

Notice is given that a Special Meeting of the Kingston City Council has been scheduled for 8.00pm at 1230 Nepean Highway Cheltenham on Monday 20 October 2008.

Business will be as follows:

1. **Apologies**
2. **Declaration by Councillors or Officers of any interest or conflict of interest in any items on the Notice Paper, pursuant to Section 79 Local Government Act 1989.**

3. **Reports by Officers**

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4. **Urgent Business**
5. **Confidential Items in Camera**

K 158

Chicquita Park

Approved by: John Nevins, Chief Executive Officer

Author: Tony Rijs, General Manager Environmental Sustainability

1. Purpose

To provide Council with an update on negotiations with the developer of 20 Levanto Street and to seek Council endorsement on a proposal to enable the development to be fast tracked in order to minimise disruption to residential amenity caused by the building works.

2. Background

Council, at a Special meeting held on 6 October 2008, resolved to put a proposal to the developer of the land at 20 Levanto Street for residential purposes. This was subsequently put to the developer who indicated concerns with elements of it.

In subsequent discussions with the developer canvassing Council's concern with paying \$700,000 for 44.9% of the site when the community did not have access to it, the developer advised that he was prepared to accept the principle of Council not paying the \$700,000 until Council received 44.9% of the site in a useable condition. But the developer also put forward an alternative proposal considered more equitable based on the following terms:

"We agree to amend to 173 Agreement to reflect these payment and handover arrangements.

We will treat the sum of \$700,000 on the following basis of \$575,000 relating to land and \$125,000 for landscaping.

We will comply with the schedule and land area as depicted in the attached plan being that the areas are handed over on the dates nominated

Irrespective of the land handover schedule we should agree that the landscaping for the land marked Red and Blue, they are entitled to complete landscaping within 60 days of the proposed handover.

In respect of the land sum of \$575,000, the following payments will be made by Council upon handover of the land:-

<i>Land Marked Red</i>	<i>28% of \$575,000 = \$160,000</i>
<i>Land Marked Green</i>	<i>24% of \$575,000 = \$140,000</i>
<i>Land Marked Orange</i>	<i>12% of \$575,000 = \$70,000</i>
<i>Land Marked Blue and Yellow</i>	<i>36% of \$575,000 = \$205,000</i>

(These numbers have been rounded to the closest \$5,000)

In respect of Landscaping, we agree to complete landscaping of the areas prior to handover with the exception of the Red and Blue areas where they require an additional 60 days after handover to complete. On completion of the Red and Green areas they require release of 50% of the Landscape amount and on completion of the balance of the site we required release of the further 50%.”

3. Conclusion

It is considered that the proposal put forward by the developer meets Council objectives of:

- Ensuring the development is completed in a timely manner.
- Withholding payment for land to be transferred to Council until such time as the community can derive benefit from the land.

Providing an additional clause requiring completion of the Scout Hall works prior to the 18 December 2009 is also incorporated. It is suggested the developers counter proposal should be supported.

4. Recommendation

That Council enter into an agreement with the developer of 20 Levanto Street in line with the alternative proposal terms set out in this report.

Attachment:

Map