protected trees can be very long-lived and provide a sense of character and identity to an area. They also contribute significantly to modifying the impacts of living in an urban environment, including reducing runoff into drains, reducing air temperatures, capturing dust particles and pollutants in the canopy, increasing property values, providing natural protection from the sun, contributing to psychological well-being and providing habitat for local fauna.

An increasing density of urban development means that the number of large trees on private land is decreasing, therefore the health and sustainability of these trees is becoming increasingly important.

Decisions made in respect to tree removal permits need to consider the property owner's needs, any risk or damage to persons or property and the impact of the tree removal on the environment and local amenity.

Objectives:

- to guide the decision making for tree removal permits for protected trees on private property;
- to guide the selection of replacement planting on private property where tree removal permits are granted, in order to enhance local amenity and urban character; and
- to encourage all tree pruning works to comply with the appropriate Australian Standards.

3. Scope

This Policy is limited in its application to trees that are protected under Local Law No. 2 – Neighbourhood Amenity.

A protected tree is a tree with a single, or combined trunk circumference greater than 155 centimetres measured at one metre above ground level, excluding species which are declared Noxious Weeds or an immediate hazard.

This Policy does not apply to exemptions and determinations made by the Responsible Authority regarding trees protected by the Bayside Planning Scheme. This includes, but is not limited to:

- Heritage Overlay;
- Significant Landscape Overlays;
- Native vegetation (Clause 52.17 Planning Scheme);
- Vegetation Protection Overlay;
- Significant Trees on Council's Significant Tree Register (refer instead Significant Trees Management Policy 2013); and
- Vegetation on land owned or managed by Council (refer instead Street and Park Tree Management Policy 2011).

4. Roles & Responsibilities

Role	Responsibility
Policy Development	Manager Amenity Protection
Policy Implementation	Coordinator Investigations
Policy Evaluation	Manager Amenity Protection
Policy Review	Manager Amenity Protection with Coordinator Investigations
Decision Making – Tree pruning and removal permits	As per section 7.5
Tree replacement	As per section 8

5. Monitoring, evaluation & review

The effectiveness of the *Local Law Tree Permit Policy* will be reviewed by the Amenity Protection Department and will consider input from community stakeholders. Information on applications and decisions will be maintained in Council's record management system.

6. Policy statement

Bayside City Council has committed to providing high-quality living environments for residents, ratepayers and visitors.

Bayside's vegetation makes an important contribution to local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. It enhances local climatic conditions by providing shade, wind protection and relief from the urban heat island effect. In some locations, vegetation also contributes to native fauna habitat and local biodiversity.

Bayside City Council is committed to protecting and enhancing vegetation cover because it is regarded as integral to municipal identity and underlying land values. Recent research has confirmed that the tree canopy is gradually being eroded. Large trees are being lost due to land development, risk aversion, infrastructure and property maintenance, climate variability, natural attrition, pests and disease.

A proactive approach to protecting and enhancing vegetation cover is required in order to maintain the high levels of amenity and distinctive character of Bayside's suburbs.

Council applies a range of regulatory and operational measures aimed at protecting vegetation on both private and public land. In relation to private land, two legal instruments facilitate vegetation protection and replacement:

- *Local Law No. 2 – Neighbourhood Amenity* (Clause 36 – Tree Protection)
- *Bayside Planning Scheme* (under provisions listed in Section 3 of this policy and through the use of planning permit conditions).

7. Tree removal permit

A Permit is required to remove a tree described in Clause 36(1) of the Local Law. Applications are made in writing using a standard template and must be adequately supported with the nominated information.

Tree removal applications need to include a plan for planting suitable replacement canopy tree or trees (information in section 8). Approved replacement trees may be subject to inspection by Council Officers after planting and failure to plant or removal shall be considered a breach of permit.

7.1 Assessment

The preliminary assessment includes inspection of the tree's health and structure to determine if the tree is dead or structurally unstable. Permits are granted to remove dead or hazardous trees. Refer to Attachment A, Preliminary Assessment.

For trees not identified as structurally unstable or dead, a full tree removal assessment is undertaken. Refer to Attachment B, Tree Removal Assessment.

A **Quantified Tree Risk Assessment (QTRA)** is only completed to assess a tree's risk where it is identified on the application form that the tree removal is required as it poses a danger to people or surrounding infrastructure. When a tree is assessed using the QTRA and an unacceptable risk of harm is identified, a Permit to remove the tree will be issued.

For a tree-failure hazard to exist there must be potential for failure of the tree and potential for injury or damage to result. The assessment will consider the likelihood of a combination of

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tree failure, harm to people and property and the likely severity of the harm. Refer to Attachment C.

Other considerations:

Officers assessing applications are to take into consideration all relevant matters, and specifically, any evidence supplied in the form of:

- a) a report by a qualified Arborist where the report assesses the tree as posing an unacceptable risk;
- b) a report by a Structural Engineer where the report assesses that the tree is the primary cause of damage to the structure; and
- c) a landscaping proposal that includes suitable canopy tree replacements, for trees proposed to be removed.

When considering a) and b) above the report MUST contain verifiable information on which the conclusions are drawn.

7.2 Pruning trees on private property

Pruning should be carried out by a qualified Arborist in accordance with the relevant Australian standard (the current standard is Australian Standard 4373:2007 Pruning of Amenity Trees). This standard encourages pruning practices and procedures that reduce the potential for a tree hazard developing, branch failure, fungal infection or premature tree death. Local Law No. 2 states that a permit is required for a tree described in clause 36(1) of that local law to be cut, trimmed, lopped or pruned. Applications should be in the standard form and be adequately supported with relevant information.

A permit is not required:

- where pruning is carried out by a qualified arborist in accordance with the relevant Australian Standard (4373:2007) who certifies his work, including photographs before and after work; or
- in an emergency, any part of a tree that is an immediate threat to life and or property may be removed.

Lopping, topping or flush cutting are not promoted practices as the indiscriminate removal of trunks or leaders at internodal points in the crown may lead to the development of poorly attached epicormic growth.

7.3 Tree pruning / removal in emergency circumstances

In an emergency, that part of a tree that is an immediate threat to life and or property may be removed without a permit.

7.4 Branches overhanging properties

Where a permit is required to cut, trim, lop or prune limbs that overhang a property boundary, the owner of the tree (if not the applicant) will be provided with a copy of any permit issued.

It is noted that a permit does not change any common law rights and obligations relating to overhanging branches.

7.5 Decision making for Tree Removal and Pruning Permits

Tree assessments are undertaken by Council's arborist in accordance with section 7.1, 7.2, 7.3 and 7.4. The Coordinator Investigations will inform the applicant of the decision made by Council.

If an applicant is dissatisfied with the decision in relation to the application, the applicant may apply in writing for an internal review of the decision. The internal review will be conducted by the Manager Amenity Protection.

The applicant can appeal the decision made by the Manager Amenity Protection not to grant a tree removal permit to Council under the Local Law No.2 clause 16.

7.6 Tree Assessment Definitions

The tree assessment definitions are provided in Attachment D and section 10 of this Policy.

8. Replacement Planting

In order to enhance the overall tree canopy cover, Council aims to:

- achieve a net increase in the number of canopy trees on both private and public land; and
- encourage the planting of canopy trees of sufficient scale to contribute to the diversity of the canopy.

Preferred tree planting ratios and scale

Application type	Preferred number of canopy trees	Preferred scale of trees
1. Tree removal under <i>Local Law No. 2 - Neighbourhood Amenity</i>	A minimum of one canopy tree for every canopy tree removed.	Replace canopy trees with new trees expected to mature to achieve the heights specified below.

8.1 Tree Replacement Planting Height

- Where the existing tree is 20 metres or less, the existing tree will be replaced with a tree capable of achieving a minimum of 75% of the existing tree's size; or
- Where the existing tree is 21 metres or greater, the existing tree will be replaced with one tree capable of achieving a minimum of 75% of the existing tree's size, or with two trees, one of which is capable of reaching a minimum height of 15 metres at maturity.

Applications are assessed and consideration will be given to site constraints and available tree replacement planting zones (refer to information in section 8.2 and 8.3). Alternative canopy heights may be approved in exceptional circumstances, for example where there are existing medium to large trees (greater than eight metres) on the site or there is insufficient set back to accommodate the tree root zone of a larger canopy tree.

Replacement trees that have been approved by Council may be inspected. Failure to plant, or removal, of the approved replacement tree will be considered a breach of permit.

8.2 Site constraints

Canopy trees should be included on all Replacement Planting Plans unless evidence is provided by a suitably qualified professional to the satisfaction of Council, that:

- there is insufficient soil volume to support the long-term viability of a canopy tree suitable to the locality; and
- the planting of a tree in a particular location would likely cause damage to property or infrastructure services, a substantial nuisance to adjoining property owners, or a traffic hazard that cannot be avoided or mitigated without unreasonable expense.

8.3 Tree Planting Zone

New canopy trees need to be carefully located and managed in order to promote tree growth and vitality; and to reduce the likelihood of long-term damage to buildings and infrastructure.

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In order to ensure optimal conditions a Tree Planting Zone must be identified around each proposed new canopy tree and around canopy trees that are to be retained. The size of the Tree Planting Zone is based on the tree canopy spread (width) at maturity.

Tree Planting Zones should be sited and designed in accordance with the following guidelines:

- trees should be planted in locations where they will have access to sunlight and water;
- trees should be centred within their Tree Protection Zones in order to encourage even growth;
- trees should be planted outside of easements and in accordance with service authority guidelines (e.g. near sewer and water mains and power lines);
- overlapping of Tree Protection Zones should be minimised;
- Tree Protection Zones should be clear of buildings, hard surfaces and clothes lines. Where buildings or hard surfaces do encroach, applicants must demonstrate how healthy tree growth will be promoted and structural damage avoided;
- paved surfaces should be constructed of water-permeable materials;
- mulching to a minimum depth of 50mm should be installed throughout the majority of Tree Protection Zones. Mulched areas may include understorey planting; and
- where tank water is available, the installation of automatic drip irrigation is encouraged.

8.4 Species selection

The structure and mass of a tree's canopy is one of the most defining aspects of the character that it contributes to an area. Refer to Attachment E for a list of tree species.

Reports regarding vegetation character can be found at

http://www.bayside.vic.gov.au/search_results.php?q=vegetation+character+assessment

These reports identify significant vegetation characteristics that form a major element of a distinctive urban character in the municipality, particularly in Beaumaris and Black Rock. Replacement trees are to be approved by the Manager Amenity Protection.

9. Related documents

Policies	Significant Tree Management Policy 2013
Legal	Bayside City Council, Local Law No. 2 Neighbourhood Amenity Victorian Human Rights Charter
Procedures	
Guidelines	Customer Focus Guideline

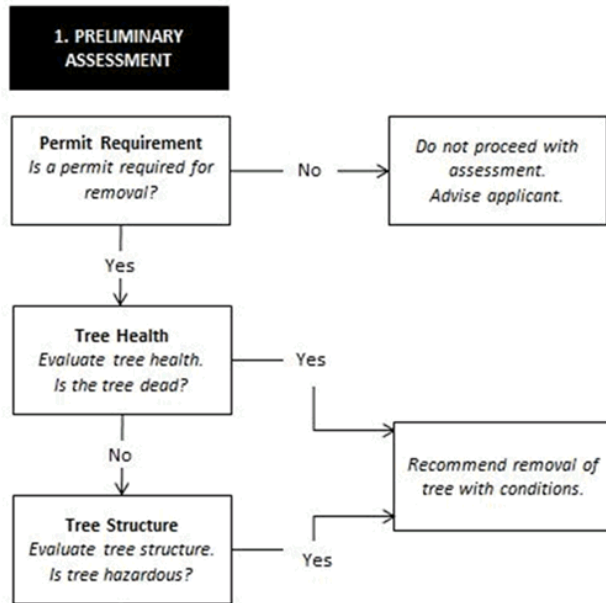
10. Definitions & Abbreviations

Term	Meaning
Protected Tree	A Protected Tree is a tree with a single trunk circumference or combined trunk circumference greater than 155 centimetres measured at one metre above ground level but excluding species which are declared Noxious Weeds.
Significant Tree	Are located on private property and public land or a tree listed on the Significant Tree Register.
Tree	Any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground.
Canopy tree	A tree which has, or at maturity is likely to have, sufficient height and canopy characteristics to make a positive contribution to local amenity, sense of place, microclimate and/or biodiversity. Minimum 8 x 4 metres.
Indigenous tree	Native species that were present in the original vegetation communities of the suburb, excluding cultivars and varieties thereof.
Native tree	Species that are endemic to Australia, may include indigenous (including cultivars and varieties of indigenous species).
Exotic tree	Species whose natural habitat is exclusively outside of Australia.
Weed species	Species identified as: (a) a State prohibited weed; (b) a regionally prohibited weed; (c) a regionally controlled weed; or (d) a restricted weed; under State catchment and land protection regulations.

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

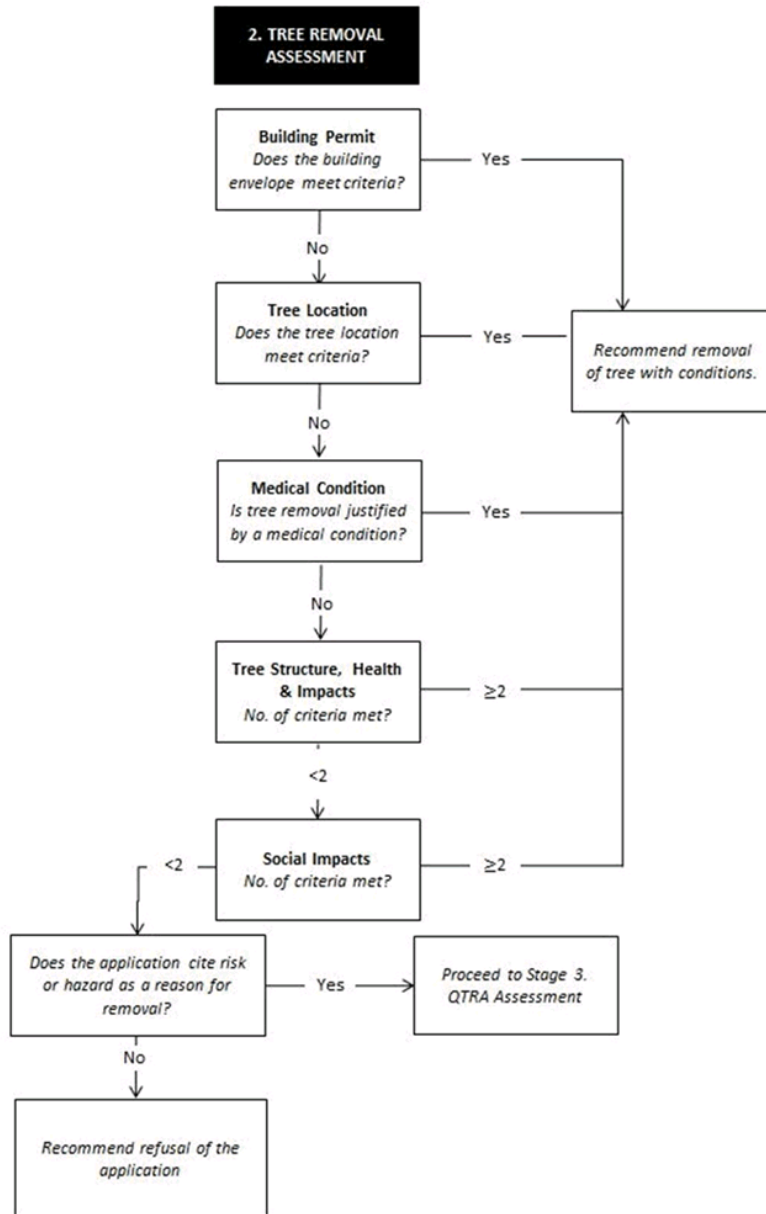
Preliminary Assessment

ATTACHMENT A



Tree Removal Assessment

ATTACHMENT B



Additional Assessment Criteria for Tree Removal Permit Applications

1 Building Permits

Where a building permit has been issued under the *Building Control Act 1993* and the permitted building(s) and/or construction works:

- are located in such a position that the subject tree is within the envelope of the permitted buildings or works;
- encroach on the tree protection zone of an existing tree by more than 40%; or
- encroach on the structural root zone of an existing tree.

A permit will be issued to remove the affected trees with Conditions, which include a requirement for replacement tree/s.

Where a Building Permit has been issued under the *Building Control Act 1993* and the above criteria do not apply the application must be assessed in accordance with Table 1.

Table 1. Assessment method for tree removal

Works proposed	Assessment	Recommendation
New dwelling, or alterations and additions to existing dwellings including extensions to the dwelling or garages built as part of the house.	The applicant can demonstrate to Council’s satisfaction that: <ul style="list-style-type: none"> • the proposed works cannot be redesigned; • appropriate arboricultural techniques as detailed in the submission of an arborist report cannot be employed in order to retain the tree; and • compensatory replacement planting can be established on site. 	Approval Subject to a condition requiring replacement tree/s.
	The applicant cannot satisfy the above requirement.	Refusal
Tennis courts, patios, decks, and carports.	The proposed works cannot incorporate retention of the subject tree.	Refusal Where Building Permit not granted.

2 Tree Location

A Permit will be issued where a report from a licensed and/or qualified person in their field provides evidence that the tree is causing structural damage to a building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).

Trees located in close proximity to dwellings, garages, intersections and crossovers must be assessed in accordance with the criteria outlined in Table 2. The recommendation to the Coordinator Investigations should be consistent with the Table, unless subsequent steps in the procedure warrant a different recommendation.

Table 2

Tree Location	Recommendation
Within two metres of a dwelling	Removal recommended if any part of the tree trunk is within two metres of an existing dwelling.
Within one metre of a garage or carport	Removal recommended if the tree will outgrow the location and/or is causing damage to an existing garage or carport.
Crossover	Removal recommended if a crossover is approved within the structural root zone of the tree.

Conditions will include a requirement for replacement tree/s.

3 Medical condition

Where an application for tree removal:

- Where a medical certificate is provided from a doctor or specialist in the relevant field to certify that a specific tree is causing a specific allergenic problem for a resident that significantly diminishes the quality of life of that person and there is no other way of managing the problem.

A permit would be issued for removal under delegated authority, subject to referral to the relevant Manager Amenity Protection and the inclusion of appropriate conditions. Conditions will include a requirement for replacement tree/s.

4 Tree health, structure and impacts

A tree removal permit will be granted where a referral report by Council's Environmental Health, Assets, Traffic or other relevant Council Employee at Coordinator or Management level, or higher, confirms the tree has a detrimental impact on the surrounding environment/public health.

If any two of the tree health, structure and impacts criteria nominated below apply a recommendation for tree removal should be made to the Coordinator Investigations by the Arborist assessing the tree. Conditions for replacement tree/s would be included.

If none of the criteria apply, a recommendation for refusal of the application should be made to the Coordinator Investigations.

Criteria

Tree health, structure and impacts criteria:

- the health of the tree is classified as poor (definition included in **Attachment D**);
- the structure of the tree is classified as poor (definition included in **Attachment D**);
- the sustainable life expectancy of the tree is assessed at less than 5 years.

5 Social considerations

If any two of the 'Social considerations' criteria apply a recommendation for tree removal should be made to the Manager Amenity Protection subject to conditions. Conditions should include a requirement for replacement tree/s.

If less than two of following criteria apply, a recommendation for refusal of the application should be made.

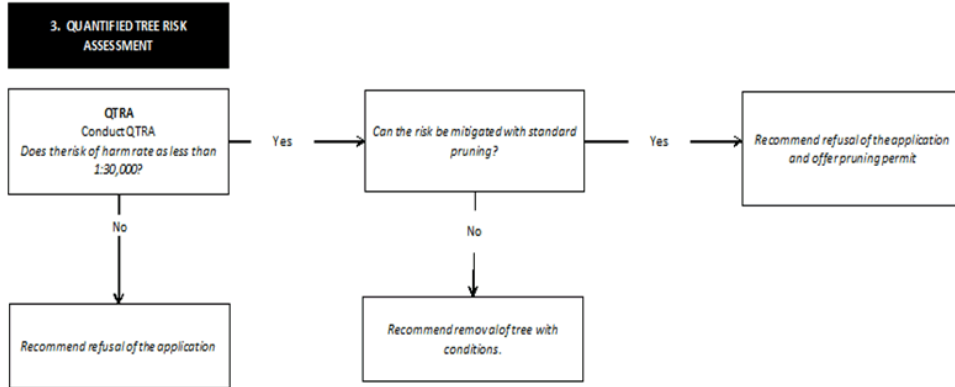
Criteria

Social considerations criteria:

- the amenity or character value of the tree is classified as moderate or low (definition included in **Attachment D**);
- there are at least two other trees on the property that:
 - require Council permission to remove;
 - are classified as having an amenity or character value of moderate or high;
 - have a sustainable life expectancy of more than 10 years;
 - are not subject to a current removal permit application or existing permit;
- there are written letters supporting tree removal from property owners/tenants and adjacent to and opposite the property (at least four individual properties);
- demonstrate financial hardship and inability to undertake routine maintenance - the applicant has no source of income to pay for the maintenance and is receiving Centrelink benefits.

ATTACHMENT C

Tree Removal Assessment



Quantified Risk Assessment

Tree safety management involves limiting the risk of harm from tree failure while maintaining the benefits conferred by trees.

The Quantified Tree Risk Assessment (QTRA) system quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to predetermine limits of tolerable or acceptable risk. Council's Arborist's have a licence to undertake a QTRA.

By quantifying the risk from tree failure as a probability, Quantified Tree Risk Assessment (QTRA) enables a tree owner or manager to manage the risk in accordance with widely applied and internationally recognised levels of risk tolerance. It provides a risk level against which mitigation strategies can be balanced to determine appropriate actions

QTRA advisory risk thresholds

Threshold	Description	Action
1/1- 1/9,999	Unacceptable (where imposed on others) Risks will not ordinarily be tolerated	<ul style="list-style-type: none"> Control the risk Review the risk
	Tolerable (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value	<ul style="list-style-type: none"> Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value Review the risk
1/10,000 – 1/999,999	Tolerable (where imposed on others) Risks are tolerable if as low as reasonably practical (ALARP)	<ul style="list-style-type: none"> Assess costs and benefits of risk control Control the risk only where a significant benefit might be achieved at reasonable cost Review the cost
1/1,000000 or less risk	Broadly Acceptable Risk is already ALARP	<ul style="list-style-type: none"> No action currently required Review the risk

ATTACHMENT D

Tree assessment definitions**Origin****(I) Indigenous**

The tree is endemic to the local area and has been naturally occurring since recordings of flora commenced.

(V) Victorian

The tree is endemic to the state of Victoria and has been naturally occurring since recordings of flora commenced.

(A) Australian

The tree is endemic to mainland Australia and has been naturally occurring since recordings of flora commenced.

(E) Exotic

The tree is not endemic to any part of mainland Australia.

Health

Tree health is based on vigour and vitality. In assessing health, observations are made of the following:

- foliage characteristics
- extension growth
- wound wood development
- extent of predation or disease

In many instances correct application of arboricultural management practices can revitalise a tree and extend its ability to provide a value to the community.

(G) Good

- Tree displays 71-100% live canopy mass
- Foliage exhibits near optimal foliage characteristics in size, colour and density
- Tree may have low levels of tip dieback
- Tree may exhibit low levels of pest/pathogen infestation that is not expected to have a significant impact on the long term health of the tree

(F) Fair

- Tree displays 51-70% live canopy mass
- Foliage may be stunted or discoloured
- Tree exhibits less than optimal extension growth
- Tree has moderate pest/pathogen infestation which may be retarding growth and impacting on health levels, it is expected that the tree can recover with or without intervention

(P) Poor

- Tree displays <50% live canopy mass
- Tree exhibits low levels of extension growth
- Tree has extensive pest/pathogen infestation and is not expected to recover from such infestation even with intervention
- Tree may be senescent

(D) Dead

- Tree has no live vascular tissue

Structure

Structure refers to the physical integrity of the tree.

Natural species form may not constitute poor structure.

Pest/pathogen damage is not directly a structural issue, however may contribute to structural issues/faults.

In assessing structure, observations are made of the following:

- Branch attachment and union formation
- Damage to trunk/roots/unions/branches
- Trunk/scaffold/tertiary branch taper

In many instances correct application of arboricultural management practices can reduce likelihood of failure to an acceptable level and extend a tree's ability to provide a value to the community.

(G) Good

- Tree has good branch attachment and well-formed unions
- Tree has good trunk and scaffold branch taper
- Tree may have poor tertiary branch taper
- Tree may exhibit structural defects on tertiary branches and attachments
- Complete tree failure or major structural failure under normal environmental conditions is unlikely
- Remedial pruning works may improve the structural rating of the tree

(F) Fair

- Tree may have poor scaffold branch/stem taper
- Tree may have poor tertiary branch taper
- Tree may have minor structural root damage/severance
- Tree may exhibit structural defects to the trunk or scaffold branches
- Majority of structural defects may be managed through current recognised arboricultural practices

(P) Poor

- Tree may exhibit major structural defects to trunk and/or scaffold branch attachments and/or roots

(H) Hazardous

- Complete or major structural failure is imminent

Amenity Value

The visual contribution the tree makes to the neighbourhood character.

(L) Low

- Tree has poor health and/or
- Tree provides little visual contribution to the neighbourhood character

(M) Moderate

- Tree has fair/good/excellent health and/or
- Tree is easily viewed from the street

(H) High

- Tree has fair/good/excellent health
- Tree is highly visible from the street
- Tree is visible from other streets in the area

(N/A) Not Applicable

Useful Life Expectancy

The period of time that the tree is expected to maintain a positive contribution to the neighbourhood character.

20 yrs +

Tree is likely a semi-mature or mature tree that is in good health and structure and is expected to maintain current levels of amenity for a minimum of 20 years.

10-19 yrs

Tree is likely a mature tree that is in good health and/or structure and is expected to maintain current levels of amenity for a minimum of 10 years.

4-9 yrs

Tree is likely a mature tree that is in fair health and/or structure and is likely declining. It is expected that the tree is not likely to maintain current levels of amenity for more than 9 years.

0-3 yrs

Tree is likely a mature tree that is in poor health and/or structure and is likely declining. It is expected that the tree is not likely to maintain current levels of amenity for more than 3 years.

Retention Value

The value of the tree when considering the tree as a whole. The health, structure, amenity value and life expectancy are considered when determining this factor. The tree location on the subject site or a development proposal is not a consideration for determining retention value.

(H) High

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. Tree may have historic or cultural significance.

(M) Medium

The tree is generally in fair to good health and structure, provides high levels of amenity and is likely to do so for up to 20 years.

(L) Low

The tree is generally in fair health and structure, provides low levels of amenity and may do so for up to 10 years. The tree may be juvenile or otherwise small and easily replaced by advanced plantings or plantings that will provide similar amenity value in a reasonable timeframe.

(N) None

The tree has no features that would promote retention for any reason, such as a dead tree or one that provides no amenity value.

(O) Trees on other property

Any tree located outside the subject site is to be retained and protected.

ATTACHMENT E

REPLACEMENT TREES – COMMONLY ACCEPTED HEIGHTS AND WIDTHS AT MATURITY IN THE BAYSIDE REGION

The structure and mass of a tree's canopy is one of the most defining aspects of the character that it contributes to an area.

The Vegetation Character Assessment (March 2000) report identifies significant vegetation characteristics that form a major element of a distinctive urban character in the municipality, particularly in Beaumaris and Black Rock. These should be considered when selecting appropriate species.

Indigenous

Botanic Name	Common Name	Height	Width	Evergreen/ Deciduous
<i>Acacia implexa</i>	Lightwood	8	6	E
<i>Acacia mearnsii</i>	Black Wattle	8	6	E
<i>Acacia melanoxylon</i>	Blackwood	8	6	E
<i>Allocasuarina littoralis</i>	Black She-oak	8	6	E
<i>Allocasuarina verticillata</i>	Drooping She-oak	10	8	E
<i>Banksia integrifolia</i>	Coast Banksia	15	12	E
<i>Eucalyptus camaldulensis</i>	River Red Gum	15-25	12-18	E
<i>Eucalyptus melliodora</i>	Yellow Box	15-20	10-15	E
<i>Eucalyptus ovata</i>	Swamp Gum	15	12	E
<i>Eucalyptus pauciflora</i>	Snow Gum	10	8	E
<i>Eucalyptus viminalis</i> subsp. <i>pryoriana</i>	Rough-barked Manna Gum	15	10-15	E
<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint	15	10	E

Native

Botanic Name	Common Name	Height	Width	Evergreen/ Deciduous
<i>Acacia pendula</i>	Weeping Myall	8-10	6-7	E
<i>Agonis flexuosa</i>	Weeping Willow Myrtle	10-12	10-12	E
<i>Allocasuarina torulosa</i>	Rose She-oak	10	7	E
<i>Angophora costata</i>	Smooth-barked Apple	15-20	10-15	E
<i>Angophora floribunda</i>	Rough Barked Apple	12-15	10-12	E
<i>Corymbia ficifolia</i>	Red-flowering Gum	10-15	10-15	E
<i>Corymbia exima</i>	Yellow Bloodwood	15	10-12	E
<i>Corymbia maculata</i>	Spotted Gum	18-22	12-15	E
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	8	3-5	E
<i>Eucalyptus cephalocarpa</i>	Silver-leaved Stringybark	8-15	8-12	E
<i>Eucalyptus cinerea</i>	Mealy Stringybark	12	7-10	E
<i>Eucalyptus cornuta</i>	Yate	8-12	10	E
<i>Eucalyptus crenulata</i>	Silver Gum	8	6	E
<i>Eucalyptus largiflorens</i>	Black Box	10-15	8-12	E

18

<i>Eucalyptus leucoxylon</i> <i>subsp. connata</i>	Yellow Gum	12	10	E
<i>Eucalyptus mannifera</i>	Red Spotted Gum	12-15	8-12	E
<i>Eucalyptus microcarpa</i>	Grey Box	15	10	E
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	10-15	10	E
<i>Eucalyptus polyanthemos</i>	Red Box	15	8-12	E
<i>Eucalyptus pulchella</i>	White Peppermint	15	7	E
<i>Eucalyptus rubida</i>	Candlebark Gum	15	12	E
<i>Eucalyptus saligna</i>	Sydney Blue Gum	15-25	12-18	E
<i>Eucalyptus scoparia</i>	Wallangarra White Gum	8-12	5-10	E
<i>Eucalyptus sideroxylon</i>	Red Ironbark	12-18	10-15	E
<i>Eucalyptus tereticornis</i>	Forest red gum	15-20	12-15	E
<i>Lophostemon confertus</i>	Brush Box	10-15	8-12	E
<i>Melaleuca quinquenervia</i>	Broad-leaved paperbark	10-15	8-12	E
<i>Tristaniopsis laurina</i>	Water Gum	8	6	E
<i>Waterhousia floribunda</i>	Weeping Lilly Pilly	10-12	8-10	E

Exotic

Botanic Name	Common Name	Height	Width	Evergreen/ Deciduous
<i>Acer cultivars</i>	Maple	10-20	10-15	D
<i>Araucaria heterophylla</i>	Norfolk Island Pine	20-25	10-20	E
<i>Arbutus unedo</i>	Irish Strawberry Tree	8	8	E
<i>Catalpa bignonioides</i>	Indian Bean Tree	10-12	10-12	D
<i>Cedrus deodara</i>	Deodar Cedar	15-25	12-18	E
<i>Celtis occidentalis</i>	Hackberry	7-12	6-10	D
<i>Fraxinus 'Raywood'</i>	Claret Ash	12	9	D
<i>Fraxinus excelsior 'Aurea'</i>	Golden Ash	8-12	7	D
<i>Fraxinus pensylvanica</i>	Green Ash	10-15	8-12	D
<i>Gleditsia tricanthos</i>	Honey Locust	10-15	8-15	D
<i>Jacaranda mimosifolia</i>	Jacaranda	8-12	8	D
<i>Liquidambar styraciflua</i>	American Sweetgum	12-22	12-15	D
<i>Magnolia grandiflora</i>	Bull Bay	8-15	8-12	E
<i>Metrosideros excelsior</i>	Pohutukawa	8-10	8-10	E
<i>Platanus x acerifolia</i>	London Plane	14-22	12-18	D
<i>Pyrus cultivars</i>	Flowering Pear	8-12	4-8	D
<i>Quercus coccinea</i>	Scarlet Oak	12-15	12-15	D
<i>Quercus palustris</i>	Pin Oak	15-22	12-18	D
<i>Quercus rubra</i>	Northern Red Oak	12-20	12-20	D
<i>Schinus molle</i>	American Pepper	8-15	10-15	E
<i>Tilia cordata cultivars</i>	Small-leaved Linden	15-20	12-20	D
<i>Ulmus glabra 'Lutescens'</i>	Golden Elm	10-15	12-15	D
<i>Ulmus parvifolia</i>	Lacebark	12-15	10-15	D
<i>Ulmus procera</i>	English Elm	12-20	12-15	D
<i>Zelcova serrata</i>	Japanese Zelkova	15-20	12-15	D

ATTACHMENT 2 – FOOTPATH TRADING POLICY 2018



Footpath Trading Policy 2018

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

Policy updated: June 2018

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Local Law Guidelines, Neighbourhood Amenity Local Law 2021
[8115544: 29444403_1]

1. INTRODUCTION

- 1.1 Bayside City Council is required to provide and manage a safe environment throughout the municipality for all pedestrians. This is achieved by provision and maintenance of continuous accessible paths of travel along pedestrian zones for all people on all footpaths.
- 1.2 Local government manages activities and environment factors that have an impact on footpaths by regulating trading activities, links with public transport, and the common boundaries of footpaths, gardens and the natural environment.
- 1.3 Safe pedestrian access is the primary purpose of all footpaths.
- 1.4 Other activities such as trading, advertising and street events are secondary. This policy has been developed on the basis of this distinction.
- 1.5 This policy aims to enable equal access for all as defined in the *Disability Discrimination Act 1992* (DDA). Footpaths are within the DDA definition of 'premises' and are intended to enable access to required community facilities.
- 1.6 The key to an effective, accessible pedestrian system throughout the built environment is the provision and maintenance of pedestrian zones. The pedestrian zone should generally extend from the building or property line to provide a consistent footpath for all, including older people and people with disabilities.
- 1.7 All street furniture, infrastructure, signs, traders' activities and displays should be placed on the kerb side of the pedestrian zone, not along the building or property line.

2. GENERAL PRINCIPLES

- 2.1 This policy has been developed using the following principles:
 - Council will provide and manage clear, safe and unobstructed access at all times for pedestrians of all abilities on municipal footpaths in accordance with local government's statutory responsibilities.
 - Everyone has the right to take part in community activities.
 - The built environment will be accessible to all.
 - The *Footpath Trading Policy* will be simple and user-friendly.
- 2.2 Footpath activity must make a positive contribution to the character and amenity of the area and surrounding residential areas.
- 2.3 Council supports the long-term viability and sustainability of a range of retail and business formats including strip and neighbourhood shopping precincts.
- 2.4 From time to time Council will adopt policies that will allow or not allow footpath trading activities. Where a policy is adopted that restricts certain types of trading, that business-centre policy will take precedence over this policy.
- 2.5 Planning for all footpath use and activity is based on the establishment of footpath zones.
- 2.6 When permanent structures are proposed for any footpath area within the municipality, high standards of design are the starting point for the assessment of the proposal.
- 2.7 The permit holder must provide Council evidence of current public liability insurance that notes Council's interest and be for not less than \$10 million for any single

occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.

3. DEFINITIONS

3.1 Pedestrian zone

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

3.2 Trading zone

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

3.3 Kerb zone

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

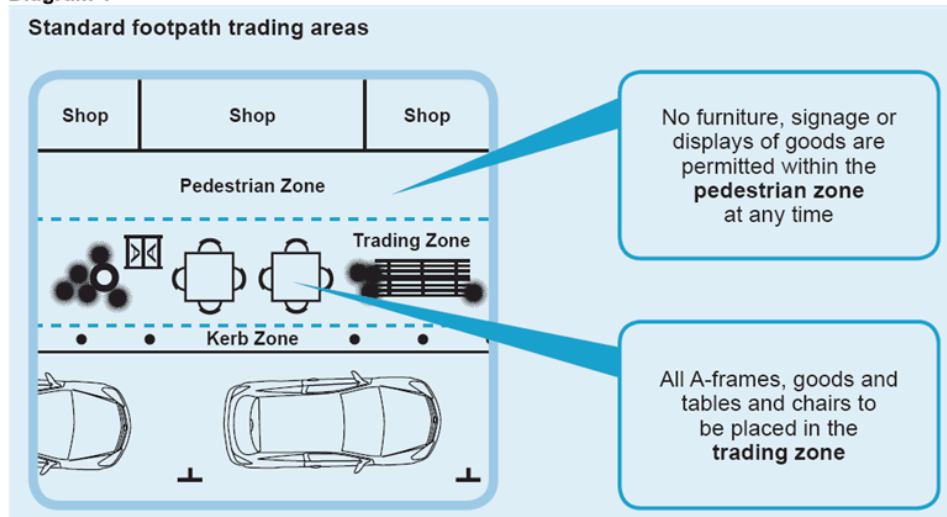
3.4 Goods and goods displays

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

3.5 Alfresco dining

Means tables, chairs, umbrellas, menu boards, planter boxes, wind barriers and blinds, and any other items authorised by Council and endorsed on a plan of the site.

Diagram 1



4. LOCATION STRATEGIES AND FOOTPATH WIDTH

4.1 Footpaths less than 2.5m wide

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

4.2 Footpaths from 2.5m to 3.5m wide

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

- 4.2.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 1.5m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.
- 4.2.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items, may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building line.
- 4.2.3 **Kerb zone:** a minimum of 400mm buffer from the kerb to allow for access to and from parked vehicles; 1.5m where there is a disabled parking bay; and 600mm where there is a loading zone.

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

4.3 Footpaths from 3.5m to 4m wide

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

- 4.3.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 1800mm. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.
- 4.3.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building line into the intersection.
- 4.3.3 **Kerb zone:** a minimum of 500mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay.

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

4.4 Footpaths 4m or wider

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

- 4.4.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 2m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.
- 4.4.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building/property line.
- 4.4.3 **Kerb zone:** a minimum of 600mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay.

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

4.5 Use of prows/extended footpaths

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

- 4.5.1 **Pedestrian zone:** extends from the building line or shopfront for a minimum of 1.8m. No items may extend into this zone at any time. Items overhead cannot extend below a height of 2.2m.
- 4.5.2 **Trading zone:** the only area of the footpath where goods, café furniture and ancillary items may be placed. Where premises are adjacent to an intersection the trading zone must not extend past the building/property line.
- 4.5.3 **Kerb zone:** a minimum of 600mm buffer from the kerb to allow for access to and from parked vehicles including at loading zones, and at least 1.5m where there is a disabled parking bay.

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

4.6 Recessed shopfronts/buildings

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

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

4.7 Other siting requirements

- 4.7.1 A setback of 500mm is required at each side boundary of a property to allow access from the footpath to the road, between each property.
- 4.7.2 Where a property exceeds 12m of frontage then a break of 1m shall be provided to the satisfaction of Council at an appropriate point to allow access to the pedestrian zone. In considering the location of a break in the trading zone, Council will consider the car parking spaces on the road and the location of any other infrastructure.
- 4.7.3 Any footpath trading activity may be outside only the premises to which it relates and contained within the property line, with setback from the property line of 500mm on each side to allow for access.
- 4.7.4 Where a footpath trading activity is proposed near a mid-block pedestrian crossing, the location of the activity shall provide separation from the crossing and ensure sight lines for pedestrians are protected (usually a minimum of 2 metres is required).
- 4.7.5 The outdoor trading or seating arrangements must not interfere with front and rear doors of public buses. Up to a 2 metre clearance within the front and rear of buses/zones allows adequate clearance for passengers to embark/disembark to/from buses safely.
- 4.7.6 Where a trading activity is proposed adjacent to car parking spaces designated for people with disabilities, a kerb zone of up to 1.5m will be required.
- 4.7.7 Services such as gas, power, water and telecommunications should not be covered or obstructed by any permanent structures.
- 4.7.8 Unless exceptional circumstances apply, trading activities (including outdoor eating facilities) will not be placed within 1m of any Council seat, rubbish bin, or other item of street furniture.
- 4.7.9 The placement of signs, goods, tables or chairs in a kerb extension area can only be approved by Bayside City Council's Traffic Engineer.

5. OUTDOOR DINING

5.1 Operators' responsibilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.2 Furniture and fittings

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

- 5.2.2 No live entertainment is permitted without first obtaining a separate local law permit.
- 5.2.3 If patio heaters (which have a base on the footpath) are used, they must be located within the Trading Activity Zone, covered by the traders' public liability insurance and must be licensed as part of a permit.
- 5.2.3.1.1 All outdoor heaters must comply with safety standards specified by the Energy Safe Victoria which may be obtained by telephoning Energy Safe Victoria on 1800 069 588 or from their website at www.esv.vic.gov.au
- 5.2.4 Umbrellas may be placed only in the trading zone.
- 5.2.5 Where umbrellas are permitted, they must be 2.2m high at the lowest point other than the centre pole and must not extend over the kerb. When raining, water run-off from large umbrellas should not fall into the pedestrian zone.
- 5.2.6 Umbrellas must be secured in a manner approved by Council. If requesting approval of umbrellas that do not have a lock-in device, clearly note this on the application form.
- 5.2.7. For safety reasons screens or screening devices may be placed where there are tables and chairs. The screens must be no higher than 1m high and must be secured in a position approved by Council. Details to be provided with permit application.
- 5.2.8 Where an applicant proposes to suspend a fixture or fitting (for example, lights or heaters) from the underside of a veranda or building, the fixture or fitting is to be attached in accordance with appropriate engineering standards and have a minimum clearance of 2.4m above the trading zone. Outside of operating hours of the business, fixtures or fittings that are retractable must be drawn in.
- 5.2.9 Advertising signage on temporary windbreaks or umbrellas must identify the operator of the business, in compliance with the Bayside Planning Scheme.
- 5.2.10 No advertising is permitted on permanent screens other than the name of the premises.
- 5.2.11 Permanent screens – see section 8.5.
- 5.2.12 Council may, if the circumstances arise, require a marker to be placed on the footpath to clearly designate the trading zone.
- 5.2.13 All moveable furniture and fittings must be removed from footpaths when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

6. GOODS ON FOOTPATHS

- 6.1 In order to provide a pedestrian zone, goods and displays may be displayed only in the trading zone of the footpath.
- 6.2 Goods may be displayed in the trading zone only during normal or authorised trading hours, and must not be placed on a footpath prior to 7am each trading day or remain on the footpath after 11pm on each trading day.
- 6.3 Goods (except furniture) must be displayed on stable stands that are approved by Council and able to withstand adverse weather. Stands must be secured so that adverse weather will not create a risk for pedestrians, property, or passing traffic. Stands and goods must not damage footpaths.

- 6.4 Goods or displays are not permitted where access to a loading zone or disabled parking bay will be obstructed. (At least 1.5m from the kerb.)
- 6.5 Goods or displays are not permitted where they will cause difficulty to pedestrians and people exiting or entering parked vehicles or footpaths.
- 6.6 Goods displays cannot exceed a height of 1.5m.
- 6.7 Stands and displays should contrast with their background to assist people with vision impairment.
- 6.8 Goods displays cannot overhang the kerb zone or pedestrian zone.
- 6.9 Full-length shop awnings to protect goods located in the trading zone must be noted on any application. They must be securely attached to the ground by Council approved method.
- 6.10 The permit applicant must provide Council with evidence of current public liability insurance that notes Council's interest and be for not less than \$10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit.
- 6.11 Food may be cooked or sold for immediate consumption from footways only if a separate permit has been obtained. (See section 8.4.)
- 6.12 All goods, displays and fittings must be removed from footways when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

7. SIGNS ON FOOTPATHS

- 7.1 All permitted signs are to be secured by a means that is not reliant on or physically tied to any Council infrastructure (e.g. seats, poles, trees.). The means by which these signs are secured must not extend beyond the circumference of the sign and must be of a type approved by Council. Signs and the securing devices are to be removed in accordance with permitted display times.
- 7.2 Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags, tear drop signs, and banners are prohibited.
- 7.3 Signs can be placed only in the trading zone and directly adjacent to the business they are advertising.
- 7.4 Signs must be in place only during normal trading hours.
- 7.5 Signs on footpaths must be secured by Council-approved method.
- 7.6 An advertising sign must not exceed 900mm in width or 1m in height.
- 7.7 The maximum number of signs permitted is one per premises.
- 7.8 The permit holder must provide Council with evidence of current public liability insurance that notes Council's interest and be for not less than \$10 million for any single occurrence. Any permit issued will be on the basis that the policy will be current for the period of the permit. Any permit issued will be valid only while the public liability insurance is current.
- 7.9 All signs must be removed from footways when the Bureau of Meteorology forecasts wind speeds in excess of 30 knots.

8. OTHER OBSTRUCTIONS

8.1 Obstructions

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

8.1.2 Any obstruction can be placed only within the trading zone.

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

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

8.2 Planter boxes

8.2.1 Planter boxes are permitted only in the trading zone.

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

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

8.2.4 Permission can be sought for placement in the trading zone of:

- temporary planters – must be brought in during non-trading hours
- permanent planters – must be of solid design and consistent with the design theme for the activity centre.

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

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

8.3 Café blinds

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

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

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

8.4 Temporary barbeques and sausage sizzles

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

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

8.4.2 Barbeques and sausage sizzles may be allowed for charity and events adjacent a shop within the business zone or on Council-owned land. Permission must be

obtained from the shop/business owner before an application is submitted. Permission may be given for placement of a barbeque in the trading zone. Council also have a number of permitted street stall sites for **community or charitable organisations** within Bayside City Council municipal boundaries

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

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

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

8.5 Technical standards for permanent screen structures

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

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

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

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

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

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

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

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

8.5.8 No commercial advertising is permitted on the screens other than the name or logo of the café/restaurant.

8.5.9 Support poles to be a minimum 48mm diameter, made of extruded aluminium, and finished in a clear anodised coating. Other colours are subject to approval. Non-standard fixtures and fittings will be considered by Council in conjunction with relevant adopted urban design policies.

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

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

8.5.12 Screens must be cleaned regularly and maintained by the operator of the premises. Screens are to be replaced within 24 hours of any damage that may cause risk to public safety, otherwise within one week of the damage occurring.

8.5.13 Graffiti is to be removed within 24 hours.

9. GENERAL

9.1 Maintenance of footpaths

Bayside City Council manages the use of footpaths at all times and reserves the right to reclaim access to and remove all footpath trading at any time for any purpose. Council endeavours to provide adequate notice to any licence-holder.

Except where permanent structures have been installed, Council will manage repairs and replacement of footpaths and furniture.

9.2 Activities of service authorities

Council is not able to provide notification of actions of service authorities that may interrupt or affect the use of footpaths for trading activities. When Council is the authority required to carry out works, it will give notice to affected traders where possible.

Council will request that service authorities give adequate notice of street works, but is not able to guarantee the notice will be provided.

9.3 Compensation for loss of trade

When a service authority is required to carry out work within the road reserve which necessitates the removal and/or alteration of footpath trading arrangements, no compensation will be payable for any loss of trade experienced during or after the works.

9.4 Inspection

Council will regularly inspect areas that have been granted footpath trading.

Authorised officers can give direction to permit holders regarding compliance with the permit. Failure to respond to a lawful direction can result in enforcement. See section 12.

9.5 Revocation/suspension/modification

Council may at its discretion suspend, revoke, amend, relocate or modify any permit it issues. If this action is taken, the permit holder or any other person will not be entitled to compensation or damages of any kind.

10. APPLYING FOR A PERMIT

10.1 Information to be provided

To obtain a permit, applicants are to:

- 10.1.1 Complete and sign an application for Footpath Trading Permit.
- 10.1.2 Provide a site plan drawn to scale that shows dimensions of proposed kerb café, goods display, etc.
- 10.1.3 Indicate setbacks from shop frontage, kerb and site boundaries, and existing elements, e.g. tree, light pole, rubbish bin, public transport shelters, etc. A separate fee will be charged for requests to relocate Council furniture, e.g. seats, rubbish bins, etc.
- 10.1.4 Provide a photograph(s) of the area at the front of the shop/premises where planning to locate the footpath trading activity.
- 10.1.5 Contact Council's responsible officer for any new applications for alfresco dining, to arrange a time for the site to be inspected.
- 10.1.6 Provide a *Certificate of Currency* for a public liability insurance policy that covers death or injury of any person or damage to any property

that could arise from the display that will be authorised by the permit. The certificate is to list:

- a) Bayside City Council as an interested party
- b) a minimum of \$10 million in public liability
- c) the insured (including situation of risk)
- d) the company insuring you
- e) expiry date
- f) policy number.

10.1.7 Provide indemnity in a form similar to Appendix 1.

10.2 Transfer of permit

A permit cannot be transferred without prior written approval from Bayside City Council.

10.2.1 A permit can be transferred from one proprietor to another, provided that the address of the premises is the same and there is no change to the approved permit. The new owner is required to complete an application form, signed indemnity, and provide a *Certificate of Currency*. The new owner is responsible for outstanding fees in relation to the permit and any monies that have been paid for the permit are to be reconciled between the vendor and purchaser at the time of settlement.

10.3 Decision guidelines

10.3.1 Council reserves the right to reject any application made for footpath trading.

10.3.2 In addition to matters set out above, when considering whether to grant a permit for an outdoor eating facility, Council considers:

- a) how the proposal meets the general and specific principles of this policy
- b) effect on pedestrian flow and safety
- c) impact on the appearance of the street and its surroundings
- d) design and standard of any permanent structures proposed
- e) any effects on general trading within the area
- f) any possible effects to nearby residential properties
- g) hours of operation of the facility/use, and how it relates to the use of the adjacent land
- h) whether approval has been granted for advertising or other forms of trading activities for the premises
- i) the effect on vehicle flow and traffic safety
- j) whether it is complementary to the business plan for the activity centre
- k) whether it complements Council's policy for the activity centre or precinct
- l) whether the conditions of any previous approval have been complied with
- m) whether the proposal will under any circumstances be detrimental to the amenity of the area, including residential amenity.

11. FEES AND PERIOD OF PERMITS

The Bayside City Council sets its fees and charges each year as part of its budget/estimate process.

Fees are charged on a pro-rata basis

The current fees are available on request.

Traders and permit applicants should note that permanent structures have a fee other than those for non-permanent footpath trading activities.

Unless otherwise specified on the permit, a permit will expire on 31 August each year except in those instances when it is withdrawn or revoked by an Authorised Officer prior to the expiry date.

A permit will be invalid if the permit holder fails to maintain public liability insurance, in accordance with this policy.

12. REFUNDS

12.1 No refunds on new applications / transfer fees

12.2 A pro-rata refund will be given in accordance with Councils Fees and Charges (less administration fee) if a permit is forfeited.

13. ENFORCEMENT

12.1 If a local law, the *Footpath Trading Policy*, or specific permit condition is breached, Council may issue:

- a) a verbal warning
- b) a *Notice to Comply* – a first and final written warning with time limit for compliance
- c) an infringement notice – a fine for noncompliance with the *Notice to Comply*
- d) further fines or permit suspensions for a minimum period of three months and/or prosecution.

12.2 Council may impound any items on the footpath that do not comply with local laws, this policy, or any conditions placed on a permit. See Appendix 3 for procedures for the impounding of outdoor trading items.

12.3 Incidents of noncompliance are noted on a trader's file and taken into consideration when determining penalties for additional/future breaches of compliance.

12.4 Seco and subsequent fines will be issued without warning for further acts of noncompliance.

12.5 Incidents of noncompliance are taken into consideration when requests to modify a permit are submitted.

FORM OF INDEMNITY – COMPANIES AND INCORPORATED ASSOCIATIONS

This is a legally binding agreement.

This Indemnity is between **BAYSIDE CITY COUNCIL (Council)** and the company or incorporated association named

..... **(Organisation)**.

It arises out of a proposal by Council to issue a permit to the Organisation under Council's Local Law No. 2 'Neighbourhood Amenity' – Part 7 Business & Builders.

The Organisation agrees that, in exchange for Council's issue of the permit under the Local Law, it will indemnify Council and keep Council indemnified against any and all liability (including liability and negligence) and any and all loss, damage, costs and expenses incurred by Council which arise out of anything done or omitted to be done by the Organisation in or on the area which is the subject of the permit.

SIGNED SEALED AND DELIVERED by)

(insert name))

for and on behalf of the Organisation in the)

presence of:)

.....

(Witness)

.....

(Date)

Local Law Guidelines, Neighbourhood Amenity Local Law 2021
[8115544: 29444403_1]

FORM OF INDEMNITY – INDIVIDUALS

This is a legally binding agreement.

_____	(Name of Guarantor)
_____	(Address)
_____	(Occupation)
_____	(Name of Organisation)

It is between **BAYSIDE CITY COUNCIL (Council)** and the person named above **(Guarantor)**. It arises out of an indemnity given by the company or incorporated association named above **(Organisation)** concerning the proposed issue of a permit to the Organisation under Council's Local Law No. 2 'Neighbourhood Amenity' – Part 7 Business & Builders.

The Guarantor agrees that, in exchange for Council issuing the permit under the Local Law, the Guarantor will pay and make good to Council on demand any loss, damage, costs and expenses incurred by Council as a result of the Organisation's refusal or failure to honour the indemnity given by it.

The Guarantor further agrees that any negligence or tolerance by Council in attempting to obtain payment or enforce the performance of the Organisation's indemnity will not release or, in any way affect, the Guarantor's liability under this agreement.

Finally, the Guarantor agrees that the guarantee given under this agreement is a continuing guarantee and that the Guarantor's liability will not be affected by any indulgence shown to the Organisation by Council.

SIGNED SEALED AND DELIVERED BY _____)

(Guarantor))

in the presence of: _____)

.....

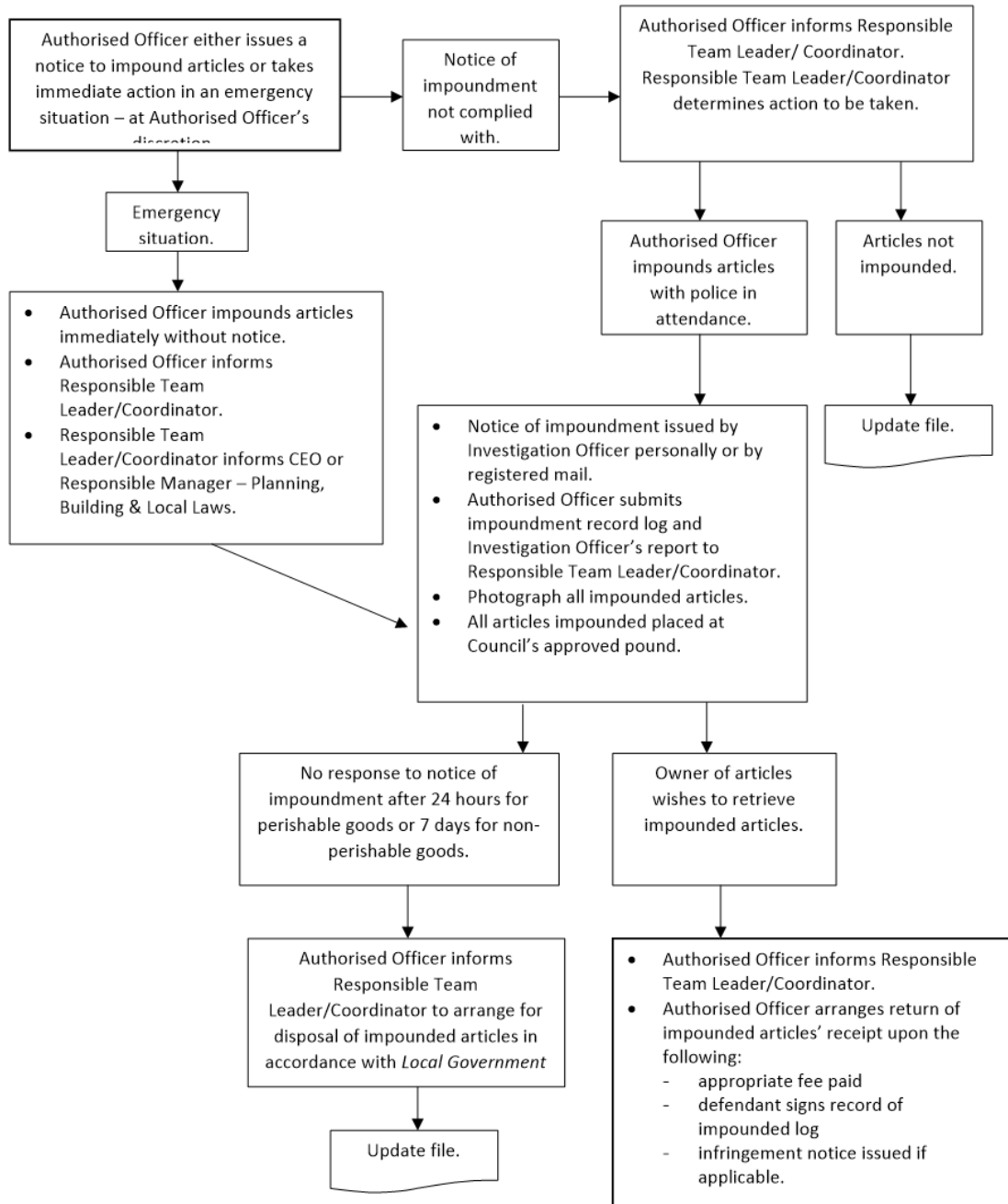
(Witness)

.....

(Date)

Local Law Guidelines, Neighbourhood Amenity Local Law 2021
[8115544: 29444403_1]

Appendix 3: Impoundment



Local Law Guidelines, Neighbourhood Amenity Local Law 2021

[8115544: 29444403_1]



Street Furniture Relocation Request

APPLICANT

Name: _____ Date: ___/___/___
 Address: _____
 Phone: _____
 Signature: _____

FURNITURE REQUESTED FOR RELOCATION:

Please complete this section and provide a sketch of the location on the reverse of the form.

Location of furniture: _____
 Reason for relocation: _____

Item type:

- Bin(s) Seat(s) Bike Rack(s) Other: (specify)

RELOCATION APPROVED BY BAYSIDE COUNCIL URBAN DESIGN:

All street furniture relocations require approval before proceeding. To receive approval, please email this form, completed to: enquiries@bayside.vic.gov.au, attn: Urban Design. If/when approved, the form will be returned to you for payment.

Signature of Urban Design Coordinator or Landscape Design Officer: _____

Fee:

Note – payment not to be processed without Urban Design approval of relocation

Relocation of: bin/recycling bin (each receptacle, not pair)	per receptacle	\$250.00
Relocation of: bicycle hoop	per hoop	\$300.00
Relocation of: seat/bench	per seat / bench	\$300.00
Relocation of: ashtray/cigarette butt receptacle	per receptacle	\$200.00
Other items	per receptacle	\$ as agreed

OFFICE USE ONLY Urban Strategy – Street Furniture Relocation

110 - GL No: 00265.0001.1200: Furniture Relocation Fee As outlined above) AMOUNT: \$ _____

Received from: _____

Attachment 3

Local Law Community Impact Statement

**City of Bayside
Neighbourhood Amenity Local Law 2021**

Council provides the following information to the community in respect of the proposed Local Law.

1. INTRODUCTION

Council is proposing to update its Neighbourhood Amenity Local Law, adopted in 2012 (**current Local Law**).

The proposed new Neighbourhood Amenity Local Law (**proposed Local Law**) will supersede and replace the current Local Law.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989 (Act)*.

2. BACKGROUND

Local Laws are a form of local regulation that enable councils to make legislative controls reflecting the different circumstances of each municipality. The Local Law-making power attributed to councils comes from the Act.

The current Local Law was made by Council resolution on 10 April 2012.

The current Local Law regulates various conduct and behaviour throughout the municipality.

The current Local Law is due to expire in 2022 and needs to be renewed and updated to incorporate changes in legislation and to reflect current issues within the municipality.

3. OVERVIEW OF PROPOSED LOCAL LAW

The proposed Local Law is being made under section 111(1) of the Act and will operate throughout Council's municipal district.

The proposed Local Law, to be known as the Neighbourhood Amenity Local Law 2021, will commence on the day following notice of its making being published in the Victoria Government Gazette and, unless revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Law will be revoked.

The purposes of the proposed Local Law are to:

1. protect community safety and neighbourhood amenity;
2. protect public assets and infrastructure, and the built and natural environment;

3. entrance the use, access and enjoyment of public places for the community's benefit;
4. provide for the administration of Council's powers and functions; and
5. revoke the current Local Law.

Under section 223 of the Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 1 February 2021 to 5 March 2021.

Anyone who makes a written submission can request to be heard in support of their submission at the Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

The proposed Local Law has been reviewed by Council's lawyers who confirm that it complies with all relevant regulatory requirements.

A copy of the proposed Local Law is attached (**Attachment 1**) to this Community Impact Statement.

4. MAIN CHANGES INTRODUCED BY THE LOCAL LAW

All provisions of the current Local Law have been reviewed. Substantive changes are outlined in the following paragraphs.

Definitions

Various definitions have been added, amended and removed, including the addition of the following definitions:

- 'Asset Protection Permit';
- 'bike share scheme';
- 'builder';
- 'building site';
- 'e-scooter';
- 'Local Law Guidelines'
- 'model aeroplane'; and
- 'prescribed'.

Some definitions in the current Local Law (eg 'Traffic Control Device' and 'Unlawful Game') have been deleted and others have been amended (eg 'advertising sign' and 'municipal reserve').

Prescription by Council

Various provisions in the proposed Local Law enable Council to prescribe something. For example, Council will be given the power to prescribe smoke free areas and restrictions on the consumption of alcohol in particular municipal reserves.

The prescription will begin with a Council Resolution. The effect of the Resolution will be published on Council's website and in a newspaper generally circulating within the municipal district. In this way, the community can learn what has been prescribed and understand the effect of the prescription.

Local Law Guidelines As An Incorporated Document

Some provisions in the proposed Local Law require a person to comply with the Local Law Guidelines. Others envisage the Local Law Guidelines providing an exemption from an obligation that would otherwise exist or setting out considerations which Council will take into account in deciding whether to issue a permit under the proposed Local Law.

A copy of the proposed Local Law Guidelines is attached (**Attachment 2**) to this Community Impact Statement.

Once finalised, the proposed Local Law Guidelines will form part of the Local Law made by Council.

Bike Share Schemes

The proposed Local Law seeks to regulate the operation of bike share schemes. It:

- prohibits a person who owns or operates a bike share scheme from allowing any of their bicycles to be operated in Council's municipal district without a permit;
- prohibits the operation of bicycles that are not fitted with a device requiring the bicycles to be returned to a designated place without a permit;
- creates an offence for a person who owns or operates a bike share scheme where a bicycle is:
 - left or placed in a way that unreasonably interferes with the use of any road, footpath or other place; or
 - left or placed in a place that detrimentally affects the amenity of that place;
- requires a person who owns or operates a bike share scheme to:
 - remove within 24 hours of notification any bicycle left in contravention of the proposed Local Law;
 - remove within 24 hours of notification any bicycle that is damaged or missing any part; and
 - comply with the conditions of a permit.

E-scooter Share Schemes

The proposed Local Law also seeks to regulate the operation of e-scooter share schemes. It:

- prohibits a person who owns or operates an e-scooter share scheme from allowing any of their e-scooters to be operated in Council's municipal district without a permit;
- prohibits the operation of e-scooters that are not fitted with a device requiring the e-scooters to be returned to a designated place without a permit;

- creates an offence for a person who owns or operates a e-scooter share scheme where an e-scooter is:
 - left of placed in a way that unreasonably interferes with the use of any road, footpath or other place; or
 - left or placed in a place that detrimentally affects the amenity of that place;
- requires a person who owns or operates a e-scooter share scheme to:
 - remove within 24 hours of notification any bicycle left in contravention of the proposed Local Law;
 - remove within 24 hours of notification any bicycle that is damaged or missing any part; and
 - comply with the conditions of a permit.

Vegetation on Nature Strips

The proposed Local Law provides that a person planting (or allowing to be planted) any seedling, commencing to cultivate (or allow to be commenced to be cultivated) or maintaining any vegetation (or an associated area) on a nature strip must comply with the Local Law Guidelines.

Storing Vehicles

The proposed Local Law is aimed at addressing the storage of boats, trailers, caravans and campervans on roads. The presence of such vehicles on a road can detract from the amenity of the area, and compromise safety.

So, under the proposed Local Law a person will require a permit to occupy a road by storing on it any boat, trailer, caravan or campervan for a continuous period of 14 days or more or for more than 28 days in a period of three consecutive months.

Shopping Trolleys

Under the proposed Local Law the proprietor of any business that makes a shopping trolley available for use will be obliged to ensure that none of the business' shopping trolleys is left on any road or Council Land. No offence will be committed if the shopping trolley is in an area on the footpath or Council Land which Council has set aside for that purpose.

Discharging Groundwater into Drains or Onto Other Council Land

The proposed Local Law requires a person to obtain a permit in order to discharge groundwater into any Council drain or onto any road or Council Land.

Managing Building Sites

Extensive provision is made in the proposed Local Law for managing amenity on building sites.

The proposed Local Law:

- regulates the hours during which building works can be carried out (by requiring a permit to be obtained if the builder wishes to carry out building works other than between 7am and 6pm Monday to Friday and 9am to 3pm on Saturday);

- prohibits a builder from carrying out building works on a public holiday;
- creates an offence if unreasonable noise is made as the result of the carrying out of building works;
- enables Council to inspect a building site for specified purposes;
- requires a builder to ensure that a building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants;
- requires a builder to adopt various measures to ensure that refuse is collected within the building site;
- regulates the hours during which owners and occupiers of private property can themselves carry out building works; and
- requires a builder to repair any assets damaged by building works.

Occupation of Roads

If a consent under the *Road Management Act 2004* has not been given or is inapplicable, the proposed Local Law will require a permit to be obtained in order to carry out certain works on a road.

Consumption and Possession of Liquor

The consumption and possession of liquor in public places will be regulated by the proposed Local Law.

Specifically:

- the possession and consumption of liquor will be prohibited on a road;
- the possession and consumption of liquor within a municipal reserve will be prohibited between sunset (on one day) and sunrise (on the following day); and
- the possession and consumption of liquor may be prohibited within some or all municipal reserves at other times.

Smoking

The proposed Local Law contemplates that Council may prescribe not only municipal place (or part of a municipal place) but also a Foreshore Reserve (or part of a Foreshore Reserve) as a smoke free area.

Model Aeroplanes

The proposed Local Law will regulate the use of model aeroplanes on Council Land. The definition of 'model aeroplane' includes a drone.

Impounding

The proposed Local Law will contain a broad power to impound any thing that is found being used or possessed in contravention of the proposed Local Law. This removes the need for a power to impound items being included within individual clauses of the proposed Local Law.

5. EVALUATION OF LOCAL LAW

In accordance with Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following Table.

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Issue	Evaluation
Purposes	<p>The purposes of the proposed Local Law are to:</p> <ul style="list-style-type: none"> • protect community safety and neighbourhood amenity; • protect public assets and infrastructure, and the built and natural environment; • enhance the use, access and enjoyment of public places for the community's benefit. • provide for the administration of Council's powers and functions; and • revoke Council's Neighbourhood Amenity Local Law (as amended), made in April 2012.
Legislative Framework	<p>The Act gives councils broad powers to make local laws with respect to any function or power of the council.</p> <p>The proposed Local Law addresses matters within Council's broad functions and powers.</p>
State legislation more appropriate	<p>State legislation allows Council to make Local Laws to address issues within its municipality. In developing the proposed Local Law, Council has not sought to address any issues which it feels are best addressed at the State or Federal level.</p>
Overlap with existing legislation	<p>Existing State legislation deals with the following issues which are also dealt with in some general circumstances by the proposed Local Law:</p> <ul style="list-style-type: none"> • Noise – <i>Environment Protection Act 1970</i> and <i>Environment Protection Act 2017</i>; and • Dangerous and Unightly Land and Nuisances – <i>Graffiti – Graffiti Prevention Act 2007</i>. <p>Council is satisfied that the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p> <p>The operation of drones is regulated by part 101 of the <i>Civil Aviation Safety Regulations 1998</i> (Cth). Whereas that legislation is concerned with safety the proposed Local Law's clause 65 is concerned only with flying a drone above Council Land, and is aimed at protecting the peace and enjoyment of those using the Council Land.</p>
Planning Scheme	<p>Council does not believe that any clause of the proposed Local Law overlaps with, duplicates or creates any inconsistency with the Bayside Planning Scheme.</p>

Issue	Evaluation
Legislative Approach	<p>The proposed Local Law adopts a medium impact regulatory approach, in as much as it prescribes with a level of detail the conduct and behaviour of members of the public within Council's municipality.</p> <p>This approach is considered appropriate to:</p> <ul style="list-style-type: none"> • facilitate the orderly and efficient access to and use of municipal places and roads; and • provide for the protection of Council assets under specified circumstances. <p>All provisions of the proposed Local Law are open to public scrutiny and comment.</p>
Performance Standards or Prescriptive Details	<p>Council has, where appropriate and possible, adopted a performance-based approach to the proposed Local Law.</p>
Risk Assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Measures of Success	<p>Council will measure the success of the proposed Local Law as follows:</p> <ul style="list-style-type: none"> • recording levels of compliance/non-compliance using inspection data; • review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • volume of complaints.
Permits and Fees	<p>The proposed Local Law makes provision for:</p> <ul style="list-style-type: none"> • the issue of permits – the proposed Local Law requires permits to be obtained for various activities; and • Council to prescribe fees from time to time by resolution – it is expected that fees will be set annually as part of Council's Budget process.
Penalties	<p>All offences created under the proposed Local Law attract a maximum penalty of 20 penalty units, with varying infringement penalties prescribed in Schedule 1 to the proposed Local Law.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>

Issue	Evaluation
Restriction of competition	Council has conducted a review of the proposed Local Law in accordance with National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition or that if a restriction exists it is in the public interest that the restriction is imposed.
Comparison with other Councils	In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.
Charter of Human Rights	<p>The <i>Charter of Human Rights and Responsibilities Act 2006 (Charter)</i> contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter. Some provisions engage rights set out in the Charter. Where this occurs and a provision restricts a right it is considered that the provision can be justified under section 7(2) of the Charter.</p>
Community Consultation	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council staff and Council's legal advisers.</p> <p>A community consultation process will be conducted in accordance with sections 119(2) and 223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

6. ATTACHMENTS

- **Attachment 1** – Proposed Local Law
- **Attachment 2** – Proposed Local Law Guidelines

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Ref	Submission Summary	Officer Comments
<p>4.1</p>	<p>Mr David Langmead Mr Langmead's submission provided the following comments: Storing Vehicles 35(1): There is no definition of "keep or store" or "heavy" or "long". Managing Amenity on Building Sites 55(5): There is no criteria for the granting of permits and Council should make it clear that a permit will only be granted in exceptional circumstances.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>In relation to specific submission queries: "keep" or "store" have the same meanings as in the Macquarie Dictionary and are intended to reflect when the relevant items are not being used regularly and are maintained in place or position for a considerable amount of time. "Heavy Vehicle" and "Long Vehicle" are defined terms included in clause 10, "Definitions" of the proposed Local Law. The items for consideration for assessing an application for a builder to carry out building works on a building site outside of specified hours as required by clause 55(5) are set out in Clause 55(7) of the proposed Local Law. The considerations do not suggest a permit would be issues as a matter of course rather following consideration of key factors to determine appropriateness.</p>
<p>4.2</p>	<p>Mr Nigel Hillier Mr Hillier's submission opposes six items in the proposed local law including: Bike and E-scooter schemes: suggesting they should be promoted, that less than 50% supported the idea and that unsightly./discarded/dangerous conditions would be Victoria Metro problem. Storing vehicles on roads: asserting vehicle registration right to use road,</p>	<p>The proposed new Local Law makes it an offence for operators when a bike is abandoned on a road or footpath, or left in another place that affects the enjoyment of that area. Operators will also be required to remove any abandoned or damaged bikes or e-scooters within 24 hours of notification and comply with the conditions of their permit. Without these provisions Council cannot hold operators to account for any shared Bikes or shared E-Scooters which may cause a safety or amenity issue in the municipality when not being used. Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. Building site hours of operation have been drafted in consideration of EPA advice for normal working hours to manage construction noise and help to prevent unreasonable noise as well as neighbouring Council's requirements. These hours balance the ability to carry out</p>

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	<p>money grab, not a big issue, only just over 50% support, difficult to monitor.</p> <p>Managing Building sites: already regulated by VBA and EPA including hours of operation and another money grabbing exercise.</p> <p>Consumption of Alcohol: already state laws on consumption. Major events are already declared alcohol free, people will ignore, and new signs will increase visual clutter.</p> <p>Aeroplanes and Drones: already controlled by the Civil Aviation Safety Authority (CASA), only 46% support and a money grab.</p> <p>Impounding: concerned provides blanket powers to cease anything if a local law is breached.</p> <p>Mr Hillier spoke to his submission at the Special Committee of Council Meeting on 31 March 2021.</p>	<p>building work at hours which supports development but is not unreasonably intrusive on community amenity.</p> <p>Council Officers have considered the submissions and recommend proceeding with the proposed Local Law's liquor restrictions which maintains our current Local Law's liquor restrictions and provides Council the legal ability to prescribe other areas liquor free under the local law should the need arise. Any signage will be provided so as to balance the needs to inform whilst respecting the beauty of the area.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Impounding provisions are an important part of the Local Law because they empower Council to respond to serious safety concerns. Council's current local law also includes impounding provisions used for this purpose.</p>
<p>4.3</p>	<p>Mr Richard Bowen</p> <p>Mr Bowen's submission was in support of the proposed Local Law for boats, trailers, caravans etc being parked on roads for long periods, but suggest the provision be extended to include ANY private vehicles.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers do not recommend extending the provision to any private vehicle however, the proposed abandoned vehicle provisions and definitions strengthen Council's ability to address private vehicles.</p>
<p>4.4</p>	<p>Mr Scott Farnell</p> <p>Mr Farnell's submission was against the proposed Local Law for</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers,</p>

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	boats, trailers, caravans and campervans on roads and Council Land as follows: Registered boats, trailers and camper trailer owners pay an annual fee for the use of public roads. Not allowing these owners to utilise the roads to park their vehicle on the road long term, a right purchase through the licensing, denies them full enjoyment of this right. It's the same as families with an extra car that does not get used often or which regularly is parked in the same spot every day. Surely these vehicles should be included in this law.	caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.5	Mr John Cain Mr Cain has expressed 100% support for all changes forming the proposed Local Law.	Mr Cain's comments have been noted.
4.6	Mr Niels Endres Mr Endres objected to elements of the proposed Local Law related to model aeroplane's including a suggestion the definition be changed to Model Aircraft and suggested licensed/accredited pilots be exempt from needing a permit.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.7	Dr Vicki Karalis (on behalf of Sandringham Foreshore Association)	Council officers have considered the submissions and recommend proceeding with the extension of the Smoking Ban to the entire Foreshore area as proposed.

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	<p>Dr Karalis supports the proposed extension of the smoking ban to include all Bayside cliffs and foreshore.</p> <p>Dr Karalis seeks clarification on whether the smoking ban includes beach car parks and beach tracks and raises concerns with a significant number of butts in these areas and regular cleaning by Council's cleaning contractor.</p>	<p>The proposed extended smoking ban extends from Beach Road to the low water mark of Port Phillip Bay and includes all cliffs and parking areas in the foreshore.</p> <p>It is anticipated that the extended area covered by the smoking ban will reduce the number of cigarette butts in car parks and beach tracks assisting Council's regular cleaning program and the fantastic work of volunteers to significantly reduce the number of butts in the area.</p>
<p>4.8</p>	<p>Mrs Peggy Nimorakiotakis</p> <p>Mrs Nimorakiotakis objects to changes to the Law of parking caravans and trailers on the road suggesting it's a right.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.9</p>	<p>Mr Chris Nimorakiotakis</p> <p>Mr Nimorakiotakis opposes changes to the Local Law.</p> <p>No particular Local Law provision was referenced.</p>	<p>Mr Nimorakiotakis' comments have been noted.</p>
<p>4.10</p>	<p>Mr David Frith</p> <p>Mr David Frith opposes clause 35(2) of the proposed Local Law raising the following issues:</p> <ul style="list-style-type: none"> -Believes the stage 1 survey question was deliberately disingenuous with reference to permits where many may have 	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Throughout the Local Law engagement process, Council's communications have outlined that the idea and subsequently the proposed Local Law and Guidelines intend to prevent the long-term storage of these vehicles on roads and Council Land.</p> <p>The concerned regarding the perceived change of approach from the Stage 1 community survey to the Stage 2 Section 223 consultation on the proposed Local Law 35 Storing</p>

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	<p>considered permits would be issued under 'reasonable' circumstances.</p> <ul style="list-style-type: none"> -That 55% support rating for this idea is marginal and would have been less if the intention to issue permits only in exceptional circumstances was included in the stage 1 engagement. -That complaint numbers specific to boats/trailers/caravans should have been provided as part of the background information with the stage 1 engagement. -Questions if an impact analysis has been done for the proposed change including financial impacts on residents and if parking spaces will be freed if cars are moved to the road to make way for trailers on private property. Discriminatory to single out these types of vehicles and suggests regulations that consider road width, vehicle size, residential density 	<p>vehicles. The question asked in the Stage 1 community survey was to state a level of support for the idea that "Long term parking of trailers, caravans and boats on Council land needs a permit". Consultation materials did not reference the circumstances in which a permit would be issued.</p> <p>The proposed Local Law stated that it is expected that permits will only be issued in exceptional circumstances for the 'long-term parking of trailers, caravans, boats and campervans' and detailed the "exceptional circumstances" in which a permit would be issued. It was stated in both Stage 1 and 2 consultations that this idea/proposed Local Law aims to "prevent" the parking of these types of vehicles.</p> <p>In considering submission officers have further considered the potential impacts for some residents who may not be able to store these vehicles on their own private property as outlined in Appendix 1.</p> <p>The proposed Local Law has been drafted with Legal input to ensure no proposed Local Laws breaches Human Rights. It is officer's views that the proposed Local Law is not discriminatory.</p> <p>Increasing the complexity of requirements such as considering road/vehicle width risks making any such Local Law unenforceable due to complexity.</p>
<p>4.11</p>	<p>Mr Rod Hammond Mr Hammond opposes the area of the proposed Liquor Ban at the Red Bluff Cliffs suggesting it should be imposed at the base of the cliffs and not the tables on top of Red Bluff.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>

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<p>4.12</p>	<p>Ms Elizabeth Jensen (on behalf of Marine Care Ricketts Point and Ricketts Point 3193 Beach Patrol) Ms Jensen supports the proposed extension of the smoking ban to all Bayside foreshore areas. Ms Jensen also asks that Council Officers patrol and enforce the ban, especially initially to educate.</p>	<p>Having considered all submissions in relation to the proposed extended Smoking Ban, officers have recommended to proceed with the Ban as proposed. The implementation of the Local Law will include an extensive community education campaign including field staff along the foreshore. Council increases Local Laws and Parking patrols of the foreshore to coincide with Daylight Savings and the warmer months.</p>
<p>4.13</p>	<p>Mr Matthew McEniry Mr McEniry makes the following suggestion in relation to the Advertising provisions can we have a rule that a permit is required for any attention-grabbing flash/strobe devices, that attract attention to advertising signage. Strobe type devices where it can flash a bright light which is a sun reflection (which may or may not spin) or high output light source for a short flash type duration. The point is at times it has been hard to drive without being distracted by strobing lights on Nepean Highway.</p>	<p>Signage lighting features from buildings are covered by planning laws which may have conditions which restrict these types of lights. Permits under the local law can include conditions to limit impacts from this type of lighting. Mobile signage on the Nepean Highway would fall under the jurisdiction of VicRoads. Officers recommend retaining the proposed Local Law provisions as proposed.</p>
<p>4.14</p>	<p>Mrs Alison Horton (on behalf of Sandringham Foreshore Association, Marine Care Ricketts Point and 3193 Beach Patrol) Mrs Horton supports banning smoking on all Bayside foreshore</p>	<p>Having considered all submissions in relation to the proposed extended Smoking Ban, officers have recommended to proceed with the Ban as proposed. Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>

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	<p>areas including all Bayside cliffs and foreshore and states the areas are a high fire risk.</p> <p>Mrs Horton also supports all the other items proposed to be addressed, particularly the ban on alcohol at the bottom of the red bluff cliffs.</p>	
<p>4.15</p>	<p>Mr Samuel Murray</p> <p>Mr Murray suggests reduced limitations on what vegetation can be planted on nature strips.</p> <p>He has expressed his view that if a resident wishes to plant smaller indigenous plants along a street nature strip and lower standing plants near street corners then council should encourage. Also, local residents should be encouraged to plant vegetables, herbs and smaller fruit trees for use and sharing by local residents.</p>	<p>Having considered all submissions in relation to Vegetation on Nature Strips Officers have proposed the proposed Local Law be amended to allow for Council permission for plantings which do not comply with the Local Law Guidelines to ensure existing non-conforming plantings are not inadvertently caught up in the Local Law and to allow for consideration of suitable alternative plantings to be allowed with Council permission.</p> <p>Planting to drought tolerant indigenous ground covers, shrubs and grasses on nature strips is consistent with Action 19 from Council's Biodiversity Action Plan 2018-2027.</p>
<p>4.16</p>	<p>Dr Randy Flynn</p> <p>Dr Flynn has suggested feeding of non-indigenous Pigeons and Indian Minors banned and measures to reduce their population introduced. He also raises concerns with an increasing number of jet boats on the bay expected to create damage to the sea grass and the fish and should be banned</p>	<p>Provisions restricting the feeding of birds are covered under clauses 29 and 73 of the proposed local law.</p> <p>Council does not have authority over boating activity on Port Phillip Bay as this is outside of Council's municipal area and the jurisdiction of Transport Safety Victoria.</p>

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<p>4.17</p>	<p>Ms Anne Preston (on behalf of Victorian Drone Flyers)</p> <p>Ms Preston opposes the proposed Local Law for model aeroplanes including drones asserting several points including:</p> <ul style="list-style-type: none"> - Community engagement results had less than 50% support for permits for Drones to fly over Council Land; - CASA has sole authority to control air space as the Federal regulator and has safety rules for operating controlled aircraft and drones; - Drones do not have Environment Protection Authority restrictions on times of use or noise; - Commercial Drone operators need CASA accreditation and registration and Drones over 250grams in weight will require registration and accreditation by CASA in 2022; - Council requirement to require a permit would be an unnecessary cost to Council considering CASA's sole authority for airspace; - Many other Local Governments have removed or stopped similar Local Laws due to CASA's authority of the issue; 	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
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	<p>- The Privacy Act 1988 does not apply to individuals who operate Drones; - Believes the proposed Local Law 65 for Drones is discriminatory. Ms Preston spoke to her submission at the Special Committee of Council Meeting on 14 April 2021.</p>	
<p>4.18</p>	<p>Submission provided separately by 54 individuals using the same pro-forma letter: Mr Mudrul Patil, Ms Terrie O'Dwyer, Mr Constantine Ongarezo, Mr Brett Suthers, Mr Marcal Schopfer, Mr Alexander Sunny, Mr Mitsuhiro Kato, Miss Holly Savage, Mr Daniel Tan, Mrs Hassan Adly, Ms Sim Chong, Miss Joelly Say, Mrs Victoria Burt, Mr Joel Stickland, Mr Alan Vidot, Mr David Whipp, Mr Paul Del Vescovo, Mr Jeff Powell, Mr Sunny Keo, Mr Mitchell Robertson, Mr Robert Frieling, Mr Glenn Bachelor, Mr Jason Walters, Mr Ian Knight, Mr Ash Farman, Mr Colin Earney, Mr Philip Mallis, Mr Dylan Wood, Mr David Diep, Mr Darren Taylor, Mr Garry Allan, Mr Jason East, Miss Melinda Kerr, Mr Tim Vermey, Dr Steve Jolly, Mr Jeff Bee, Mr David Williams, Mr Clint Robertson, Mr Mark Giddens, Mr</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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	<p>Brett Wooderson, Mr Maurie McBain, Mr Hamish Mitchell, Mr Andrew Littleford, Mr Steven Chazikantis, Mr Rumes Srimawaran, Mr Joel Fyson, Mr Nicholas Parkin, Mr Peter Turner, Mrs Christine Boak, Mr Matthew Youd, Mr Andrew Boskovic, Mr John Collins, Mr Struan Robertson, Mr Shannon Biggs.</p> <p>The statement provided by the above individuals was against the proposed sections of the Local Law in relation to the management of drones....</p> <p>They oppose the proposed Local Law for model aeroplanes including drones asserting several points including:</p> <ul style="list-style-type: none"> - Community engagement results had less than 50% support for the idea; - CASA has sole authority to control air space as the Federal regulator and has safety rules for operating controlled aircraft and drones; - Commercial Drone operators need CASA accreditation and registration and recreational registration implemented next year; - Council requirement to require a permit could reduce tourism to the area; - Many other Local Governments have removed or stopped similar
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	<p>Local Laws due to CASA's authority of the issue;</p> <ul style="list-style-type: none"> - Drones are nowhere near as noisy as lawn mowers; - Several useful drone operations and employment opportunities. 	
4.19	<p>Ms Justine Gorny</p> <p>Ms Gorny opposes Clause 65 related to model aeroplanes noting a minority of respondents supported the proposal.</p> <p>She also requests the Clause and definition of model aeroplane are removed from the proposed Local Law in favour of CASA being the sole regulator.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.20	<p>Mr Tom Valenta</p> <p>Mr Valenta is in support of the Storing Vehicles regulations need to be made far more stringent.</p> <p>He suggests banning the storage of boats and caravans on public roads, particularly those that are deemed narrow and suggests the proposed changes will in no way reduce congestion and potential road trauma risks.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.21	<p>Mr Paul Tilley</p> <p>Mr Tilley supports the proposed Local law Clause 12-Unsightly and Dangerous</p>	<p>Council officers have considered submissions regarding the proposed Unsightly and Dangerous Properties Clause and recommend retaining the Clause with minor clarifications related to vegetation at Sub Clause 12(1)(c).</p>

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	<p>Properties.</p> <p>Supports Clause 35 Storing Vehicles and Clause 45 Advertising Signs, subject to permits being issued in exceptional circumstances only</p> <p>Opposes Clause 60 Smoking in Municipal Places particularly in the open air and comments there are already too many unsightly and unnecessary signs in the Municipality.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers have considered the submissions regarding Advertising Signs and recommend retaining the Clause as proposed. The Local Law Guidelines and Footpath Trading Policy will guide the assessment of applications for advertising signs to ensure the safety and amenity of the community.</p> <p>Council officers have considered the submissions regarding Extending the Smoking Ban and recommend proceeding with the Ban as proposed. Council will endeavour to minimise associated signage and ensure signs are designed to integrate well with the natural environment so as to minimise negative visual impact along the foreshore.</p>
<p>4.22</p>	<p>Mr Andrew Osborne</p> <p>Mr Osborne opposes the proposed Local Law Cl 35 Storing Vehicles and suggests it be removed. Mr Osborne spoke to his submission at the Special Committee of Council Meeting on 31 March 2021.</p> <p>Mr Osborne suggests the proposal is inappropriate, flawed and has been miscommunicated asserting:</p> <ul style="list-style-type: none"> -it is reasonable for resident to park registered vehicles near their house if less than 7.5m in length. -it is unreasonable to think people can store them elsewhere when regularly or intermittently used for business, personal use or recreation. -No gain for street space if trailer swapped for car 	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Throughout the Local Law engagement process, Council's communications have outlined that the idea and subsequently the proposed Local Law and Guidelines intend to prevent the long-term storage of these vehicles on roads and Council Land.</p> <p>The concerned regarding the perceived change of approach from the Stage 1 community survey to the Stage 2 Section 223 consultation on the proposed Local Law 35 Storing vehicles. The question asked in the Stage 1 community survey was to state a level of support for the idea that "Long term parking of trailers, caravans and boats on Council land needs a permit". Consultation materials did not reference the circumstances in which a permit would be issued.</p> <p>The proposed Local Law stated that it is expected that permits will only be issued in exceptional circumstances for the 'long-term parking of trailers, caravans, boats and campervans' and detailed the "exceptional circumstances" in which a permit would be issued. It was stated in both Stage 1 and 2 consultations that this idea/proposed Local Law aims to "prevent" the parking of these types of vehicles</p>

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	<p>-Specific parking restrictions should be considered for streets where these are been parked for extended periods;</p> <p>-The proposed Local law is not suitable for Bayside residents</p> <p>-Suggest the overview is misleading, inaccurate and inconsistent.</p>	
<p>4.23</p>	<p>Ms Lynne Witynski</p> <p>Ms Witynski opposes Clause 24 Vegetation on Nature Strips being specific to drought tolerant indigenous ground covers, shrubs and grasses and not allowing other plantings such as vegetables.</p> <p>Seeks clarification on "indigenous" being native to Bayside, Victoria, or the lower eastern seaboard of Australia?</p> <p>Concerns the proposal lacks transparency and credibility and may cause harm as many residents have planted non-indigenous species, vegetables and trees which add to the streetscape.</p> <p>Ms Witynski spoke to her submission at the Special Committee of Council Meeting on 14 April 2021.</p>	<p>Having considered all submissions in relation to Vegetation on Nature Strips Officers have proposed the proposed Local Law be amended to allow for Council permission for plantings which do not comply with the Local Law Guidelines to ensure existing non-conforming plantings are not inadvertently caught up in the Local Law and to allow for consideration of suitable alternative plantings to be allowed with Council permission.</p> <p>The Local Law Guidelines are based off of Council's current nature strip planting requirements which includes a list of recommended suitable plants. Additionally, Council recommends drought-tolerant indigenous ground covers, shrubs and grasses are purchased from the Bayside Community Nursery or other indigenous plant nurseries to help guide people to suitable options.</p> <p>Planting to drought tolerant indigenous ground covers, shrubs and grasses on nature strips is consistent with Action 19 from Council's Biodiversity Action Plan 2018-2027.</p>

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<p>4.24</p>	<p>Mr Greg Phelan Mr Phelan supports controls for storing of trailers, boats caravans as many are stored adjacent to his home.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.25</p>	<p>Mr James Burns Mr Burns makes the following comments regarding guidelines: The guidelines for issuing a permit are inappropriate. A permit should be issued as a matter of right unless there is compelling reason or restriction not to. Your policy says the opposite which is it would need to be extraordinary circumstances in order to issue the permit. It misleading to describe the regulation as a requirement to get a permit when you by your policy say your very unlikely to give them. You are using your policy to ban it not the regulation and accordingly your public consultation on the regulation is void.</p>	<p>It is open to Council to have a policy that requires exceptional circumstances to exist before a permit will be granted. While it is important that, in each case, the merits of the application are considered (and so consideration is given to whether the policy should be departed from) there is no legal impediment to the existence of a policy of the kind proposed.</p>
<p>4.26</p>	<p>Mr Daniel Majman Mr Majman opposes the proposed clause 35(2) restricting parking of boats, caravan and trailers on the road and suggests: - the number of complaints does not warrant the investment for the change and to manage compliance.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. To answer the question posed: Under the proposed Local Law, trailers which are used regularly, such as trades trailers, and not stored on roads or Council Land would not be affected.</p>

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	<ul style="list-style-type: none"> - regularly moving his boat onto his property during summer when it is regularly used is difficult and will shift cars from private property to the road to make way for the boat creating more congestion. - queries how the proposed Local Law clause will affect trades people who rely on their trailers and use them regularly. - suggests different requirements for areas such as narrow streets and cul-de sacs. 	
<p>4.27</p>	<p>Mr Alan Clapham Mr Clapman opposes: - the redundant crossing clause being applied retrospectively. - removing waste without authority and suggests reusing items should be encouraged. Mr Clapman also suggests Council fails to enforce existing laws regarding pathway clearance, Storing of Vehicles and unsightly premises and is concerned with Council's ability to enforce the Local Law.</p>	<p>Officers recommend proceeding with the proposed Local Laws for redundant vehicle crossings as returning these sections of road to parking will help provide on street parking capacity and improve the aesthetics of the relevant streetscapes.</p> <p>Officers recommend retaining the proposed Local Law provision regarding removal of waste as removing recyclable materials or hard rubbish can cause a safety issue due to rummaging through items and interferes with materials recovery. Council encourages recycling and has many programs to help the community reduce waste to landfills.</p> <p>The new Local Law has improved provisions within the current local law and has been drafted to ensure enforceability. Community education on the new Local Law will also help raise awareness with the community on the new requirements and how to comply.</p>
<p>4.28</p>	<p>Mrs Mary Youssef Mrs Youssef opposes Clause 35(2) stating I don't have an issue with residents leaving trailers or boats on the roads for longer than 14 days.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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<p>4.29</p>	<p>Mr Mark Calleja Mr Calleja opposes two items as follows: - Flying a drone over Council land. If they aren't flying by CASA rules then those people should be punished or fined, by enforcing the new law your punishing those who are flying by CASA rules? Parking of trailers etc for long periods. I think if a parked vehicle is a hazard or illegally whether it's there for a day or a year it needs to be fined or removed.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.30</p>	<p>Ms Olivia Brooks Ms Brooks opposes the animal excrement provisions concerned it is not always possible to pick up runny dog poo. Concerned the law will discriminate against disabled and elderly people and be used to revenue raise. Additionally, Ms Brooks has concerns with the liquor provisions prohibiting consumption and possession of alcohol on roads and Council land whilst supporting a ban on the foreshore from dusk to dawn. Furthermore, public drunkenness is the issue which should be left to Victoria Police.</p>	<p>Both animal litter provisions and the general Liquor restrictions on roads at all times and on municipal reserves from sunset to sunrise are existing provisions carried over from the current local law and appear to meet the broader community's needs. Officers do not apply the current local law, which is the same as the draft local law regarding the requirements to pick up animal waste, to the precise letter of the law for scenarios as described. If such a scenario is encountered, officers take an understanding approach and may assist to wash away any residual excrement not able to be collected. Council Officers have considered the submissions and recommend proceeding with the proposed Local Law's liquor restrictions which maintains our current Local Law's liquor restrictions and provides Council the legal ability to prescribe other areas liquor free under the local law should the need arise.</p>

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<p>4.31</p>	<p>Mr Mark Doran Mr Doran opposes the storage of vehicles on roads and Council Land provision as taking away a liberty rate/registration payer are entitled to. Additionally, he suggests enforcing on certain roads such as main roads like South Road and suggests pedestrian activity in his street does not warrant this for a trailer or camper van. Furthermore, Mr Doran suggests applying it to caravans over a certain size noting a difference in size between large caravans and pop up camper trailers.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.32</p>	<p>Mr Richard Moore (on behalf of Newdiscovery) Mr Moore opposes the proposal that permits for trailer, caravans, campervans and boats will only be issued in exceptional circumstances. As unfair and overly restrictive. He outlines his experience with a small number of these vehicles parked on the street which he views as have nearly nil impact on the community and should be allowed to park on roads if they have paid their registration and are parked safely and considerately.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>

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	<p>Mr Moore's second point objects to the proposed restriction for liquor at Red Bluff Cliffs including the area at the top of the cliffs. He expresses concern the restriction will impact the freedoms of many to address a small number of people acting dangerously.</p>	
<p>4.33</p>	<p>Ms Anne Tourney Ms Tourney supports the provision for Clause 35(2) related to long term parking of trailers etc however suggests an alternative wording for the provision to apply to these items which are larger than a standard parking bay and are not stored on the nature strip or stored on residential streets for more than 4 hours without a permit. Ms Tourney also requests the Burning of Materials is expanded to apply to indoor fires impacting neighbouring properties and further consult with the community to consider banning the indoor burning of solid fuels due to air pollution. She also suggests the Local Law address an increase in bicycles powered by small petrol motors due to amenity impacts from noise and fumes from the motors.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. Bayside Council did test community views in 2020 regarding the appropriateness of Council Local Law controls for solid fuel burning. The overwhelming majority of the community didn't support a Local Law ban on domestic solid fuel burning. Bicycles powered by petrol motors are best referred to Victoria Police or VicRoads as there are state laws governing these types of vehicles,</p>
<p>4.34</p>	<p>Mr John Butler</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane,</p>

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	<p>Mr Butler supports drone operators to obtain a permit to fly their drone over Council land.</p> <p>Furthermore he suggests any drone that is flown over Council land must clearly display the permit number on the drone able to be read by someone at a distance of 25 m.</p>	<p>including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.35	<p>Mr Nicholas Batzialas Mr Batzialas provides the following general comment: Enough with government overreach! I say no to the infringement of people's right to use legally bought products whilst enjoying the god given space.</p>	<p>Mr Batzialas' comments have been noted.</p>
4.36	<p>Mr Alexander Kotsirilos Mr Kotsirilos has expressed concerns littering is destroying one of the most natural suburbs in Victoria.</p>	<p>Mr Kotsirollos' comments have been noted.</p> <p>Council agrees litter is one of the most visible signs of damage to our environment, and remains a major environmental challenge. More information on what the Community can do and what Council is doing can be found at https://www.bayside.vic.gov.au/help-litter-problem</p>
4.37	<p>Ms Maxine Jacona Ms Jacona opposes the restrictions on parking boats and trailers noting many cars on streets which could be parked on site and new developments increasing pressure on suburban streets.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.38	<p>Ms Jane Bennett</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers,</p>

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	<p>Ms Bennett is in favour of the proposed changes, and particularly preventing long term parking of boats, etc, amenity protection for building sites and requiring permits to fly drones.</p>	<p>caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>INSERT DRONES</p>
<p>4.39</p>	<p>Mr John Anderson Mr Anderson fully support all of the Major changes in the proposed Local Law including: <ul style="list-style-type: none"> - A smoke-free foreshore and alcohol-free zone at Red Bluff Cliffs - Preventing long-term parking of boats, trailers and caravans on Council roads - Stronger environmental and amenity protection requirements for building sites - Permits to fly drones over Council land - Preventing abandoned shopping trolleys - Permits for share bike and/or share e-scooter schemes - Permits for advertising signs and mobile billboards - Guidelines for planting on nature strips </p>	<p>Mr Anderson's comments have been noted.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.40</p>	<p>Mr David Reaburn Mr Reaburn oppose the provisions for the long-term storage of trailers.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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	<p>He expresses the following views: Trailers are registered, as cars are, and are often seldom used. However, there is no restriction on parking a car long term on the street, so wondering why a different law is suggested to be applied to trailers? The proposal also seems difficult to enforce, in particular assessing whether a trailer is in "regular use". How is this checked?</p>	
<p>4.41</p>	<p>Mr Jacob Dickmann Mr Dickmann opposes the Liquor ban at Red Bluff Cliffs suggests the activity is not a danger and banning will move the parties to a different location which may cause increased impact to the community. He supports the smoking ban but suggests dedicated area for smokers so they don't have to leave the beach and queries enforceability over such a large area. Mr Dickmann also expresses support for the storage of boats, campervans etc provisions and suggests it prioritise road safety over parking and suggests it should have emphasized height and restrictions of views near intersections. Suggests a drone permit system will direct people to roads and car parks</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p> <p>A dedicated area for smokers is not recommended by officers as it would be contrary to the intended outcomes sought by the extended ban.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers note Mr Dickman's views suggesting mobile advertising, building noise and unsightly buildings should not be a focus of Council resources. These issues have been ongoing concerns for the community with community support for inclusion in the proposed Local Law.</p>

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	<p>creating more safety concerns. Views use in parks as safer. Also expresses view that issues of mobile advertising, building noise restrictions and unsightly buildings should not be a focus of Council resources</p>	
<p>4.42</p>	<p>Mr Daniel Brooks Mr Brooks opposes the expansion of the existing permit system to include drones as sufficient regulation by CASA is already in place including for safety matters. Concern permit requirement is for revenue raising.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.43</p>	<p>Mrs Cleide Pereira Mrs Pereira opposes the Liquor ban relative to the Foreshore as the foreshore and beaches should be a place for all to have fun. The young community gathers around the beach to dance and listen to music. We pay so much on council fees to not be able to park our boats and caravans on the street? Again, a first world problem to have a vehicle parked on the street!</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs. Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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4.44	<p>Mr Derek Screen (on behalf of Pennydale Residents Action Group Inc.)</p> <p>Mr Screen opposes the inclusion of Drones in the definition Model Aeroplanes and suggests it be changed to Model Aircraft. Furthermore, he is of the view the Local Law can be enacted as CASA has ultimate control over all drones.</p> <p>He further opposes the provision at 35(1) of the proposed Local Law related to heavy and long vehicles as it applies to private property and seeks for the wording of private property to be removed.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.45	<p>Mr Ian Wilson</p> <p>Mr Wilson supports the proposed Local Law provision for caravans, boats and trailers due to safety concerns and notes South Road next to the golf course is used for advertising on car trailers over long periods.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>The proposed Local Law includes new provisions which will help control mobile billboards.</p>
4.46	<p>Mr Fuzzy Schneider</p> <p>Mr Schneider has made the following submissions:</p> <p>Alcohol consumption should be allowed in all public areas within moderation.</p> <p>Drunkenness is already criminalised, so</p>	<p>Council Officers have considered the submissions and recommend proceeding with the proposed Local Law's liquor restrictions which maintains our current Local Law's liquor restrictions and provides Council the legal ability to prescribe other areas liquor free under the local law should the need arise. These laws seek to ensure public places can be enjoyed safely and related amenity impacts are reduced rather than seeking to react relying on Police intervention once drunkenness or antisocial behaviour occurs in public places.</p>

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	<p>enforcement should only take place for public drunkenness / unsociable behaviours.</p> <p>Drone flying should be banned at beaches for privacy reasons, but should be facilitated on / above public sports grounds (when not in use), such as the Trey Bit oval / Sillitoe Reserve.</p> <p>Owners of vehicles should be forced to park their vehicles on their property where the opportunity to do so exists. Parking requirements for new developments must allow for two vehicles per dwelling.</p> <p>Further development of bike lanes and promotion of single-person electric transport (e.g. electric bikes and scooters) should be encouraged as a way to reduce vehicle emissions.</p> <p>Electric vehicle charging points to be made available in commercial zones (e.g. Hampton station parking / beach parking areas)</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Mr Schneider's comments regarding encouraging alternative transportation options and Electric vehicle charging points are noted; however, these issues are outside of the scope of the Local Law consultation.</p>
<p>4.47</p>	<p>Mr Andrew Hemsley</p> <p>Mr Hemsley raises concerns with any associated costs to small business for advertising sign permits.</p>	<p>Permits fees are determined by Council as part of the annual budget process.</p> <p>Over the past year Council has supported local businesses through a range of initiatives including refunding 100% of footpath trading permit fees and Health/Food Act registration fees.</p>
<p>4.48</p>	<p>Mr Lochlin Durance</p> <p>Mr Durance states that the proposed laws generally inhibit the enjoyment of council lands and make it easier</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed</p>

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<p>for the council to issue fines and collect revenue and opposes several provisions of the proposed Local Law as follows:</p> <ul style="list-style-type: none"> - Drones where CASA rules apply and outline where it is safe to fly noting not majority of support (asserts 48%). - Alcohol restriction at the beach should be a police issue for those not abiding by the existing laws. - Smoking is already banned on any parts of the beach. Suggests regular emptying of bins and more cigarette bins. - Supports bike and scooter share scheme provisions and advertising scheme provision but suggests fees for selling car or caravan should be low to not prohibit reasonable use. <p>Mr Durance also suggests Council direct more money to enjoy amenities safely within designated areas and more bins and regular collections.</p>	<p>from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p> <p>It is anticipated that the extended area covered by the smoking ban will reduce the number of cigarette butts in carparks and beach tracks assisting Council's regular cleaning program. Bins along the foreshore are regularly emptied.</p> <p>Support noted for bike and scooter share scheme and advertising scheme provision, proposed fees will be in the included in the proposed fees and charges for 2021/22.</p>
<p>4.49</p> <p>Mr John King</p> <p>Mr King opposes the provisions regarding parking and vehicles on private property, roads and nature strips and suggests people can use roads and appurtenant areas for any purpose as long as they do not</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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	<p>endanger or restrict the rights of others.</p> <p>Mr King also expressed frustration with an unrelated operational matter regarding waste collection and recycling.</p>	
<p>4.50</p>	<p>Mr Michael Busuttill</p> <p>Mr Busuttill opposes the proposed changes for boat and caravan storage.</p> <p>He suggests temporary storage is necessary to facilitate maintenance, repairs, preparation and use for an upcoming trip. He suggests a maximum 'permit free' period of three months to address the need of maintenance, repairs and preparation whilst keeping the streets free for a nine-month period.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.51</p>	<p>Miss Brea Kennelly</p> <p>Miss Kennelly opposes paying for permits as a way for the Council to make more money.</p> <p>Opposes restrictions on flying drones as an enjoyable pastime.</p> <p>Registration of drones provides the rules and regulations on how close you can fly to people so their privacy is kept and on how individuals shouldn't be filmed or photographed without consent.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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4.52	<p>Mr Martin Whelan Mr Whelan opposes the following provisions suggesting they are rules for the sake of rules:</p> <ul style="list-style-type: none"> - Nature Strip planting suggesting an immaterial issue as most are grass only. - Restricting trailer or boat parking on roads is not an issue and suggests using parking restrictions if congestion is the issue. - The provisions on 'unsightly' properties is inappropriate, is too subjective and could lead to unfair targeting of poorer residents (rules on dangerous structures makes sense, but unsightly is none of the Council's business to a property owned by a private citizen). 	<p>Nature strip planting provisions seek to ensure residents who wish to enhance the Council Nature strip do so in a way that enhances the area safely and to appropriate standards and requirements including to enhance local biodiversity.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p> <p>The Unsightly and Dangerous Properties provisions have combined and expanded current Local Law provisions which seek to ensure the amenity of the area, safety issues including fire hazards are appropriately managed on private property. Council's Community Services Depart can assist residents who may need additional support for a range of complex reasons.</p>
4.53	<p>Mr Luke Lucas Mr Lucas opposes the proposed Liquor ban at Red Bluff Cliffs as an unnecessary and unfair law which stops the locals from enjoying themselves.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
4.54	<p>Mr Matthew Murdoch Mr Murdoch's opposes the potential alcohol ban on the shore.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>

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4.55	<p>Miss Danielle Goldsmith Miss Goldsmith opposes an alcohol ban at red bluff cliffs.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
4.56	<p>Ms Michelle Van Kampen Ms Van Kampen suggests the proposed local law requiring permits for registered trailers inc. boats, camper trailers etc. to be parked in Bayside, will only be provided in exceptional circumstances, is contrary to consent of an approved registered trailer, with Vic Roads that abides by state laws.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.57	<p>Mr James McDonagh Mr McDonagh opposes the wording of the animal excrement provision of the proposed Local Law. He is concerned a situation could occur where a dog has a loose bowel movement making it very difficult to clean up all parts of the excrement and queries what action would be taken in such a circumstance by an Authorised Officer. Mr McDonagh also queries what constitutes a dog digging and or disturbing Council Land which may result in a fine. He also opposes the impounding provisions being used for breaches of Clause 27 and suggest</p>	<p>Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (Clause 86) as follows: The proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed. "Digging" would be considered making a hole by removing material. The impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves). Impound of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.</p>

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	<p>impounding only be used for significant events.</p> <p>Mr McDonagh spoke to his submission at the Special Committee of Council Meeting on 14 April 2021.</p>	
4.58	<p>Mr Stephen Le Poidevin</p> <p>Mr Le Poidevin submits Additional local laws are unnecessary and overbearing and there are already sufficient protections in place through other legislation covering the topics concerned.</p>	<p>Mr Le Poidevin's comments have been noted.</p>
4.59	<p>Ms Kat Donnarumma</p> <p>Ms Donnarumma opposes an alcohol ban at Half Moon Bay.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
4.60	<p>Ms Lucia Chiodi</p> <p>Ms Chiodi opposes an alcohol ban at Half Moon Bay as unnecessary as local people are well behaved.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
4.61	<p>Mrs Lucy Simmonds</p> <p>Mrs Simmonds submission opposed section 5 of the law as she states that it unfairly discriminates against a specific community of people and that Council decision making shouldn't be influenced by Victoria Police.</p>	<p>No direct or indirect discrimination related to this proposal.</p> <p>Council works with Victoria Police collaboratively to address issue of community safety.</p>

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4.62	<p>Ms Nicole Rogalski Ms Rogalski opposes charging hobby drone flyers.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.63	<p>Mr Rene Santander Mr Santander opposes the proposed Local Law for model airplanes. He states that it would be a better alternative to educate pilots about CASA rules.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.64	<p>Mr Karl Stade Mr Stade opposes the proposed fees for utilising aerial photography (drones).</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.65	<p>Mr Robert Brown Mr Brown opposes the proposed Local Law for drones asserting too many regulations.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.66	<p>Mr Terry Jones Mr Jones opposes the proposed Local Law for drones asserting that fewer than 50% of people supported the proposal and drone operators must meet the requirements of CASA.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.67	<p>Mr George Millington</p>	

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	<p>Mr Millington opposes the proposed liquor ban at Red Bluff Cliffs asserting:</p> <ul style="list-style-type: none"> - many privately organised gatherings have previously been held without incident and that the law provides Victoria Police with powers to end any gathering. - Covid restrictions restrict large public gatherings at the location. <p>He suggests specific evidence be provided as to how unsafe these gatherings are, otherwise, he suggests Victoria Police can encourage Councils to enact laws to give them more power at will.</p> <p>Mr Millington spoke to his submission at the Special Committee of Council Meeting on 14 April 2021.</p>	<p>This inclusion is specifically in response to dangerous parties held in that area and at the request of Victoria Police.</p> <p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
<p>4.68</p>	<p>Mr Simon Fanning</p> <p>Mr Fanning supports the proposal to prevent the long-term storage of boats, caravans and trailers due to the dangers to other road users, particularly at night and raises concerns that enforcement will be difficult.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.69</p>	<p>Mr Dave Jones</p> <p>Mr Jones opposes the Local Law regarding drones as it is regulated by the Australian Government (CASA).</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also</p>

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		recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.70	<p>Mr Nathan H (no surname supplied) Mr H opposes Local Law regarding drones as it will inhibit future education and opportunities of growth for the broad population and is regulated by CASA.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.71	<p>Mr David Greenwood Mr Greenwood opposes the Local Law regarding paying a fee for drone use.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.72	<p>Mr Brad Krahe Mr Krahe opposes the Local Law regarding paying a fee for drone use.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.74	<p>Ms Maria Cooper Ms Cooper has provided general feedback stating no permit no charge.</p>	<p>Ms Cooper's comments have been noted.</p>
4.74	<p>Mr Anthony Cooper Mr Cooper opposes permit for drones as he states that a permit should not be needed to simply take off.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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4.75	<p>Mr David Brown Mr Brown objects to the Local Law requiring a permit to fly a drone on Council land due to existing regulations and laws governed by CASA. He states that there is no need for another layer of Government to create laws for the same purpose.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.76	<p>Mr Nicholas Dyson Mr Dyson the Local Law regarding paying a fee for drone use.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.77	<p>Mrs Elizabeth Hughes Mrs Hughes opposes the Local Law restricting plantings on nature strips of non-indigenous plants. She states that non-indigenous plants should be allowed as long as they fulfil the size criteria and are drought tolerant.</p>	<p>Having considered all submissions in relation to Vegetation on Nature Strips Officers have proposed the proposed Local Law be amended to allow for Council permission for plantings which do not comply with the Local Law Guidelines to ensure existing non-conforming plantings are not inadvertently caught up in the Local Law and to allow for consideration of suitable alternative plantings to be allowed with Council permission. Planting to drought tolerant indigenous ground covers, shrubs and grasses on nature strips is consistent with Action 19 from Council's Biodiversity Action Plan 2018-2027.</p>
4.78	<p>Ms Cait Eves Ms Eves opposes the Local Law regarding long-term storage of boats, caravans and trailers as she states that if permits are unlikely to be granted, those who have caravans and trailers won't have anywhere to store them. If this law is approved, then permits should be approved and</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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<p>4.79</p>	<p>correct management of these vehicles should occur.</p> <p>Ms Etel Nagyidai Ms Nagyidai has provided general feedback and queries:</p> <ul style="list-style-type: none"> - What 'unreasonable noise' refers to – length of time or number of decibels? - What is the definition of groundwater? - Council should have a written process in place in regard to section 55 clause 28 which includes notice to the owner/builder and allows them time to acknowledge/ challenge/make good the alleged damage. - Law 60 – Does the law also intend to prohibit people from smoking in cars (with their windows open) or on bikes whilst they are in or at these locations? If they cannot smoke whilst on Council land, this should also include in or on vehicles/bikes/caravans etc. - Council should consider maintaining footpaths where tree roots are uplifting them causing trip hazards. Council should work with Metro Rail Authority to improve path running alongside the railway line from corner Were St and View Court 	<p>In determining whether noise is deemed unreasonable, investigating officers consider: volume, source and intensity, time and place, circumstances, how long the noise continues, and whether the noise repeats or recurs.</p> <p>In distinguishing between regular rainwater and groundwater being discharged into Council drains, water that enters as a result of rain for a period of 24 hours after rainfall is considered stormwater.</p> <p>As part of the implementation of the Local Law updated procedures will be developed where necessary for any new or changes Local Laws including for Clause 55.</p> <p>Smoking in vehicles will not be banned when parked in Council's foreshore car parks.</p> <p>Council has a footpath maintenance program and any footpath trip hazards can be reported to Council for investigation and repair.</p> <p>Concerns regarding path running Metro Rail has been lodged for investigation with the appropriate authority.</p>
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	which is dangerous and slippery when wet.	
4.80	<p>Mr Chris Knight</p> <p>Mr Knight has provided general feedback stating this is ridiculous and an overreach.</p>	Mr Knight's comments have been noted.
4.81	<p>Mr Jason Shevlock</p> <p>Mr Shevlock opposes the Local Law regarding drones and states that if drone pilots adhere to CASA laws and guidelines, there should be no issue with flying drones.</p>	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.82	<p>Ms Tanya James</p> <p>Ms James opposes the Local Law requiring a permit to fly a drone stating that pilots are required to abide by CASA laws and register their drones. Charging a fee will deter people from coming into the local area and supporting local businesses.</p>	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.83	<p>Mr Marc Baptista (on behalf of DJI Owners Australia)</p> <p>Mr Baptista opposes Local Law requiring a fee to fly drones as pilots are required to follow strict guidelines set by CASA and this would move enthusiasts to other areas.</p>	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.

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<p>4.84</p>	<p>Mr Simon Murray Mr Murray opposes the Local Law regarding drones highlighting the survey results showing less than 50% support for the drone law.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.85</p>	<p>Mr Luke Absolom Mr Absolom opposes the Local Law re: liquor ban and notes only minor issues with parties and parties are needed for youths to have fun and stay healthy.</p>	<p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
<p>4.86</p>	<p>Ms Hellen Cross Ms Cross opposes the Local Law regarding drones as it is tightly managed and regulated by CASA.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.87</p>	<p>Mr Allen Frome Mr Frome provided general comments "disgusting money grab."</p>	<p>Mr Frome's comments have been noted.</p>
<p>4.88</p>	<p>Mrs Barbara Mctigue Mrs Mctigue opposes the Local Law regarding long-term storage of caravans, trailers and boats as many people do not have space to store their vehicles.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.89</p>	<p>Mrs Sarah Green Mrs Green endorses the Local Law regarding long-term storage of</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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	caravans, trailers and boats asserting various safety concerns.	
4.90	Mr Franz Limbach Mr Limbach endorses the Local Law regarding long-term storage of caravans, trailers and boats asserting various safety concerns.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.91	Mr Ian Miller Mr Miller provides general comments re: "what a blatant money grab. Council should be ashamed."	Mr Miller's comments have been noted.
4.92	Mrs Galina Likhovetsky Mrs Likhovetsky opposes the impounding provisions of the Local Law as animal cruelty.	The impounding provisions of the proposed Local Law were not intended to be used for offences of Clause 27 of the proposed Local Law. To clarify this, Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (renumbered to Clause 85) as follows: Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed. The impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves). Impound of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.
4.93	Ms Rachael Bausor Ms Bausor opposes the Local Law regarding long-term storage of caravans, trailers and boats stating that it is none of	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.

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		Council's business what kind of vehicles are parked on the roads if they are parked legally.	
4.94	Mr Jon Bagge Mr Bagge provides general comments that "I feel this is a pointless money grabbing change of absolutely no benefit to the wider community."	Mr. Bagge's comments have been noted.	
4.95	Mr David Wilmot Mr Wilmot opposes the Local Law regarding long-term storage of caravans, trailers and boats stating that provided the boat or caravan is parked safely and not obstructing the roadway or causing inconvenience, there is no reason for the law.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.	
4.96	Mr Bob Rogerson Mr Rogerson opposes the Local Law regarding drones stating that Council doesn't have authority over the airspace.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.	
4.97	Ms Bella Fanning Ms Fanning supports the Local Law regarding the long-term storage of boats, caravans and trailers asserting safety concerns, especially when driving at night.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.	
4.98	Mrs Sophie Fanning	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers,	

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	<p>Mrs Fanning supports the Local Law regarding long-term storage of boats, caravans and trailers asserting safety concerns.</p>	<p>caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.99	<p>Mr Mark Harrop Mr Harrop opposes the Local Law regarding long-term storage of boats, caravans and trailers and asserting that vehicles stored on private property should be outside the scope of the proposed law and notes some vehicles captured by the proposed Local Law are no worse than standard large cars and people movers. He also questions how Council will police this law. Mr Harrop spoke to his submission at the Special Committee of Council Meeting on 31 March 2021</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.100	<p>Mr Joseph McMahon Mr McMahon opposes the Local Law regarding drone as CASA controls the airspace.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.101	<p>Mr Henry Ruizi Mr Ruizi opposes the Local Law regarding drones and asserts specific rules to prevent unsafe drone use.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.102	<p>Mr Guillaume Dillee</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers,</p>

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	Mr Dillee opposes the Local Law regarding long-term storage of boats, caravans, and trailers asserting very few boats, caravans or trailers on the road and if they are under the legal parking size and parked in front of the owner's house, there is not an issue.	caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.103	Mr Toan Doan Mr Doan opposes the Local Law regarding drones as it is regulated by CASA.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.104	Mrs Penny McConnell Mrs McConnell opposes the Local Law regarding long-term storage of boats, caravans and trailers asserting neighbours are respectful of each other without the need for a permit.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.105	Mr Mathew Glenday Mr Glenday opposes the Local Law regarding drones asserting that Council does not own the airspace and CASA regulates it.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.106	Mr Stephen Figures Mr Figures opposes the Local Law regarding drones asserting that CASA control the aviation law.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.107	Mr Roger Farrer	Mr Farrer's comments have been noted.

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	Mr Farrer makes a general comment on the need to enforce the rules	
4.108	Mr Gilson Cabral Mr Cabral opposes the Local Law regarding long-term storage of boats, caravans and trailers asserting it is unconstitutional and we already have enough rules in place.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.109	Mr Antonio Montero Mr Montero opposes the Local Law regarding drones asserting there are already enough restrictions.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.110	Mr Jamie Kassman Mr Kassman makes general comments "You don't own the air..."	Mr Kassman's comments have been noted. Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.111	Ms Lisa Kempton Ms Kempton opposes the Local Law regarding non-indigenous planting for nature strips asserting that some people may want to grow vegetables or herbs. Ms Kempton opposes the Local Law regarding long-term storage of boats, caravans and trailers asserting it is far too restrictive and unfair and plenty of space on the road for safe	Having considered all submissions in relation to Vegetation on Nature Strips Officers have proposed the proposed Local Law be amended to allow for Council permission for plantings which do not comply with the Local Law Guidelines to ensure existing non-conforming plantings are not inadvertently caught up in the Local Law and to allow for consideration of suitable alternative plantings to be allowed with Council permission. Planting to drought tolerant indigenous ground covers, shrubs and grasses on nature strips is consistent with Action 19 from Council's Biodiversity Action Plan 2018-2027. Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.

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<p>parking. She also opposes restricting longer vehicles being stored on private property.</p> <p>Ms Kempton strongly opposes the Local Law regarding restrictions to the consumption and possession of liquor on roads and reserves asserting it is unnecessary as there is no issue with problem drinking in public spaces.</p> <p>Ms Kempton opposes alcohol restrictions at Red Bluff asserting we should allow young people to have fun.</p>	<p>Council Officers have considered the submissions and recommend proceeding with the proposed Local Law's liquor restrictions which maintains our current Local Law's liquor restrictions and provides Council the legal ability to prescribe other areas liquor free under the local law should the need arise.</p> <p>Council Officers have considered the submissions regarding the proposed new Liquor restrictions for the Red Bluff Cliffs Foreshore Area and recommend proceeding with the proposed restriction at the request of the Victoria Police due to concerns with large alcohol fuelled parties occurring on a portion of the foreshore at the northern end of Half Moon Bay at the Red Bluff Cliffs.</p>
<p>4.112</p> <p>Mrs Helena Cannon Mrs Cannon supports the Local Law in full.</p>	<p>Mrs Cannon's comments have been noted.</p>
<p>4.113</p> <p>Mr David East Mr East opposes the Local Law regarding drones as he asserts that CASA covers safety and disturbances.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.114</p> <p>Mr Tod Walker Mr Walker opposes the Local Law regarding drones asserting CASA makes the rules about this.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.115</p> <p>Mr Oscar Howard Mr Howard opposes the Local Law regarding drones asserting that the</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed</p>

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	existing rules under CASA ensure space between drones and the public, safety of the public and other aircrafts and resident privacy is maintained.	from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.116	Mr Philip Rowse Mr Rowse opposes the Local Law regarding drones asserting that CASA ensures regulations for safety and fair access to airspace.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.117	Ms Suzanne Byrne Ms Byrne supports the Local Law.	Ms Byrne's comments have been noted.
4.118	Ms Anne Dennis (on behalf of Steering Committee Bayside Community Nursery) Ms Dennis opposes the Local Law subclause for Unightly and Dangerous Properties asserting limitations on undergrowth, scrub, bracken, stubble, grass or weeds in excess of 300mm in height. Queries if plants in all gardens are to be kept to under 300mm.	The proposed local law has been drafted to combine the current local law's provisions for unsightly land and fire hazards into one clause. Council officers propose that the sub-clause be changed to wording similar to the current local law as follows at clause 12(1)(c): "does not contain undergrowth, scrub, bracken, weeds, stubble and grass, whether alive or dead, exceeding 300mm in height and whether standing or not standing (but excluding the natural height of native Australian grasses cultivated in a planned or landscaped garden)." All plants in all gardens are not required to be kept under 300mm.
4.119	Mr Lachlan Hughes Mr Hughes opposes the Local Law regarding vegetation on nature strips must be native plants but agrees that planting must be drought resistant.	
4.120	Mr Paul Anscombe	Responsible pet ownership including keeping dogs on leash where required is covered by the Domestic Animals Act. Officers regularly patrol the municipality to educate the community on these provisions and enforce where appropriate.

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	<p>Mr Anscombe makes a comment regarding making sure dogs are on leash where required.</p>	
<p>4.121</p>	<p>Mr Mark Wolfenden Mr Wolfenden opposes the Local Law regarding long-term storage of boats, caravans and trailers asserting they are quintessentially Australian.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.122</p>	<p>Mr Stephen Snow Mr Snow makes suggestions regarding advertising signs including mobile billboards.</p>	<p>Officers are satisfied the current drafting is clear in its intent and enforceable without inadvertently capturing other vehicles which may have advertising on them but are not used as mobile billboards</p>
<p>4.123</p>	<p>Mr Graham Lee Mr Lee queries if the Local Law for shared transport services will be enforced. He also opposed the Local Law restriction for removing waste without authority. He also opposes the Local Law regarding long-term storage of boats, caravans and trailers if parked outside of their own property provided, they are registered and roadworthy.</p>	<p>The proposed Local Laws for shared transport services will be enforced. The proposed new Local Law makes it an offence for operators when a bike is abandoned on a road or footpath, or left in another place that affects the enjoyment of that area. Operators will also be required to remove any abandoned or damaged bikes or e-scooters within 24 hours of notification and comply with the conditions of their permit. Without these provisions Council cannot hold operators to account for any shared Bikes or shared E-Scooters which may cause a safety or amenity issue in the municipality when not being used.</p> <p>Removing recyclable materials or hard rubbish can cause a safety issue due to rummaging through items and interferes with materials recovery.</p> <p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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<p>4.124</p>	<p>Ms Fiona Nield (on behalf of Housing Industry Association) Ms Nield supports the updated Local Law but has raised the concerns regarding provision related to the discharge of ground water relative to the building permit process. She also seeks clarification if an Asset Protection Permit is required when erecting a site fence or preparing a site to commence building work. Ms Nield also suggests work hours are extended during daylight savings to 7:30pm from Monday to Friday without the need for a permit. She also opposes record controls for building sites as a burden for builders and suggest noise control provisions should be regulated through the Environmental Protection Authority's Regulations.</p>	<p>As part of the Local Law implementation further information will be developed regarding approval to discharge ground water and the building permit process to ensure clear and easy to understand information is available for the process. Asset protection will be required work for or in connection with the construction, demolition or removal of a building in respect of which a building permit is required under the <i>Building Act</i> 1993. If erection of a site fence or preparing a site to commence building work falls outside of the building permit requirements, then no Asset Protection Permit would be required. Building site hours of operation have been drafted in consideration of EPA advice for normal working hours to manage construction noise and help to prevent unreasonable noise as well as neighbouring Council's requirements. These hours balance the ability to carry out building work at hours which supports development but is not unreasonably intrusive on community amenity. Details of record controls will be further developed as part of the Local Law implementation. Council will seek to ensure the requirements are not unreasonably burdensome for builders whilst ensuring builders play an active role in ensuring the safety, environmental and amenity objectives are met throughout development and can be evidenced.</p>
<p>4.125</p>	<p>Mr Russ Castleman Mr Castleman suggests vegetation on Nature Strip provisions are amended to ensure vegetation does not impact visibility and access to parked car.</p>	<p>The proposed Local Law Guidelines include a range of requirements applicable to vegetation on nature strips which seek to ensure road user safety including access and parking.</p>
<p>4.126</p>	<p>Mr Adrian Finlayson Mr Finlayson opposes the Local Law regarding long-term storage of boats,</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers,</p>

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	caravans and trailers asserting impacts on freedom, suggestion there isn't a cost-effective storage option and install parking restrictions at problem areas.	caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.127	Mr Michael Evans Mr Evans opposes the Local Law regarding storage of vehicles on private property.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.128	Mr David Simpson Mr Simpson opposes the application of animals digging on beaches under the proposed Local Law.	Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed.
4.129	Mr Wayne Mitchell Mr Mitchell strongly objects to the Local Law regarding drones asserting that the rules and regulations made by CASA cover all necessary concerns.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.130	Ms Jen Bishop (on behalf of Animal Justice Party) Ms Bishop raises concerns regarding the application of the impounding provisions for dog related offenses including picking up dog excrement and digging holes.	The impounding provisions of the proposed Local Law were not intended to be used for offences of Clause 27 of the proposed Local Law. To clarify this, Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (renumbered to Clause 85) as follows: Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed. The Impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves). Impound of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.

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<p>4.131</p>	<p>Mr Graeme Brownfield Mr Brownfield opposes the Local Law regarding banning liquor at parks and reserves and opposes restrictions for large vehicles on private property asserting freedoms for our lifestyle</p>	<p>Mr Brownfield's comments are noted. Council Officers have considered the submissions and recommend proceeding with the proposed Local Law's liquor restrictions which maintains our current Local Law's liquor restrictions and provides Council the legal ability to prescribe other areas liquor free under the local law should the need arise. The proposed Local Law provision for heavy and long vehicles on private property is carried over from the current Local Law. This provision seeks to ensure that large commercial style vehicles are not regularly parked on private property as doing so can cause amenity impacts for neighbours.</p>
<p>4.132</p>	<p>Mr Ian Clarke Mr Clarke makes general comments regarding parking congestion due to dual occupancies and suggests restrictions to parking vehicles over a standard width on narrow streets or allowing trailers on nature strips.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. Trailer are not allowed to park on nature strips under state law.</p>
<p>4.133</p>	<p>Mr Alan Kaaden Mr Kaaden opposes the long-term storing of boats, trailers and caravans due to limited private storage space on his property and inconvenience and expensive storage facilities.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.134</p>	<p>Mr Nathan Goss Mr Goss opposes the Local Law regarding long-term storage of boats, trailers and caravans asserting: - they will not address the stated aims and will adversely impact many Bayside residents;</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. Further analysis has concluded that there is an average of 9 complaints a month for the issue.</p>

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<p>4.135</p>	<p>- suggests the number of vehicles the proposed local law will remove from the streets is tiny in comparison to additional vehicles due new to multiple occupancy dwellings being built;</p> <p>- questions the number of vehicles the proposed law aims to remove from Bayside streets and the number of complaints related to illegal or unsafe parking versus complaints where a person does not like the vehicle being there;</p> <p>- that moving some vehicles off the road will force others onto the road and banning on-street parking will not improve safety.</p> <p>- It is unfair for those who park legally and safely.</p> <p>- Boat storage is expensive and inconvenient in a storage facility.</p> <p>- Introduction of the proposed law would impact the feasibility of Mr Goss's ability to teach local youths to sail which provides community benefit.</p> <p>Mr Goss spoke to his submission at the Special Committee of Council Meeting on 31 March 2021</p> <p>Mr Juergen Kranz</p>	
		<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also</p>

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	Mr Kranz opposes the Local Law regarding drones asserting CASA is the regulating authority.	recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.136	Mr Cameron Voss Mr Voss opposes the Local Law regarding drones asserting it isn't an issue.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.137	Mr Zach Conn Mr Conn opposes the Local Law regarding drones asserting CASA regulations.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.138	Mr Kevin Wilson Mr Wilson opposes restrictions to liquor consumption in his local street.	Council Officers have considered the submissions and recommend proceeding with the proposed Local Law's liquor restrictions which maintains our current Local Law's liquor restrictions and provides Council the legal ability to prescribe other areas liquor free under the local law should the need arise.
4.139	Mrs Emily Hoey Mrs Hoey opposes the long-term storage of boats, trailers and caravans asserting difficulty moving them in and out of their property and also should be allowed outside your place of residence on the street.	Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.
4.140	Mr Mathew Peate Mr Peate poses a general comment stating he does not agree with the new laws.	Mr Peate's comments have been noted.

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<p>4.141</p>	<p>Mr Russell Black Mr Black opposes the Local Law regarding drones asserting excessive permit fees and questions if it is consistent with Human Rights legislation.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.142</p>	<p>Ms Teana Kaleopa Ms Kaleopa opposes the Local Law regarding drones asserting CASA governs airspace over Council Land.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.143</p>	<p>Mr Tony Shepherd Mr Shepherd supports the Local Law regarding the long-term storage of boats, caravans, campervans and trailers however, he believes that campervans should be excluded as they are the same size as a normal car and noting that he uses his campervan as his daily driver. Mr Shepherd spoke to his submission at the Special Committee of Council Meeting on 31 March 2021.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.144</p>	<p>Mr Stuart Thompson Mr Thompson opposes the Local Law regarding the long-term storage of boats, caravans and trailers asserting he would not like to receive</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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	<p>a fine for leaving his boat outside his residence during fishing season.</p>	
4.145	<p>Ms Heather Macfarlane Ms Macfarlane raises concerns regarding safety issues regarding vegetation on nature strips and questions why synthetic turf is not allowed.</p>	<p>Synthetic turf is considered inappropriate on Council nature strips as it can become slippery in the wet and could be dangerous and Council would be liable for damages. As it is made out of plastic it may last about 10 years and needs to be replaced. Authorities (water gas power telecommunications) don't put it back down properly after working on the nature strip creating a hazard.</p>
4.146	<p>Mr Charles Waters Mr Waters opposed the implementation of the Local Law regarding long-term storage of boats, caravans, trailers or campervans asserting an inability to store his trailer boat on his property as it doesn't fit. Private boat storage is too expensive and less convenient.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.147	<p>Ms Amanda Levi (on behalf of Bayside Dog Alliance) Ms Levi opposes the proposed Local Law's impounding provisions being used for animal offences related to a person failing to pick up animal excrement or allowing and animal to dig or disturb Council Land under Clause 27 of the proposed Local Law. Ms Levi spoke to her submission at the Special Committee of Council Meeting on 14 April 2021.</p>	<p>The impounding provisions of the proposed Local Law were not intended to be used for offences of Clause 27 of the proposed Local Law. To clarify this, Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (renumbered to Clause 85) as follows: Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed. The Impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves). Impounding of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.</p>

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<p>4.148</p>	<p>Mr Milan Draskovic Mr Draskovic opposes banning the planting of seedlings and vegetation on nature strips asserting environmental benefits as well as health and wellbeing benefits for residents. Mr Draskovic suggest the flexibility to plant veggies, herbs and fruits will enhance the liveability of neighbourhoods.</p>	<p>The Proposed Local Law has been amended to allow for Council permission for plantings which do not comply with the Local Law Guidelines to ensure existing non-conforming plantings are not inadvertently caught up in the Local Law and to allow for consideration of suitable alternative plantings to be allowed with Council permission.</p>
<p>4.140</p>	<p>Mrs Glenys Fraser Ms Fraser opposes the proposed Local Law's impounding provisions being used for animal offences under Clause 27 (failing to pick up animal excrement or allowing animal to dig or disturb Council Land). She recommends that offences under Clause 27 be specifically excluded from the impounding provisions.</p>	<p>The impounding provisions of the proposed Local Law were not intended to be used for offences of Clause 27 of the proposed Local Law. To clarify this, Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (renumbered to Clause 85) as follows: Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed. The Impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves). Impound of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.</p>
<p>4.150</p>	<p>Mr Graeme Joynson Mr Joynson opposes the Local Law regarding the long-term storage of boats, caravans and trailers asserting safety concerns if he were to park his boat onto his property as he lives on a busy road where manoeuvring the boat on and off of his property would cause a safety</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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<p>4.151</p>	<p>risk. He also asserts that in order to park his boat on site he would need to park his car on the road taking up the same parking area and that the cost of storage would be upward of \$3,000 per year which may cause some to have to sell their vehicle.</p> <p>Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc.)</p> <p>Mr Reynolds spoke to his submission at the Special Committee of Council Meeting on 14 April 2021.</p> <p>Mr Reynolds opposes the process of making the local law under the 1989 Local Government Act. He suggests the Local Law would benefit form a certificate of compliance by a qualified legal person as set out in Section 74 of the Local Government Act 2020;</p> <p>He further suggests the proposed Local Law cannot apply to private land and that all clauses related to private land should be removed with a particular note related to tree protection laws.</p> <p>He further suggests Council's delegated officers' entry to private land must be limited to delegations under State law.</p>		<p>The proposed Local law is expected to be adopted before 30 June 2021 therefore the statutory process is set out in the Local Government Act 1989 and not the Local Government Act 2020.</p> <p>Section 124 of the Local Government Act 1989 or section 86 of the Local Government Act 2020 has the effect of confining a local law to public land; however, case law has established that a local law can regulate activities on private land. (Ho v Greater Dandenong CC).</p> <p>Section 224 of the Local Government Act 1989 empowers Authorised Officers to enter private land for the purposes of administering and enforcing a local law.</p>
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<p>4.152</p>	<p>Ms Katrina Fraser Ms Fraser opposes the proposed Local Law's impounding provisions being used for animal offences under Clause 27 (failing to pick up animal excrement or allowing and animal to dig or disturb Council Land). She recommends that offences under Clause 27 be specifically excluded from the impounding provisions.</p>	<p>The impounding provisions of the proposed Local Law were not intended to be used for offences of Clause 27 of the proposed Local Law. To clarify this, Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (renumbered to Clause 85) as follows: Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed. The Impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves). Impound of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.</p>
<p>4.153</p>	<p>Ms Amie Cousins Ms Cousins opposes the Local Law regarding the long-term storage of boats, caravans, campervans and trailers as she has a campervan which is used each week as a second vehicle. She suggests campervans as a specific vehicle type, should not be included in the local law at all. She also raises concerns about the community consultation process where the /September 2020 did not ask about campervans. As such she suggests comments related to boats, trailers and caravans cannot be applied to campervans and suggests no indication of community support to</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>

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	<p>include campervans in the Local Law.</p> <p>Ms Cousins asks that Council removes the reference of campervans from the Local Law.</p> <p>Ms Cousins spoke to her submission at the Special Committee of Council Meeting on 31 March 2021.</p>	
4.154	<p>Mr Chris Sutton</p> <p>Mr Sutton expresses concern that Council lacks sufficient resources to effectively enforce the existing local law and planning laws or any new ones.</p>	<p>The Local Law resourcing model will be reviewed to coincide with the implementation of the Local Law.</p>
4.155	<p>Ms Laura Marantz</p> <p>Ms Marantz opposes the Local Law regarding drones asserting drones are already heavily regulated and suggests the proposed Local Law goes too far.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.156	<p>Mr Kevin Howard</p> <p>Mr Howard opposed the proposed Unsightly and Dangerous Property provisions (clause 12) suggesting it is a huge overreach of Council's powers impinging on the rights of private property owners. He also objects to several aspects of the proposed provision including wording he suggests is a matter of opinion and cannot be defined with any</p>	<p>Having considered all submissions in relation to the Unsightly and Dangerous Property provisions officers have recommended to retain the related sections of the Local Law with a proposed change to the wording at Clause (12)(1)(c) similar to the current local law as follows:</p> <p>"does not contain undergrowth, scrub, bracken, stubble, grass or weeds, whether dead or alive, in excess of 300mm in height and whether standing or not standing (but excluding the natural height of Australian grasses cultivated in a planned or landscaped garden as well as Municipal Reserves maintained under an approved management plan);"</p> <p>This allows for Australian grass in excess of 300mm to remain.</p>

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	<p>certainly. He also raises concerns that prohibiting grass over 300 mm prevents people from having native grasses.</p> <p>Mr Howard also objects to the term "disturb" in relation to Animals at Clause 27 and the prospect that the impounding provisions could be applied for animals that disturbed Council Land.</p>	<p>Clause 27 of the proposed Local Law has been updated to clarify that digging in the sand at a beach is not an offence and reference to "disturbing" Council Land has been removed.</p> <p>The impounding provisions of the proposed Local Law were not intended to be used for offences of Clause 27 of the proposed Local Law.</p> <p>To clarify this, Officers have updated the proposed Local Law related to animal excrement and conduct (Clause 27) and the general impounding provisions for the proposed Local Law (renumbered to Clause 85) as follows:</p> <p>The Impounding provisions of the proposed Local Law have been clarified such that they cannot be used to enforce breaches of Clause 27 (animal excrement, dogs digging on municipal reserves).</p> <p>Impound of Dogs is done under the Domestic Animals Act for issues such dog 'at large' or serious attacks.</p>
4.157	<p>Ms Bridget Wong (on behalf of Aerial Photographers recreation group)</p> <p>Ms Wong opposed the proposed Local Law for drones and requests the provision is removed asserting CASA as the regulator for air space.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of recommendations are outlined in Appendix 1.</p>
4.158	<p>Ms Emily Reinhard</p> <p>Ms Reinhard opposed the proposed Local Law for drones and requests the provision is removed asserting CASA as the regulator for air space. She also asserts less than 50% support for the idea from the Community Survey.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.159	<p>Mr David Reinhard</p> <p>Mr Reinhard opposed the proposed Local Law for drones and requests</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also</p>

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	<p>the provision is removed asserting CASA as the regulator for air space. She also asserts less than 50% support for the idea from the Community Survey.</p>	<p>recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.160	<p>Mr Brian Gosley Ms Gosley opposed the proposed Local Law for drones and requests the provision is removed asserting CASA as the regulator for air space. She also asserts less than 50% support for the idea from the Community Survey.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.161	<p>Mr Kelvin Gulliver Mr Gulliver opposes the Local Law regarding long-term storage of boats, caravans and trailers asserting the proposed law will disadvantage residents as many do not have room to park them in their driveways and there is plenty of space on our roads</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
4.162	<p>Mr Mike Halstead-Lyons Mr Halstead-Lyons supports the proposed Local Law asserting for the most part the proposed Local Law covers the majority of instances of inappropriate parking of vehicles and trailers on roads and Council Land throughout the municipality. He suggests the Local Law contains potential loopholes and omissions</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 35(2) which seeks to prevent the long-term storage of boats, trailers, caravans or campervans on roads and Council Land. Detailed overview of Officer comments and recommendations are outlined in Appendix 1. A proposed definition for "Abandoned" has been included in Clause 10 of the new Local Law for clarification of the abandoned vehicle provisions. The definition has been drafted with the input of legal advice to ensure enforceability and includes provisions for vehicles not moved for more than 60 days and unroadworthy vehicles.</p>

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	<p>which if tightened would result in even better outcomes.</p> <p>Mr Halstead-Lyons suggests a definition for "Abandoned Vehicle" be included in the proposed Local Law and asserts a specific vehicle as a case study and provides some examples of definitions from other Council's.</p> <p>Mr Halstead-Lyons spoke to his submission at the Special Committee of Council Meeting on 31 March 2021.</p>	<p>Council officers have considered the submissions and recommend removing the proposed Local Law Clause 65 which would require a permit to operate any model aeroplane, including drones, on Council Land. Additionally, the definition of 'model aeroplane' is also recommended to be removed from the proposed Local Law definitions. Detailed overview of Officer comments and recommendations are outlined in Appendix 1.</p>
<p>4.163</p>	<p>Miss Jodie Clarence</p> <p>Miss Clarence opposes the proposed Local Law for drones asserting:</p> <ul style="list-style-type: none"> - Community engagement results had less than 50% support for the idea; - CASA has sole authority to control air space as the Federal regulator and has safety rules for operating controlled aircraft and drones; - Commercial Drone operators need CASA accreditation and registration and recreational registration implemented next year; - Council requirement to require a permit could reduce tourism to the area; - Many other Local Governments have removed or stopped similar 	

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	<p>Local Laws due to CASA's authority of the issue;</p> <ul style="list-style-type: none">- Drones are nowhere near as noisy as lawn mowers;- Several useful drone operations and employment opportunities;- Different Council regulations are confusing for drone flyers and unnecessary.	
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NEIGHBOURHOOD AMENITY LOCAL LAW 2021 – SECTION 223 SUBMISSION SUMMARIES AND OFFICERS’ COMMENTS

APPENDIX 1 – TABLE – DETAILED OVERVIEW OF OFFICER COMMENTS AND RECOMMENDATIONS [CLAUSE 35(2) and CLAUSE 65]

<p>Proposed Local Law Clause 35(2) – Storage of Boats, Trailers, Caravans and Campervans on roads and Council Land</p>	<p>The proposed Local Law Clause 35(2) aimed to prevent the long-term parking and storage of boats, trailers, caravans and campervans on roads and Council Land. Under the proposed Local Law, a person would require a permit to occupy any road or Council Land by storing on it any boat, trailer, caravan or campervan for a continuous period of 14 days or more or for more than 28 days in a period of three consecutive months. It was noted that a permit was intended to be issued only in exceptional circumstances</p> <p>In the stage 1 community survey, 55% supported the <u>idea</u> of introducing permits for the long-term storage on roads of boats, trailers, caravans (23% opposed and 23% were neutral or did not provide a response). In the formal stage 2 community survey, the proposed clause received the second highest number of submissions (60) all of whom were residents and there was 70% opposition.</p> <p>Council officers have considered the submissions and there are substantive arguments for and against the inclusion of a clause.</p> <p>The key argument for inclusion of a clause in the Local Law is that there are resident complaints regarding amenity and safety concerns from the storage of trailers, boats and caravans on roads and Council Land. Detailed analysis has concluded that there is an average of 9 complaints a month about the issue, which represents a relative moderate - low level of complaints for an issue.</p> <p>The key arguments against a clause in the Local Law are:</p> <ul style="list-style-type: none"> • During the formal stage 2 consultation, there were 42 submissions opposing and 16 submissions supporting the proposed Local Law; • Time restrictions are likely to simply cause regular movement of the trailers, boats, and caravans or substitution of vehicles on private property, meaning the problem will change location and or there will be minimal net benefit; • Effective enforcement of the clause will be resource intensive and difficult due to the required evidence to prove an offence; • There may be opportunities in specific locations, for example sporting reserve car parks, to impose parking restrictions to stop storage activities at that location; • Availability and affordability of suitable alternative storage options is likely to be a significant impost to many owners of these vehicles; and
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<ul style="list-style-type: none"> • There are existing mechanisms to address issues such as trailers being chained to trees or other council assets. <p>Based on balancing the above arguments, the officer recommendation is to remove the proposed Local Law 35(2).</p> <p>An alternative approach would be to simplify the clause to restrict storage to no longer than 21 days (or an alternative time). If this approach was adopted, Officers would recommend removing “campervan” from the clause as this wasn’t included in the first phase consultation and in general campervans are more likely to be daily drivers.</p>	<p>Proposed Local Law Clause 65 – Model Aeroplanes (including drones)</p> <p>Council’s current Local Law requires a permit to fly any model aeroplane, aircraft or similar apparatus of any kind, excluding a kite, but including any audible motor-propelled device, over a municipal reserve. The proposed Local Law expanded the definition of ‘model aeroplane’ to include a drone and expanded municipal reserve to Council land.</p> <p>In the stage 1 community survey, 46% supported the idea of permits to fly a drone over Council Land (30% opposed and 24% were neutral or did not provide a response).</p> <p>The proposed Local Law received the highest number of submissions in stage 2 (109) with the vast majority opposed to any additional regulation (105, 96%). A significant number of submissions were from drone stakeholder groups, with 54 identical submissions provided from Victorian Drone Flyers members. The main points of contention were permitting, associated costs and potential duplication of regulation. Several submitters asserted that the Civil Aviation Safety Authority (CASA) should be the sole regulator of drones.</p> <p>Council’s legal advice is that since the proposed Local Law clause is focused on preserving the amenity of those present on Council land, the Local Law would not conflict with the safety focus in the CASA requirements. However, it is certainly arguable that the Local Law clause will have limited practical impact, as the Local Law relates to the person flying the model aeroplane from Council Land, rather than the actual flight of the model aeroplane. As such, a person could stand near to Council Land and fly the drone over Council Land, without being impacted by the Local Law.</p> <p>Council Officers have considered the submissions and recommend removing the proposed Local Law clause noting the following:</p> <ul style="list-style-type: none"> • CASA regulations apply once a model aircraft (including a drone) is in flight; • Commercial drone operators need CASA accreditation and registration (effective from 28 January 2021);
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- Further strengthening of CASA regulations is anticipated in March 2022 requiring recreational and hobby drone pilots to be accredited and registered by CASA if they are over 16 years of age and the drone is over 250 grams in weight;
- Federal and State Police will also be checking for drone registration and can take action for unsafe drone practices;
- Stage 1 community consultation support was only 46% and there was strong opposition during Stage 2 statutory consultation (albeit impacted by drone stakeholder groups and approximately 70% of the drone submissions residing outside Bayside); and
- Council Local Law Officers report that community complaints regarding this activity are rare, indicating it has not been an issue of significant concern for the community.

Further Information on Key Local Law Topics

Attachment 5

This attachment provides further information in relation to the key topics of:

- Model aeroplanes;
- Storing Trailers, Boats, Caravans and Campervans; and
- Infringement amounts under the Local Law.

Model aeroplanes (including drones)

Council's current Local Law requires a permit to fly any model aeroplane, aircraft or similar apparatus of any kind, excluding a kite, but including any audible motor-propelled device, over a municipal reserve. The proposed Local Law expanded the definition of 'model aeroplane' to include a drone and expanded municipal reserve to Council land.

In the stage 1 community survey, 46% supported the idea of permits to fly a drone over Council Land (30% opposed and 24% were neutral or did not provide a response).

The proposed Local Law received the highest number of submissions in stage 2 (109) with the vast majority opposed to any additional regulation (105, 96%). A significant number of submissions were from drone stakeholder groups, with 54 identical submissions provided from Victorian Drone Flyers members. The main points of contention were permitting, associated costs and potential duplication of regulation. Several submitters asserted that the Civil Aviation Safety Authority (CASA) should be the sole regulator of drones.

Council's legal advice is that since the proposed Local Law clause is focused on preserving the amenity of those present on Council land, the Local Law would not conflict with the safety focus in the CASA requirements. However, it is certainly arguable that the Local Law clause will have limited practical impact, as the Local Law relates to the person flying the model aeroplane from Council Land, rather than the actual flight of the model aeroplane. As such, a person could stand near to Council Land and fly the drone over Council Land, without being impacted by the Local Law.

Council Officers have considered the submissions and recommend removing the proposed Local Law clause noting the following:

- CASA regulations apply once a model aircraft (including a drone) is in flight;
- Commercial drone operators need CASA accreditation and registration (effective from 28 January 2021);
- Further strengthening of CASA regulations is anticipated in March 2022 requiring recreational and hobby drone pilots to be accredited and registered by CASA if they are over 16 years of age and the drone is over 250 grams in weight;
- Federal and State Police will also be checking for drone registration and can take action for unsafe drone practices;
- Stage 1 community consultation support was only 46% and there was strong opposition during Stage 2 statutory consultation (albeit impacted by drone stakeholder groups and approximately 70% of the drone submissions residing outside Bayside); and

Further Information on Key Local Law Topics

Attachment 5

- Council Local Law Officers report that community complaints regarding this activity are rare, indicating it has not been an issue of significant concern for the community.

Storing Trailers, Boats, Caravans and Campervans

The proposed Local Law Clause 35(2) aimed to prevent the long-term parking and storage of boats, trailers, caravans and campervans on roads and Council Land. Under the proposed Local Law, a person would require a permit to occupy any road or Council Land by storing on it any boat, trailer, caravan or campervan for a continuous period of 14 days or more or for more than 28 days in a period of three consecutive months. It was noted that a permit was intended to be issued only in exceptional circumstances

In the stage 1 community survey, 55% supported the idea of introducing permits for the long-term storage on roads of boats, trailers, caravans (23% opposed and 23% were neutral or did not provide a response). In the formal stage 2 community survey, the proposed clause received the second highest number of submissions (60) all of whom were residents and there was 70% opposition.

Council officers have considered the submissions and there are substantive arguments for and against the inclusion of a clause.

The key argument for inclusion of a clause in the Local Law is that there are resident complaints regarding amenity and safety concerns from the storage of trailers, boats and caravans on roads and Council Land. Detailed analysis has concluded that there is an average of 9 complaints a month about the issue, which represents a relative moderate - low level of complaints for an issue.

The key arguments against a clause in the Local Law are:

- During the formal stage 2 consultation, there were 42 submissions opposing and 16 submissions supporting the proposed Local Law;
- Time restrictions are likely to simply cause regular movement of the trailers, boats, and caravans or substitution of vehicles on private property, meaning the problem will move around and or there will be minimal net benefit;
- Effective enforcement of the clause will be resource intensive and difficult due to the required evidence to prove an offence;
- There may be opportunities in specific locations, for example sporting reserve car parks, to impose parking restrictions to stop storage activities at that location;
- Availability and affordability of suitable alternative storage options is likely to be a significant impost to many owners of these vehicles; and
- There are existing mechanisms to address issues such as trailers being chained to trees or other council assets.

Based on balancing the above arguments, the officer recommendation is to remove the proposed Local Law 35(2).

An alternative approach would be to simplify the clause to restrict storage to no longer than 21 days (or an alternative time). If this approach was adopted, Officers would recommend

Further Information on Key Local Law Topics

Attachment 5

removing "campervan" from the clause as this wasn't included in the first phase consultation and in general campervans are more likely to be daily drivers.

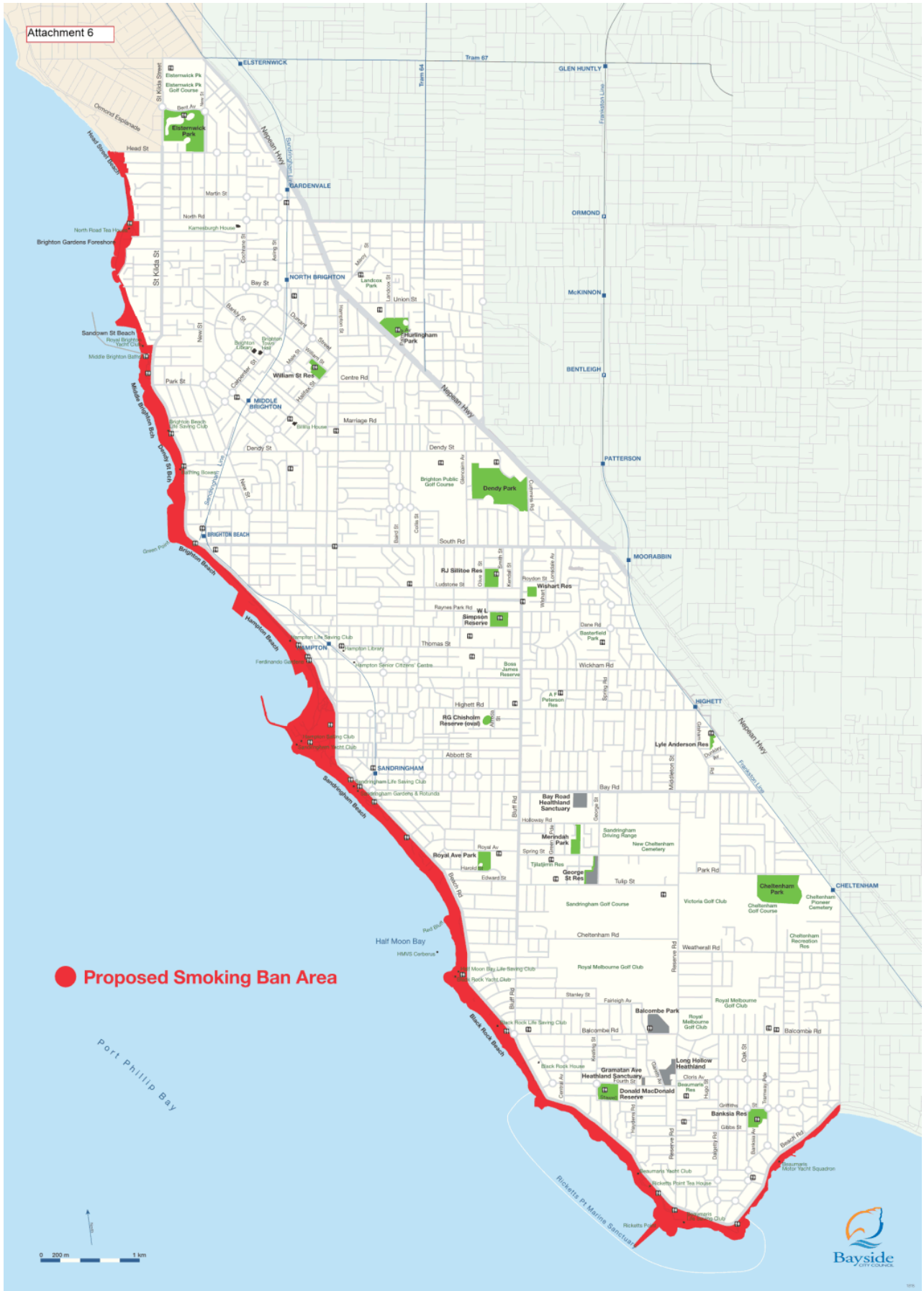
Infringement Amounts Under the Local Law

It is proposed to increase the infringement notice penalty from \$500 to \$1000 per offence for the illegal destruction, damage or removal of a Significant or Protected Tree. The increase is intended to strengthen fines for offences not prosecuted but where a fine is appropriate. The maximum fine that can be ordered by a court is \$2000.

It is not recommended to increase the infringement notice penalty beyond \$1,000 because:

- It is not considered good regulatory practice to set the infringement notice amount at or near the maximum that can be issued by a court. Generally, the infringement notice amounts are in the range of 20-25% of the maximum amount. However, there is no technical legal obstacle to setting the infringement notice amount at or near the maximum that can be issued by a court;
- Council can seek the maximum penalty of \$2000 through court action; and
- Significantly higher penalties can be imposed for tree offences linked to the Planning and Environment Act.

It is also proposed to increase the infringement notice penalty from \$250 to \$500 per offence for the illegal cutting, trimming or pruning of a Significant or Protected Tree.





10.4 BAYSIDE AMENDMENT C177BAYS - HERITAGE PRECINCT AT SERVICE STREET, HAMPTON

City Planning and Amenity - Urban Strategy
File No: PSF/20/3032 – Doc No: DOC/21/134608

Executive summary

Purpose and background

To present Council with the submissions received in relation to Amendment C177bays, and to recommend the next steps for the Amendment.

The Amendment proposes to apply Heritage Overlay (HO790) to protect properties at 28-34 Service Street Hampton in addition to properties at 33-39 Service Street that already have heritage protection.

This Amendment arose following a planning application to redevelop the houses at 28-34 Service Street with a three-storey apartment building. Council received a petition from local residents requesting the heritage assessment of 28-34 Service Street and seeking interim protection, which resulted in Council applying for heritage controls for the four properties at 28-34 Service Street, forming part of a heritage precinct with properties already protected at 33-39 Service Street.

Council has been unsuccessful in its request that the Minister for Planning intervene and apply interim heritage controls to protect the dwellings at 28-34 Service Street. As a result, dwellings at 32 and 34 Service Street have been demolished as there are no controls in place to prevent or restrict demolition.

Key issues

Submissions Received

Council received 125 submissions to Amendment C177bays, with six submissions opposing the amendment and the remaining submissions supportive of the amendment. Attachment 1 provides a detailed summary and response to submissions.

Supporting submitters were overwhelmingly in favour of protecting the heritage character of Service Street. The heritage character of the area was considered a key attraction of Hampton and the heritage properties were considered an important source of ongoing pride and value to the community.

Some of the supporting submitters also requested that Council consider protecting a number of other properties in the area via a Heritage Overlay, as well. Other supporting submitters suggested that Council consider taking a fairer and more strategic approach by designating precincts for heritage protection rather than taking a reactive approach that singles out individual properties.

Objecting submitters considered that the designation of properties at 28-34 Service Street for heritage protection was unfair to affected landowners, as these properties are within the boundary of the Hampton Major Activity Centre and are zoned to facilitate higher density housing. These submitters also raised the impact that the demolition have had on the integrity of the heritage precinct as well as alterations to the buildings that have taken place in recent months.

Impact of Demolition

Since two of the four properties proposed to be protected under this amendment have been demolished, Council officers have sought additional heritage advice to understand the impact these changes have had on the amendment.

Council's heritage expert has advised that the demolition of 32 and 34 Service Street is fatal to the Amendment (refer Attachment 2). The heritage advice has confirmed that 28 and 30 Service Street do not meet the threshold for individual inclusion in the Heritage Overlay and as such, Council no longer has the justification to move forward with the Planning Scheme Amendment.

Without the retention of all four properties at 28-34 Service Street, the proposed heritage precinct at 28-34 and 33-39 Service Street is irrevocably compromised. It should be noted that regardless of Council's decision on the amendment, the remaining properties at 28 and 30 Service Street could potentially be removed at any time before completion of the process which would also necessitate Council abandoning the amendment.

Next steps

Although there is substantial community support for the Amendment, without support from an independent heritage expert that supports protection of the remaining properties, the Amendment has no planning justification and cannot proceed.

Without heritage advice supporting the amendment, abandonment of the Amendment is the only appropriate option.

Recommendation

That Council:

1. abandons Amendment C177bays
2. writes to all submitters and advises them accordingly.

Support Attachments

1. Attachment 1 - Summary of Submissions and Officer's Response ↓
2. Attachment 2 - Further Heritage Advice for C177bays ↓

Considerations and implications of recommendation

Liveable community

Social

Heritage protection of additional properties in Service Street Hampton would contribute to the Bayside community's sense of place and cultural identity.

Natural Environment

Restoration of buildings in favour of demolition reduces waste. There are no other direct natural environment impacts as a result of the planning scheme amendment.

Climate Emergency

The Amendment has no implications relating to the Climate Emergency.

Built Environment

Application of the heritage precinct controls in Service Street Hampton would require that the design of new buildings or building alterations respond to the existing scale, massing and form of contributory buildings in the heritage precinct. There are however no planning controls in place that would prevent further demolition of the dwellings at 28 and 30 Service Street. The dwellings at 33-39 Service Street will remain in the Heritage Overlay regardless of whether Council abandons Amendment C177bays, so there are no direct impacts on those properties were Council to abandon the amendment.

Customer Service and Community Engagement

Bayside Amendment C177bays was publicly exhibited for a period of one month from the 18 March 2021 until the 19 April 2021. A public notice was placed in the Age and the Government Gazette and on Council's website. Direct notification to was sent by mail to:

- owners and occupants of directly affected properties at 28-34 and 33-39 Service Street, Hampton;
- owners and occupants of properties in the vicinity of the directly affected properties;
- the Sandringham Historical Society;
- the developer's representative; and
- prescribed Ministers.

In total, 125 submissions (from 113 persons or groups) were received to the amendment that must now be considered by Council before deciding how to proceed with the amendment.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

The Amendment has been exhibited in accordance with the requirements of Section 19 of the *Planning and Environment Act 1987* and in accordance with the conditions of Authorisation required by the Minister.

Council must now decide how to proceed with the amendment in accordance with Section 23 of the *Planning and Environment Act 1987*.

Due to the demolitions that have occurred and the subsequent withdrawal of support for the Amendment from Council's heritage expert, the Amendment has become obsolete.

Finance

There are no financial implications associated with the abandonment of Amendment C177bays.

Should Council resolve to refer the submissions received to an independent Planning Panel, Council will need to pay the cost of the Panel Hearing which may range from \$25,000 - \$50,000, including the costs of any expert witness that Council may wish to call.

Links to Council policy and strategy

Heritage Action Plan 2020

Heritage assessment of 28, 30, 32 and 34 Service Street, Hampton, helps achieve the aims of the *Heritage Action Plan 2020* to:

- ensure the identification, management and protection of Bayside's assets reflects Bayside's history and pattern of development;
- increase community knowledge, appreciation and awareness of Bayside's history, historic buildings, places and objects;
- support the community, including community groups, to conserve and promote Bayside's history, heritage places and heritage objects; and
- increase community awareness and adoption of best practice heritage conservation techniques.

Community Plan 2025:

This Amendment to apply heritage controls to these properties is consistent with the Community Plan 2025- Neighbourhood and Housing Output :

- Ensuring that areas and places of heritage, environmental and vegetation significance are protected.

Options considered**Option 1**

Summary	Abandon amendment C177bays.
Benefits	<p>This approach has regard to the expert advice on the heritage status of the remaining dwellings and the changes that have occurred within the precinct since the amendment commenced.</p> <p>This approach will avoid unjustified expenditure to seek heritage controls on properties that do not have any realistic prospect of inclusion in the Heritage Overlay.</p>
Issues	This is unlikely to be well received by community members who are advocating the protection of the dwellings at 28 and 30 Service Street.

Option 2

Summary	Refer the submissions received to a Planning Panel to advise Council on how to move forward with the amendment.
Benefits	This will allow the amendment to progress to the next stage in the process.
Issues	<p>Council no longer has the justification to pursue heritage controls for the precinct.</p> <p>Council is unlikely to be able to secure expert evidence to support its application of the Heritage Overlay to 28 and 30 Service Street.</p> <p>Council will expend approximately \$40,000 to pursue heritage controls through a Planning Panel process, with virtually no chance of success.</p> <p>It is likely that the remaining dwellings will be demolished before any Planning Panel hearing takes place.</p> <p>This will provide submitters supporting heritage controls with an unrealistic expectation that the amendment will be successful.</p> <p>There is the potential that the pursuit of unjustified heritage controls will create reputational risk to Council.</p>

Attachment 1 – Summary of Submissions to Planning Scheme Amendment C177bays

Supporting Submissions (107)	Percentage of submitter support	Officer Response
<p>There is a need to preserve the heritage character of Service Street by preserving the remaining homes at 28 and 30 Service Street.</p> <p>Three heritage consultants have recognised the cultural and heritage significance of the properties within the precinct and it is important to formally recognise them via the amendment</p>	<p>23%</p> <p>16%</p>	<p>(i) Due to the demolition of 32 and 34 Service Street, and changes made to some properties within the precinct, Council no longer has the justification to apply the Heritage Overlay to 28 and 30 Service Street.</p> <p>(ii) Independent heritage advice received by Council prior to commencement of the Amendment supported this position. Due to the demolition of 32 and 34 Service Street, and changes made to some properties within the precinct, Council no longer has the justification to apply the Heritage Overlay to 28 and 30 Service Street.</p> <p>(iii) The Hampton Activity Centre is designated as a Major Activity Centre in State policy and the Bayside Planning Scheme. According to state planning policy and the Bayside Housing Strategy, residential precincts close to shopping centres and train stations are areas where change is expected. This part of Service Street is designated for medium density housing growth due to its proximity to shops, transport and services and three storey development is permitted. Council will continue to undertake strategic work in relation to the preferred character outcomes in the General Residential Zone areas of Bayside through the Neighbourhood Character Review project.</p>
<p>Hampton's Village Character is being eroded by inappropriate development that is drastically altering the village atmosphere at the expense and wellbeing of the community.</p>	<p>9.7%</p>	<p>(iv) Period homes of significant heritage value in Hampton have been identified through the Bayside Heritage Review conducted in 1999. This was implemented in varied ways, however homes excluded from protection were not considered individually significant enough to warrant protection. The heritage precinct that included Service Street was not supported based on a heritage expert's assessment of remaining period homes in the precinct having been too significantly altered to meet the threshold for inclusion in the Heritage Overlay.</p>
<p>Hampton is losing too many valuable homes so their protection is more important than ever.</p> <p>A key attraction of the suburb and area is its heritage character.</p> <p>It is important to leave a legacy of the past which will serve as a source of ongoing pride and value to the community.</p> <p>There is a need to preserve heritage buildings so current and future inhabitants can see and appreciate the history culture and aesthetics of Hampton's past.</p>	<p>8.4%</p> <p>6.3%</p> <p>3.8%</p>	<p>Although a recent review of the area found there was sufficient remaining period homes to form a small heritage precinct in Service Street, Council was unable to secure interim heritage controls from the Minister for Planning that would have triggered the need for a planning permit to be obtained for demolition, whilst the merits of the Heritage Overlay could be considered. As a result of the demolition of two dwellings, expert advice confirms that the precinct is no longer intact, and the amendment can no longer be justified.</p>
<p>Of the 19 homes identified of cultural significance in Service Street in the 1989 Conservation Study, All but one (ie: no.36) are still standing in their original form.</p> <p>The heritage of Hampton has been overlooked and underappreciated in Bayside's Heritage and Planning controls.</p>	<p>3.4%</p> <p>3.4%</p>	

Supporting Submissions	Percentage of submitter support	Officer Response
Significant pockets of homes of heritage value should be protected.	3.4%	(v) In Bayside, Heritage Overlays protect a mixture of individually significant properties and precincts where a group of homes contribute to the heritage value of a precinct. Whilst Council could consider protecting precincts/pockets rather than individual properties, it is likely that this would reduce the overall number of properties protected. Council's Heritage Action Plan 2020 guides the future studies that Council intends to carry out to protect homes of potential heritage significance.

Objecting Submissions	Officer Response
(6) The designation of properties at 28-34 Service Street for heritage protection was unfair to affected landowners, as these properties are within the boundary of the Hampton Major Activity Centre and are zoned to facilitate higher density housing. The properties were not considered suitable for heritage protection in the Bayside Heritage Review 1999.	(i) There is planning policy support for both heritage protection of the houses at 28-34 Service Street and redevelopment for higher density housing. Therefore, it was considered appropriate that the matter be referred to a planning panel to reconcile these competing objectives or to support one objective in favour of the other. (ii) Whilst the heritage consultant that undertook the 1999 Heritage Review did not consider the properties suitable for inclusion in a heritage precinct. Three other heritage consultants have recognised the cultural and heritage significance of the properties proposed to be included in the heritage precinct. Council has obtained heritage advice that supported the application of heritage controls, however the demolition of two of the included dwellings has been fatal to the amendment.
The "eleventh hour" attempt to obstruct the potential sale and development of our property is considered unfair and an abuse of process.	(iv) Legislation allows for the action taken by Council, and the protection of heritage buildings is an objective of the <i>Planning and Environment Act 1987</i> . The legislation is designed to prevent demolition of potentially significant heritage buildings.
Council's approach has been confusing and appears to be an ad hoc reaction to redevelopment.	(v) Although the matter of the potential heritage value of the properties proposed to be redeveloped was initiated by the local community there is evidence of the heritage value of the properties. Whilst the redevelopment proposal triggered the current action. It is clear the importance of maintaining built forms reminiscent of the past is partly a reaction to inappropriate new forms of proposed development.

Objecting Submissions	Officer Response
Council has consented to demolitions at 28-34 Service Street.	(vi)Consent for demolition was a legislative requirement following the refusal of the Minister for Planning to grant interim heritage controls over the properties or to authorise a Planning Scheme Amendment that would have prevented demolition.
David Helms assessment does not reflect existing conditions.	(vii)David Helms assessment was made prior to recent demolitions and changes to the facades of the remaining properties. Council has sought updated advice following the recent demolitions.
The Amendment is not required.	Refer to (iv)

David Helms
HERITAGE PLANNING

21 April 2021

Mimi Marcus
Principal
Marcus Lane Group

via email: mimi.marcus@marcuslanegroup.com.au

Dear Mimi

Heritage advice, Amendment C177bays to the Bayside Planning Scheme

This letter provides my advice in relation to Amendment C177bays to the Bayside Planning Scheme (the Amendment), which proposes to apply the heritage overlay (HO) to 28-34 Service Street, Hampton (the subject land). The subject land would form part of a heritage precinct that also includes the houses at 33-39 Service Street that are already subject to individual HOs.

In accordance with your written instructions the purpose is to:

- Review the exhibited material for the Amendment, and:
- Consider and express opinions about whether I am able to support Council's position in pursuing the Amendment in its exhibited form.
- If I am able to support Council's position in pursuing the Amendment in its exhibited form, review submissions received by Council and provide recommendations to assist in responding to those submissions.

In this regard I note your advice that two of the buildings proposed for inclusion in the heritage precinct - nos. 32 and 34 – have been demolished and permission has also been granted to demolish nos. 28 and 30.

I prepared the heritage assessment of the subject land that provides the strategic basis for the Amendment. The exhibited statement of significance is as follows:

What is significant?

The Service Street precinct, comprising the houses constructed from 1909 to 1922 at 28-34 and 33-39 Service Street, Hampton is significant. It is a residential area that contains predominantly Federation/Edwardian era detached and (originally) single storey (three with attics) houses set on generous garden allotments, which (with one exception) demonstrate Queen Anne influences such as asymmetrical planning, hipped roofs (clad in slate with terracotta details or fully terracotta tiles) with prominent projecting gables, half timbering to the gable ends, timber post verandahs with timber frieze or valance, tall brick and render chimneys with terracotta pots, and timber sash or casement windows (often with Art Nouveau leadlight glass and bracketed hoods).

All the houses are Contributory to the precinct. While the timber picket fences at nos. 30, 34, 37 & 39 are not original, they are sympathetic and complement the setting of the houses.

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HERITAGE ADVICE – AMENDMENT C177bays HA

Non-original alterations and additions to the Contributory houses, carports and outbuildings and other fences do not contribute to the significance of the precinct.

How is it significant?

The Service Street Precinct is of local historic and aesthetic significance to the City of Bayside.

Why is it significant?

Historically, it is associated with the first phase of successful and sustained suburban development in Hampton, which occurred in the decade prior to, and following, World War I. (Criterion A)

It is of aesthetic significance as a visually cohesive group of Federation and Edwardian houses with related form, materials and detailing that demonstrate the influence of the Queen Anne style, as well as the transition to the bungalow styles of the 1920s. Of note are the Queen Anne villas on the north side of the street that are enhanced by their elevated siting and form a landmark grouping. The Federation villa at no.34 is of note for the interesting treatment of the gable end which features a bow window that pierces a flat hood beneath the jettied half-timbered gable end, while the house at no.32 is distinguished by its classic attic-bungalow massing and simple details, but is related to the other houses through its asymmetric form and the use of similar materials. (Criterion E)

Findings and recommendations

I inspected the subject land and surrounds on Friday 16 April 2021 and observed the following:

- The two houses (and associated outbuildings and front fences) at 32 and 34 Service Street have been demolished (see image below)
- The two houses at 28 and 30 are still extant, but there was a large rubbish skip in the driveway of no.30, which suggests that demolition may be underway.



HERITAGE ADVICE – AMENDMENT C177bays HA

In my opinion the demolition of the two houses has fatally comprised the integrity of the precinct to the extent that it no longer satisfies the threshold of local significance. This is because:

- In a larger precinct it is possible to lose one or two contributory places without adversely impacting upon significance, however, in a very small precinct such as this the impact is much greater.
- In this small precinct the location of the two groups of four houses with related form, materiality and detailing almost directly opposite one another meant there was a strong visual/physical connection and good cohesion. The demolition of the two houses has created a significant gap, which has significantly weakened the connection between the remaining houses and the ability to 'read' and understand them as a related group.
- In addition, while all of the houses contributed to the historic significance of the precinct (Criterion A), the demolished houses made specific contributions to the aesthetic qualities (Criterion E) of the precinct, as noted in the statement of significance, which have now been lost.

Because of these changes I am no longer able to support Council in pursuing the Amendment in its present form. Specifically:

- The surviving two houses together with the four houses on the north side of the street no longer satisfy the threshold of local significance as a precinct and do not warrant inclusion in the HO.
- The two houses at nos. 28 and 30 Service Street are not of individual significance and do not warrant inclusion in individual HOs.
- The demolition of the houses has not affected the significance of the houses on the north side of the street, which are already included in individual HOs. The continued application of the individual HOs to these properties is appropriate.

Please contact me if you have any questions or require further information.

Kind regards



David Helms

10.5 RESPONSE TO PETITION: REQUESTING COUNCIL TO CONSIDER INSTALLING TRAFFIC CALMING DEVICES ALONG BURROWS STREET, BRIGHTON

Environment, Recreation and Infrastructure - Sustainability & Transport
File No: PSF/21/36 – Doc No: DOC/21/126826

Executive summary

Purpose and background

The purpose of this report is for Council to consider a response to the petition requesting Traffic Management intervention in Burrows Street Brighton.

At the Ordinary Meeting of Council on 16 February 2021, Council resolved to receive a report on the following petition from residents. The petition read:

We the undersigned hereby petition Bayside City Council to consider installing traffic calming devices along Burrows Street, Brighton. The reasons are as follows:

- 1. Burrows Street is a narrow street with parking on both sides. It has become a 'rat run' or through road for motorists. It is also used for all day car parking by traders and commuters, resulting in traffic congestion and increasing the risks for pedestrians, dogs, cyclists etc.*
- 2. Signs stating, 'local traffic only', are ignored and never policed.*
- 3. Due to poor visibility, there have been a number of near misses on the corner of Well and Burrows.*
- 4. Approval of several property developments in the street, will contribute to higher density and even more traffic congestion.*
- 5. Ideally, Burrows Street should be one way, but acknowledging that this is part of a bus route, it may be too difficult. Roundabouts and chicanes could be considered.*

We would welcome Council's advice regarding suitable traffic calming devices that exclude speed humps (as they impact on the amenity of the resident), to minimise the risk and ensure the safety of everyone.

The petition includes 64 valid signatories. 56 residents of suburbs within or partly within Bayside and 8 residents of suburbs outside of Bayside.

Key issues

Burrows Street is a local road between Well Street (northern end) and Dendy Street (southern end). Burrows Street is approximately 340m long and has a carriageway width of approximately 8.5m. This existing carriageway width is sufficient to maintain on-street parking along both sides. The Church Street MAC and Middle Brighton Railway Station is in the proximity of Burrows Street.

A default speed limit of 50km/h applies to Burrows Street.

Are Traffic Management Measures Warranted?

The decision to implement traffic management measures within Bayside is governed by Councils Local Area Traffic Management (LATM) Policy. This policy has been developed to ensure a consistent, equitable and inclusive approach is applied to the investigation, consultation, design, implementation, and monitoring of Local Area Traffic Management (LATM) schemes.

The LATM Policy involves a three staged approach for implementing new or additional traffic management measures.

The first step is to investigate existing traffic conditions to determine whether traffic management intervention is warranted. Step two is the development of a LATM scheme in consultation with affected stakeholders if investigations have found that a traffic management intervention is required. Prior to implementation, a majority of residents is required to support the proposed scheme. Following the implementation of a traffic management intervention, step three seeks to monitor the effectiveness of the scheme (if implemented) and determine whether any further actions are required.

To investigate existing traffic conditions, speed and volume surveys were undertaken in Burrows Street. The results of the traffic surveys showed that Burrows Street carries 1510 vehicles per day and that the speed at which 85% of vehicles travel at was recorded as 48.8 km/h. VicRoads crash statistics have also been reviewed as part of this investigation and no casualty accidents have been recorded in Burrows Street in the past five years.

Local roads are typically designed to carry up to 2,000 vehicles per day. In addition, if the 85th percentile speed of traffic is travelling over 55km/h on local streets, Council could then consider the implementation of traffic management measures with a view to slower traffic speeds. The existing speed and volume data in Burrows Street are considered acceptable for a local street such as Burrow Street.

Most residential streets within Bayside typically have a road width of 7m. The existing carriageway width of 8.5m in Burrows Street exceeds the minimum requirement for two-way traffic flow while managing on-street parking.

The existing 'Local Traffic Only' signs at both ends of Burrows Street are advisory signs and cannot be enforced under the road rules.

The available sight distance for drivers exiting Burrows Street at Well Street was assessed. To the right, a 15m length of 'No Stopping' zone exist along Well Street from the intersection exceeding the minimum 10m 'No Stopping' length for un-signalised intersections under the road rules. This together with the adjacent driveway crossovers to No 48 and 50 Well Street provides adequate sightlines for vehicles exiting Burrows Street. To the left, sightlines to approaching traffic is adequate. It is noted that a raised pavement exists in Well Street approximately 50m northwest of the intersection thereby slowing traffic speed on this approach. On this basis, the existing conditions are considered satisfactory.

Should traffic volumes exceed the acceptable capacity in the future, a further study would then be undertaken to investigate and support the inclusion of traffic management measures.

The speed zone in the street was also considered. Noting that any changes to speed zones will need to be justified in accordance with the Victorian Speed Zone Guidelines and submitted to the Department of Transport (VicRoads) for consideration and approval. Officers preliminary assessment against the guidelines is that the 50km/h speed limit is appropriate and that the street doesn't fall under the categories generally supported for a 40km/h zone e.g. pedestrian activity centres, town centres and/or school zones.

Are parking restrictions warranted?

Burrows Street has 2-hour parking controls along the entire south side with resident exemptions for eligible households along both sides to access on-street residential parking permits. Parking surveys undertaken indicates moderate to high parking demands at times particularly toward northern section of Burrows Street however on-street parking was available at all times.

To further enhance resident access to on-street parking and to provide reasonable likelihood of access to on-street parking for users of the playground located within the Robert Grieve Reserve, the provision of a section of 4-hour parking will be investigated for the northern side of Burrows Street. This requires further monitoring and consultation with residents in Burrows Street and will be implemented in accordance with Council's Managing On-street Car Parking Demand Policy.

Recommendation

That Council:

1. notes that speed, traffic volume and available incidents data does not justify any additional traffic management intervention in Burrows Street, Brighton at this time
2. notes that parking demand will be monitored further to investigate the need for additional parking controls in Burrows Street, Brighton.

Support Attachments

Nil

Considerations and implications of proposition

Liveable community

Social

If implemented, the provision of time parking controls on both sides of Burrows Street would further enhance access to on-street parking for residents and their visitors. It would also improve access to the Robert Grieve Reserve playground.

Natural Environment

There are no impacts on the Natural Environment to consider as part of this report.

Climate Emergency

There are no impacts on the Climate Emergency to consider as part of this report.

Built Environment

There are no impacts on the natural environment to consider as part of this report.

Customer Service and Community Engagement

Community consultation was not undertaken as part of this report as no further actions proposed at this time.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

In accordance with the *Road Management Act*, Council is the responsible road authority for traffic and parking management in Burrows Street.

Finance

The cost associated with implementation of parking controls is not considered significant and can readily be absorbed into the traffic management works budget.

Links to Council policy and strategy

The decision to implement any traffic management measures within Bayside is governed by Councils Local Area Traffic Management (LATM) Policy. This policy has been developed to ensure a consistent, equitable and inclusive approach to the investigation, consultation, design, implementation, and monitoring of Local Area Traffic Management schemes.

The decision to implement any changes to on-street parking is governed by Council's Managing On-street Car Parking Demand Policy. Under this Policy, a minimum 80% parking occupancy is needed on regular basis prior to introduction of any new or altering the existing parking controls in residential streets.

10.6 RESPONSE TO NOTICE OF MOTION - 307 - LANDCOX PARK LAKE

Environment, Recreation and Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/21/19 – Doc No: DOC/21/122533

Executive summary

Purpose and background

The purpose of this report is to respond to a Notice of Motion raised at the 16 March 2021 Ordinary Meeting of Council that requested Council receive a report at the May 2021 Council meeting detailing the need, timeframe and cost to improve the water quality of the Landcox Park Lake.

A perceived issue driving this request is that the turbidity of the water within the lake may lead to blue algae poisoning of the water, which has occurred in the past.

Background

Landcox Park is a popular recreational reserve situated adjacent to Milroy and Mavis Streets, East Brighton. Landcox Park Lake is a 0.5 hectare constructed lake situated adjacent to the Sunnyside Avenue and Keys Avenue park access points.

The lake is an obvious feature of the park and provides for various forms of passive recreation opportunities. The water's edge is bordered by mature willows and includes a sanctuary island for a resident population of waterfowl. Aquatic species inhabiting the lake have included eels, yabbies, tortoise, and various exotic fish species.

In the past, the lake has experienced several algal blooms. Some blooms of blue-green algae can produce compounds in the water that are potentially toxic to humans. When these blooms occurred in the past, warning signs were installed around the lake to advise visitors to the park to avoid contact with the water.

In late 2000, Council drained the lake and removed accumulated silts to reduce the nutrient store and remove microalgal spores that were dormant within the bottom layer of the lake.

The lake profile was also reshaped at this time to assist with improving water circulation and significant number of European Carp (an introduced and declared noxious pest species) were removed during this process and humanely destroyed.

The lake was refilled with mains water just prior to Christmas 2000 and Council commissioned the Landcox Park Lake Management Plan (LMP) in 2001.

The broad management objective of the LMP was to encourage the lake to function long-term as a biologically sustainable ecosystem. The LMP also recognised that there may not be one single solution to the lake's effective future management and particularly to the prevention of algal blooms. The proposed recommendations were a combination of the following capital works and management actions:

- Diversion of all runoff to the drainage system instead of into the lake - (completed);
- Planting of macrophytes (water plants) - (completed);
- Water treatment / filtration - (filtration system installed);
- Harvesting of exotic fauna - (not done since initial removal of carp in 2000);

- Discouraging duck feeding - (new interpretative signage installed around lake perimeter);
- Application of modified clay type materials (mixed with Bentonite); and
- Water quality monitoring - (ongoing monthly monitoring of algae species only as part of Open Space Contract service delivery).

The onset of the Millennium Drought (2001-2009) was one of the worst drought periods experienced by south-east Victoria since European settlement and significantly impacted the management of Council's open space areas, and the use of potable water in Bayside.

With low to no rainfall, Council was unable to use potable water to refill the lake as had been the case in the past to top up water levels. Previous diversions of runoff to the stormwater system – originally designed to reduce the pollution of untreated water to the lake, were rediverted back to the lake in an effort to assist with maintaining water levels.

The newly installed water filtration system was also turned off due to drought conditions as this system relied on backwashing and flushing with potable water. Over the following decade, the water filtration system remained unused and has since been decommissioned as it is now inoperable.

Landcox Park Lake continues to be filled only by untreated run off from the surrounding roads and park area.

Since 2010, various Council strategies and policies (the Sustainable Water Management Strategy 2011, and more recently the Integrated Water Management Plan [IWMP] 2019-39), have identified opportunities for the future of Landcox Park Lake, particularly looking at better ways to manage and harvest stormwater for sustainable filling of the lake.

Following a site visit by Council officers in September 2020, this project was assessed as highly complex, involving significant disruption to Landcox Park. Further due diligence is required before a commitment to this project is confirmed, particularly with the diversion of the lake path around significant trees. It is also unclear whether this project alone would improve water quality in the lake.

Key issues

Although this paper will identify some of the ongoing issues impacting the water quality at Landcox Park Lake, it is one of four ornamental water bodies within Bayside. As such, it is recommended that Council engage an independent freshwater ecology specialist to conduct a thorough water quality assessment for all ornamental lakes and ponds in Bayside to provide future management recommendations, as there are similar issues impacting Elsternwick Park South Lake, Basterfield Lake, Tulip Street Pond and Pobblebonk Pond.

Water quality Objectives

The water quality at Bayside's lakes and ponds will be improved by achieving the following outcomes:

- reducing the frequency of algal blooms;
- improving native flora and fauna within the lake environs;
- ensuring low turbidity in the water;
- limiting exotic fauna;
- minimising sediment loads to the lake; and

- ensuring the lakebed and margins are well vegetated with native aquatic plant species.

Algal blooms

Algae naturally occur in water bodies and it should be noted that not all algae are toxic or detrimental to the lake environment or people and animals. It should be noted that there have been no significant blue green algae blooms recorded in the monthly water quality reporting at Landcox Park Lake over the last five years.

Blue-green algae are types of bacteria known as Cyanobacteria. 'Bloom' is the term used to describe an accumulation of algal cells to a point where they discolour the water, form scums, produce unpleasant tastes and odours, affect fish populations, and reduce the water quality. Decomposing algae can also cause depletion of oxygen and induce fish kills.

Species of blue-green algae may dominate and increase excessively in water when:

- nutrient levels, particularly phosphorus and nitrogen are sufficient to support the population growth;
- the ratio of nitrogen to phosphorous concentration is low;
- water is still and turbulence is low (lack of mixing);
- weather patterns are stable for a week or more; and/or
- weather is warm (although blooms can occur in cooler weather too).

Blue-green algal blooms often persist for several weeks, sometimes months and a number of environmental conditions need to be in place for an algal bloom to occur. These include sunlight, nutrients, weather and flow conditions that lead to separation of the water into layers, usually with a layer of warm surface water which does not mix with a colder deeper layer.

Blue-green algae thrive in the warm surface layer of a water body and as they contain gas to prevent them from sinking, they remain in the surface layer where they access the abundant light near the water surface, leading to rapid growth. If blue-green algae multiply to high numbers, toxins may be produced and contact with the algae by recreational users can be harmful.

Blooms were more frequent at Landcox Park Lake prior to and over the drought period due to warm weather and water, no circulation or mixing of the water flow, and little to no rainfall.

The following options would assist in the reduction of algae and improved water quality:

- Increased water circulation – the circulation of existing lake water avoids still conditions that can encourage algal blooms. This could be achieved by withdrawing water and pumping it back through jets, or by installing underwater propellers.
- Water flushing – fresh water from a separate source could be pumped into the lake to displace some of the existing water, contributing to maintenance of a low nutrient water body. The only readily available water source of sufficient volume would be mains water or potentially, treated stormwater as proposed in the IWM Plan 2019-39.
- Mechanical aeration – floating aerators could be installed on the lake to mix air into the upper layers of the lake waters. Maintaining high dissolved oxygen levels in the water is one component of a healthy water body.

- Water treatment (filtration) – this option involves passing water from the lake through a water treatment plant to reduce turbidity and possibly also phosphorus levels in the water. The treated water would then be returned to the lake. This option would ideally avoid the use of potable water to achieve sustainability outcomes.
- Runoff currently diverted into the lake should be redirected back into to the drainage system. This option would involve intercepting all overland runoff from the park and surrounding properties and diverting it into the existing underground stormwater drains. Potential pollutants or nutrients in the runoff would therefore be prevented from entering the lake.

Reducing turbidity

Flocculants can be used to bind sediment together and sinking it to the lakebed naturally. There are also products available that can dissolve organic waste and sludge at the bottom of lakes and ponds, reducing nitrates, phosphates, and ammonia levels which cause can cause discoloured water and unpleasant odours.

There are a range of products that are readily available and relatively inexpensive (for example: POND CLEANER Splosht Large Farmer's Pack - Cleans up to 1,000,000 Litres for \$449.00), however, further ecological advice should be sought prior to using chemicals such as these in Bayside's lakes and ponds.

Improving native flora and fauna

In the absence of further ecological advice and pending the implementation of the recommendations outlined in the Integrated Water Management Plan 2019-39, there are some interim measures that could be undertaken to improve water quality in the short-term.

These options could include:

- Removal of introduced species - exotic fauna (carp) removed, noting it is difficult to totally exclude the reintroduction of goldfish and other exotic species to the lake.
- Enforcement of 'No duck feeding' signs – regular patrols of Landcox Park by Local Laws officers to educate and where appropriate enforce the existing regulations against feeding ducks and other water birds.
- Implementation of a willow management program - the existing mature willows around the lake margins are likely to affect the aquatic ecosystem with shading and leaf fall (adding organic decomposing nutrients to the water). A willow reduction strategy to reduce potential water quality impacts but still maintain aesthetic amenity could involve the gradual removal of willow branches that overhang the water. Long term replacement with more appropriate species should also be considered.
- Regular biological monitoring should be undertaken to check for exotic fauna and to assist with maintaining a water body inhabited by native species.

Macrophyte (large water plant) establishment

Macrophytes can assist in improving water quality by uptake of nutrients and encouraging settlement of suspended solids, by providing oxygen to the lakebed soils and by providing a surface for the growth of microbes that are part of a healthy ecosystem.

Plants should be established along the shallow edges of the lake and across the lakebed areas. Water bodies with healthy macrophyte stands are less susceptible to algal blooms than water bodies with limited or no macrophytes. However, low turbidity levels would be required to facilitate successful implementation of this option.

Planting is also not recommended in the short term until the outcomes of the funding process for the recommendations of the IWMP are known, as any expansion of the lake (if required) should be undertaken prior to any future planting.

Proposed next steps

Landcox Park Lake is one of five ornamental water bodies within the municipality. Two of these have outdated management plans (Landcox and Basterfield) and three have no management plan at all (Tulip Street Pond and Pobblebonk Pond).

The long-term goal for all water bodies in Bayside should be to contribute towards improving biodiversity opportunities for aquatic flora and fauna.

To achieve this, it is recommended that a consultant is engaged to develop an Ornamental Lake Management Plan to assess the existing ecological conditions and provide long-term management recommendations for each of these four water bodies.

Recommendation

The Council:

1. develops an Ornamental Lake Management Plan that covers Landcox Park Lake, Elsternwick Park South Lake, Basterfield Lake, Tulip Street Pond and Pobblebonk Pond
2. receives the draft Ornamental Lake Management Plan and possible implementation costs at a future Ordinary Meeting of Council by no later than December 2021
3. works with Friends of Native Wildlife to develop and implement a short-term action plan to reduce and/or remove carp in Tulip Street Pond and Landcox Park Lake.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

Landcox Park Lake was created in the early 1900s. Originally part of the gardens of Tara House on the Milroy Estate, the lake was established as an ornamental feature to complement the garden landscape. Following local public consultations, three allotments to the south of the mansion, which also included the ornamental lake, were purchased by the City of Brighton for a public park, and the site of 10 acres was fenced and named Landcox Park in 1905.

The lake and associated gardens have provided generations of residents and visitors with opportunities of nature-based recreation within the larger surrounding urban area.

One of the iconic features of Landcox Park Lake is the mature willows originally planted around the perimeter of the lake. Their introduction to and use in the Australian landscape has been long associated with watercourses and waterbodies to provide erosion protection, shade, and aesthetic appeal. They are not native trees and are now generally known to cause environmental problems for many waterways in Australia, however some members of the local community may want the willows retained for aesthetic and historical purposes.

Feeding ducks at the lake continues to be an ongoing issue despite the installation of signage at various locations around the lake advising visitors to the park not to feed the ducks and other water birds.

Natural Environment

The lake environment is inhabited by native ducks (Australian wood duck and Pacific black duck). A small number of domestic ducks may be present periodically however these are removed by Council's Open Space Service Provider as per contract requirements.

Cormorants and seagulls are other waterbirds commonly observed at the lake. Several other species of waterbirds commonly found in Melbourne's parks (i.e. Black Swans) are not generally recorded at Landcox Park and it is probable that such species are absent owing to the general lack of submerged and emergent aquatic plants which are their preferred food.

The mature willow trees established around the lake are deciduous and their autumnal leaf drop fall into standing waters, contributing an organic load to sediments which is often accompanied by localised oxygen depletion when they decompose. From an ecological perspective, willows are not entirely consistent with the objective of maintaining a sustainable natural lake ecosystem. Further planting of native macrophytes is also required to improve lake habitat.

The lake rehabilitation efforts in 2000/2001 included a fauna management exercise consisting initially of capture and husbandry of selected fauna (native tortoise), translocation of other native fauna (eels) and disposal of exotic fauna (carp, goldfish). After the lake was re-filled it was restocked with the native tortoise and three species of native freshwater fish.

Native tortoise are still present, however it is unlikely any species of native freshwater fish remain as carp are again present in the lake. Carp are either introduced illegally or are carried as eggs on the legs of visiting water birds. Carp significantly contribute to the turbidity of the water as they stir up silt and mud while feeding and prey upon native aquatic species, such as frog eggs and tadpoles.

Bread and other foods are still frequently found in the lake water as people continue to disregard the signs advising visitors to the park not to feed the ducks and other water birds.

Climate Emergency

Options for the future of Landcox Park Lake, particularly looking at better ways to manage and harvest stormwater for sustainable filling of the lake were originally assessed as part of the Open Space Sustainable Water Management Strategy 2011.

The Sustainable Water Management Strategy 2011 identified Landcox Park as one of four additional projects (*Hurlingham and Landcox Park Stormwater Harvesting Project*) accessing stormwater and rainwater harvesting for open space irrigation as the primary alternative water source.

More recently, a Concept Design for a project to expand Landcox Park Lake for stormwater harvesting and treatment was developed as part of the Bayside Integrated Water Management Plan 2019-39.

Built Environment

Landcox Park Lake is a shallow (1-2.5m) ornamental lake with a surface area of about 5,100m² and is located generally at the lower elevation reaches of the park area. As such, the lake is subject to rainfall run-off from parts of the park.

The lake is supplemented by inflows from a sub-surface reticulation system draining some of the higher elevation grassed areas and, following intense rainfall events, may also receive inflows from other reticulated utilities. Unsealed pathways and dedicated over-water ramps provide access to the water edge at various locations around the lake.

The lake water volume varies seasonally and is about 9ML when full. During dry periods the lake level had been traditionally maintained by inflow of potable mains water.

Poor water quality resulted in a major rehabilitation effort in late 2000. Since re-filling and the cessation of the water filtration system, the water has remained very turbid.

Customer Service and Community Engagement

There are no customer service or community engagement implications associated with the proposition included in this paper.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal implications associated with the proposition included in this paper.

Finance

To engage a consultant to develop a comprehensive Ornamental Lake Management Plan will likely cost approximately \$15,000 - \$20,000. This cost can be accommodated within the 2021/22 operational budget.

The implementation of the proposed Ornamental Lake Management Plan is not currently budgeted. Possible scope and costs of the Plan are unknown at this time and will be presented to a future Council meeting.

Links to Council policy and strategy

Improvement to the water quality at Bayside's ornamental lakes would be consistent with the objectives in the Bayside Biodiversity Action Plan 2018-2027.

10.7 BAYSIDE LOCAL ECONOMY RECOVERY PROGRAM (BLERP)

City Planning and Amenity - Urban Strategy
File No: PSF/21/27 – Doc No: DOC/21/137726

Executive summary

Purpose

To present Councillors with Stage 2 of the Bayside Local Economy Recovery Plan (BLERP). Stage 2 proposes a number of new and extension of ongoing initiatives that seek to continue to support the reactivation of the local economy following the significant economic impact experienced by local businesses, in response to the COVID-19 pandemic and associated costs.

Background

Bayside Activity Centres are recognised for being some of the most successful shopping strips in Victoria through the mix of services they provide to the community. The COVID-19 pandemic crisis significantly affected the hospitality, retail, health and lifestyle services provided in these locations.

The initiatives implemented as part of Stage 1 of the Bayside Local Economy Recovery and Reactivation Plan sought to support the reactivation of the local economy in our activity centres as restrictions started to ease. Initiatives implemented included:

- Outdoor dining and footpath expansion opportunities
- Additional reactivation initiatives
 - Rediscover Bayside campaign
 - Social media campaign
 - Shop Local campaign
 - Online Business Directory improvements
 - Christmas in Bayside; and
- Waiver of Food Act Fees, Public Health Act Registration fees and Street Trading Permits.

Key issues

Stage 2 of the Bayside Local Economy Recovery Plan is intended to provide support through the reactivation phase as restrictions continue to relax and we transition into the new post COVID normal.

The section below discusses the key initiatives proposed for implementation.

Taste of Bayside

In line with State Government grant conditions, the campaign will promote the hospitality sector and outdoor dining activations throughout Bayside. Each precinct, which includes all of the Major Activity Centres, Beaumaris and Martin Street, will have customised cultural light projection activations celebrating the heritage and culture of Bayside.

The activations will implement CovidSAFE environments and explore themes of rediscovering Bayside through food (eating locally) and eating out (hidden gems), whilst shining a light on stories from the local hospitality industry.

The campaign will deliver light projection events over four June Saturday evenings, from 5pm to 10pm, opening June 5 and closing June 26. Street performers, buskers and musicians will form part of the activation.

Black Rock Village festival (Phantasmagoria)

This event aligns with the night-time light activation theme across Bayside and is proposed to be the final activity centre activation. Internationally renowned Melbourne based children's theatre company - Barking Spider – have been contracted to deliver this event. Working in collaboration with Black Rock Primary School students, art works will be produced to light up shop windows and balconies throughout Black Rock Village.

Traders have been engaged to undertake window displays to complement the event, with 25 currently participating. The Festival will be promoted heavily via social media platforms. The program seeks to promote increase footfall to the centre and support the hospitality sector and night-time economy.

Outdoor dining and footpath trading expansions

The program was highly successful and well received by traders and community through the prompt delivery of 16 spacelets throughout Bayside, the outdoor dining marquee at Beaumaris and the outdoor picnic public tables provided at the foreshore in Black Rock.

Whilst highly successful, the spacelets were constructed as temporary structures. After initial consultation with traders benefiting from this program it was proposed that spacelets would be removed in mid May 2021. The assumption was with restrictions continuing to be eased and outdoor dining less prominent during the winter months there would be an opportunity to return carparking spaces to the centres to support their transition towards a new COVID-19 normal. However, since then several traders have expressed a desire to have the spacelets continue till at least the end of August 2021 with some seeking to have them on an ongoing basis. The consideration of spacelets as permanent structures will be referred to the upcoming review of the Footpath Trading Guidelines. The spacelets are of a temporary nature requiring routine maintenance and upkeep which is undertaken at a monthly cost of \$5,500.

In relation to footpath trading, footpath expansions are proposed to continue until 30 August 2021. After this period, it is proposed that normal footpath trading commences to apply, with the temporary VCGLR permissions expiring and withdrawn by Council. In supporting the traders to continue to recover it is proposed that Footpath Trading Fees commence to apply but be retained at the 2021 rate for the period of 1 September 2021 to 31 August 2022.

The community in Beaumaris has been very complimentary of the outdoor dining space provided under the marquee in the Concourse Green with numerous requests from the local traders and community for its retention. A permanent structure was originally proposed under the Beaumaris Concourse Streetscape Masterplan however at the time the proposal was not wholly supported. Given the success of the marquee at the Green there is the opportunity to revisit the implementation of a permanent structure. The current monthly cost of the marquee hire including maintenance is approximately \$4,500.

Activity Centre Social Media Campaign

The Activity Centre Social Media Campaign (ACSMC) is a reactivation initiative of the BLERP introduced to build a stronger digital presence for Bayside businesses and activity centres. The goal was to develop a valuable digital platform and targeted social audience for the businesses to promote their services and products. This has been particularly beneficial as many of them do not have the resources or skills to take their business online.

By all metrics the campaigns have well surpassed expectations. For example, the promotional videos of the activity centres have averaged views of between 11,000 and 18,000. Social media metrics such as “likes” and “engagements” on average exceed 500% which is understandable given the lack of any previous social media activation. To date nearly 200 local businesses have taken up the initiative and posted on social media. Initially it was difficult to have businesses engage in the program however having seen the success businesses are now continuously reaching out to Council to undertake postings and promotions.

Given its outstanding success several traders have expressed a desire for the program to continue. As this initiative was directly related to the reactivation of the local economy post Covid no ongoing operating budget is available. It had been envisaged given the training and by seeing the benefits that traders would seek to maintain their own social media platforms. This has not eventuated with traders looking to Council for ongoing support. Given that business recovery is still occurring it is proposed that the social media support continue till December 2021. A transition plan will need to be developed with the traders associations prior to this date. The estimated cost of the program is \$8,000 monthly.

Business Concierge

To reduce the time and costs for businesses applying for permits from Council, the Victorian State Government introduced the Better Approvals Project (BAP). Council was successful in securing a consultancy grant from the State Government to undertake the BAP process and introduce the Business Concierge role within the Economic Development Team.

The role was established in November 2020 and since then has assisted approximately sixty businesses with their permit needs. The streamlined process, on-going communication, and advocacy service that the concierge role provides has helped shorten processing times and create a seamless customer journey for business owners. Prior to the introduction the average number of days to process business related planning applications was 92, the business concierge has reduced this to just 64 days, which should continue to reduce with process refinements. The feedback from businesses that have accessed the service has been overwhelmingly positive.

Business Monitor

To understand if any structural changes have occurred as a result of the impacts of the restrictions imposed by COVID in Bayside’s activity centres, it proposed to undertake the Business Monitor in August/September 2021. The Business Monitor was last undertaken in 2018 covering the major activity centres and a number of the neighbourhood centres such as the Concourse and Black Rock. It provides a strategic analysis of the shopping centres business mix and a comprehensive SWOT breakdown. The 2021 Monitor will also look closely at the major activity centres commencing with a detailed audit to determine factors such as vacancy rates and the type of uses. It will assist in informing Council’s interventions to ensure they are targeted and effective in supporting our local economy.

Business Directory

At the initial stages of the COVID-19 disruption Council established a business directory to make the local community aware of businesses still open and of those offering online options. The directory exceeded expectations at the time with over five hundred listings. Surprisingly the directory continues to attract a significant level of interest with the listings now exceeding eight hundred and fifty local businesses. The number of listings vastly exceeds comparable Council's. Given the demonstrated popularity of the directory an evaluation is currently underway to determine the most effective method to maintain and keep it current.

Whilst being a good service to traders and the community the business directory has also allow Council to improve the communication with the business community.

Bayside Business Network

Having been largely inactive for over twelve months, sponsors, past and new members have been expressing their eagerness to reconnect and commence networking. With substantially improved databases now in place, the reach of BBN marketing will be more extensive.

The BBN will launch at its first business breakfast on Thursday, 1 July 2021 at Sandringham Yacht Club. The breakfast will be promoted to all businesses throughout Bayside and all existing, as well as previous, BBN members via E-marketing and social media platforms.

A new program has been prepared with the key purpose to reconnect businesses and support them through the transition and ongoing adaptation post COVID.

Events and Celebrations Program 21-22

As restrictions continue to ease and we return to a new normal, we are finalising the preparation of the activity centres 21-22 Events and Celebration Program with the main purpose to continue to increase visitation and spend within the centres and support community connections.

The program seeks to spread to support events throughout all major and large neighbourhood activity centres and has been costed at \$150,000. Our historical operational budget for events was \$30,000 per annum, albeit that an additional \$60,000 was previously allocated by Council and in 2020/21 (the current financial year) there was a significant allocation due to State Government Grants and Council's part reallocation of the Christmas Carol budget.

While many trader support initiatives were successfully delivered, events were significant constrained this year due to Covid restrictions. As a result, there will be \$120,000 in the current 2020/21 budget that is allocated to events, but which will be not spent.

As a result of the limited funds (\$30,000) available to us in the 21/22 financial year to deliver the Events and Celebrations Program within activity centres and continue to support the traders and community, it is proposed to carry forward the unspent \$120,000 to support this initiative. The carry forward was intentionally not included in the draft budget, so that Council could explicitly consider the matter through this report.

Recommendation

That Council:

1. enables the ongoing support for community events, by approving the carry forward of \$120,000 of the unspent 2020–21 budget in the Events and Celebrations Program into the 2021–22 budget
2. supports the ongoing delivery of initiatives outlined in the Bayside Local Economy Recovery Plan, including:
 - a. the spacelets in activity centres until 31 August 2021
 - b. the marquee at the Concourse until March 2022
 - c. the continuation of the social media support until 31 December 2021
3. provides an additional \$110,000 to support the Bayside Local Economy Recovery Plan to be funded from savings identified in the 2020–21 and 2021–22 organisational operating budget
4. considers how spacelets as seasonal or permanent structures could be facilitated through the Footpath Trading Guidelines, scheduled to be reviewed in 2021–22 and reported to Council by November 2021
5. reviews the construction of an outdoor permanent structure within the Beaumaris Concourse Green and a report be presented to a future Council meeting on the scope and cost to implement these works
6. as part of the 2021–2022 budget process, reintroduces footpath trading permit fees at the 2020–21 rate, commencing from the period September 2021 to August 2022.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

The proposed initiatives and past reactivation and recovery efforts, seek to support local businesses to ensure services, thriving shopping strips and places for social interaction are continued to be provided to the local community following the economic impacts from the COVID-19 pandemic response.

Natural Environment

Environmental impacts resulting from the implementation of the proposed initiatives have been considered.

Climate Emergency

All events and activities proposed in this report have taken into consideration waste minimisation and opportunities to promote and support actions in response to climate emergency

Built Environment

The proposed options provided for implementation will support the reactivation of Bayside Activity Centres resulting in positive impacts to the built environment through the creation of safe and highly amenable spaces for the community to enjoy in a COVID-19 safe environment.

Customer Service and Community Engagement

The initiatives presented in this report respond to concerns from the local business community in response to the impact of the COVID-19 pandemic.

Human Rights

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal implications envisaged with this report; however, legal advice may be required to resolve specific matters in response to COVID-19.

Finance

The financial implications of the initiatives presented in this report will be covered through the \$500k Outdoor Eating and Entertainment Package State government grant and the existing Urban Strategy's operational budget, assuming that a \$120,000 carry forward is supported for the Events and Celebrations Program in 2021–22.

Links to Council policy and strategy

Council Plan 2017-2021

Goal 6: Local economy and Activity Centres seeks for Bayside to be an attractive place to live and work, with new growth and investment in the local economy and business community increasingly structures around innovative, knowledge and service-oriented enterprises.

The recommendations provided in this report seek to support our local business community through the devastating impact from the COVID-19 in an effort to retain our shopping villages as vibrant, attractive and interesting places for the community to come back together once our small businesses are allowed to reopen to the public.

Economic Development Strategy 2014

The strategy's vision is directly related to the proposed work - "Bayside will be Victoria's most attractive place to live and work, with new growth and investment in a local economy and business community increasingly structured around innovative, knowledge and service oriented enterprises."

Tourism Strategy 2013

The tourism strategy strategic objective 6.1 identifies Bayside's activity centres for place of community celebration and activation.

10.8 ROAD MANAGEMENT PLAN 2021

Environment, Recreation and Infrastructure - City Assets & Projects
File No: PSF/21/21 – Doc No: DOC/21/135599

Executive summary

Purpose and background

The Bayside Road Management Plan (RMP) has been reviewed as required under the Road Management Act 2004. The Road Management Plan sets Council's road management practices and is reviewed following the election of a new Council.

Key issues

The intent of the Road Management Plan is to establish a system for managing local roads, and to set standards to which those local roads are maintained. While roads are the primary focus of the Road Management Plan, the Plan can also be used to document standards around road related infrastructure such as kerbs, footpaths, carparks, and bridges.

Responsibilities under the Road Management Act

Under the *Road Management Act 2004*, Council is defined as a 'road authority' and has a responsibility to develop a management system which:

- identifies the roads which Council is responsible for
- identifies standards to which those roads shall be managed and determine a system of prioritisation
- allows Council to manage and maintain roads based upon those service standards and available resources.

These requirements are satisfied by Council developing and publishing a Road Management Plan which includes service standards, and a Register of Public Roads (which lists the roads which are to be maintained).

Bayside's current road management system includes the following key service standards:

- Inspection Frequency – frequency at which road assets are inspected by Council for defects (i.e. potholes, cracking). This informs the proactive maintenance program.
- Condition Assessments Frequency – the frequency in which road assets are inspected by Council for overall condition. This informs capital renewal decisions.
- Intervention Levels – the level at which Council considers a defect to be repaired (e.g. Council must address a raised footpath edge that exceeds 25mm in height).
- Response Times – the period of time in which Council becomes aware of a defect, and that defect is addressed (e.g. Council has 7 days to make an initial response to a pothole, and then 45 days to finalise works).

The frequency, intervention level, and response times may vary for different types of asset or in different locations. For example, a footpath in an activity centre must be repaired before a footpath in a residential area. Changes to these service standards can affect Council's operating budget by increasing the number of maintenance requests to action or contract resources required to address issues.

These service standards currently in effect are considered to be appropriate, and it has not been proposed that any of them are changed. The current configuration of the customer reporting management system is limited in enabling a detailed assessment of how frequently Council meets all of its obligations, however from a risk perspective, Council has recorded no breaches of any of its RMP service standards.

The Road Management Plan doesn't directly speak to condition of the roads themselves, nor construction standards or the inclusion/use of sustainable materials etc (these are covered in the Road Asset Management Plan).

Review

The following changes were made to the Road Management Plan under this review:

- update list of Council's roads, footpaths, bridges, and laneways
- move the major pathways list to the Bayside Register of Public Roads
- minor changes to wording around intervention levels, response times, and maintenance treatments
- new criteria to address water pooling in kerbs and gutters, where required
- include reasons for including laneways in the Register of Public Roads
- include new sections of unsealed roads/laneways.

The length of the document was also significantly shortened; however, most changes are cosmetic only and serve to clarify and make the document more concise.

Public Consultation

Consultation on the Draft Road Management Plan commenced on 6 May 2021 via Council's 'Have Your Say' webpage. Commencing consultation prior to this report to Council ensured that the 28 day notice period could be achieved whilst still allowing the final draft report to come to the June 2021 Council meeting and ensuring the 30 June 2021 deadline can be achieved.

Review Process

Under the *Road Management Act*, a road authority must follow a precise process when reviewing or amending its Road Management Plan (RMP).

1. publish the intention to review/amend the RMP in the Government Gazette (complete)
2. review/amend the RMP, and produce a review report indicating the changes (complete)
3. make the amended RMP and review report available for public consultation for a period of 28 days. It is proposed that this be done via Council's 'Have Your Say' page (underway)
4. review responses and finalise the RMP and report
5. present the finalised RMP and report to Council
6. make adopted RMP and report available on Council website
7. publish a note in the Government Gazette, indicating that the RMP has been adopted and where it may be accessed.

Recommendation

That Council:

1. acknowledges and notes that community consultation on the Review of its Road Management Plan as required under Section 54 of the *Road Management Act 2004* commenced on 6 May 2021 via Council's 'Have your Say' webpage
2. continues to receive community feedback on the Review of its Road Management Plan until 5pm on Wednesday 2 June 2021
3. receives a further report at the 15 June 2021 Council meeting which considers the community feedback received, prior to the adoption of the Road Management Plan.

Support Attachments

1. Attachment 1 - Draft Bayside Road Management Plan (2021) ↓
2. Attachment 2 - Bayside Road Management Plan (2017) ↓

Considerations and implications of recommendation

Liveable community

Social

The management of the local road network is an essential service provided by Council, to facilitate the movement of people and goods through Bayside and to and from other jurisdictions. All residents and business of Bayside, and services provided by Council are in some way reliant upon the road network.

Natural Environment

The local road network is fully established (with the exception of potential future subdivision) and is not expected to have significant further impacts to the local natural environment.

Climate Emergency

The road network does require raw and processed materials to construct and maintain and contribute to the heating of the local area. Where possible, Council uses recycled materials to build or repair roads to reduce the need for new materials.

The review of the Plan will not have any direct impact upon Bayside's Climate Emergency declaration.

Built Environment

The local road network is fully established (with the exception of future infill subdivision) and is not expected to have significant further impacts to the local built environment.

Customer Service and Community Engagement

The intervention levels and response times stated in the Road Management Plan have a direct impact upon Council's customer service, with respect to civil maintenance.

Following this briefing, the amended Road Management Plan shall be advertised for public comment via Council's 'Have Your Say' page for a period of 28 days.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

The requirements of the Road Management Plan are specified under the *Road Management Act 2004* and *Road Management (General) Regulations 2016*. Councils which have a Road Management Plan are required to review it within 6 months of an election or 30 June of the following year, whichever is longer.

The Road Management Plan is a key document in the assessment of Public Liability claims.

Finance

The Plan sets specific indicators as to how frequently Council shall inspect roads, at what point Council shall intervene and repair a road, and how long they may take to complete works. Changes to these standards has a direct impact upon the expenditure and allocation of resources via Council's civil maintenance contract.

Since July 2017 (past 4 years), Council has spent approximately \$1.99m on road surface maintenance activities, not including footpath or kerb and channel maintenance.

Links to Council policy and strategy

Bayside Road Management Plan 2017



Bayside City Council

Road Management Plan

June 2021

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Glossary

The following terms may have particular meaning in this Road Management Plan and may accompany or clarify those definitions in the *Road Management Act 2004*.

Bridge	A road or pedestrian bridge, including all structural components
Condition Assessment	An assessment carried out on an asset to determine its overall physical condition.
Coordinating Road Authority	Road authority which coordinates road management functions for a specific road, as defined in s36 of the RMA
Council	means Bayside City Council
Day	means 8:30am to 5:00pm Monday to Friday, excluding public holidays
Defect	A defect is a localised imperfection within an asset that could potentially lead to the premature failure of the asset if not repaired
Intervention Level	The level at which a defect requires remedial action as set out in the Road Management Plan
Major Culvert	Culvert or culverts with a total span of greater than 6m
Pathway	A pathway is a footpath, bike path, or shared path developed by a road authority and located in the road reserve
Proactive Inspection	A proactive inspection is an inspection carried out by Council's contractors at the frequency defined in Appendix B of this RMP
Public Road	A road that the Council decides is 'reasonably required for general public use' and is then registered on the Register of Public Roads.
Reactive Inspection	A reactive inspection is an inspection carried out in response to a report by a member of the public, Council officer, or other external notification.
Remedial Action	An action to reinstate a road or footpath to a below intervention level standard.
Responsible Road Authority	Road authority which has responsibility for some road management functions for a specific road, as defined in s37 of the RMA
Road	Any land declared a road under Section 11 of RMA or forming part of public highway or ancillary area.
Road Reserve	The land located between property boundaries, including all roads (as described above) and the adjacent roadside area.



Roadside	Any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed.
Service Request	A service request is a defect or issue report by a member of the community for Council to reactively inspect
Shared path	A pathway that is primarily used by both pedestrians and riders of bicycles.
Temporary response	An interim measure to isolate a defect that exceeds intervention level whilst awaiting Remedial action.
Vehicle Crossing	Part of private driveway which is located within the road reserve on public land.



1 Introduction

1.1 Scope and Purpose

The purpose of this Road Management Plan (RMP) as defined by Section 50 of the *Road Management Act 2004* is to:

- Establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and
- Set the relevant standard in relation to the discharge of duties in the performance of those road management functions.

In simple terms, this means that certain aspects should be incorporated in any plan:

- Clarification of those roads for which Bayside City Council, as a road authority, is responsible
- Specification of appropriate levels of service to be delivered for those roads
- An outline of the management system for council's road management functions, based on policy and operational objectives as well as available resources
- Schedules of maintenance standards and processes used by Council in the management of its public roads network.

Under regulation eight of the Road Management (General) Regulations 2016, each incoming municipal council must review its Road Management Plan (RMP) within six months of a general election or 30 June of the following year, whichever is later. It is intended that this Plan be adopted in the Ordinary Council meeting on 15 June 2021.

1.2 Road Management Act 2004

The *Road Management Act 2004* (RMA) is the principle road management legislation in Victoria. The purpose of the Act is to establish principles relating to the management of roads by authorities. The Act identifies Council as a 'road authority', and requires Council to establish appropriate road management practices which includes:

- Establishing appropriate and affordable condition standards
- Identifying and assess needs and set priorities; and
- Allocating public money to meet those needs and priorities.

These standards and targets are to be included in a 'Road Management Plan' and the plan may be used as evidence of the reasonableness of the road authority's position.

1.3 Availability of the plan

In accordance with Reg 13(2) of the *Road Management (General) Regulations 2016*, the Bayside Road Management Plan 2021 can be accessed at <https://yoursay.bayside.vic.gov.au/> or may be provided by contacting Bayside City Council at enquiries@bayside.vic.gov.au or by calling 9599 4444.



1.4 About Bayside City Council

Bayside City Council was created on 15 December 1994. It comprises the former Cities of Brighton and Sandringham and parts of the former Cities of Mordialloc and Moorabbin and covers an area of approximately 37km². The coastline of Port Phillip Bay forms the western boundary of Bayside, while the Nepean Highway and the Melbourne to Frankston railway line form most of the eastern boundary.

Bayside is a primarily residential area, with several light commercial activity centres a small light industrial area. In 2021, the estimated resident population of Bayside was 107,566.



Figure 1. Bayside City Council road network (local and minor roads not shown)



1.5 Strategic Context

The Road Management Plan sits in the context of a range of strategic council documents.

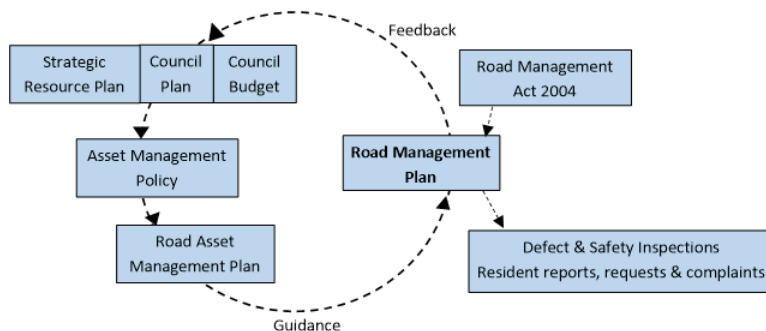


Figure 2. RMP in the context Strategic Council Documents

The Council adopts a Council Plan and Strategic Resource Plan for its four-year term, and a more detailed 10-year Long Term Financial Plan and Annual Budget each financial year. The Road Asset Management Plan informs the LTFP and forecasted budget required to manage the road network based upon asset quantity.

The Road Management Plan is interrelated with each of these documents. It provides information on Council’s Asset Management Policy Framework and the linkages to key corporate strategies, plans and system.

1.6 Stakeholder Engagement

The review process involves aligning the plan with industry best practice and has been made available for review by a range of stakeholders. The following broad stakeholder groups have been identified:

- All residents and businesses adjacent to the road network
- Motor vehicle users, cyclists, and pedestrians
- Utility and non-Council service providers
- Internal Council service-delivery teams

This Plan was made available for community consultation for prior to adoption to ensure that the needs and expectations of the Bayside community are taken into consideration.

1.7 Duty of care of road users

All road users have a duty of care as mentioned under Section 106 of the *Road Management Act 2004* and Section 17A of the *Road Safety Act 1986*. This duty of care covers various aspects, including the appropriate condition and certification of vehicle and driver, observation of signage and other instruction, and the safe operation of the vehicle with respect to traffic, visibility, weather, and other road conditions.



2 Council Road Assets

2.1 Inventory

Infrastructure managed by Bayside which supports execution of its road management functions includes the road, footpaths, kerb and channel, traffic management devices (roundabouts, speed humps etc), bridges, street furniture, street signage, and carparks.

The road assets and their quantities which managed by Bayside City Council are summarised in Table 1 below.

Asset Group	Asset Types	Qty	Unit
Road	Asphalt	356	km
Road	Unsealed/unconstructed	1	km
Laneway	Concrete	10	km
Laneway	Asphalt	3	km
Laneway	Bluestone	0.3	km
Laneway	Unsealed/unconstructed	6	km
Pathway	Concrete	566	km
Pathway	Asphalt	172	km
Kerb and Channel	Concrete	560	km
Kerb and Channel	Bluestone	113	km
Bridge	Road	3	No.
Bridge	Pedestrian	2	No.
Traffic Mgmt.	Roundabout, speed hump, splitter/median etc	434	No.
Traffic Signals	Intersection, flashing lights, pedestrian crossing	22	No.
Signage	Identification, directional, informational, regulatory	22,158	No.
Sign Supports	Poles etc	17,522	No.
Carparks	Off-street	118	No.

Table 1. Road asset summary

2.2 Roads

A hierarchy of road classifications has been adopted by Bayside to help define the typical levels of service that can be expected to apply to each category of road. The Hierarchy can be considered as a balance between a roads 'traffic' and 'access' functions. For example, the Nepean Highway services significant traffic volumes but provides very little direct property access, whereas a small residential cul-de-sac is exclusively used for property access.

Bayside is responsible for all non-arterial road pavements and surfaces, including line marking associated with road management functions (including bus stop bays).

The function of each road hierarchy category and its 'coordinating road authority' is described in Table 2 below.



Type	Length (km)	Coordinating Road Authority	Function
Arterial Road	54	Department of Transport/VicRoads	Major metropolitan highways
Sub-Arterial	33	Bayside City Council	Sub-arterial roads supplement the Arterial Road network, and link key arterial roads. Higher traffic volumes, but which have largely stabilised
Collector	45	Bayside City Council	Major access roads. Typically link sub-arterial roads with key
Local Road	276	Bayside City Council	Property access roads which provide direct access to abutting land but may also service light through-traffic. Most roads in Bayside are local roads.
Laneway	19	Bayside City Council	Property access roads, which are characterised being narrowness, low speeds, and are often used by pedestrians and vehicles simultaneously. Laneways are often one-way, or share a traffic lane for bi-directional traffic

Table 2 Road Hierarchy function and summary

2.2.1 Unsealed/Unconstructed Roads

Most roads in Bayside have historically been sealed by Council several decades ago, and roadworks carried out by Council today are generally only renewal. There remains a small number of gravel local roads, located south of Bay Road which total 1km in length.

Council considers traffic volumes to have stabilised in these roads and is aware that the informal state of these roads is preferred by a majority of residents abutting these streets, and by the general community. Therefore, Council has no plans to upgrade these roads to asphalt.

2.3 Laneways

Laneways are a lower-order hierarchy of road, characterised by narrow width, low speed limits, low traffic volumes, and serve a primarily 'access' function. Laneways have varying construction methodologies and are not maintained as actively as other roads. Not all laneways are open to vehicular traffic, and often do not have dedicated roadside footpaths.

As part of this Road Management Plan review process, Council has adopted several laneways which had no previously confirmed owner, but which are considered to be 'reasonably required for general public use'. A determination of whether a road is required for public use was conducted on a case-by-case basis including a consideration of the following:

- Whether the laneway services more than 3 properties
- Whether it forms a critical link between two local roads or other laneways



- Whether it forms a critical link to a council managed facility, such as a reserve
- Whether it has historically been used as a thoroughfare (i.e. public highway)
- Whether it is on land owned by Council
- Whether Council has historically managed or maintained the laneway

In some cases, laneways not managed by Council may be managed by private landowners.

2.3.1 Unsealed/Unconstructed Laneways

There is approximately 19km of Council-maintained laneways in Bayside, 13km of which is sealed. The remaining 6km is natural surface such as grass, earth, or sand, and has in some places has been fortified with gravel.

Council has no plans to formalise these laneways, however upgrade shall be considered on a case-by-case basis where:

- Traffic volumes are predicted to increase significantly as a result of new development (such as a new multi-storey apartment building).
 - This assessment is made by Council's Traffic Management team (as per Bayside Planning Scheme clause 52.06-11) and shall generally require a developer to upgrade the laneway and contribute t
- Traffic volumes have already increase to a point where maintenance frequency has increased and a gravel laneway is no longer cost effective
- There is significant community pressure from adjacent residents for an upgrade

2.4 Pathways

Roadside pathways are located adjacent to roads managed by both Council and the Department of Transport, but generally managed by Council as the responsible road authority. Pathways in Bayside are generally constructed of concrete and asphalt, however higher standards of construction or different materials are often used in high profile areas.

Pathways through Council facilities or open spaces are not considered as part of this Plan, although are subject to similar treatments and maintenance regimes.

The hierarchy of pathways which support road management functions are as follows:

Category	Use
Major	Major pathways are generally located in high traffic areas adjoining Bayside's shopping precincts, public and private high-use facilities, and shared paths.
Minor	Formalised pathways located in the road reserve in all areas not described above.
Track	Informal and non-constructed pathways located in the road reserve. Typically grass, earth, or sand, and not maintained to RMP standards

Table 3 Pathway Hierarchy



2.4.1 Unsealed/Unconstructed Pathways

Over the past several decades, Council has formalised most pathways in Bayside although many foot-trodden 'tracks' remain. Most footpath works carried out today are concern the capital renewal of existing asphalt and concrete pathways, and general maintenance of gravel paths.

New constructed pathways in the road reserve are subject to Council's 'Footpath Treatments within the Road Reserve' policy, with particular emphasis on new footpaths south of Bay Road.

2.5 Kerb and Channel

Bayside's kerb and channel assets are a critical component of the drainage network, capturing and directing stormwater runoff from the road surface and property outlets into drainage pits.

The default construction material is concrete; however existing bluestone kerbs may be retained and reconstructed in areas where it has been historically dominant (as per Council's Road Reserve Bluestone Replacement Policy).

2.5.1 Roads without kerb and channel

There are a small number of sealed and unsealed roads, which do not have a formal kerb and channel. Based upon historical observations, these roads can drain via infiltration or runoff being directed into existing pits or swales. Council has no plans to construct new kerb and channel assets where no specific drainage need has been identified.

2.6 Carparks

Carparks are ancillary areas, and support road management functions although are not located within the road reserve. Carpark surfaces are generally asphalt and maintained to the same maintenance standards as local roads.

2.6.1 Unsealed/Unconstructed Carparks

While most Council carparks have been sealed in the past, there are several gravel carparks largely located in Council's parks and foreshore reserves. Council has no general strategy to upgrade these carparks, however upgrade is often considered as part of some Open Space master planning process where significant community consultation is involved.

2.7 Bridges

Council is responsible for three road bridges and two pedestrian bridges, not taking into consideration structures in reserves. They are all located over the Elster Canal in Brighton.

2.8 Signage

Bayside City Council is responsible for the provision of signage located in the road reserve which supports a traffic function.



3 Non-Council Road Assets

The principal objective of road management is to ensure that a safe and efficient network of roads is provided primarily for travel and transport. However, road reserves are commonly made available for other appropriate uses for which Council is not responsible. Roads and assets for which Council does not accept responsibility are described below.

3.1 Declared Arterial Roads

Whilst this Road Management Plan is primarily concerned with the roads where Council is the responsible authority, it also makes reference to roads which are the responsibility of others. These include Declared Arterial Roads and State Highways where the Department of Transport (formerly VicRoads) is the coordinating road authority. These roads cater for major traffic movements across the municipality and as such are of crucial importance to the community.

Guidance on the physical limits of operational responsibility between VicRoads and municipal councils for different parts or elements of the road reserve of a Freeway or Arterial Road is provided in the *Code of Practice: Operational Responsibility for Public Roads 2017*.

While DoT is the coordinating road authority for these roads, Bayside frequently takes the place of the responsible road authority where roadsides are concerned. In addition to the management of all footpaths adjacent to DoT roads, Bayside also has a formal Operational Works Maintenance Agreement with DoT where Council is reimbursed for the transfer of some maintenance responsibilities.

The Declared Arterial Roads within or abutting Bayside are listed in the Appendices of the Bayside Register of Public Roads.

3.1.1 Car Parking Bays on Arterial Roads

The Department of Transport is responsible for any part of the arterial roadway that could be used by through traffic. However, under the Code of Practice, Council is responsible for maintaining indented parking bays of lengths less than 200m between kerb outstands.¹

3.2 Shared Roads

Shared roads are those that define boundaries with the City of Port Phillip, City of Glen Eira and Kingston City Council. In most cases the adjoining municipalities are responsible for managing their half of the road and cooperating when major roadworks are required.

Roads which cross municipal boundaries are as follows:

- Head Street, foreshore to St Kilda Street, (City of Port Phillip)
- Thomas Street, North Road to Nepean Highway, (City of Glen Eira); and
- Charman Road, foreshore to railway line, (Kingston City Council).

¹ Road Management Act Code of Practice: Operational Responsibility for Public Roads (2017), p22.



3.3 Bridges and Major Culverts

There are 20 roads, culverts, and footbridges in Bayside that are the responsibility of other authorities. These authorities include Melbourne Water, DoT, and VicTrack/MTM. Responsibility for these structures is dictated by the *Road Management Act 2004* and Safety Interface Agreement.

3.4 Public Transport

Infrastructure which supports public transport in Bayside is provided by the Department of Transport (including VicTrack and PTV), and their contractors. This includes all infrastructure associated with trains, trams, and buses as determined by agreement or standard with the Department.

Infrastructure includes railway tracks, tram tracks, bus shelters, signals and signage. A formal Safety Interface Agreement has been signed between Bayside, VicTrack, and DoT/VicRoads as to management of assets related to rail infrastructure at its interface points.

3.5 Utility Infrastructure

Utility infrastructure within a road reserve commonly includes water supply infrastructure, sewer infrastructure, telecommunications, public lighting, electrical distribution, and gas infrastructure. The care and maintenance of these utility assets is the responsibility of the relevant utility authority whose rights and obligation are contained in specific legislation relating to each utility.

3.6 Street Furniture

Infrastructure owned by non-Council entities in the road reserve include:

- Signage and signals managed by the Department of Transport;
- Private direction and advertising signs;

3.7 Vehicle Crossings

Property owners are responsible for the construction, ongoing maintenance, and eventual replacement of any vehicle crossing servicing their property. The responsibility extends from the boundary line of the property to the edge of the road pavement, excluding the footpath section of the vehicle crossing.

Vehicle crossings must comply with Council's Vehicle Crossing Policy and standard drawings.

3.8 Street Lighting

Street lighting plays a primary role in road safety and amenity. Although Council funds the street lighting on its roads and shares the cost on the declared main roads, the public lighting assets are owned, inspected, and maintained by United Energy.

Council is responsible for the maintenance of non-standard lighting in some specific cases.



4 Register of Public Roads

Pursuant to Section 19 of the *Road Management Act 2004*, Council must maintain a register of roads for which it is the coordinating road authority. Details on the roads listed in the register are also stored in Council's Asset Management System including its hierarchy, description, and the date it was added to the register.

Roads not included in the Register are generally the responsibility of the Department of Transport or are maintained by private landowners. Arrangements for transfer of road management functions between Council and another road authority are detailed in the Register of Public Roads.

A copy of this register can be accessed via the Council website.

5 Levels of Service

The Level of Service is a measurable standard of service which Council has chosen to provide. Generally, a greater Level of Service will come at a higher cost.

The reasonableness of the adopted Service Levels is informed by:

- Community satisfaction
- Financial resources available
- Technical levels of service based upon engineering advice
- Competing demands upon Council resources

As part of its *Local Government Act 2020* commitments, Bayside City Council is intending to conduct a deliberative engagement process with the community to provide greater feedback as to appropriate service levels which better meet community expectations.

Appendix 1 of this Road Management Plan identifies the maintenance standards, intervention levels, and response times for the management of Council's road assets.

6 Funding

The functions required to be exercised by Council, as a road authority, are limited by the financial and other resources that are reasonably available to Council. Funding for roads comes primarily from rates revenue and must compete against a wide range of Council services. Service Levels are critical to ensure that Council does not over-service roads and that it is capable of meeting its ongoing resource requirements.

Apart from rates, road expenditure is also regularly allocated through State and Federal grants processes. Other road funding options not currently used by Bayside City Council include Special Rates and Charges Schemes and Developer Contribution Schemes.



6.1 Budget process

Council's annual capital and operating budgets are both developed as part of the annual budget process and based upon its Long Term Financial Plan (LTFP). The LTFP is updated annually to reflect capital investment and asset deterioration.

Maintenance of Council's road assets is undertaken by external maintenance contractors. Provision for monthly payments (primarily a lump sum with a small amount payable under Schedule of Rates arrangements for any minor discretionary works outside lump sum maintenance works) is made in the annual budget. Included in the annual operational budget is an allowance for growth to reflect additional assets being added to the contracts through subdivision and capital projects, and an allowance for rise and fall of costs for key materials and labour.

Annual defect inspections and periodic condition assessments are performed regularly to ensure that road assets are being adequately maintained and to avoid. Defect inspection and condition assessment frequencies are as specified in Appendix 2 and 3.

7 Road Management System

Bayside has established a road management system to enable it to perform its road management functions. This system is managed by the Assets and Investigation team and overseen by the Maintenance Services team.

7.1 Responsibility

The primary organisational responsibilities for the management of road assets lie within the Environment, Recreation & Infrastructure Division of Council, including:

- Management of periodic inspections and proactive maintenance programs
- Management of service requests and reactive maintenance programs
- Management of capital works delivery of road related assets
- Management of maintenance contractors
- Maintenance of the central Asset Register, Pavement Management System, and spatial asset datasets
- Asset planning, predictive modelling, financial renewal planning etc

Council's maintenance contractor is Citywide, who handle most aspects of civil maintenance with Council's Maintenance Services team providing contract management and oversight. Duties carried out by Citywide include maintenance of road assets (including drains, roads, pathways, and kerbs), inspection of road assets, street sweeping and cleaning, customer service, and end-to-end management of service requests.



7.2 Maintenance Management System

Council has developed an integrated management approach for inspection, maintenance and repair of road infrastructure as shown diagrammatically below.

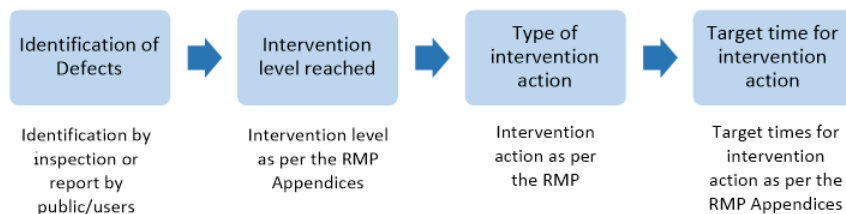


Figure 4. Integrated maintenance management

Most defects or issues are identified during inspections by Citywide and organised into proactive maintenance programs. Inspections are carried out periodically so new defects are identified as quickly as possible, and inspectors are familiar with maintenance standards to determine whether intervention is required. The inspection frequency is as stated in Appendix A.

Issues which have developed between inspections may be reported by members of the community as 'service requests' and organised into reactive works programs. Reactive jobs must be confirmed by Council officers or maintenance contractors and rectified within the response times specified in this Road Management Plan.

7.3 Service Requests

A service request occurs when a defect or issue is reported by a member of the community, and not as a result of a programmed inspection. There are several ways in which requests for reactive service requests are made to Council:

- Directly reporting to Council staff at the Corporate Centre at 76 Royal Avenue, Sandringham
- Phone call to Council call centre at 9599 4444.
- Mail addressed to Bayside City Council, 76 Royal Avenue, SANDRINGHAM 3191
- Council's 'Report an Issue' webpage or by email to enquiries@bayside.vic.gov.au

All initial customer requests are stored in Council's Customer Request Management System (CRMS). Using the CRMS, reactive customer requests may be audited to ensure that requests have been closed in time and ensure compliance with Council's Road Management Plan.

7.3.1 Response Times

The protocols for response to service requests, specifically response times are clearly set out for the maintenance contractor. They are provided in Appendix 1.

The Contract details five intervention levels as follows:



- Level 1: Emergency response (including call outs)
- Level 2: Urgent response, Public Liability inspection, and Potential Hazard Response
- Level 3: Public Liability Incident
- Level 4: Traffic control device requests, written response to correspondence or complaint, road opening reinstatement.
- Level 5: All other requests

The response times stated in this Plan are measured from the date at which a service request is made to Council (via the means listed above) and are measured in working days.

7.3.2 Emergency Response

The Civil and Open Space Maintenance Service Contractor maintains staff able to respond to emergency situations, regarding road and drainage infrastructure, 24 hours a day, 52 weeks per year. The Contractor must immediately on notification provide the staff, plant, signage and other materials to contain an identified emergency, undertake emergency repairs and minimise further risk. After the event the contractor records the details of the emergency on Council's Customer Request and Management System.

An emergency response may include provision for installation of warning signs and barriers, traffic control, and a temporary reinstatement. After the site has been made safe, equipment may remain on site until such time as a permanent reinstatement may be carried out.

7.4 Asset Management Systems

Council has a partially integrated asset management system where all data in relation to road infrastructure is recorded. This information includes identifiers for all road infrastructure, all defects identified during proactive inspections, details of rectification works as well as asset condition captured during condition rating.

Citywide have also developed their own maintenance management system, which is intended to be integrated with Council's own customer management and asset management systems.

7.5 Condition Rating

While a maintenance inspection is carried out to identify localised defects or distresses, a road condition assessment is used to determine each asset's current overall condition. The data collected for road surface, pathways and kerb and channel is collected and stored in Council's Asset Management System and Pavement Management System and is used to estimate expected remaining useful life, prepare forward works programs, and develop financial reports. Road asset condition rating frequencies are stated in Appendix 3.

7.6 Community Survey

The annual community surveys undertaken by the State Government indicate that the community is generally satisfied with road asset maintenance, above the Metropolitan average. This indicates that the maintenance standards, intervention levels, and response times adopted by Council are considered appropriate by the community.



7.7 Exceptional Circumstances

Council shall make every effort to comply with its road management functions, as identified through the Road Management Act 2004 and in this Road Management Plan.

However, there may be exceptional circumstances or situations in which the limited resources of Council are insufficient to meet its obligations, such as a natural disaster. In the case of such a scenario, the CEO of Bayside City Council may determine that the intervention levels or response times included in the RMP may be suspended under Section 83 of the *Wrongs Act 1958*.

8 References

References that may assist in the interpretation of this Plan include:

- Bayside Register of Public Roads
- Bayside Council Plan
- Bayside Asset Management Policy
- Bayside Asset Management Strategy
- Bayside Road Asset Management Plan
- *Road Management Act 2004*
- *Road Management (General) Regulations 2016*
- VicTrack Rail maintenance guidelines (2011)

9 Appendices

Appendix 1 – Asset Defect Intervention Level & Response Times

Appendix 2 – Asset Inspection Frequency

Appendix 3 – Road Asset Condition Assessment Frequency

Appendix 1 – Asset Intervention Level & Response Times

Intervention Level	Rectification action	Response time (working days)	
		Urgent / Initial response*	Standard
Roads – Constructed roads identified in the Bayside Register of Public Roads			
Potholes exceeding 300mm diameter and 25 mm in depth.	Patch pothole to restore smooth riding surface.	7	45
Ruts and depressions of road surface exceeding 50mm below the surrounding surface level.	Apply levelling course to restore smooth riding surface	7	30
Edge break exceeding 25mm in depth and extending 150mm laterally over more than 1000mm in length.	Repair to line and level surrounding road surface.	7	30
Emergency response: removal of material from traffic accidents or other debris, oil spills etc. which is a danger to pedestrian or vehicular traffic	Remove material or cover spills with suitable material.	1	N/A
Laneways – Constructed laneways identified in the Bayside Register of Public Roads			
Potholes, Ruts, Depressions as well as other defects: Abrupt distortions of road surface typically exceeding 100mm below the surrounding surface level.	Patching of localised laneway surface distortions to restore a satisfactory ride condition surface in that laneway section for slow moving vehicles.	7	45
Pathways – Along roads for which Bayside or DoT is the coordinating road authority (including shared / bike paths)			
Potholes in footpath surface typically exceeding 25mm.	Patch area to restore the line and level of the pathway surface.	7	60
Pathway section Displacement of Depressions: Displaced pathway sections typically exceeding 25mm.	Restore alignment and level of pathway surface by replacement of pathway sections.	7	60
Kerb & Channel – Along municipal roads			
Horizontal or vertical displacement exceeding 150mm	Restore the alignment and level of the kerb or channel with replacement of defective sections	7	45
Displacement which causes water to pond in the kerb for at least 3 days		7	45
Street Signs			
Signs - Damaged, illegible, or otherwise non-functional regulatory or warning signage	Make safe. Scheduled replacement of signage and or pole.	2	45
Service authority assets			
Service authority assets or works: For Service Authority Works Assets or works which result in defects above the intervention level on a road or pathway.	The responsible Service Authority to be notified	2	60
Drains			
Blocked Drains: Causing water to pond on trafficable sections of the road.	Clear blockage	1	90
Drainage Pit: Missing or severely damaged pit lid or surround	Replace lid or barricade area	1	45

* Urgent response primary focus shall be to make the area safe, after which the standard response time (less urgent response time elapsed) shall apply.

Appendix 2 – Asset Inspection Frequency

Item	Asset Type	Inspection Frequency
1	Shopping Centre Areas – Pathways, car parks and pedestrian walkways within the designated Shopping Centre Area as identified in Appendix 4	Once every 26 weeks
2	Pathways – Abutting high use facilities as identified in Appendix 4	Once every 26 weeks
3	Pathways – Shared path along Beach Road and the Esplanade	Once every 26 weeks
4	Roadside pathways other than those identified in Item 2 and 3	Once every 52 weeks
5	Municipal Roads All municipal road surfaces and kerb and channel	Once every 52 weeks
6	Laneways	Once every 156 weeks
7	Road related signs, bollards, , traffic signs and other street furniture	Once every 52 weeks
8	Bridges Structure and abutments	Once every 52 weeks

Appendix 3 – Road Condition Rating Frequency

Item	Asset Type	Inspection Frequency
1	Road Surface	Once every 4 years
2	Pathway	Once every 4 years
3	Kerb and Channel	Once every 4 years
4	Laneways	Once every 4 years
5	Bridges and Culverts	Once every 4 years



Bayside City Council

Road Management Plan

June 2017



Bayside City Council Road Management Plan

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Glossary

The following terms are used in this Road Management Plan.

Day	Refers to all working days.
Bike lane	A part of a road marked off or separated for the use of bicyclists.
Bus Bay	A Bus Bay is an indented space adjacent to a traffic lane designed to let buses embark and disembark passengers, without hindering the flow of traffic.
Bus Shelter	A Bus Shelter or Bus Stop Shelter is a shade structure erected adjacent to a bus stop, to shield potential passengers from rain and/or the sun.
cycle path	A path devoted to the exclusive use of pedal cycles
Defect	A defect is an imperfection within an asset that could potentially lead to the premature failure of the asset.
Intervention Level	The level at which a defect requires remedial action as set out in the Road Management Plan
Major Culvert	Culvert or culverts with a total span of greater than 6m.
Proactive Inspection	A proactive inspection is an inspection carried out in accordance with Council's own routine inspection regime as per this plan.
Reactive Inspection	A reactive inspection is an inspection carried out in response to a report by a member of the public, or staff or other external notification.
Condition Inspection	An Asset Condition Inspection (also Asset Condition Survey) is an inspection carried out on an asset to determine its condition.
Road Infrastructure	"road infrastructure" means— <ul style="list-style-type: none"> (a) the infrastructure which forms part of a roadway, pathway or shoulder, including— <ul style="list-style-type: none"> (i) structures forming part of the roadway, pathway or shoulder; (ii) materials from which a roadway, pathway or shoulder is made; (b) the road-related infrastructure
Pathway	A pathway is a footpath, bicycle path or other area constructed or developed by a responsible road authority for use by members of the public other than with a motor vehicle but does not include any path— <ul style="list-style-type: none"> (a) which has not been constructed by a responsible road authority; or (b) which connects to other land;
Railway Crossing	A railway crossing is a level crossing or any area where a footpath or shared path crosses a railway or light rail track at substantially the same level.



Week	Refers to 7 day week.
Month	Refers to calendar month.
Year	Refers to a calendar year.
Bridge	Includes all structures, inc. culverts, on, over or under a road with single span or diam. 1.8meters or greater, or has waterway area 3m ² or greater and includes all structural components (e.g. abutments, traffic safety barriers), and associated pathways, within limits of structure, but excludes approach embankments.
Public Road	A road that the Council decides is reasonably required for general public use and is then registered on the Council Register of Public Roads.
Remedial Action	An action to– (a) Reinstate a road or footpath to a below intervention level standard. (see below re “Temporary Response”)
Road	Any public highway; Any ancillary area; Any land declared a road under Section 11 of RMA or forming part of public highway or ancillary area.
Road Reserve	All the area of land that is within the boundaries of a road.
Roadside	Any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed; Eg. Any nature strip, bushland, grassland or landscaped area within road reserve
Roadway	(a) In the case of a public road, the area of the public road that is open to or used by members of the public and is developed by a road authority for the driving or riding of motor vehicles or bicycles. (b) In the case of any other road, the area of road within the meaning of road in section 3(1) of the Road Safety Act 1986 – but does not include a driveway providing access to the public road or other road from adjoining land;
Shared path	A pathway that is primarily used by both pedestrians and riders of bicycles.
Temporary response	Where considered appropriate by Council, an interim measure to highlight a defect that exceeds intervention level whilst awaiting Remedial action. This might include for example signage, or barricade.
Vehicle Crossing	Improved area between carriageway of any Road to adjacent property line of private property and includes culverts, kerb and channel laybacks and pavement thickening of footways, that provides safe, all weather access to properties and prevents damage to services and other assets located within the Road Reserve.



1.0 Introduction

1.1 Scope and Purpose

The purpose of this Road Management Plan (RMP) as defined by Section 50 of the Act is to:

- Establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and
- Set the relevant standard in relation to the discharge of duties in the performance of those road management functions.

In simple terms, this means that certain aspects should be incorporated in any plan:

- Clarification of those roads for which Bayside City Council is responsible
- Specification of appropriate levels of service to be delivered for those roads;
- An outline of the management system for councils road management functions, based on policy and operational objectives as well as available resources; and
- Schedules of maintenance standards and processes used by Council in the management of its public roads network.

Under regulation eight of the Road Management (General) Regulations 2016, each incoming municipal council must review its Road Management Plan (RMP) within the same timeframe prescribed for preparation of a Council Plan. Section 125(1) of the Local Government Act 1989 (the Act) requires each municipal council to prepare a Council Plan within the period of six months after each general election or by the next 30 June, whichever is later. At its Ordinary Council Meeting on Tuesday 27 June 2017, Council adopted this revised RMP.

1.2 About Bayside City Council

Bayside City Council was created on 15 December 1994. It comprises the former Cities of Brighton and Sandringham and parts of the former Cities of Mordialloc and Moorabbin. The City of Bayside covers an area of 37 square kilometres from Melbourne's central business district. The coastline of Port Phillip Bay forms the western boundary of Bayside, while the Nepean Highway and the Melbourne to Frankston railway line form most of the eastern boundary. Bayside's natural environment extends from 17 kilometre stretch of coastline to areas of urban forests. Preservation and enhancement works are completed each year to help maintain the natural environment and protect it from the impact of development, increasing use and climate change.

In 2014, the preliminary estimated resident population of the City was 99,947 persons. an increase of 1,652 persons (1.7%) from 2013.

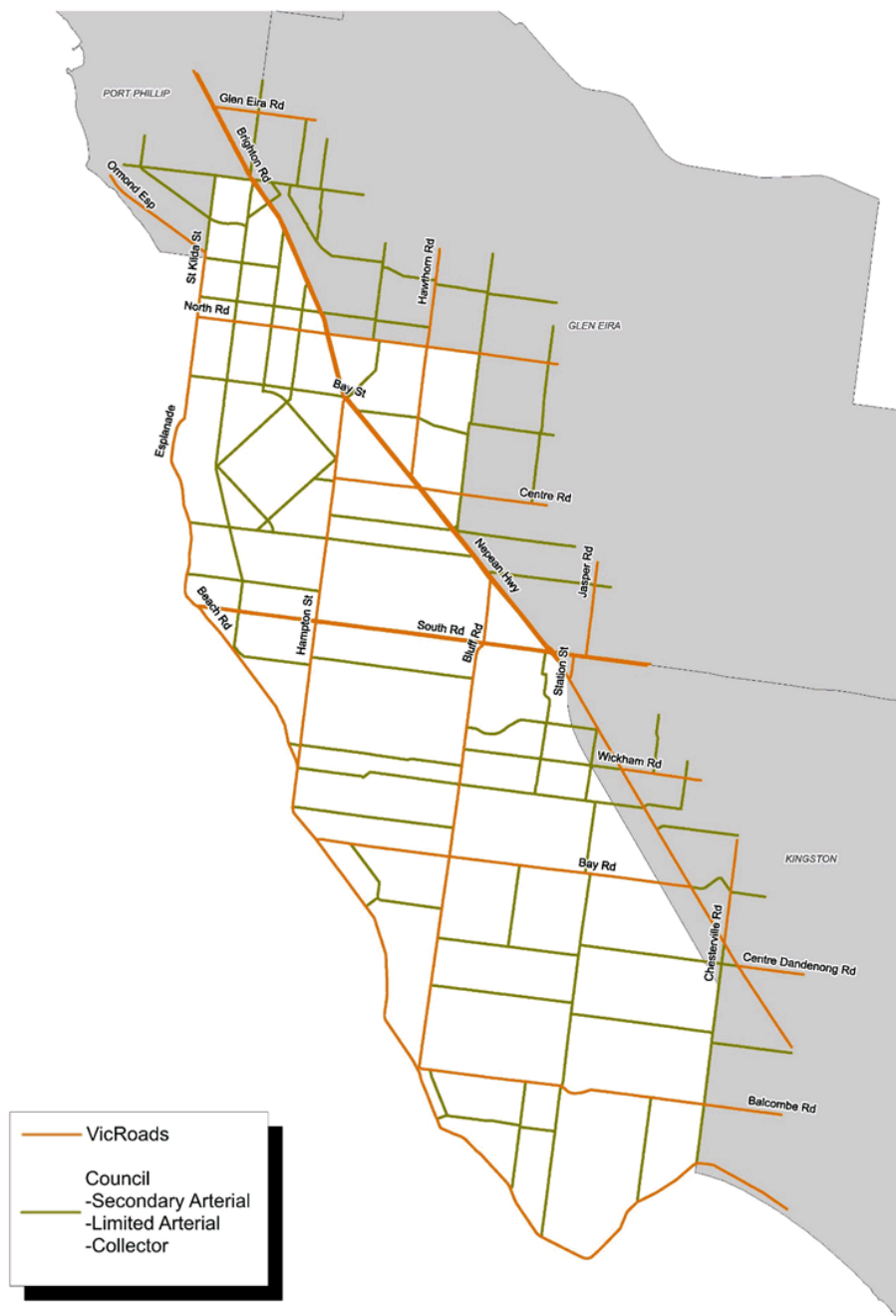


Figure 1. Bayside City Council road network



1.3 Road Assets

Bayside City Council is responsible for the management of road and road related infrastructure having a replacement value (excluding land) of approximately \$418.6 million¹.

1.4 Road Management Act

The purpose of the Road Management Act is to establish principles relating to the management of roads by Road Authorities and sets out the rights and duties of road users. The Act imposes a number of specific obligations on Council as a “Road Authority”. Council is required to establish appropriate road management practices this includes:

- Establishing appropriate and affordable condition standards
- Identifying and assessing needs and setting priorities; and
- Allocating public money to meet those needs and priorities

These standards and targets may be included in a Road Management Plan and the plan may be used as evidence of the reasonableness of the road authority’s position. The Ministerial Code of Practice for Road Management Plans advises, “The contents of a Road Management Plan should include determinations and standards for:

- The inspection, maintenance and repair; and
- The prioritisation of inspection, maintenance and repair.

And sets out details of a management system for inspection, maintenance and repair of roadways, pathways, road infrastructure and road-related infrastructure in respect of the public roads.

1.5 Road Documents

1.5.1 RMP Context

The Road Management Plan sits in the context of a range of strategic council documents.

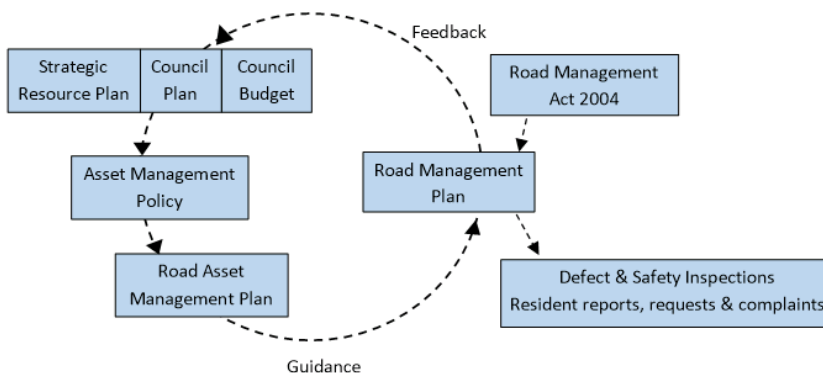


Figure 2. RMP in the context Strategic Council Documents

¹ Brownfield replacement cost – refer to totals Column C, DOC/14/104795 (Bayside assets only, excludes VicRoads) increased by 16% to cover the costs of construction in a developed and densely populated municipality (i.e. brownfield rates).



The Council adopts a Council Plan for its four year term. A Long Term Financial Plan (10 years) and Budget are adopted annually. The annual budget sets out in detail the objectives contained in the Strategic Resource Plan, for the current financial year. The works related to Council roads identified in the Asset Management Plan form the basis of future annual budgets.

The Asset Management Policy and Asset Management Strategy provides guidance to Council's Financial Strategy and to the Council Plan.

The Road Management Plan is interrelated with each of these documents. It provides information on Council's Asset Management Policy Framework and the linkages to key corporate strategies, plans and system. It is also subject to a Community Consultation process that may cause changes to levels of service which will then need to be amended in the Road Asset Management Plan.

1.5.2 RMP Review Process

The Road Management Plan is reviewed on a three yearly basis. The review process involves aligning the plan with industry best practice. The document is also reviewed by Councils Insurers to confirm that it satisfies all relevant legal and risk management obligations. The plan is also made available for community consultation to ensure that the needs and expectations of Bayside residents are taken into consideration.

1.6 Key Stakeholders

Management of the municipal road network requires input from external stakeholders, persons or groups with an interest in the service provided by the assets. It also involves internal stakeholders that have involvement in various stages of the road management. The following external and internal stakeholders have been identified.

External:

- Bayside City Council residents
- Local community groups
- Private road groups
- Bicycling groups
- Public transport operators
- Commerce and industry groups
- Tourism operators
- Bayside community
- Walking groups
- State road authorities
- Abutting municipalities
- Utilities
- Emergency and disaster services
- Road developers and consultants
- Civil contractors
- Foreshore committees of management
- Road authorities

Internal:

- Councillors and executive
- GIS
- Infrastructure strategy
- Asset management
- Infrastructure maintenance service providers
- Infrastructure maintenance contract coordinators
- Development engineering



- Infrastructure planning and Policy
- Renewable resources
- Finance
- Project management
- Design
- Construction and asset protection
- Traffic and road safety
- Special charge schemes
- Customer service
- Insurance and risk management
- Social planning and community development
- Recreation and leisure
- Community and special events
- Aged and disabled care
- Environmental protection
- Property Services
- Cemeteries
- Records management

All have the opportunity to provide input to the delivery of a safe and efficient road network.

1.7 Obligations of Road Authorities and Road Users

All road users have a duty of care under the Road Management Act 2004, Section 106. With particular obligations prescribed in Section 17A of the Road Safety Act 1986, which states:

17A Obligations of Road Users

- (1) a person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the –
 - (a) physical characteristics of the road
 - (b) prevailing weather conditions
 - (c) level of visibility
 - (d) condition of the motor vehicle
 - (e) prevailing traffic conditions
 - (f) relevant road laws and advisory signs
 - (g) physical and mental condition of the driver
- (2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.
- (3) A road user must –
 - (a) have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
 - (b) have regard to the rights of the community and infrastructure managers in relation to the road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;
 - (c) have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.
- (4) In subsection (3), infrastructure manager, non-road infrastructure, road infrastructure and road reserve have the same meanings as in Section 3(1) of the Road Management Act 2004.



1.8 Availability of the plan

This road management plan is available for inspection (free of charge), during office hours, 8:30am – 5:00pm each working day at:

Corporate Centre
Bayside City Council
76 Royal Avenue
Sandringham Victoria 3191
Phone: 03 9599 4444

or email: enquiries@bayside.vic.gov.au

This plan is also available from the council website: www.bayside.vic.gov.au



2.0 Asset Description

2.1 Overview

In addition to the road pavement, kerbs and adjacent footpaths, road related infrastructure include traffic management devices, street signage and bridges. The road assets are summarised in Table 1 below.

Table 1. Road asset summary

Asset	Quantity	Unit
Road (excluding 54 km Declared Arterial)	355	km
Footpaths	732	km
Kerb	683	km
Bridge	5	No.
Traffic Management Devices	350	No.
Traffic Lights	15	Sets
Signs	18,139	No.
Shopping Centre Road related Infrastructure	7 major, 33 minor	Centres
Car park	134	No.
Laneway	15	km

2.2 Road Pavements

A hierarchy of road classifications has been adopted by Bayside to help identify the typical dimensions and levels of service that can be expected to apply to each category of road. VicRoads is the road authority for all Declared Arterials and Council is the road authority for the other categories. The function of each road hierarchy category is described in Table 2 below.

Table 2 Road Hierarchy function and summary

Type	Length (km)	Responsibility	Function
Arterial Road	54	VicRoads	The principal avenue of communication for metro traffic movements not catered for by freeways. Significant through traffic routes. Include State Highways and Declared Main Roads.
Secondary Arterial	15	Council	Provide link between significant residential, industrial and commercial nodes and or the declared road network. These roads have an identifiable origin and destination (e.g. suburbs, industrial areas, places of significance). Local and through traffic routes.
Limited Arterial	18	Council	Significant local access routes. Arterial roads that supplement the Declared Arterial Roads, but where traffic volumes have largely stabilised and may fall due to attractiveness of alternative routes.
Collector	45	Council	Local access routes. These are non-arterial roads that primarily provide a route between and through residential, industrial and commercial areas and convey traffic to Declared Main Roads.



Type	Length (km)	Responsibility	Function
Local Road	276	Council	Property access. A road, street or court that primarily provides direct access for abutting residential, industrial and commercial properties to their associated nodes.
Lane	15	Council	Property access. Strip of land shown on title typically set aside to provide vehicle and / or pedestrian access to the other side and read of adjoining properties.
Unconstructed	1	Council	Property access. Unmade roads that are not sealed or kerbed, which provide access to abutting properties only.

2.2 Pathways

Pathways include constructed footpaths within the road reserve. Bayside's pathways have been classified into two categories generally according to the level of use of the path:

Table 3 Pathway Hierarchy

Pathway Category	Use
Major	Generally high traffic areas adjoining Bayside's shopping precincts, frontages to schools. Preschools, maternal and child health centres, Council facilities and the foreshore shared path adjacent to Beach Road and the Esplanade. The major pathways are listed in the Road Management Plan Appendices.
Minor	Pathways in road reserves in all other areas not described above.

Council pathways are located along roads listed in the Register of Public Roads. Bayside pathways are constructed of concrete, asphalt or brickwork. The length of pathways that fall into each of these categories is shown in the following Table.

Table 4. Bayside Pathway Material & Quantity

	Material	Length (km)
On Road	Asphalt	165
	Brick	4
	Concrete	546
	Gravel	0.4
Total		715.4

In its definition of pathways, The Road Management Act defines foot trodden track over roadside land or a path that connects from a roadway or footpath to privately owned land would not be a pathway.² In accordance with this definition there are a number of informal tracks within the Bayside Council area which are not recognized by Council as pathway assets.

² Road Management Act 2004, Code of Practice for Operational Responsibility for Public Roads (December 2004), p7.



2.3 Kerbs

Bayside's kerbs are constructed of concrete or bluestone, the quantities are shown in Table 5.

Table 5. Bayside Kerbs Material & Quantity

Type	Length (km)
Concrete	569
Bluestone	116

2.4 Laneways / Walkways

There are 285 open lanes and walkways in Bayside and Council maintains 166, or 15 km, of these lanes. A list of Council's lanes is located in the Register of Public Roads.

There are about 1 km of Council walkways and 3.5 km of walkways that are the responsibility of Vic Track or Melbourne Water.

2.5 Bridges

See Glossary for definition of bridge assets. There are 25 road and footbridges in Bayside, not taking into consideration structures in parks and reserves. Only five of these bridges are the responsibility of Bayside City Council. They are all located on Elster Creek:

- New Street road bridge
- Brickwood street foot bridge
- Cochrane Street road bridge
- Asling Street road bridge
- Head Street road bridge

2.6 Assets not included

The principal objective of road management is to ensure that a safe and efficient network of roads is provided primarily for travel and transport. However, road reserves are commonly made available for other appropriate uses for which Council is not responsible. Roads and assets for which Council does not accept responsibility are described below.

2.6.1 Declared Arterial Roads

Whilst this RMP is mainly concerned with the roads where Council is the responsible authority, it also makes reference to roads which are the responsibility of others. These include Declared Arterial Roads and State Highways where VicRoads is the responsible authority. These roads cater for major traffic movements across the municipality and as such are of crucial importance to the community. Guidance on the physical limits of operational responsibility between VicRoads and municipal councils for different parts or elements of the road reserve of a Freeway or Arterial Road is provided in the Road Management Act Code of Practice – Operational Responsibility for Public Roads, Part 1.



A formal agreement has regarding declared roads is in place between Bayside and VicRoads. VicRoads maintenance standards are detailed in the *Road Management Act (2004)*.³ The Declared Arterial Roads within or abutting Bayside are

- Nepean Highway – State Highway
- Beach Road – Declared Arterial Road
- Esplanade – Declared Arterial Road
- St Kilda Street– Declared Arterial Road
- Glenhuntly Road– Declared Arterial Road
- North Road (Between St Kilda Street and Nepean Highway) – Declared Arterial Road
- North Road (between Nepean Highway and Thomas Street) - State Highway
- Centre Road– Declared Arterial Road
- South Road– Declared Arterial Road
- Hampton Street– Declared Arterial Road
- Cummins Road– Declared Arterial Road
- Bluff Road– Declared Arterial Road
- Bay Road– Declared Arterial Road
- Balcombe Road– Declared Arterial Road
- Hawthorn Road– Declared Arterial Road

Car Parking Bays on Arterial Roads

VicRoads is responsible for any part of the roadway that could be used by through traffic. Distances of less than 200m are considered to be of limited use for through traffic. Therefore the Council is responsible on Arterial Roads for maintaining isolated parking areas of lengths less than 200m between kerb outstands.⁴

2.6.2 Shared Roads

Shared roads are those that may define boundaries with the City of Port Philip, City of Glen Eira and Kingston City Council. In most cases the adjoining municipalities are responsible for managing half of the road. In many cases it is preferable for one of the abutting municipalities to undertake maintenance for a shared road, with the costs being appropriately shared. Roads which cross council boundaries are as follows:

- Head Street, foreshore to St Kilda Street, (City of Port Philip)
- Thomas Street, North Road to Nepean Highway, (City of Glen Eira); and
- Charman Road, foreshore to railway line, (Kingston City Council).

Bayside has entered into a boundary road agreement with each abutting Council to describe how those roads will be managed.

³ Road Management Act 2004, Code of Practice for Operational Responsibility for Public Roads (December 2004)

⁴ Road Management Act, p11.



2.6.3 Bridges and Major Culverts

There are 20 road and footbridges in Bayside that are the responsibility of other authorities. These authorities include Melbourne Water, VicRoads and VicTrack. Responsibility for these structures is dictated by the Road Management Act (2004).

2.6.4 Public Transport

Tram Lines

The only tramline in Bayside is on Hawthorn Road, which is an Arterial Road for which VicRoads is the responsible Road authority.

Bus Bays

Bus Bays within Bayside Council consist of line marked stopping areas within the road lane. Maintenance of these bays includes refreshing line marking and some patching. The line marking of Bus bays is undertaken by Council as part of area line marking, and on an as needs basis. Council also carries out asphalt patching in these areas.

Rail Tracks (Railway Level Crossings)

Responsibility of public transport operators and the road authority for roads with rail crossings are set out in the VicTrack Rail Maintenance Guidelines. A Safety Interface Agreement (SIA) between the VicTrack and Council is also in place. The SIA clearly defines which Authority is responsible for maintenance and renewal of assets relating to rail crossings, both level and grade separated.

2.6.5 Utility Infrastructure

Utility Infrastructure within a road reserve commonly includes:

- water supply pipes and fittings
- Sewerage pipes and manholes
- Telecommunication cables, pits and structures
- Electricity distribution wires, poles and structures
- Gas supply pipes and fittings

The relevant infrastructure may be located underground e.g. pipes and service pits. It can be on the ground e.g. poles and cabinets or it can be above ground e.g. wires and aerials. The care and maintenance of these utility assets is the responsibility of the relevant utility authority whose rights and obligation are contained in specific legislation relating to each utility. In addition the Ministerial Code for Utilities Infrastructure in Road Reserves provides practical guidance to utilities and road authorities who are expected to work together cooperatively to facilitate the installation, maintenance and operation of road and non-road infrastructure within road reserves.



2.6.6 Street Furniture

Non Council Infrastructure in the road reserve include:

- VicRoads signage and signal hardware
- Department of Infrastructure bus shelters
- Private direction and advertising signs.
- Street lighting

The VicRoads signage and hardware are installed in accordance with VicRoad's standards to improve overall safety and to minimise any adverse effects to road users.

Other non-council assets are subject to the approval by Council and therefore any safety concerns are addressed at the application stage. The ongoing care of these assets is the responsibility of asset owner.

2.6.7 Vehicle Crossings

Property owners are responsible for the construction and ongoing maintenance of any vehicle crossing servicing their property. The responsibility extends from the boundary line of the property to the edge of the road pavement, excluding the footpath section of the vehicle crossing.

Vehicle crossings must comply with Council's Vehicle Crossing Policy located on Council's website.⁵

2.6.8 Street Lighting

Street lighting plays a primary role in road safety and amenity. Although Council funds the street lighting on its roads and shares the cost on the declared main roads, the public lighting assets are owned and maintained by United Energy. Council works with United Energy to ensure the regular inspection and repair or replacement of such lights and poles as required.

Council is responsible for the maintenance of non-standard lighting in some specific subdivisions.

2.7 Register of Public Roads

The Register of Public Roads is a record of each of the roads for which Bayside City Council acts as coordinating authority. Roads for which Council is not responsible include private roads, unconstructed assets such as foot trodden tracks, laneways and pathways on private land and vehicle entrances from roadway to private property. Roads not included on the Register are also roads which are the responsibility of other road authorities, e.g. VicRoads, Parks Victoria and Department of Sustainability and Environment.

It is a requirement of the Road Management Act that the Register is maintained by Council. Details on the roads listed in the register are also stored in Council's Asset Management System. The register can be accessed through the Council website.⁶

⁵ https://www.bayside.vic.gov.au/documents/Vehicle_Crossing_Policy_2014.pdf

⁶ http://www.bayside.vic.gov.au/documents/Bayside_Register_of_Public_Roads_V1.4.pdf



The Register of Public Roads establishes a municipal road hierarchy based on the function each road performs. These road hierarchy categories and asset types are used only to differentiate service levels and maintenance standards.

Any arrangements for road management functions between Council and another road authority pursuant to Schedule 1 of the Act are detailed in the Register of Public Roads.

The compilation of the register is an ongoing process of refinement as new assets are added to or removed from the register.

A sample of the Register of Public Roads is shown below:

Bayside Register of Public Roads V 1.4

Bayside Register of Public Roads - List of Road Blocks					
Road Name	Road Type	Suburb	Start	End	Hierarchy
BURSTON	PLACE	BRIGHTON	CAIRNES CR	EOR	LOCAL ROAD
BURT	CRESCENT	HAMPTON EAST	WICKHAM RD	WIDDOP ST	LOCAL ROAD
BURWAH	AVENUE	BRIGHTON EAST	DENDY ST	MARRIAGE RD	LOCAL ROAD
BUTLER	STREET	BRIGHTON	EXON ST	DENDY ST	LOCAL ROAD
BYRON	STREET	BRIGHTON	MALE ST	HAMPTON ST	LOCAL ROAD
CADBY	STREET	BRIGHTON	MCCALLUM ST	NEW ST	LOCAL ROAD
CAIRNES	CRESCENT	BRIGHTON	WERE ST	STEWART ST	LOCAL ROAD
CAMBRIDGE	STREET	BRIGHTON EAST	NEPEAN (SERVICE)	CLONAIG ST	LOCAL ROAD
CAMPBELL	STREET	BRIGHTON	ST KILDA ST	23	LOCAL ROAD
CAMPBELL	STREET	SANDRINGHAM	TENNYSON ST	SOUTHEY ST	LOCAL ROAD
CAMPBELL	STREET	BRIGHTON	23	NEW ST	LOCAL ROAD
CAMPERDOWN	STREET	BRIGHTON EAST	HAMPTON ST	NO 23/25	LOCAL ROAD
CAMPERDOWN	STREET	BRIGHTON EAST	NO 23/25	CARRINGTON GR	LOCAL ROAD
CANBERRA	GROVE	BEAUMARIS	BALCOMBE RD	EOR	LOCAL ROAD
CANBERRA	GROVE	BRIGHTON EAST	SOUTH RD	CHAPMAN ST	LOCAL ROAD
CANBERRA	GROVE	BRIGHTON EAST	CHAPMAN ST	WERE ST	LOCAL ROAD

Figure 3. Excerpt from Bayside City Council Register of Public Roads



3.0 Standards & Guidelines

3.1 General

3.1.1 Funding for Road Assets

Funding for roads must compete against a wide range of Council services. The functions required to be exercised by Council, as a road authority, are limited by the financial and other resources that are reasonably available to Council. The Council must also give consideration to the broad range of other services it provides to the community. Funding levels are allocated generally through a capital works program forming part of the annual budget process for the municipality. In addition to the operational funds Council provides through the budget process, Council may receive grant funding from State or Federal Government Programs (e.g. Blackspot Funding and Roads to Recovery) for specific projects / works.

When allocating funds to road assets during the budget process, Council aims to:

- Maximise the life of the asset through the use of timely maintenance and renewal programs;
- Identify defects that exceed stated intervention levels and appropriately rectify them;
- Pro-actively maintain the network to the adopted level of service; and,
- Progressively improve the condition of the road and footpath network according to the adopted program.

Projects recommended for adoption by Council are prioritised to ensure the relevant condition and service standards are being achieved.

Maintenance of Road assets is undertaken by external service providers. Provision for monthly payments (primarily a lump sum with a small amount payable under Schedule of Rates arrangements for any minor discretionary works outside lump sum maintenance works) is made in the annual budget. Included in the annual operational budget is an allowance for growth to reflect additional assets being added to the contracts through subdivision and capital projects. In addition, included in the annual operational budget is an allowance for annual adjustment (Variation) to the contract payments to allow for rise and fall in the cost of service delivery.

3.1.1 Service Levels

It is a Bayside aim to align the service levels provided by its road assets with:

- Level of risk related to the adopted hierarchy of the road; and
- Community needs and expectations (as far as is affordable).

There are generally two major aspects of service level:

- Community measures such as those reflecting community survey response to prevailing service levels; and
- Technical measures such as road asset quality, capacity and safety of the road network, specify inspection frequencies, response times and maintenance levels.



The target levels of service for roads reflect a mixture of Council's corporate and strategic goals, statutory obligations, community needs and expectations. Levels of service have been defined in terms of the quality and technical aspects that can be expected in relation to the Council's road assets. They help to clarify what is to be delivered, when it is to be delivered and at what cost. They also assist in measuring the reporting on the performance of service being delivered.

The Road Management Plan Appendices outline the service standards and intervention times.

3.2 Maintenance Standards

Condition assessment surveys and routine maintenance regimes aim to ensure that the quality and safety of the road assets are adequately maintained and that the data used for projecting future works programs is accurate. The adopted standards for Bayside are as per the Road Management Plan Appendices.



4.0 Road Management System

4.1 General

Bayside has established a number of systems for the management of road infrastructure. Historically the systems were stand-alone systems kept in various part of the organisation. These different systems are however systematically being integrated into an integrated asset management system.

4.2 Responsibility

The primary organisational responsibilities for the management of road assets lie within the Environment, Recreation & Infrastructure Division of Council.

These functions in relation to roads include:

- Drainage maintenance and cleaning
- Street sweeping
- Road, kerb and footpath maintenance
- Laneway maintenance
- Management of maintenance contractors.
- Footpath capital works renewal
- Traffic management design and maintenance
- Pavement management system
- Drainage investigations
- Capital works design and construction management, roads, traffic management and drains
- Enforcement of traffic restrictions and local laws

4.3 Maintenance Management System

Council has developed an integrated management approach for inspection, maintenance and repair of road infrastructure as shown diagrammatically below.

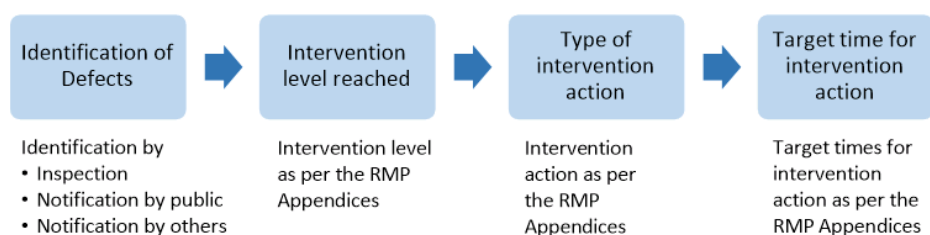


Figure 4. Integrated maintenance management



4.3.1 Service Requests

There are four ways in which requests for repair are made to Council. These are shown in the Table below.

Table 6. Customer requests

Request by	Procedure
Direct contact	<p>Predominantly direct contact occurs with customers visiting the Corporate Centre to discuss and issue. In the majority of cases the Customer Service staff will log the request onto the Council’s Customer Service Request System. The request will be categorised according to the service standards contained in the system. Response times vary depending upon an assessment of level of risk associated with the issue.</p> <p>Where an issue is complex, a staff member may be called to discuss the issue with the customer. If the staff member considers that action is warranted then a request is created on the Customer Service Request System.</p> <p>Other direct contacts may occur with staff working at other Council facilities or during site visits within Bayside. Similar to above, if the staff member consider that action is warranted then a request will be created in the Customer Service Request System.</p>
Telephone	<p>Customer Service Staff answer calls to Council’s general telephone number. They will generally receive a customer service request for road and footpath repairs and forward it to Council’s Infrastructure Maintenance team who will create the request in the Customer Service Request System.</p> <p>Where the issue is complex, the call will be forwarded to the responsible department for a staff member to discuss the issue with the customer. If the staff member considers that action is warranted then a request is crated in the Customer Service Request system.</p>
Mail	<p>All external correspondence is registered in the Records Management System. The correspondence is then forwarded to the Infrastructure Maintenance Coordinator for action.</p>
Email or via the internet	<p>All requests received by email or via the internet are processed and logged onto the Records Management System.</p>

4.3.2 Auditing

On the completion of the customer request for road or footpath repairs the issue is closed on the Customer Request System or Records Management System. At the monthly contract meeting with the Infrastructure Maintenance Contractor a review of all customer requests is undertaken. Using reports from the Customer Request system and a review of the Records Management System an assessment of compliance with Council’s Customer Service Standards and associated Road Management responsibilities is undertaken. All outstanding requests and all requests that were deemed to require no action are reviewed.



4.3.3 Response to service requests

The protocols for response to service requests, specifically response times are clearly set out for the maintenance contractor. They are provided in Appendix 1. The Contract details five intervention levels as follows:

- Level 1: Emergency response (including call outs)
- Level 2: Urgent response, Public Liability inspection and Potential Hazard Response
- Level 3: Public Liability Incident
- Level 4: Traffic control device requests, written response to correspondence or complaint, road opening reinstatement.
- Level 5: All other requests

Emergency Response

The Infrastructure Maintenance Service Contractor maintains staff able to respond to emergency situations, regarding road and drainage infrastructure, 24 hours a day, 52 weeks per year. The Contractor must immediately on notification provide the staff, plant, signage and other materials to contain an identified emergency, undertake emergency repairs and minimise further risk. After the event the contractor records the details of the emergency on Council's Customer Request and Management System.

After Hours Emergency Call-Outs

Council maintains an after-hours emergency phone number. The afterhours call taker can call out the Infrastructure Maintenance Contractor if necessary. The current contract provisions require the Contractor to respond in accordance with the above standard.

4.3.4 Proactive Inspections

Council's service providers perform proactive inspections in accordance with the inspection frequencies identified in the Road Management Plan Appendices. Any defects above the intervention levels are recorded and programed for rectification in accordance with the target times for intervention action.

4.4 Condition Rating

Road asset condition rating frequencies are as per the Appendices. The data collected for road surface, pathways and kerb and channel is captured in Councils Pavement Management System (PMS) to store road pavement information, prepare forward works programs and develop financial reports on its roads and footpaths.

Data related to the extent and severity of defects in road pavements, kerbs and footpaths are recorded on the system that predicts deterioration and forecasts works programs and budgets based on renewal costs and available funding. The program can also produce annual depreciation reports.

Asset attribute and condition data is regularly updated in the Pavement Management System as a result of new works undertaken and through an ongoing asset inspection process.



4.5 Records

Council has an integrated asset management system where all data in relation to road infrastructure is recorded. This information includes identifiers for all road infrastructure, all defects identified during proactive inspections, details of rectification works as well as asset condition captured during condition rating.

4.4 Community Survey

The annual community surveys undertaken by the State Government identified the need for improvements to the municipality's footpaths. To address the concerns of residents in this area Council made a significant increase to funding of footpath maintenance.



5.0 References

References that may assist in the interpretation of this Plan include:

- Bayside Register of Public Roads
- Road Management Plan Appendices
- Bayside's Council Plan
- Bayside Asset Management Policy
- Bayside Asset Management Strategy
- *Road Management Act (2004)*
- *Water Management Act (2000)*
- VicTrack Rail maintenance guidelines (2011)

6.0 Code of Practice for Road Management Plan

Bayside Asset Management Procedures Manual 2011

10.0 Appendices

Appendix 1 – Asset Defect Intervention Level & Response Times

Appendix 2 – Asset Inspection Frequency

Appendix 3 – Road Condition Rating Frequency

Appendix 4 - Major Pathways

Service Levels Qualifications

Rectification action for defects outside intervention levels can include where appropriate temporary repairs or other temporary measures such as the installation of barricades or warning signs until temporary or permanent repairs can be affected. Response times are in working days and are taken from the date that Council becomes aware of a defect exceeding an intervention level. They generally reflect actual response times to take rectification action for defects exceeding intervention levels identified by inspections under taken on continuous basis and for defect notification by the public.

Appendix 1 – Asset Intervention Level & Response Times

Intervention Level	Rectification action	Response time (wk days)	
		Urgent / Initial response*	Non Urgent Rectification
Roads – Constructed roads identified in the Bayside Road Register			
Potholes Exceeding 300mm diameter and 25 mm in depth.	Patch pothole to restore smooth riding surface.	7	45
Ruts and depressions Abrupt distortions of road surface typically exceeding 50mm below the surrounding surface level.	Apply levelling course to restore smooth riding surface	7	30
Edge break Edge pavement eroded exceeding 25mm in depth and extending 150mm laterally over more than 1000mm in length.	Repair to line and level surrounding road surface.	7	30
Emergency response Removal of material from traffic accidents or other debris, oil spills etc. which is a danger to pedestrian or vehicular traffic	Remove material or cover spills with suitable material.	1	NA
Laneways – Constructed laneways identified in the Bayside Road Register			
Potholes, Ruts, Depressions as well as other defects: Abrupt distortions of road surface typically exceeding 100mm below the surrounding surface level.	Patching of localised laneway surface distortions to restore a satisfactory ride condition surface in that laneway section for slow moving vehicles. Resultant surface not intended to provide a smooth ride characteristic of the road.	7	45
Pathways – Along state and Municipal Roads (including shared / bike paths)			
Holes in footpath surface: Isolated failed pavement areas typically exceeding 25mm.	Patch area to restore the line and level of the pathway surface.	7	60
Pathway section Displacement of Depressions: Displaced pathway sections typically exceeding 25mm.	Restore alignment and level of pathway surface by replacement of pathway sections.	7	60
Kerb & Channel – Along municipal roads			
Kerb & Channel Misalignments: Displaced kerb and channel sections, displacements typically exceeding 50mm.	Restore the alignment and level of the kerb or channel with replacement of sections	7	45

Intervention Level	Rectification action	Response time (wk days)	
		Urgent / Initial response*	Non Urgent Rectification
Street Signs			
Damaged signs: Damaged signs, causing or likely to cause hazard to pedestrians of vehicular traffic.	Make safe by removing, replacing or barricading.	2	45
Service authority assets			
Service authority assets or works: For Service Authority Works Assets or works which result in defects above the intervention level on a road or pathway.	The responsible Service Authority to be notified	2	60
Drains			
Blocked Drains: Causing water to pond on trafficable sections of the road.	Clear blockage	1	90
Pit lids: Missing or severely damaged.	Replace lid or barricade area	1	45

* An issue is deemed urgent where it presents an immediate risk to public safety. Initial response will include an inspection of the issue and that the site be made safe. If it is not feasible that rectification works be carried out in the specified timeframe appropriate warning will be provided. Appropriate warning will include but is not limited to:

- Provision of warning signs
- Traffic control action
- Diverting traffic around the site
- Installation of temporary speed limits
- Lane or road closures

Appendix 2 – Asset Inspection Frequency

Item	Asset Type	Inspection Frequency
1	Shopping Centre Areas – Pathways, car parks and pedestrian walkways within the designated Shopping Centre Area as identified in Appendix 4	Once every 26 weeks
2	Pathways – Abutting high use facilities as identified in Appendix 4	Once every 26 weeks
3	Pathways – Shared path along Beach Road and the Esplanade	Once every 26 weeks
4	Roadside pathways other than those identified in item 2 and 3	Once every 52 weeks
5	Municipal Roads All municipal road surfaces and kerb and channel	Once every 52 weeks
6	Laneways	Once every 156 weeks
7	Road related signs, bollards, , traffic signs and other street furniture	Once every 52 weeks
8	Bridges Structure and abutments	Once every 52 weeks

Appendix 3 – Road Condition Rating Frequency

Item	Asset Type	Inspection Frequency
1	Road Surface	Once every 4 years
2	Pathway	Once every 4 years
3	Kerb and Channel	Once every 4 years
4	Laneways	Once every 4 years
5	Bridges and Culverts	Once every 4 years

Appendix 4 – Major Pathways

Item	Asset Type	Melway Reference
1	Martin Street / New St, Brighton	M67 E5
2	Martin Street / Nepean Highway, Brighton	M67 G7
3	Hawthorn Road / North Road, Brighton	M67 K8
4	Landcox Street, Brighton East	M67 J8
5	Thomas Street, Brighton East	M68 B10
6	Hawthorn Road / Nepean Highway, Brighton East	M67 K11
7	Nepean Highway / Centre Road, Brighton East	M67 K12
8	Nepean Highway / South Road, Brighton	M77 D5
9	South Road, Brighton	M77 C4 & D4
10	Bluff Road / South Road, Brighton East	M77 B4
11	Hampton Street / South Road, Brighton East	M76 G1
12	Hampton Street / Pine Street, Brighton	M76 G1
13	Bay Street Shops, Brighton	M67 F9 & F10
14	Bay Street / New Street, Brighton	M67 D9
15	The Esplanade, Brighton	M67 C10
16	Church Street Shops, Brighton	M67 D11, E11, E12
17	Were Street Shops, Brighton	M76 F3
18	Were Street Shops, Brighton	M76 F2
19	South Road / Beach Road, Brighton	M76 D3
20	Hampton Shopping Centre, Hampton	M76 F6 – G4
21	Ludstone Street / Kingston Street, Hampton	M76 J5
22	Widdop Crescent / Keith Street, Hampton East	M77 C6
23	Bluff Road / Highett Road, Hampton East	M77 A8
24	Highett Road / Spring Road, Highett	M77 C8

Item	Asset Type	Melway Reference
25	Highett Road / Middleton St, Highett	M77 E9
26	Bay Road / Jack Road shops, Cheltenham	M77 F11
27	Bay Road / Avoca Street Shops, Highett	M77 C10
28	Bluff Road / Bay Road, Highett / Sandringham	M77 A10
29	Sandringham Shops	M76 G9
30	Beach Road / Georgiana Street, Sandringham	M76 F8
31	Bluff Road, Spring Street, Sandringham	M76 K12
32	Bluff Road, Edward Street, Sandringham	M85 K1
33	Bluff Road / Love Street, Blackrock	M85 K2
34	Black Rock Shops	M85 K4
35	Balcombe Park Shops, Black Rock	M86 C5
36	Beaumaris Concourse	M86 D7
37	Keys St Shops, Beaumaris	M86 E9
38	Seaview shops, Beaumaris	M86 F5
39	Balcombe / Charman Road	M86 H5
40	Weatherall / McNamara Street, Cheltenham	M86 G3

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
	Schools		
1	Beaumaris North Primary School	188 Reserve Road, Beaumaris	M86 D4
2	Beaumaris Primary School	99 Dalgetty Road, Beaumaris (also frontages to Herbert Street, Edith Street and Emily Street)	M86 D7
3	Berendale School	2 Berend Street (also frontages to Dane Road and Seafoam Street) Hampton East.	M77 C6
4	Black Rock Primary School	2 Ferguson Street (also frontage to Arkinga Crescent) Black Rock.	M86 A2
5	Brighton Beach Primary School	19 Windermere Crescent (also frontage to Exon Street) Brighton	M76 E1
6	Brighton Grammar School	29 Grosvenor Street, Brighton (also frontages to Cadby Street and New Street) 266-570 New Street, Brighton 277 – 278 New Street, Brighton 80 Outer Crescent, Brighton 26 Young Street, Brighton	M67 D10
7	Brighton Primary School	59 Wilson Street (also frontage to Male Street) Brighton	M67 F11
8	Brighton Secondary College	80 A – 124 Marriage Road, Brighton East 213 – 239 Dendy Street, Brighton East	M76 K1
9	Cheltenham Primary	231 Charman Road, Cheltenham	M86 H2
10	Cheltenham Primary School	231 Charman Road, Cheltenham	M86 H2
11	Elsternwick Primary School	44 Murphy Street, Brighton	M67 F5
12	Firbank Grammar School	31 Outer Crescent (also frontages to Barkly Street Middle Crescent and Inner Crescent Brighton) 45 – 49 Royal Avenue Sandringham 51 Royal Avenue Sandringham	M67 E9
			M76 J11

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
13	Gardenvale Primary School	66 Landcox Street, Brighton East	M67 K8
14	Haileybury College	120 South Road (also frontage to Villeroy Street) Brighton East	M76 G4
15	Hampton Primary School	528 Hampton Street (also frontage to Ludstone Street) Hampton	M76 G5
16	Sacred Heart Primary School	11 Fernhill Road (also frontages to Sandringham Road and Bay Road) Sandringham	M76 H9
17	Sandringham College Highett Campus	356 Bluff Road (also frontages to Sandringham Road and Bay Road) Sandringham	M77 A9
18	Sandringham College Beaumaris	455 Balcombe Road (Frontages to Lawson Parade and Landsell Avenue) Sandringham	M86 C5
19	Sandringham College Senior Campus	11 Holloway Road, Sandringham	M77 A11
20	Sandringham East Primary	9 Holloway Road, Sandringham	M77 A11
21	Sandringham Primary School	29 Bamfield Street (also frontage to Francis Street) Sandringham	M76 H8
22	St Agnes Primary School	18 Peterson Street (also frontage to Locinda Street, Clyde Street and Spring Road) Highett	M77 C8
23	St Finbars Primary School	88 Centre Road (also frontage to Wallen Street and Nepean Highway) Brighton East.	M76 F4
24	St Joan of Arc Primary School	30 Dendy Street (also frontages to Wallace Grove and New Street) Brighton.	M76 E1
25	St Josephs Primary	544 Balcombe Road (frontages also to Champion Street and Hunter Avenue) Black Rock.	M86 D4
26	St Leonards College	163 South Road, Brighton East.	M76 H3
27	St Marys Primary School	59 Hollyrood Street (also frontages to Charlotte Road, Cloris Avenue and Dalgetty Road) Beaumaris	M76 F4
28	Stella Maris Primary School	47 South Road (also frontages to Hartley Street and new Street) Brighton	M86 E6

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
29	Xavier College	47 South Road (also frontages to Hartley Street and New Street) Brighton	M76 D3
	Immunisation Centres		
30	Beaumaris Community Centre	88 Reserve Road, Beaumaris (also frontages to Victor Street and Cloris Avenue)	M86 D7
31	Black Rock Activity Centre	2 Karrakatta Street, Black Rock	M85 K4
32	Brighton Town Hall	32 Wilson (also frontages to Carpenter Street) Brighton	M67 F10
33	Castlefield Community Centre	505 Bluff Road, Hampton	M77 A4
34	Hampton Community Centre	14 Willis Street, Hampton	M76 F5
35	Highbett Senior Citizens Centre	3 Livingstone Street, Highbett	M77 D8
	Preschool Centres		
36	St Michael's & All Angels Church Playground	32 Dalgetty Road, Beaumaris	M86 E8
37	Bay Kids	2 Emily Street, Beaumaris	M86 D7
38	Beaumaris 3YO Kinder	78 Dalgetty Road (also frontages to Gibbs Street and Haldane Street) Beaumaris	M86 E7
39	Beaumaris Children's Playhouse	24 Grandview Avenue, Beaumaris	M86 C5
40	Black Rock Preschool	55 Bluff Road, Black Rock	M85 K3

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
41	Brighton Baptist Kindergarten	156 Bay Street (also frontage to Cochrane Street) Brighton	M67 F9
42	Brighton Beach Child Care	21 New Street, Brighton	M76 E3
43	Brighton Childcare & Kindergarten	247 New Street, Brighton	M67 D10
44	Brighton East Childcare	309 Nepean Highway Brighton East	M67 H8
45	Brighton Juniors Childcare	75 Wilson Street, Brighton	M67 F11
46	Brighton Playroom Assoc.	58 Wilson Street (also frontage to Male Street) Brighton	M67 F11
47	Cross Street Playgroup	665 Hampton Street (also frontage to Were Street) Brighton	M76 G3
48	East Beaumaris Kindergarten	60 Wells Road, Beaumaris	M86 G6
49	Gordon Street Preschool	17-19 Gordon Street, Beaumaris	M86 G4
50	Grange Road Preschool	66 Grange Road, Sandringham	M76 K9
51	Hampton Child Care Centre	461 Bluff Road, Hampton	M77 A5
52	Hampton Children's Playhouse	12 Willis Street, Hampton	M76 F5
53	Hampton Community Kindergarten	1A Myrtle Road, Hampton	M76 J7
54	Helen Paul Kindergarten	33 Kingston Street, Hampton	M76 J5

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
55	Highbett Playgroup	25 Donald Street, Highbett	M77 D10
56	Holy Trinity Kindergarten	8 Thomas Street, Hampton	M76 G6
57	Hunt Memorial Kindergarten	103 Cochrane Street, Brighton	M67 F6
58	Hurlingham Park Preschool	1 Palmer Avenue, Brighton East	M67 J11
59	Jack and Jill Kindergarten	26 Grandview Avenue, Beaumaris	M86 C5
60	Janet Mundy Kindergarten	6 Fern Street, Black Rock	M85 K1
61	Kids Company	206 Tramway Parade, Beaumaris	M86 F5
62	Kids Company	139 Bay Road, Sandringham	M76 K10
63	Larmenier Bluff Kids Playgroup	453 Bluff (also frontages to Fewster Road and Raynes Park) Road Hampton	M77 A6
64	Livingston Street Kindergarten	1 Livingston Street, Highbett	M77 E8
65	Nagel Preschool	59-61 Sandringham Road (also frontage to Victory Street) Sandringham	M76 K9
66	North Brighton Kindergarten	145A Cochrane Street (also frontage to Cross Street) Brighton	M67 F5
67	Olive Phillips Kindergarten	Bodley Street, Beaumaris	M86 E8
68	Olympic Avenue Kindergarten	28 Olympic Avenue, Cheltenham	M77 F12

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
69	Pennell Childcare Centre	453 New Street (Also frontage to Foote Street), Brighton	M67 E6
70	Platypus Junction Childcare & Kindergarten	43 Cochrane Street, Brighton	M67 F8
71	Sandringham Childcare	5 Sandringham Road, Sandringham	M76 G9
72	Sandringham Children's Playhouse	3 Beaumont Street, Sandringham	M76 G9
73	St Johns Kindergarten	14-16 D'arcy Avenue, Sandringham	M77 B12
74	St Marys Preschool Centre	187 Dendy Street (also frontage to Hughes Street), Brighton East	M76 J1
75	St Peters Kindergarten	1 Moffatt Street, Brighton	M76 E2
76	Wilson's St Kindergarten	11 Wilson Street, Brighton	M67 F10
77	Yeshivah Preschool	132 Marriage Road, Brighton East	M77 A1
Maternal & Child Health Centres			
78	Beaumaris	19 Bodley Street, Beaumaris	M86 H4
79	Beaumaris	28 Bodley Street, Beaumaris	M86 E8
80	Brighton	2 Parliament Street, Brighton	M67 E9
81	Brighton East	1 Palmer Avenue, Brighton East	M67 J11

Other High Use Areas			
Item	Facility	Pathways Inspected	Melway Reference
82	Hampton	483 Hampton Street, Hampton	M76 G5
83	Highbett	1 Livingston Street, Highbett	M77 D8
84	Sandringham	33 Abbott Street, Sandringham	M76 G9
85	Sandringham	16 Station Street (also frontage to Abbott Street) Sandringham	
	Other		
86	Corporate Centre	76 Royal Avenue, Sandringham	M76 K12
87	Beaumaris Library	96 Reserve Road, Beaumaris	M86 D6
88	Brighton Library	13 Boxshall Street, Brighton	M67 F11
89	Hampton Library	1D Service Street, Hampton	M76 G6
90	Sandringham Library	2-8 Waltham Street, Sandringham	M76 F9

10.9 AUDIT AND RISK COMMITTEE - APPOINTMENT OF EXTERNAL INDEPENDENT MEMBERS

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/129312

Executive summary

Purpose and background

This report proposes to appoint two External Independent Members to the Audit and Risk Committee following a public recruitment process to replace a retiring member and further member retiring on 30 September 2021.

The Audit and Risk Committee is an independent formally appointed Advisory Committee to Council and was recently re-established in July 2020 as a result of changes to the Local Government Act 2020. The primary objective of the Committee is to assist Council to fulfil its corporate governance responsibilities through the effective conduct of its responsibilities for financial reporting, management of risk, and other key governance oversight.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibilities and does not have any delegated authority or delegated financial responsibilities.

In accordance with the Charter, membership comprises of five members (two Councillors and three external independent members). All members have full voting rights.

A vacancy has arisen for an external member given former member Mr Mick Ulbrick has fulfilled two three-year terms and the Charter states that independent members can only serve for two consecutive terms. Mr Ulbrick's appointment concluded on 31 March 2021.

In addition to Mr Mick Ulbrick's replacement, current member and Chairperson Ms Lisa Woolmer will also retire on 30 September 2021 after fulfilling two three-year terms. Given the timing or expressions it is proposed to appoint members.

Expressions of interest were sought via public advertisement in The Age Newspaper, Bayside Leader, and the Australian Institute of Company Directors. At the close of expression of interest, 14 high calibre applications were received.

Key issues

In accordance with the Charter an evaluation panel was established comprising The Mayor Cr Evans OAM, Chairperson of the Committee - Ms Lisa Woolmer, the next appointed Chairman of the Committee - Mr Geoff Harry and Ms Jill Colson - Director Corporate Services, to review applications taking into account the experience of the candidate, the need for a balance of skills, relevant background and the ability to apply appropriate analytical and strategic management skills.

Four candidates were put forward as short-listed candidates. Following the interview process it was agreed unanimously by the panel given the experience, and skillset of the applicant, that the following candidates be appointed to the Audit and Risk Committee:

- Ms Jenny Johanson be appointed to the Audit and Risk Committee for a term of two years and four months commencing 24 May 2021 concluding on 30 September 2023; and
- Mr Mick Jaensch be appointed to the Audit and Risk Committee for a term of three years commencing 1 October 2021 and concluding 20 September 2024.

Both candidates are certainly well qualified for the role given his wealth of experience and skills particularly in the area of governance, risk management and internal audit experience. Appropriate reference checks have been undertaken and support the panel's recommendation.

Given the retirement of independent member Mr Mick Ulbrick and Ms Lisa Woolmer in September 2021, it is recommended that Council presents a letter under seal of Council acknowledging Mr Ulbrick and Ms Woolmer's service to the Audit and Risk Committee.

By staggering the terms of appointment will provide and annual re-appointment of replacement of members:

Recommendation

That Council:

1. appoints Ms Jenny Johanson as an external independent member of the Audit and Risk Committee for a period of 2 years and 4 months effective from 24 May 2021 to conclude on 30 September 2023
2. appoints Mr Mick Jaensch as an external independent member of the Audit and Risk Committee for a period of 3 years effective from 1 October 2021 to conclude on 30 September 2024
3. presents a letter under seal of Council acknowledging retiring independent member Mr Mick Ulbrick's service of 6 years and 6 months to the Audit and Risk Committee, and Ms Lisa Woolmer's service of 6 years to the Audit and Risk Committee.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

There are no social implications associated with this report.

Natural Environment

There are no natural environment implications associated with this report.

Built Environment

There are no built environment implications associated with this report.

Customer Service and Community Engagement

Council undertook a public expression of interest process seeking applications for the role of Independent Member of the Audit & Risk Management Committee.

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 appointment of the external independent member is in accordance with the *Local Government Act 2020* and the Committee's Charter.

Finance

The recruitment of the member and the meeting allowance is provided for within the 2020/21 budget allocation for supporting the audit function for the organisation.

Links to Council policy and strategy

This report supports the Council Plan Goal 8 – Governance whereby decision making is open and transparent.

10.10 DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE - GOVERNANCE UPDATE

Corporate Services - Governance
File No: PSF/21/19 – Doc No: DOC/21/139207

Executive summary

Purpose and background

The purpose of this report is to deal with governance matters in relation to the Disability Access and Inclusion Advisory Committee (the Committee), specifically to:

- update the Terms of Reference for the Committee to clearly detail the method of appointment of Chairperson and arrangements in the absence of the Chairperson
- appoint a Chairperson and Deputy Chairperson to the Committee
- note the resignation of a community members of the Committee and appoint a suitable replacement community member.

Key issues

Terms of Reference

Officers have identified that the Committee's Terms of Reference are silent on the method by which the Chairperson of the Committee is to be appointed and arrangements in the absence of the Chairperson.

It is proposed that the Terms of Reference be updated in line with comparable advisory committees of the Council to reflect that the Committee must nominate a Chairperson (and a Deputy Chairperson who would act as Chairperson in absence of the Chair) with both positions to be elected from the Council appointed Councillor representatives on the Committee.

The proposed amended Terms of Reference are provided in Attachment 1.

Appointment of Chairperson and Deputy Chairperson

The Committee held its first meeting on 10 May 2021 where nominations were received for Cr Clarke Martin to be appointed Chairperson and Cr Hanna El Mouallem to be appointed Deputy Chairperson.

Both Councillors accepted the nominations and Cr Martin then performed the role of Chairperson for the remainder of the meeting.

It is proposed that Council endorses the recommendation of the Committee and appoints Cr Martin as Chairperson and Cr El Mouallem as Deputy Chairperson of the Committee.

These appointments are typically made at the Annual Meeting of Council in November; however, given the Committee was established after the 2020 Annual Meeting, it is appropriate that this be dealt with at an Ordinary Meeting of Council.

The Chairperson and Deputy Chairperson term is for a maximum of two years.

Membership of Committee Following the Committee's induction session held on 12 April 2021 (and prior to the first formal meeting on 10 May 2021), officers were advised of community member Margaret Hamilton's resignation from the Committee.

The Committee's Terms of Reference state that membership of the Committee is for a term of 12 months and that in the event of a community member resigning within the first 6 months of the term, the vacancy will be filled for the remainder of that term.

Given that the resignation was received prior to the first formal meeting of the Committee, officers arranged for the Committee selection panel to meet to discuss a suitable replacement.

The selection panel met on 10 May where officers proposed that a community member from the original expression of interest pool be recommended for the Committee.

There were 30 submissions received for positions on the Committee in the original call for expressions of interest. The panel identified community member Natarsha Warren as the most suitable candidate to join the Committee.

It is therefore recommended that Natarsha Warren be appointed to the Committee for the remainder of the 12-month fixed-term appointment offered to the other community members of the Committee.

Recommendation

That Council:

1. amends section 8.3 and 8.4 of the Disability Access and Inclusion Advisory Committee Terms of Reference be amended as follows:

8.3 Chairperson

- *The Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Committee.*
- *The Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting (or, at another Meeting of Council if an appointment at an Annual Meeting is not possible), taking into account any recommendation of the Advisory Committee.*
- *The Chairperson term is for a maximum of two years.*
- *The Chairperson of the Advisory Committee has a casting vote on occasions where there is an equal number of votes on a matter. In the absence of the appointed Chairperson from a meeting, the Deputy Chairperson will undertake the duties of the Chairperson.*

8.3.1 Role of Chairperson

The role of the Chairperson includes, but is not limited to:

- *Chairing of meetings of the Advisory Committee in accordance with the meeting agenda distributed to Committee Members.*
- *Conducting meetings in a manner that promotes full participation, communications, involvement, consensus, mutual respect and listening.*
- *Providing time during meetings for any Advisory Committee Member to raise any issue they believe is relevant.*
- *Has a casting vote on occasions where there is an equal number of votes on a matter.*

- *The Chairperson (or Deputy Chairperson) will be part of the interview panel for the recruitment of new ordinary members of the Advisory Committee.*

8.3.2 Deputy Chairperson

- *The Deputy Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Advisory Committee.*
- *The Deputy Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting (or, at another Meeting of Council if an appointment at an Annual Meeting is not possible), taking into account any recommendation of the Advisory Committee.*
- *The Deputy Chairperson term is for a maximum of two years.*
- *The Deputy Chairperson of the Advisory Committee will undertake the duties of the Chairperson in the absence of the Chairperson.*

8.4 Meeting Agendas and Minutes

- *Agenda and associated material will be prepared and provided to members one week prior to the meeting. DAIAC members may propose agenda items for consideration. Agenda items should be submitted to the Inclusion Officer two weeks before the next scheduled meeting, to allow time to prepare information for the meeting.*
 - *Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.*
2. appoints Cr Clarke Martin as Chairperson of the Disability Access and Inclusion Advisory Committee for the remainder of the 2020–21 Council year
 3. appoints Cr Hanna El Mouallem as Deputy Chairperson of the Disability Access and Inclusion Advisory Committee for the remainder of the 2020–21 Council year
 4. notes the resignation of community member, Margaret Hamilton from the Disability Access and Inclusion Advisory Committee
 5. appoints community member, Natarsha Warren to the Disability Access and Inclusion Advisory Committee for the remainder of the 12-month fixed-term offered to the other community members of the Committee.

Support Attachments

1. Amended Terms of Reference - Disability Access and Inclusion Advisory Committee - May 2021 ↓

Considerations and implications of recommendation

Liveable community

Social

The Disability Access and Inclusion Advisory Committee will assist in ensuring that the access and inclusion needs and aspirations of all members of the Bayside community, regardless of ability, are considered. A sense of belonging in a community is critical for physical and mental health.

Natural Environment

There are no natural environment implications associated with this report.

Climate Emergency

There are no climate emergency implications associated with this report.

Built Environment

There are no built environment implications associated with this report.

Customer Service and Community Engagement

The Disability Access and Inclusion Advisory Committee seeks to provide a formal mechanism to engage with the community and receive advice on local barriers and priorities to assist in exploring potential solutions.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest. The matters dealt with are in the interest of good governance and sound operation of the Committee.

Legal

There are no legal implications associated with the recommendation included in this report.

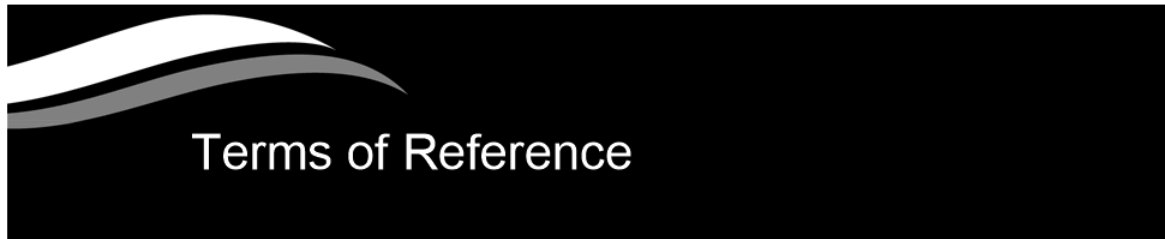
Finance

There are no financial implications associated with this report.

Links to Council policy and strategy

Council's Wellbeing for All Ages and Abilities Strategy (2017–21) notes that Council values the unique contribution that all people make to their community and recognises the complex physical, social, and emotional challenges that can exist for differing groups.

Council's Community Vision 2050 acknowledges the importance of community cohesion and a sense of belonging for all.



Updated May 2021

Disability Access and Inclusion Advisory Committee

1. Introduction

Council recognises that decision making is enhanced, services are better delivered, and strategies and policies are likely to result in better outcomes for the community when community members are involved in decisions which affect them.

The Disability Access and Inclusion Advisory Committee (DAIAC) is designed to encourage and support community member's involvement in Council's decision-making processes through the direct perspective of people with lived experience of disability.

The Terms of Reference have been developed to be consistent with the principles of Council's Community and Stakeholder Engagement Policy (currently in draft).

2. Purpose

The DAIAC will provide advice on the development of the Municipal Public Health and Wellbeing Plan (MPHWP) from the perspective of people with lived experience of disability. Members may be a person with a disability, a carer, or a person involved in disability access/ inclusion program in Bayside.

Every council in Victoria is required to develop and implement a MPHWP to set the broad mission, goals and priorities to enable people living in the municipality to achieve maximum health and wellbeing. At Bayside, disability access and inclusion actions are integrated into the MPHWP, recognising that people with a disability will have the same general health and wellbeing needs as other members of the community and some more disability-specific needs.

3. Objectives

The objectives of the DAIAC are to support the development of the MPHWP by:

- Considering the outcomes of the community health and wellbeing survey and other sources of community health information;
- Identifying issues of access to the built, natural and social environments;
- Identifying barriers to inclusion in community and economic life in Bayside;
- Discussing potential solutions (actions) to identified issues;
- Assisting in prioritising actions to be included in the MPHWP; and
- Assisting in monitoring implementation.

In addition, the DAIAC will also be available to provide specific advice from a disability perspective on nominated Council strategies, masterplans, programs and infrastructure priorities.

4. Membership

Membership will comprise:

- Ten community members with lived experience of disability; and
- Two Councillors.

To support the conduct of meetings the following Council officers will also attend DAIAC meetings:

- Community Wellbeing Coordinator (Bayside City Council);
- Inclusion Officer (Bayside City Council);
- Manager Open Space, Recreation and Wellbeing;
- Manager Community Services;
- Manager Governance; and
- Governance Officer

5. Term of Appointment

DAIAC members will be appointed for one year, concluding in May 2022. Should a member resign before the expiry of their term, the vacancy will either be filled for the remainder of the term, or if the vacancy occurs after six months of the term Council may choose not to fill the vacancy.

The DAIAC will be evaluated following the 12-month period with outcomes of the evaluation and recommendations for future committees and/or other advisory structures presented at a future Council meeting.

6. Appointments

Members will be appointed by Council following a public advertisement process. Selection will be based on the preference for DAIAC to be representative of the diversity of disability, as well as the individual merit presented by those nominating.

Selection criteria will include community members who:

- are residents of the City of Bayside or have strong links to Bayside (work, play, study, or own property in Bayside); and
- can demonstrate active and broad connections in the community.

Membership will aim for a group representing a range of abilities, ages, gender, cultures, geographic locations across the municipality and a range of areas of interest/expertise. To facilitate the participation of members with a disability we will remove or reduce barriers to participation such as transport, care requirements and technology. Council is committed to creating an accessible and inclusive environment for all members and will work with members to consider any supports required.

Council will advertise for nominations for community members through Council's website, and key communication channels such as social media and e-newsletters. Information on nominating will also be shared with local networks including Community Centres and disability-specific organisations.

Delegations

The DAIAC will provide advice to Council with no specific delegations.

7. Accountability

Members will:

- have an active role in seeking and communicating community views to Council;
- be respectful of other members' views and sign a code of conduct contract;
- participate in discussions at meetings, listen actively, and encourage others to participate;
- be responsible for reading all minutes and material provided; and
- be able to participate in at least five of the six meetings.

8. Meeting Procedures

8.1 Meetings

DAIAC will meet on at least six occasions on a bi-monthly basis. Additional meetings will be determined on a needs basis in accordance with work being undertaken by Council. Feedback and input from members may be sourced through means other than meetings. The structure of the meetings shall be flexible and determined by the makeup and needs of the committee, to ensure equal participation. A meeting quorum will be a minimum of half of the membership plus one, the majority of members present must not be Bayside City Council employees or Councillors.

8.2 Invited Guests or Co-opted Members

The DAIAC may invite guests or co-opt members to join the DAIAC from time to time in either an expert advisory capacity or for a specified purpose and/or for a specific period.

8.3 Chairperson

- The Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Committee.
- The Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting (or, at another Meeting of Council if an appointment at an Annual Meeting is not possible), taking into account any recommendation of the Advisory Committee.
- The Chairperson term is for a maximum of two years.
- The Chairperson of the Advisory Committee has a casting vote on occasions where there is an equal number of votes on a matter. In the absence of the appointed Chairperson from a meeting, the Deputy Chairperson will undertake the duties of the Chairperson.

8.3.1 Role of Chairperson

The role of the Chairperson includes, but is not limited to:

- Chairing of meetings of the Advisory Committee in accordance with the meeting agenda distributed to Committee Members.
- Conducting meetings in a manner that promotes full participation, communications, involvement, consensus, mutual respect and listening.
- Providing time during meetings for any Advisory Committee Member to raise any issue they believe is relevant.
- Has a casting vote on occasions where there is an equal number of votes on a matter.
- The Chairperson (or Deputy Chairperson) will be part of the interview panel for the recruitment of new ordinary members of the Advisory Committee.

8.3.2 Deputy Chairperson

- The Deputy Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Advisory Committee.
- The Deputy Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting (or, at another Meeting of Council if an appointment at an Annual Meeting is not possible), taking into account any recommendation of the Advisory Committee.
- The Deputy Chairperson term is for a maximum of two years.
- The Deputy Chairperson of the Advisory Committee will undertake the duties of the Chairperson in the absence of the Chairperson.

8.4 Meeting Agendas and Minutes

Agenda and associated material will be prepared and provided to members one week prior to the meeting. DAIAC members may propose agenda items for consideration. Agenda items should be submitted to the Inclusion Officer two weeks before the next scheduled meeting, to allow time to prepare information for the meeting.

Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.

8.5 Conflict of Interest

A member with a conflict of interest, or perceived conflict of interest, in a matter before the DAIAC must declare their interest prior to discussion of the item. This will be a standing item on the agenda.

8.6 Code of Conduct

A code of conduct will be enforced to ensure safe participation and enable a respectful and equitable sharing of ideas. All members will be required to sign a code of conduct contract.

Any breaches of the Code of Conduct will be addressed by the Chair. Severe breaches may result in removal from the DAIAC.

9. Reporting

The minutes of the DAIAC will be presented for adoption to the subsequent Ordinary Meeting of Council. As the focus of the DAIAC will be disability access and inclusion considerations for the (MPHWP, recommendations from the group will be provided to the MPHWP Working Group and Project Control Group.

Where other access issues are raised, they will be referred to the relevant area of Council for consideration, or to other responsible public authority, as appropriate.

10. Review of the Terms of Reference

The Terms of Reference will be reviewed as part of the 12-month evaluation.

10.11 REVIEW OF COUNCILLOR AND MAYORAL ALLOWANCES

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/132196

Executive summary

Purpose and background

To finalise the review of the Councillor and Mayoral allowances for the 2020 to 2024 term of office in accordance with Section 74 of the *Local Government Act 1989*.

An important reform of the *Local Government Act 2020* is the transfer of responsibilities in determining Mayoral, Deputy Mayoral and Councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until such time as the Remuneration Tribunal makes its first determination on allowances, the allowances framework under the *Local Government Act 1989* continues to apply, despite the repeal of those relevant provisions late in 2020. Section 39(6) of the 2020 Act provides for this transitional arrangement.

The Minister for Local Government will request the Remuneration Tribunal to make a determination; however, the determination is not expected until late 2021.

Key issues

Under section 74(1) of the 1989 Act, Council is required to review its Councillor and Mayoral allowances within 6 months of a general election or by 30 June, whichever is later.

Further, Section 73B of the Act requires, amongst other things, that 'The Minister must at least once every year, review the limits and ranges of Councillor and Mayoral allowances'.

The Councillor and Mayoral allowances are subject to annual automatic adjustment specified by an Order in Council. The Order identifies 3 categories of councils based upon physical size, budget and population. Bayside City Council is deemed a Category 2 council. The current allowances set by the Minister for Local Government are as follows:

The allowances per category are set out below:

Councillor Allowances	Category 1		Category 2		Category 3	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Allowances	\$8,333	\$21,049	\$10,914	\$26,245	\$13,123	\$31,444
Superannuation @9.5%	\$792	\$2,000	\$1,037	\$2,493	\$1,247	\$2,987
Total payment	\$9,124	\$23,049	\$11,951	\$28,738	\$14,370	\$34,431

Mayoral Allowance	Category 1 Up to	Category 2 Up to	Category 3 Up to
Allowance	\$62,884	\$81,204	\$100,434
Superannuation @9.5%	\$5,974	\$7,714	\$9,541
Total payment	\$68,858	\$88,918	\$109,975

Councillors and the Mayor are currently being paid the amounts shaded in the tables above and it should also be noted that it is also a legislative requirement for a 9.5% superannuation contribution payable to Councillors and the Mayor.

It should be noted that the Superannuation Guarantee percentage is scheduled to increase from 9.5% to 10% from 1 July 2021.

Allowance payments are made one month in advance, and superannuation payments quarterly.

It should also be noted that:

1. a Mayor cannot receive the councillor allowance at the same time as receiving the mayoral allowance
2. a Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance
3. the amount of the allowance must be the same for each councillor (except the Mayor)
4. a person is only entitled to receive an allowance while he or she hold the office of Councillor or Mayor.

As part of the review process for the Councillor and Mayoral allowances, Section 74(4) of the *Local Government Act 1989* provides for public submissions to be made under Section 223 of the Act in respect of this review.

Council at its meeting held on 16 February 2021 resolved to commence the statutory process to determine the Councillor and Mayoral allowances for the period 2020 to 2024 based on the following proposed allowances:

- Councillor allowances - \$26,245 per annum
- Mayoral allowance - \$81,204 per annum

In addition, superannuation contributions for 2020 to 2024 are proposed to be:

- Councillor \$2,493
- Mayor \$7,714

Key issues

Submissions

In accordance with Sections 74(4) and 223 of the *Local Government Act 1989*, the proposed allowances were required to be subjected to a public submission process.

Public notices were published in The Age newspaper and Council's website with submissions closing at 5:00pm on Wednesday 31 March 2021.

Following the public submission process, one submission was received from Mr George Reynolds. Mr Reynolds' submission was against the proposed allowances and made derogatory comments as to the competency of Councillors and unfounded claims about misuse of Council funds – citing accounting standards and Local Government Regulations.

It should be noted that Council's financial statements are audited by the Victorian Auditor-General's Office and reviewed by Council's Audit Committee with no issues identified.

Councillors have also been briefed on the draft Annual Budget and the draft Long Term Financial Plan which has been developed in accordance with the legislation.

The submitter was heard in support of his submission at a Special Committee of Council meeting held remotely via electronic media on 14 April 2021.

Conclusion

Having considered the one submission, it is proposed that Council sets the allowances in accordance with the Order in Council as a category 2 council at the maximum level.

Recommendation

That Council having considered the one submission received against the proposed Councillor and Mayoral allowances, resolves in accordance with Section 74 of the *Local Government Act 1989* to set the allowances with the Order in Council as a category 2 council at the maximum level of :

- Councillor allowance - \$26,245 per annum
- Mayoral allowance - \$81,204 per annum

with a superannuation contribution for 2020-2024 be set at:

- Councillor \$2,493 per annum
- Mayor \$7,714 per annum

subject to any indexation of the allowances applied automatically as determined by the Minister for Local Government.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

There are no social implications associated with this report.

Natural Environment

There are no natural environment impacts associated with this report.

Climate Emergency

There are no climate emergency impacts associated with this report.

Built Environment

There are no built environment implications associated with this report.

Customer Service and Community Engagement

The *Local Government Act 1989* requires that before the final decision is made on the level of allowances there must be a public process of inviting public submissions on the quantum of allowances.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal or risk implications if Council complies with the legislative requirements in determining the allowances.

Finance

As a category 2 council, the cost to Council for Mayoral and Councillor allowances per annum is approximately \$238,674. This represents 0.17% of Council's revenue in 2020 and equates to approximately \$31 per hour for the mayoral allowance based on 50 hours per week and \$20 per hour for the Councillor allowance based on 25 hours per week. An allocation in the 2020–21 budget has been provided based on the proposed allowances.

Links to Council policy and strategy

The minimum and maximum levels of allowances are determined by legislation. Council is required to determine allowances within the range set by the legislation. The superannuation component is based on 9.5% of the allowance payable subject to a proposed increase to 10% from 1 July 2021.

10.12 RISK MANAGEMENT POLICY REVIEW

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/105702

Executive summary

Purpose and background

The purpose of this report is to provide an update on the review of the Risk Management Policy.

Council's Risk Policy sets the policy direction that ensures that Council is able to deliver on its obligations and strategic objectives by effectively managing the risks inherent in all of its activities. The policy is an integral element of Council's overarching Risk Management Framework.

The policy was last reviewed and adopted in 2018. Following this current review, it is proposed to move the policy to a three-year review cycle and update more frequently should the need arise.

Key issues

The proposed changes to the policy are minor in nature and address title changes and small grammatical improvements.

The policy was approved by Council's Audit and Risk Committee at its meeting on 22 February 2021. At that meeting it was recommended that this policy be the trial for the inclusion of a governance checklist that incorporates consideration of the governance principles outlined in the *Local Government Act 2020*. This consideration is summarised in the Governance section below.

Recommendation

That Council adopts the Risk Management Policy 2021.

Support Attachments

1. Risk Management Policy Adopted June 2018 - Review 2021 ↓

Considerations and implications of recommendation

Liveable community

Social

An element within this policy is to protect as far as is reasonably practicable, the organisation and the community against reasonably foreseeable risks.

Natural Environment

An element within this policy is to protect as far as is reasonably practicable, the organisation and its employees, contractors, assets and the community against reasonably foreseeable risks associated with the natural environment.

Climate Emergency

An element within this policy is to protect as far as is reasonably practicable, the organisation and its employees, contractors, assets and the community against reasonably foreseeable risks including the climate emergency.

Built Environment

An element within this policy is to protect as far as is reasonably practicable, the organisation and its built assets against reasonably foreseeable risks.

Customer Service and Community Engagement

There are no customer service or community engagement implications.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

In the development of the Risk Management Policy the requirements of the Governance Principles as per the Local Government Act 2020 have been considered and are summarised below:

LGA S 9.1	Governance Principle	Consideration
a)	Compliance with the law	All relevant requirements have been considered in developing this policy.
b)	Achieve best outcomes for the community	The risk management policy underpins decision making to minimise the downside of actions, and maximise the benefits
c)	Promote the sustainability of the municipality	Climate Emergency is listed as one of Council's key strategic risks.
d)	Engage the community in strategic planning and decision making	Risk management is fundamental to strategic planning and decision making .

e)	Strive for innovation and continuous improvement	The Risk Management Policy supports identification of improved controls, minimising downside of risk and maximising the benefits
f)	Collaborate with all other levels of government and government agencies	Not applicable for this policy
g)	Secure the ongoing financial viability of Council	Security of Council's financial viability has been a primary consideration in the development of this policy.
h)	Strategic planning and decision making must take into account plans and policies in operation at all levels.	Risk management is fundamental to managing strategic, project and operational risks associated with strategic planning and decision making
i)	Council decisions, actions and information must be transparent.	This policy relates to internal management of Council's strategic and operational risks, and provides a process with the assessment of risks

There are no Gender Equality Act implications as a result of this policy.

Legal

Failure to address risk management issues could result in statutory breaches and legal implications.

Finance

There are no financial implications.

Links to Council policy and strategy

The risk management policy is an integral element of Council's overarching risk management framework which supports the delivery of Council's objectives.



Council policy title:	Risk Management Policy
Council policy ref no:	DOC/18/128063
Council policy owner:	Director Corporate Services
Adopted by:	Bayside City Council
Date adopted:	February 2021
Scheduled review:	February 2023

1. Policy intent

To ensure Council is able to deliver on its obligations and strategic objectives by effectively managing the risks inherent in all Council activities.

To establish an organisational culture where risk management is an integral part of management practice and is embedded in all activities and business processes.

To build commitment to continuous improvement in risk management performance.

2. Purpose/Objective

To align Council's approach to risk management to the AS/NZS ISO 31000: 2018 Risk Management – Guidelines Standard as follows;

- Ensuring the establishment of an appropriate risk management framework;
- Defining and clarifying Council's risk appetite and ensuring the alignment of risk management processes and procedures;
- Defining responsibility for managing risk;
- Embedding systematic, enterprise-wide risk management into business processes to ensure resources are applied effectively to prioritise and mitigate risk exposures in a coordinated manner, and to gain the benefits of identified opportunities;
- Identifying, understanding and managing those risks that may be shared across Council jurisdictional boundaries with the community and interest groups, other agencies and Councils, and the commercial business sector;
- Communicating and consulting about risk to ensure Council and management staff are in a position to make informed decisions using identification, analysis and assessment to determine alternative courses of action;
- Maintaining risk management capability to ensure all Council management obligations, assets, property and services are safeguarded;
- Reviewing and continuously improving the overall management of risk; and
- Developing a positive risk culture throughout the organisation.

3. Scope

This policy covers all areas of Council and is applicable to all employees, contractors, volunteers and councillors.

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Consideration of risks must occur at all levels of operation, in planning, service delivery, project management and is integral to both long term strategy planning and day to day operations.

4. Roles & Responsibilities

Council will adopt a Risk Management Policy in accordance with appropriate standards, review reports from the Audit and Risk Committee and on a 6 monthly basis receive reports on strategic risk.

The CEO has overall guiding responsibility for risk management policy, communication and embedding of risk management principles into strategic and operational planning and performance management practices.

The Director Corporate Services and Manager Commercial Services are responsible for ensuring ongoing review and implementation of the risk management policy, strategy and procedures.

The Risk Management Coordinator is responsible for the facilitation of the risk management policy, strategy, and practices including training and awareness of staff with respect to risk management principles and organisational approach.

The Executive Team will create and sustain a high level of risk management performance for the organisation through providing strategic direction, building capacity and leading change through innovation. The Executive Team will work collaboratively and support each other in striving to assist individuals and the organisation to deliver a strong culture of risk management in making Bayside a Better Place.

The Director Corporate Services will champion risk management issues in Executive discussion.

Directors and Executive Managers are responsible for driving risk management accountability and culture in their areas of responsibility and ensuring that all foreseeable risks are identified and effectively managed. They are responsible to ensure appropriate data for effective monitoring and control of risks is available from their areas of responsibility to monitor risk management performance.

The Audit and Risk Committee will provide governance oversight for the management of risk in accordance with the Audit and Risk Committee Charter.

Each manager is accountable for implementing the risk management practices in their area of responsibility and will be partnered and supported by the Risk Management Coordinator. This includes ensuring that risks are identified, managed, reviewed and monitored effectively.

It is the responsibility of all Council employees, contractors, volunteers and representatives to properly apply Council's risk management processes and procedures and to support the identification and improvement of risk management within the organisation.

Risk management accountabilities are included in position descriptions, performance planning and business planning documentation.

5. Monitoring, evaluation & review

The effectiveness of Council Risk Management Policy and Framework will be assessed through:

- Regular reporting to ET on the status of strategic risks, emerging risks, changes to the risk profile and status of any action plans associated with improving risk management practices.
- Reporting to the Audit and Risk Committee.
- ET will undertake a periodic review of the risk management framework.
- 6 monthly review of strategic risks to be completed by ET.



- 6 monthly reporting to Council on strategic risk.
- Consideration annually of any changes required to the Policy, Strategy and Risk Assessment Procedure to be facilitated by Director Corporate Services.

6. Policy statement

Risk is inherent to Council's many administrative and operational activities and that its effective management underpins Council's continued growth and success.

By effectively managing risk, Council aims to increase the certainty of both desired business outcomes and the fulfilment of its obligations to its stakeholders who include employees, clients, the community and government.

Council will continue to foster an organisational culture that supports processes and structures that will effectively manage the uncertainty of risk whilst maximising opportunities within its operating environment.

Risk management is essential for sound strategic, financial and operational planning to ensure that risks are identified and their potential adverse impacts mitigated as far as reasonably practicable to better realise sustainable outcomes.

The effective management of risk includes a process of continuous improvement that requires regular review and ongoing evaluation.

Council will:

- create and maintain a risk management environment that enables Council to deliver high quality services and meet performance objectives;
- promote and support risk management practices and encourage and empower its staff in managing risk;
- protect as far as is reasonably practicable, the organisation and its employees, contractors, assets and the community against reasonably foreseeable risks;
- integrate risk management with existing planning and operational processes in line with Councils business planning and reporting framework;
- monitor the risk management practices of the organisation to ensure continued effectiveness, consistency and efficiency;
- review, evaluate and amend controls to mitigate risks and build organisational capacity to leverage newly identified opportunities
- continuously improve its practices to benefit the community and minimise costs associated with risk whilst ensuring compliance is maintained.
- utilise risk management as a critical part of project and contract management;
- ensure compliance with legislative requirements and current industry standards;
- demonstrate transparent and responsible risk management processes that align with best practice;
- demonstrate the risk management process of identifying, analysing, evaluating and treating risks, as outlined in the Risk Management Standard, AS/NZS ISO 31000:2018 as a guide to establish an integrated and systematic approach for managing risk within Council.

7. Related documents



Policies	Fraud Policy; Business Continuity Policy; Motor Vehicle Policy, OH&S Policy, Audit and Risk Committee Charter
Procedures	Risk Assessment Procedure
Guidelines and Standards	AS/NZS ISO 31000: 2018 Risk Management - Guidelines

8. Definitions & Abbreviations

Term	Meaning
Risk	The effect of uncertainty on objectives *effect can be positive or negative, *uncertainty exists whenever the knowledge or understanding of an event, consequence, or likelihood is inadequate or incomplete *objectives have different aspects (eg financial, safety, reputation) and apply at all levels from strategic to project and process
Strategic Risk	Potential to materially affect the ability of Council to deliver on strategic objectives
Strategic Objectives	The key outcomes needed to achieve Council vision
Risk Management	The culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects (AS/NZS ISO31000: 2018).
Risk Management Framework	Set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.
Risk appetite	The amount and type of risk that an organisation is willing to pursue or retain

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



10.13 PROPOSED LEASE OF ONE TELECOMMUNICATION SITE TO VODAFONE

Corporate Services - Commercial Services
File No: PSF/21/26 – Doc No: DOC/21/112194

Executive summary

Purpose and background

The report seeks a Council resolution in accordance with Sections 190 and 223 of the *Local Government Act 1989* (Act) to enter into a new Lease Agreement (Lease) with Vodafone Network Pty Ltd (Vodafone) for the occupation of a site located within Sandringham Golf Course.

The proposed Lease is a renewal of an existing telecommunications lease at the Sandringham Golf Course which is due to expire on 29 May 2021.

Vodafone has signed a 'Heads of Agreement' with Council for this site and has agreed to a commencing rent that is consistent with the market. Attachment 1 provides full details of the Heads of Agreement.

Below is a summary of the commercial terms that have been accepted by Vodafone for this site:

Sandringham Golf Course- Cheltenham Road, Cheltenham

Commencement Date: 30 May 2021

Term: 10 years

Options for a further term: 1 further term of 10 years

Commencing Annual Rent: \$19,000 plus GST

Rental Escalation: Fixed 3% on the anniversary of the commencement date

Council, at its 16 March 2021 Ordinary Meeting of Council, considered a report regarding this proposal and resolved:

That Council:

- 1. commences the statutory procedures under Sections 190 and 223 of the Local Government Act 1989, to enter into a new Lease with Vodafone Network Pty Ltd in accordance with the Heads of Agreements provided in Attachment 1, for the occupation of one site, being part of the Sandringham Golf Course*
- 2. directs that under Section 190 and 223 of the Local Government Act 1989, public notice of the proposal to lease the site described in Clause 1 above be given*
- 3. authorises the Director Corporate Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the Lease proposed*

4. *establishes a Special Committee of Council and determines the membership of the Committee (with a minimum of three {3} councillors) to hear any submitters that wish to be heard*
5. *in the event that submission/s are received, convenes a Special Committee of Council meeting on Wednesday 5 May 2021 at 6:00pm, to be held at the Council Chamber, Boxshall Street, Brighton, or held remotely via electronic media, to hear any submitters that wish to be heard*
6. *receives a further report after the completion of the above statutory processes, in order to consider and make a decision about whether to grant the Lease described in Clause 1.*

Public Notice was provided in accordance Section 223 of the *Local Government Act 1989* and no submissions were received in relation to the proposal.

Key issues

Existing Telecommunications Towers

The site contains an existing telecommunication network facility and associated infrastructure. No additions or alterations to the facility or the associated infrastructure have been proposed under the new lease.

Objections to the Proposal

Public Notice was provided in accordance Section 223 of the *Local Government Act 1989* whereby no submissions were received.

Conclusion

The commencement of the new Lease to Vodafone will provide for an all-in rent worth in excess of \$510 000 to Council over the 20-year lease period.

Officers recognise the importance of telecommunication network facilities in the Bayside community, to continue to provide the required telecommunication services.

Recommendation

That Council:

1. in accordance with Sections 190 and 223 of the *Local Government Act 1989*, authorises the Director of Corporate Services to execute a new Lease to Vodafone Network Pty Ltd (Vodafone) in accordance with the Heads of Agreements provided in Attachment 1, for the occupation of one site being part of the Sandringham Golf Course, under the following terms:

Site: Sandringham Golf Course

Tenant: Vodafone Network Pty Ltd

Purpose: Installation and operation of the Tenant's equipment and a telecommunications base station forming part of a telecommunications network

Premises: Part of the Sandringham Golf Course- Cheltenham Road, Black Rock

Commencement Date: 30 May 2021

Term: 10 years

Further Term: One Further Term of 10 Years

Commencing Annual Rent: \$19,000 plus GST

Rent Escalation: An annual increase of 3% of the rent payable during the prior year.

Support Attachments

1. Attachment 1 - Vodafone Heads of Agreements - Sandringham Golf Course ↓

Considerations and implications of proposition

Liveable community

The proposal will not have an unreasonable impact upon the amenity of the Bayside community as the site has already been constructed and legally exists. To the best of Council's knowledge, this site has not created any issues to date.

The proposal will continue to benefit the area, providing telecommunication network services as required.

Social

Providing security for this ongoing telecommunication network facility will continue to benefit many individuals and businesses within the area.

Natural Environment

There will be no removal or disturbance of vegetation as a result of the new Lease.

Climate Emergency

There are no climate change implications associated with this report.

Built Environment

The current installation of the telecommunication network facility at this site is outlined as follows:

This facility comprises an equipment cabinet only with antennas attached to the adjoining tower. The facility occupies part of the property known as Sandringham Municipal Golf Links, Cheltenham Road, Black Rock. Vodafone has received Council approval for the construction, maintenance and operation of the telecommunication network facility and telecommunication service at this site. The location of this facility remains appropriate for Vodafone's current and ongoing use, in order to fulfil its purpose.

Customer Service and Community Engagement

Council gave notice in the Age and on its website of its intention to enter into the new Lease. Council did not receive any submissions in relation to the proposal.

Consultation has been undertaken with all relevant Council departments and external service authorities. No objections have been received from internal or external service authorities.

Human Rights

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

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

In the instance where Council does not approve the Lease, it will need to advise Vodafone that vacant possession is required at the expiration of their current lease.

The risk of such a decision may lead to Vodafone utilising its powers under the *Telecommunications Act 1997*, which allows them to enter on land and install a facility, if that

facility constitutes a low-impact facility, as authorised by the Telecommunications (Low-impact Facilities) Determination 2018.

Officers anticipate it is likely that Vodafone would utilise its powers in that instance, which, in effect, may produce a similar outcome to what is currently in place, only with a negative impact on Council from a financial perspective.

Finance

The rent has been agreed following market valuations conducted on behalf of Council. If Council approves the proposal, Council will generate in excess of \$510K over the 20-year Lease term, through leasing of this site.

Links to Council policy and strategy

The Council Plan contains three strategies that link to the property related matters as follows:

Goal 3 - A liveable City

3.2.1 Ensuring community assets and infrastructure meet current and expected needs.

Goal 7 - Financial Responsibility and Good Governance

7.1.1 Developing alternative income sources to take pressure off rate increases and improve long term financial viability

7.1.3 Maximising community utilisation of Council assets to improve financial and/or social return.

The Long-Term Financial Plan and Strategic Resource Plan

Identified the development of a Property Strategy as a key guide to drive better community value from Council's property assets.

4 September 2020



Elise Faulds
Leasing Manager
Colliers International on behalf of Vodafone Network Pty Ltd
Level 42
Northpoint, 100 Miller Street
NORTH SYDNEY NSW 2060

76 Royal Avenue, Sandringham
PO Box 27 Sandringham VIC 3191
T (03) 9599 4444
F (03) 9598 4474
enquiries@bayside.vic.gov.au
www.bayside.vic.gov.au

By email: elise.faulds@colliers.com

Dear Elise,

HEADS OF AGREEMENT

Premises at: Sandringham Golf Course, Cheltenham – Site No: 3085

Proposed Lease: Bayside City Council ("**Council**") to Vodafone Network Pty Ltd ("**Tenant**")

Council proposes the following Heads of Agreement for Lease for your review and approval.

This Heads of Agreement and the Lease are subject to and conditional upon:

1. **Approval by Council** (it being acknowledged that these Heads of Agreement have been prepared by a Council officer, and formal Council approval is required);
2. **Council, as landlord, giving notice of its intention to grant the lease pursuant to section 190 of the Local Government Act 1989 and resolving to enter into the lease pursuant to section 223 of that Act;**

It is the intention of the parties that, upon the tenant's acceptance of the terms set out in this Heads of Agreement, the tenant will be legally bound and the terms of this Heads of Agreement will amount to an enforceable agreement between the parties, subject only to the approvals and conditions referred to above and to Vodafone final approval.

1 Landlord

Bayside City Council of 76 Royal Avenue, Sandringham Victoria 3191

2 Tenant

Vodafone Network Pty Ltd
C/- Colliers International- Level 42, Northpoint, 100 Miller Street, North Sydney
NSW 2060

3 Premises

The land hatched in the attached plan, being part of the property known as Sandringham Golf Course, Cheltenham Road, Black Rock VIC 3193

- 4 Term**
10 years
- 5 Commencement Date**
30 May 2021
- 6 Option/s for Further Term/s**
One (1) further term of ten (10) years
- 7 Commencing Annual Rent**
\$19,000 + GST
- 8 Rent Commencement Date**
30 May 2021
- 9 Rent Review**
On each anniversary of the Commencement Date during the term and any further term (including the commencement date of any further term) rent shall be increased by 3% of the rent payable during the immediately prior year
- 10 Outgoings, Services, Rates and Taxes**
The rent is net of outgoings, which are to be paid by the tenant on a proportional basis in accordance with the terms specified in Council's standard lease.

The tenant will pay electricity costs for services connected to the Premises. Vodafone to pay separately levied rates
- 11 Permitted Use**
Installation and operation of the Tenant's equipment and a telecommunications base station forming part of a telecommunications network
- 12 Make Good**
At the end of the lease, the tenant is required to vacate the Premises leaving them clean, in good repair, and in the condition required by the Lease. Fair Wear and Tear is acceptable
- 13 Landlord's Works**
Nil
- 14 Tenant's Works**
Any Tenant works must be carried out in accordance with the terms of the Lease and all Laws and Requirements.

Plans for any proposed works must be submitted to Council for its approval, where approval will not be unreasonably withheld.

15 Lease Documentation

- 15.1 The Lease to be entered into by the parties will be in the form of Council's standard form of Lease amended to reflect the terms set out in these Heads of Agreement and will be subject to final Vodafone approval.
- 15.2 The Lease documentation is to be prepared by Council or Council's lawyers.
- 15.3 In the event of any inconsistency between the terms of these Heads of Agreement and the formal Lease, the formal Lease document/s shall prevail.

16 Legal Costs

Vodafone to reimburse Council \$3,000 upon execution of the lease.

17 Lease Plan

Vodafone to prepare and present a new lease plan to Council for approval.

Please confirm the tenant's agreement to the terms set out in these Heads of Agreement by signing the enclosed copy, and returning it to Nicholas Beck, Property Coordinator, Bayside City Council.

If you have any questions or would like to discuss the contents of this agreement, please contact me direct by telephone (03) 9599 4441 or email: Nbeck@bayside.vic.gov.au.

Regards,



Nicholas Beck
Property Coordinator
Bayside City Council

Elise Faulds agrees to the above terms and conditions.

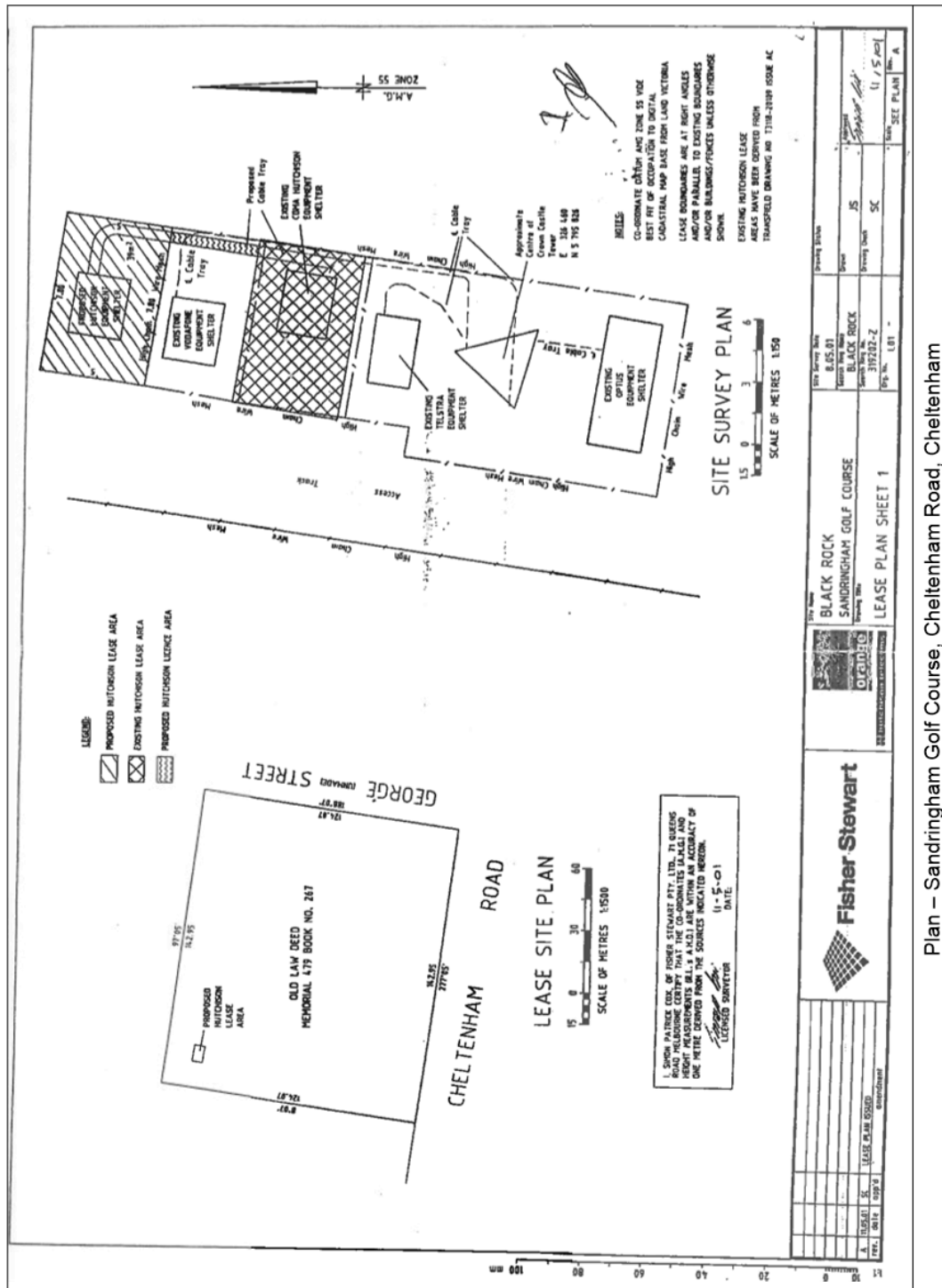


.....
Elise Faulds – Leasing Manager – Colliers International on behalf of Vodafone Network Pty Ltd

10/9/2020

.....
Date

Enc. Plan – Cheltenham Road, Cheltenham – Site 3085 (a.k.a Sandringham Golf Course)



Plan – Sandringham Golf Course, Cheltenham Road, Cheltenham

10.14 2020–21 2ND QUARTER (OCTOBER–DECEMBER) AND 3RD QUARTER (JANUARY–MARCH) PERFORMANCE REPORTS

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/132881

Executive summary

Purpose and background

The purpose of this report is to present Council with the Quarterly Performance reports for the October – December 2020 and January – March 2021 periods.

The attached Quarterly Reports include the following key information:

- performance at a glance
- financial overview
- financial summary
- Capital Works Program progress
- Council Plan progress by goals including service data
- reports against other key plans.

Highlights

Highlights within these two quarters include:

- Council elections and induction of new Council including 3 new Councillors
- The Rediscover Bayside campaign: Pop up footpath dining, shop local program, Christmas decorations and other activities to revitalise the local economy and community connection
- Council is certified as carbon neutral by Australian Government's Climate Active Carbon Neutral Standard program
- The official opening of the Sandringham Living and Learning Centre (Library and Maternal Child Health Centre upgrade)
- Employee Engagement Survey recording high levels of engagement remaining in the top quartile in the survey benchmark, despite the challenges of COVID and workplace transition.

Financial Summary

2020–21 Quarter 3 Operating Result

The current forecast for the year is a surplus of \$21.09M which is \$1.99M favourable to the adopted budget.

The forecast result includes developer contributions which are \$2.0M favourable to budget due to a strong performance for subdivisions in the municipality.

The underlying year-end forecast is a surplus of \$13.49M which is (\$1.75M) unfavourable to the adopted budget and is due mainly to the impact of the COVID-19 restrictions which have been more severe and have lasted longer than originally predicted in the budget.

The 2020–21 budget estimated a reduction of \$3.4M in revenue due to the impact of COVID-19 restrictions on the economy, however the March forecast estimates a reduction of \$5.8M for the year.

Capital Result

Capital expenditure is expected to exceed budget by \$7.5M for the year due to:

- The additional carry forward of projects from 2019–20 (\$5.0M) due to the expected timings and completion of projects.
- projects budgeted for and brought forward from 2021/22 (\$3.42M)
- Project Budget savings identified (\$3.52M) from accumulated minor savings and one cancelled project
- project budget savings (\$1.0M) due to the deferral of projects to 2021–22 due to construction delays
- budget increases approved by the Executive Project Board (\$3.56M).

Conclusion

The intent of the Quarterly Report is to provide a current snapshot of the organisation's performance, but more importantly tell the performance story to both the community and staff.

Both Quarterly Reports will be placed on Council's website following Council's consideration, and the report will be shared with all staff to highlight the performance, successes and challenges.

Recommendation

That Council notes the October–December 2020 and January–March 2021 Quarterly Performance Reports.

Support Attachments

1. 2020/2021 2nd Quarter (Oct – Dec 2020) Performance Report (separately enclosed)
2. 2020/2021 3rd Quarter (Jan – Mar 2021) Performance Report (separately enclosed)

Considerations and implications of proposition

Liveable community

Social

There are no social impacts associated with this report.

Natural Environment

There are no natural environment impacts associated with this report.

Climate Emergency

There are no climate emergency impacts associated with this report.

Built Environment

There are no built environment impacts associated with this report.

Customer Service and Community Engagement

The quarterly report will be communicated to the community via Council's website and to all staff via the intranet.

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*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal implications associated with this report.

Finance

A detailed financial summary including capital works summary is included in Attachment 1.

Links to Council policy and strategy

The Quarterly Report aligns with Goal 8 of the Council Plan – Governance – ensuring Bayside is open and transparent. The report also aligns with the Organisation Strategy in particular Goal 4 – We Deliver.

10.15 COUNCIL ACTION AWAITING REPORT

Corporate Services - Governance
File No: PSF/21/23 – Doc No: DOC/21/132192

Executive summary

Purpose and background

This report presents to Council a schedule of actions pending for the period to 18 May 2021.

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 - 18 May 2021 Council Meeting ↴

Council Action Awaiting Report Attachment

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
24/05/16	10.7	<p><u>Childrens' Sensory Garden Investigation</u></p> <p>That Council:</p> <ol style="list-style-type: none"> notes the typical elements of a suburban sensory garden; proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside; seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and receives a further report detailing the financial implications associated with the establishment of a sensory garden. 	ERI	<p>A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site.</p> <p>The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</p>
24/10/17	10.16	<p><u>HMVS Cerberus – Heritage Works Permit Update</u></p> <p>That Council:</p> <p>...</p> <ol style="list-style-type: none"> Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus. 	ERI	<p>A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</p>
21/8/18	10.7	<p><u>Early Years Infrastructure Plan</u></p> <p>That Council:</p> <p>...</p> <ol style="list-style-type: none"> receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed receives a further report following a review of the Infrastructure Plan in year five. 	CCE	<p>A report will be provided to Council on the completion of the development works.</p>

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
25/6/19	10.17	<p><u>Bayside Tennis Strategy</u> That Council:</p> <ol style="list-style-type: none"> 1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris. 	ERI	A report will be submitted to a future meeting.
25/6/19	10.20	<p><u>Parking Technology, Church Street Major Activity Centre - Engagement Findings</u> That Council: ... 3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:</p> <ul style="list-style-type: none"> • the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and • if the project has proven successful, the development of a multi-year program to install parking management technology (i.e. parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces. 	ERI	A report will be submitted to a future meeting.
15/10/19	10.3	<p><u>Small Neighbourhood Activity Centres (SNACs) - Building Height Review & Recommendations</u> That Council receives a report following the approval of Amendment C126 that outlines opportunities for mandatory height controls in Small Neighbourhood Activity Centres.</p>	CPA	A report will be submitted to Council following the approval of Amendment C126.

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
15/10/19	10.9	<p><u>Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Receives a further report highlighting the health impacts of climate change to the residents of Bayside. 	CCE	A further report will be submitted to a future Council Meeting.
24/03/20	10.2	<p><u>Elsternwick Park Nature Reserve Masterplan</u></p> <p>That Council:</p> <p>...</p> <ol style="list-style-type: none"> 3. Receives a report at a future Ordinary Meeting of Council regarding the progress of the funding agreement with the City of Port Phillip. 	ERI	A report will be submitted to a future Council Meeting.
28/07/20	10.11	<p><u>Sandringham Hospital Strategic Agreement</u></p> <p>That Council:</p> <p>...</p> <ol style="list-style-type: none"> 2. provides a further report to Council by June 2021 detailing the outcome of these discussions. 	CCE	A report will be submitted at or before the June 2021 Ordinary Council Meeting.
18/08/20	10.6	<p><u>Bayside Environmental Sustainability Framework 2016-2025 - Annual Progress Report</u></p> <p>That Council:</p> <p>...</p> <ol style="list-style-type: none"> 2. receives a further report in the first quarter of the 2021/22 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks 	ERI	A report will be submitted to a future Council Meeting, at or before the September 2021 meeting.

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
18/08/20	10.8	<p><u>Integrated Transport Strategy 2018 - Implementation Progress During 2019/20</u></p> <p>That Council:</p> <p>...</p> <p>2. receives a report presenting the implementation progress of the Integrated Transport Strategy 2018 - 2028 in August 2021.</p>	ERI	A report will be submitted to the August 2021 Ordinary Council Meeting.
18/08/20	10.10	<p><u>Brighton Secondary College Synthetic Hockey Facility - Management Committee Financial Update</u></p> <p>That Council receives a further report by no later than 31 August 2021 from the Brighton Secondary College Hockey Facility Management Committee, summarising activities including the financial position of the Management Committee.</p>	ERI	A report will be submitted to a future Council Meeting, no later than the August 2021 meeting.
18/08/20	10.22	<p><u>CONTRACT CON/20/82 Moorabbin West, Hampton East and Sandringham Oval Reconstruction</u></p> <p>That Council:</p> <p>...</p> <p>5. receives a report at a future meeting detailing the outcomes of a review of the Sportsground Reconstruction Program.</p>	ERI	A report will be submitted to a future Council Meeting.

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
15/09/20	10.2	<p><u>Cheltenham Heritage Station Buildings and Scout Hall</u></p> <p>That Council:</p> <p>...</p> <p>3. receives a report at a future Council meeting that outlines the outcomes of the feasibility study, community engagement and proposed project cost.</p>	ERI	A report will be submitted to a future Council Meeting.
17/12/20	4.2	<p><u>Proposed Neighbourhood Amenity Local Law 2021</u></p> <p>That Council:</p> <p>...</p> <p>5. receives a further report at the Ordinary Meeting of Council on Tuesday 18 May 2021 which considers any submissions received, prior to the adoption of the Neighbourhood Amenity Local Law 2021.</p>	CPA	A report is included in this Agenda.
22/12/20	10.4	<p><u>Economic Development and Tourism Strategy update</u></p> <p>That Council:</p> <p>...</p> <p>2. receives a progress report on the Economic Development and Tourism Strategy review in response to COVID-19 by June 2021.</p>	CPA	A progress report will be submitted to Council at or before the June 2021 Ordinary Council Meeting.

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
22/12/20	10.7	<u>Sustainable Infrastructure Policy update</u> That Council receives a report on the updated Sustainable Infrastructure Policy at a Council meeting in the second quarter of 2021.	ERI	A report will be submitted to Council at or before the June 2021 Ordinary Council Meeting.
16/02/21	7.1	<u>Petition requesting Council to consider installing traffic calming devices along Burrows Street, Brighton</u> That the petition be received and a report be submitted to the May 2021 Ordinary Meeting of Council on this matter.	ERI	A report is included in this Agenda.
16/02/21	10.2	<u>Sandringham Family Leisure Centre - Master Plan</u> That Council ... 2. receives a report at the June 2021 Council Meeting providing outcomes of discussions with commercial providers regarding a Warm Water Pool within the municipality	ERI	A report will be submitted to the June 2021 Ordinary Council Meeting.
16/02/21	10.3	<u>Wilson Recreation Reserve - Brighton Grammar School proposal update</u> That Council ... 3. further considers a report no later than June 2021 on the results of the consultation and includes in the report an assessment of the proposal against Council's Open Space Strategy 2012 and any impact the proposal will have on availability of open space for community use within the Middle Brighton area.	ERI	A report will be submitted to an Ordinary Council Meeting no later than June 2021

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
16/02/21	10.9	<p><u>Draft Bayside Affordable Housing Strategy</u> That Council</p> <p>... 3. receives a report at the 15 June 2021 Ordinary Meeting of Council which includes the outcome of community consultation and the final Strategy for consideration.</p>	CORP	A report will be submitted to an Ordinary Council Meeting no later than June 2021
16/03/21	10.1	<p><u>Expression of Interest and possible Future Uses for Billilla Homestead</u> That Council</p> <p>... 4. prepare a report for the October 2021 Council meeting addressing the circumstances whereby Council takes back control of the Billilla house and provide Council with:</p> <ul style="list-style-type: none"> • a Community Engagement plan to commence when vacant possession of the Billilla Homestead has been obtained • a summary of the various possible models for the day to day management of the Billilla Homestead and the viability of possible uses by Council, Community and Commercial entities • a proposal to update the Conservation Management Plan and for a detailed assessment of all works required to maintain the structural integrity of the Billilla estate buildings. 	CORP	A report will be submitted to the October 2021 Ordinary Council Meeting.

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
16/03/21	10.3	<p><u>Amendment 165bays - 5 & 7 Well Street, Brighton</u> That Council</p> <p>... 4. receives a report at the September 2021 Council Meeting on the community engagement and study findings, and considers the implications for the appropriate land use of 7 Well Street.</p>	CPA	A report will be submitted to the September 2021 Ordinary Council Meeting.
16/03/21	10.8	<p><u>Proposed Lease of One Telecommunication Site to Vodafone</u> That Council</p> <p>... 6. receives a further report after the completion of the above statutory processes, in order to consider and make a decision about whether to grant the Lease described in Clause 1.</p>	CORP	A report is included in this Agenda.
16/03/21	13.2	<p><u>Notice of Motion - 307 - Landcox Park Lake</u> That Council receives a report at the May 2021 Council meeting detailing the need, timeframe and cost to improve the water quality of the Landcox Park Lake.</p>	ERI	A report is included in this Agenda.

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
16/03/21	13.3	<p><u>Notice of Motion - 308 - Grey-headed flying fox protection measures</u></p> <p>That Council:</p> <ul style="list-style-type: none"> • receives a Draft Policy on Managing Barbed Wire to reduce impacts on Wildlife at the June 2021 Council Meeting and this draft policy to focus on at least the following areas: <ul style="list-style-type: none"> ◦ completing an audit of barbed wire on Bayside City Council land and obvious adjoining properties ◦ eliminating barbed wire wherever possible on Council land ◦ providing alternatives where it is not possible to eliminate barbed wire e.g. reducing the number of strands and making barbed wire visible • receives in the same report as the Draft Policy at the June 2021 Council meeting information on trees and plants that are the best food sources for grey-headed flying foxes and a proposed approach for implementing a planting program to provide this habitat. 	ERI	<p>A report will be submitted to the June 2021 Ordinary Council Meeting.</p>
20/04/21	10.10	<p><u>Proposed discontinuance and sale of road adjoining 2, 2a, 4, 6, 8, 10 and 12 Emily Street, Brighton</u></p> <p>That Council defers consideration of the matter until the July 2021 Council meeting to enable further consultation with interested parties.</p>		<p>A report will be submitted to the July 2021 Ordinary Council Meeting.</p>

DATE OF MEETING	ITEM	COUNCIL RESOLUTION	DIVISION	COMMENTS/STATUS
20/04/21	13.1	<p><u>Notice of Motion - 309 - Nature-Rich Bayside</u></p> <p>That Council:</p> <p>...</p> <p>4. receives a report at the June 2022 Council Meeting providing an update on the actions detailed above with a particular focus on:</p> <ul style="list-style-type: none"> • implementation of the Wildlife Friendly Lighting Policy; • success or otherwise of the nest-box and log hollow project; and • progress of the Water for Wildlife project. 		<p>A report will be submitted to the June 2022 Ordinary Council Meeting.</p>

11. Reports by Delegates

1. **Association of Bayside Municipalities** – Cr Fiona Stitfold
2. **Metropolitan Transport Forum** – Cr Sonia Castelli
3. **Municipal Association of Victoria** – Cr Alex del Porto
4. **Inner South Metropolitan Mayors' Forum** – The Mayor, Cr Laurence Evans OAM
5. **Metropolitan Local Government Waste Forum** – Cr Clarke Martin
6. **South East Councils Climate Change Alliance** – Crs Clarke Martin and Fiona Stitfold

12. Urgent Business

13. Notices of Motion

There were no Notices of Motion submitted to the meeting.

14. Confidential Business

That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), 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 3(1) (confidential information) of such Act:

- (a) Council business information*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT MATTERS COMMITTEE HELD ON 26 APRIL 2021

(LGA 2020 Section 3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.)

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins

Chief Executive Officer