

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 23 November 2009.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 26 October 2009.
- 3. Foreshadowed Declaration by Councillors or Officers of any Conflict of Interest**
[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]
- 4. Petitions**
- 5. Presentation of Awards**
A presentation will be made to Mary Rimington OAM – 40th Anniversary Mordialloc Beaumaris Conservation League Inc
- 6. Reports from Village Committees**
A report on issues arising out of the Village Committee meetings in November 2009 is attached. Page 3
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time**
- 9. Environmental Sustainability Reports ***
L186 Contract 09/46 Programmed Street Tree Maintenance Services Page 7
L187 Tenders for Contract No 09/69 – Road Resurfacing by Sprayed Sealing Page 11
- * Please note that due to the migration of files over to the new software application Town Planning Application Decisions for August, September and October will be presented to the December 2009 Ordinary Council meeting along with the November decisions.
- 10. Community Sustainability Reports**
L188 Kingston Heath Regional Soccer Facility – Synthetic Surfaces Installation Contract Page 14
L189 Clarinda Community Centre – Management Options Page 20
L190 Regional & Local Community Infrastructure Program – Proposed Projects Page 29
- 11. Organisational Development & Governance Reports**
L191 Cr Ward Fund Applications Page 34
L192 Review of Delegations – Council to Chief Executive Officer and Council to Staff Delegations Page 39
L193 Meeting Procedures Local Law Page 42
- 12. Corporate Services Report**
L194 Proposed Discontinuance of Road abutting Stanley Avenue Cheltenham Page 45

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

13. Notices of Motion

- L 196 Cr West: Review of the NNUAFP and Associated Documents
- L 197 Cr West: Dingley Freeway Route
- L 198 Cr West: Review of Right of Way and Drainage Reserve Sales Policy
- L 199 Cr West: Kingston Development Applications

14. Urgent Business

15. Items in Camera

- L195 Proposed Discontinuance and Sale of Road rear
95-107 Centre Dandenong Road, Dingley Village

Page 48

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

**6(a) Cheltenham Village Committee
Chairperson - Joe Astbury**
Report of Meeting held on 4 November 2009

Kingston Heath Reserve

That Council expedites the final plans and funding for the proposed new entry/exit to Kingston Heath Reserve on Centre Dandenong Road with VicRoads to coincide with the Soccer Club car park works and improvements to the Soccer Club facilities.

Officer Comment

At this stage Council has no plans for works at the Centre Dandenong Rd exit to Kingston Heath Reserve. However Council will monitor its operation following the upgrading works within the reserve.

If VicRoads and/or the Moorabbin airport Corporation upgrade the intersection of Centre Dandenong Rd/Grange Road in the future, Council will ensure that any upgrading works to the reserve exit, at this location is appropriately coordinated with works by the other agencies.

Highlight: Nil

**6(b) Mordialloc Village Committee
Chairperson - Allan Locke**
Report of Meeting held on 4 November 2009

Highlight: Building Permit Discussions.

**6(c) Mentone/Parkdale Village Committee
Acting Chairperson – Claire Houston**
Report of Meeting held on 4 November 2009

Watering of Trees

Council to investigate Port Phillip City Council's plastic traffic barriers re watering of trees along railway line Warrigal Rd and Mentone Railway Station.

Officer Comment

Council is yet to utilise additional watering devices for mature street and reserve trees across the municipality. Councils watering program focuses on the establishment and maintenance of new tree plantings for a two year period.

The use of plastic traffic barriers for delivering water to mature trees is often used to compensate for the lack of water previously delivered through an irrigation system to trees growing in lawn areas. Irrigation of lawns is no longer permitted under current water restrictions. Mature trees growing in lawns that previously received regular irrigation require ongoing watering as they are not as drought tolerant.

Kingston's tree population has established without the requirement of ongoing watering through irrigation systems. Mature tree species in Kingston such as those along the railway line at Mentone Station and Warrigal Road are species well adapted to sandy soils and the ongoing dry conditions.

No Stopping Zones on Beach Road

Council to write a letter to Minister Pallas expressing the resident's concerns and lack of suitable data to support Bike Victoria's claims that No Stopping Zones are "the best option to overcome the public safety issue of collisions resulting from parked cars." that "A parking occupation survey will reveal how many vehicles are parked and therefore how many people would be affected by the change" and "any inconvenience to motorists is infinitesimal if we had a clearway during those times." that it is bunch cyclists "forced to flow around the (1%-2%) parked car and into the centre travel lane, frustrating drivers" between 6am-10am weekends and not bunch cycling behaviour causing driver frustration

Officer Comment

This request is associated with the proposal to ban parking between 6am and 10am on Saturday and Sunday along Beach Road.

When Council previously undertook consultation on this matter there was a balanced outcome, for and against, on the proposal.

VicRoads are in the process of finalising the results of their public consultation. It is expected VicRoads will liaise with Council and discuss the findings of the survey prior to making a decision. At this stage it is appropriate to write to VicRoads to seek feedback on the public consultation results to assist Council in forming a view on the weekend parking ban proposal.

Highlight: Committee agreeing to cutting down of paper by reducing history on the Master Action Sheet.

**6(d) Dingley/Heatherton Village Committee
Chairperson – Allan Harris
*Report of Meeting held 4 November 2009***

Highlight: The presence of Cr Steve Staikos at the meeting.

**6(e) Patterson Lakes/Carrum Village Committee
Chairperson - Glen Baker
*Report of Meeting held on 4 November 2009***

Patterson Lakes Library/Community Centre

That Council consider suitable signage be applied to the fascia of the Patterson Lakes Community Centre and Library to identify the two services

Officer Comment

Front fascia signage was part of the original signage schedule for this building but was neither designed nor installed due to project cost considerations. It is appropriate that the two functions of the building (Patterson Lakes Library and Patterson Lakes Community Centre) are identified prominently on the front fascia so that the building can be clearly identified from a distance. Due to the location (at height) and the size required the cost of the signage is likely to be significant.

Highlight: Discussion about Library hours potentially being extended

**6(f) Moorabbin/Highett Village Committee
Chairperson – Robyn Cochrane
*Report of Meeting held 5 November 2009***

Highlight: Community Wellbeing and High Density Living

**6(g) Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee
Chairperson - Kevin Griffiths
*Report of Meeting held on 5 November 2009***

Link from Waterways to Braeside Park on Governor Road.

Council work with the developers so that the pedestrian light infrastructure is in place prior to the main project commencing. Also that Council endeavour to reduce the time line of the total project.

Officer Comment

The bike path design, at the crossing point at Governor Road, does not require the traffic signals to be in place. Council has a commitment with a grant for the project, to have its expanded by a particular date, which will control the timing of Council's works. However it is acknowledged that ideally the construction of the traffic signals and the bike path be coordinated. Council will liaise with the Waterways developer and Vicroads with the view of achieving the desired coordination of works along with the undertaking of all works as expeditiously as possible.

Highlight: Discussion on "Hooligans" on bikes using unfenced land and making a general nuisance of themselves as well as possible damage to property.

6(h) Chelsea/Chelsea Heights/Bonbeach Village Committee

Acting Chairperson – Leanne Stray

Report of Meeting held on 11 November 2009

Highlight: The presentation on Victory Park by Steve Perumal.

9. Environmental Sustainability Reports

L186 Contract No. 09/46 Programmed Street Tree Maintenance Services

Approved by: Tony Rijs, General Manager Environmental Sustainability

Author: Tony Collins, Team Leader Parks

1. Purpose

This report seeks acceptance of the Programmed Street Tree Maintenance Services CONTRACT No. 09/46 being awarded to City Wide Service Solutions Pty Ltd. The contract will be for a four (4) year period, with a further 2 year option, as a Lump Sum contract, High Voltage power line clearance and defined sites (subject to price adjustment for rise and fall in prices in the second year), supplemented by a Schedule of Rates for Tree Removal >5m in height, and Emergency Call Out's.

2. Background

Previously, Programmed Street Tree Maintenance Services were provided by two external contractors (**City Wide Service Solutions Pty Ltd** and **Active Tree Services Pty Ltd**), on a contracted lump sum basis, in line with the Programmed Street Tree Maintenance Specification.

Kingston City Council maintains its street trees to fulfil its legislative and management obligations. Maintenance works performed on the trees aim to manage tree health and reduce the inherent risks associated with trees in urban areas.

Council prunes these trees to reduce the risk to public safety, meet Council's statutory obligations and requirements, eg. Electricity Safety (Electric Line Clearance) Regulations 2005 (Energy Safe Victoria); provide clearance around powerlines; service lines; decrease potential property damage; and to shape young trees to promote structurally sound branching for the future in line with the objectives of Council's Tree Management & Development Strategy.

3. Description of Contract Works

The City of Kingston undertakes street tree pruning to maintain adequate clearances on a two year cycle in line with the Programmed Street Tree Maintenance Specification. As well, Council undertakes an annual pruning programme for high voltage (HV) power line clearance to ensure compliance with legislative requirements. Pruning Works will include, but are not limited to the following activities:

- Clearance around powerlines, service lines, telephone lines, pay TV service wire and street lights;
- Clearance around High Voltage Powerlines (separate to the lump sum Suburb costs)
- Crown lifting (clearance over footpath, nature strip, driveway and roadway);
- Dead wood, hanging and fallen branch removal;
- Dead trees and safety hazardous trees
- Formative pruning;
- Vegetation pruning

The contract is for a 4-year period plus a 2 year option commencing on **2 November 2009**. The contract is a Lump Sum contract for individual suburbs, High Voltage Power Line Clearance, Defined Sites supplemented by a Schedule of Rates for Tree Removal >5m in height, and Emergency Call Out's, subject to price adjustment for rise and fall in prices.

4. Tenders Received

Tenders were advertised in July 2009 and closed on Thursday 6 August 2009. At the close of tender, three conforming tender submissions were received, details of which are set out in the *Confidential Attachment 1*.

5. Project Funding

Programmed Street Tree Maintenance Services is funded from Goods and Services, Parks operational budget.

6. Tender Evaluation Panel

The tenders were assessed by:

Tony Rijs	General Manager Environmental Sustainability
Mark Juler	Manager Environment
Tony Collins:	Team Leader Parks
Robert Ford	Tree Operations Coordinator

7. Assessment of Tenders

Three conforming tenders were received. Tenders were assessed in accordance with the evaluation criteria set out in the Tender Specification document, clause 5.1, Evaluation Criteria within *Schedule 1*. This included:

- Tender Price
- The Service
- Work Performance
- Resources
- Work Processes
- Commitment to Quality
- Financial Viability

Following the evaluation of the submissions based on the initial contract Schedule 3, the three tenderers were approached to submit prices on an alternative pricing schedule, which considered flexibility of combining Suburb and HV power line clearance together for greater efficiency.

As a result of the evaluation of submissions for Schedule 3 (based on the agreed evaluation criteria) and the *Alternative Proposal*, it was assessed that the contract be awarded on the *Alternative Proposal*, as this provided best value for Council at the most favourable competitive price.

Details of the *Alternative Proposal* are provided in the *Confidential Attachment 1*.

8. Details of Tenderers

City Wide Service Solutions Pty Ltd has been one of our previous Programmed Tree Maintenance Services providers for the City of Kingston, on a contracted basis. City Wide Service Solutions has been providing infrastructure maintenance services (including Open Space Mowing) to local councils and corporate organisations since 1995. The company is a wholly owned subsidiary of the City of Melbourne and operates as a P/L company with its own independent Board of Directors. The company's core business is the delivery of environmental and infrastructure management services to Local Government, which include arboricultural, open space, waste, street sweeping, tourist facilities and roads maintenance.

Select Utility Solutions is a division of SP AusNet Pty Ltd, created in April 2009 to provide a number of commercial services to help customers manage their energy, water and environmental requirements. The group has been providing vegetation-asset clearances and easement management services (power lines) both internally to SP AusNet and external customers for over 25 years.

Active Tree Services Pty Ltd has been one of our previous Programmed Tree Maintenance Services providers for the City of Kingston, on a contracted basis. The company was founded in 1974 for domestic tree maintenance, and progressed into contracting for local councils within four years. Active Tree Services employs 500 employees across Australia, providing services to approximately 50% of Melbourne's local councils and power authorities such as SP AusNet and Tenix.

9. Results of Tender Evaluation

City Wide Service Solutions Pty Ltd provided the best value lowest price for the combined Programmed Street Tree Maintenance Services in the individual suburbs, HV Power Lines & Defined Sites. Details of the evaluation are provided in the *Confidential Attachment 1*.

10. Triple Line Checklist

Budget/Financial Impact

The service can be delivered for an increase of \$60k (including a discounted price) in expenditure, over the first two years of the contract. Council's current budget allocation for 09/10 and 10/11FYs, is a total of \$1,080,000.00.

Social Impact

The awarding of the contract is expected to continue improvements to contract monitoring and service delivery and thereby improve the overall quality of the service to the Kingston community.

Environmental Impact

The awarding of the contract is expected to provide for strong compliance with environmental protection measures as well as complying with Council's environmental policies.

11. Summary and Conclusion

The Evaluation Panel have ranked **CityWide Service Solutions Pty Ltd**, as the suitable service provider on a suburb by suburb, defined site & HV power line clearance basis and believe that this company has demonstrated their ability through; current contracts and their tender submissions; and their previous experience in Kingston, to meet Council's expectations and will deliver the best quality Programmed Street Tree Maintenance Services for the residents of Kingston.

The recommended level of service is consistent with the assumptions made in Council's 5 Year Strategic Resource Plans.

12. Proposed Action

That Council resolve that:

1. Contract 09/46 for Programmed Street Tree Maintenance Services be awarded to **CityWide Service Solutions Pty Ltd** as a Lump Sum contract for individual suburbs (as recommended), High Voltage Powerline Clearance & Defined Sites. The contract will be for the period of four years, with a further two year option, 30 November 2009 to 30 June 2013, for the price of:

Total Year 1 \$657,320.52 (including a discounted price)

Total Year 2 \$488,889.55 (including a discounted price)

Total Year 3 \$672,320.52 (option of a discounted price or data collection)

Total Year 4 \$503,889.55 (option of a discounted price or data collection)

2. the optional two year contract extension, subject to satisfactory performance, be at the discretion of the Chief Executive Officer or his delegate.

Attachment:

Confidential Attachment 1. – CON-09.46 Programmed Street Tree Maintenance Services Tender Report

L187

**Tenders for Contract No. 09/69, Road Resurfacing by
Sprayed Sealing Treatment**

Approved by:

Tony Rijs, Environmental Sustainability General Manager

Author:

Brian Trower, Team Leader Roads and Drains

1. Purpose

The purpose of this report is to seek Council's approval to accept a tender for Contract No. 09/69, Road Resurfacing by Sprayed Sealing Treatment.

2. Background

As part of Council's Transport and Drainage asset management practice, all roads within the City of Kingston are surveyed every 3 years for condition rating. These condition ratings are used to prioritise works and upgrades over the next three years, including roads requiring spray sealing treatment. The spray sealing treatment is an effective and economical form of periodic maintenance designed to extend the life of a road surface and is generally undertaken over the warmer months of the year as the curing process is accelerated by hot days in excess of 30 degrees. It is a resurfacing treatment regularly used in the City of Kingston and commonly across metropolitan Melbourne.

Bitumen Prices

Bitumen's are produced from crude petroleum oils. Pricing for bitumen fluctuates according to world oil prices.

Prices have been volatile with a general upwards trend from September 2005 to 2009 due to the increase in oil prices, the prices submitted as part of the this Tender reflect this trend.

In Council's previous, road resurfacing by sprayed sealing treatment, contract the rate for conventional sprayed seal was \$2.96 per m² compared to today's prices of \$4.20 per m².

3. Summary and Conclusion

A detailed evaluation has been undertaken on the two tenders received.

The Evaluation Panel has ranked BORAL ASPHALT highest for this contract. The panel believes that BORAL ASPHALT has demonstrated their ability via their tender submission and previous works undertaken for Kingston City Council, to provide the best overall value for

CONTRACT NO. 09/69 – ROAD RESURFACING BY SPRAYED SEALING TREATMENT.

Boral Asphalt has had their OHS Management Systems assessed as satisfactory by Council's OHS Coordinator.

4. Brief Description of the Work Under the Contract:

The Works under this contract predominantly involves bituminous sprayed sealing treatment including the supply, delivery and placement of all materials, crack treatment, pavement marking, traffic management and associated works on various roads in the City of Kingston. Where necessary some minor asphaltting works may be required prior or post to reseal work.

The contract term will be a 3 year contract to 30 December 2012, with an option to extend the contract to 30 June 2013.

The Contract is a Schedule of Rates Contract subject to price adjustment for rise and fall in prices.

5. Tenders Received:

Tenders were advertised in the The Age on Saturday, 26 September 2009. Tenders closed on Thursday, 8 October 2009, at 2:00 PM.

Tenders were received from the following two (2) tenderers, both which were conforming:

BORAL RESOURCES (VIC) PTY LTD
Trading as BORAL ASPHALT
1 Glenferrie Rd, Malvern 3144

DOWNER EDI WORKS
Level 2 650 Lorimer Street, Port Melbourne Vic 3207

A summary of the tendered rates for the various items of work in the Contract is provided for each conforming tender in the *Confidential Attachment – Schedule A*.

6. Project Funding:

The works will be funded from Council's Road Resurfacing Program in the "Roads Capital Works Budget".

The value of the works to be ordered as part of this contract is estimated to be approximately \$800k in Year 1 and \$500k per annum in Yr's 2 & 3.

7. Evaluation Panel:

The tenders were assessed by:

- Ehteshamul Kabir, Construction Engineer
- Brian Trower, Team Leader Roads & Drains
- Lin Dawes, Administration Systems Coordinator

8. Evaluation Criteria

The tenders were assessed using the weighted attribute method of assessment, giving consideration to the following factors:

- Tender Price 50%

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

- | | |
|---|-----------|
| • Performance / work quality | 30% |
| • Capacity to undertake and complete the contract | 20% |
| • Insurances | Pass/Fail |
| • OH&S Compliance | Pass/Fail |
| • Financial Viability | Pass/Fail |

9. Tender Price, Capacity and Past Performance

Assessments of the evaluation criteria are included in the *Confidential Attachment* as follows:

Tender Price Assessment – *Schedule A*
Performance Assessments - *Schedule B*
Capacity Assessments - *Schedule C*

10. Reference Checks

Detailed reference checks were conducted for each Tenderer. The referees rated the past performance of the Tenderers using a questionnaire developed for the assessment. A copy of the Reference Check questionnaire is included in the *Confidential Attachment – Schedule D*.

11. Triple Bottom Line Checklist

- **Economic**
All contractors are required to hold adequate Public Liability insurance to protect Council in the event of an accident.
Financial checks were conducted on each of the tenderers, and none were considered an unsatisfactory financial risk if awarded the contract.
- **Social**
Not applicable.
- **Environmental**
Both contractors are considered to have satisfactory Environmental Management systems.

12. Proposed Next Action

That Council award Contract No 09/69, for ROAD RESURFACING BY SPRAYED SEALING TREATMENT to: BORAL RESOURCES (VIC) PTY LTD trading as BORAL ASPHALT; at the tendered rates (subject to rise and fall in Year's 2 & 3), for an estimated value of \$1,800,000.00, for a contract term of three years with an option, subject to satisfactory performance, for the Chief Executive Officer or delegate to extend the contract for a further 6 months.

Attachments:
Confidential Attachment including Schedules A, B, C & D

10. Community Sustainability Reports

L188 Tender Acceptance Report – Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches & Ancillary Works

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Steve Lewis, Capital Works Co-ordinator, Leisure & Culture

1. Purpose

The purpose of this report is to advise Councillors on the tender submissions received for Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches & Ancillary Works. The report seeks approval to accept the best value tender and authority to award the contract.

2. Background

Council has secured approximately \$3 million of grant funding under the Federal Government's Regional & Local and Community Infrastructure Program' (RLCIP), to create a regional soccer centre located at Kingston Heath Reserve, Cheltenham.

This project will create a Football Federation of Victoria Class A regional soccer facility by upgrading the existing facilities at the Kingston Heath Soccer complex. The proposed upgrade will involve the laying of two new artificial pitches, improvements to the existing pavilion and improvements to other ancillary playing/spectator facilities at the complex, such as new scoreboards, coaches boxes, additional car parking and enhanced spectator seating.

Works are being undertaken in a number of distinct phases to ensure delivery by the grant deadline of 30th June 2010. This contract relates primarily to the:-

- provision of 2 FIFA accredited artificial soccer pitches,
- perimeter pitch fencing
- installation of new sports lighting,
- erection of new electronic scoreboards & coaches boxes

The works are partially funded by the grant from the Regional & Local Community Infrastructure Program, with further funding coming from within Council's approved 2009/10 Capital Program. The total available grant budget for these elements of the project is \$1,850,000.

An Expression of Interest (EOI) process was undertaken during August 2009 to identify a number of suitably qualified specialist contractors to provide tenders for the provision of the above works. In total, Council received 11 expressions of interest, which were assessed by the project team against a range of criteria, including past experience, customer references and the accreditation by FIFA of the recommended playing surface.

This process identified an initial “long list” of 7 contractors. A copy of the EOI evaluation matrix is attached as Appendix A for information. The long listed contractors were then subjected to a detailed assessment of their Occupational Health & Safety policies and procedures by Council’s OHS assessor, who identified that only five of the company’s procedures were robust enough to be considered for work on Council projects. The table below identifies the final short list of contractors who were requested to provide a cost to undertake the required works:-

<i>Alphabetical List of Companies who submitted tenders</i>
Greenfields Pty. Ltd.
Smart-Grass Pty. Ltd.
Sports Technology International Pty. Ltd.
TEAM Sports Pty. Ltd.
Tiger Turf Pty. Ltd.

Tenders for Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches & Ancillary Works closed at 2.00pm on Thursday 15th October. The tender requested a number of options to be identified, based on the different potential configurations of FIFA pitches that could be delivered at the site.

The table below identifies the range of prices received for each option through the tendering process:-

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Tenderer	Option 1 - Provide 2 No. FIFA 1 star pitches with shockpads	Option 2 - Provide 2 No. FIFA 1 star pitches without shockpads	Option 3 - Provide 1 No. FIFA 1 star pitch and 1 No. FIFA 2 star pitch both with shockpads	Option 4 - Provide 1 No. FIFA 1 star pitch and 1 No. FIFA 2 star pitch both without shockpads
Sports Technology International Pty. Ltd.	Option not offered.	\$1,176,880.40	\$1,434,586.40	\$1,202,454.80
Tiger Turf Pty. Ltd.	\$1,604,080.00	\$1,298,490.00	\$1,593,820.00	\$1,375,850.00
Smart-Grass Pty. Ltd.	\$1,805,163.00	\$1,669,083.00	\$1,817,097.00	\$1,692,357.00
Green Fields	\$1,840,000.00	\$1,372,000.00	\$1,842,000.00	\$1,410,000.00
TEAM Sports	\$1,730,260.00	\$1,408,528.00	\$1,748,940.00	\$1,432,156.00

An independent technical advisory consultant was appointed by Council to assist with the selection of the preferred synthetic pitch option for the Regional Soccer Centre. The consultant's evaluation utilised best practice guidance from soccer governing bodies, as well as a high degree of civil engineering expertise. The advisory consultants have liaised with FIFA and other representative soccer bodies and have recommended that Option 3 above (1 FIFA 1 star pitch and 1 FIFA 2 star pitch, both with shock-pads) offers Council best value for money from a "whole of life" costing perspective. This recommendation has been made on the basis that:-

- The designation of one pitch as a FIFA 2 star pitch will enable higher league competition games to be played on the synthetic surface, which will both broaden the range and scope of the facility and also lessen the impact on the existing grass competition pitch at the Centre.
- The provision of a rubber "shock-pad" layer on both pitches will ensure that the pitches have a longer operational life and will offer a greater degree of consistency in playing conditions and quality. This is considered to be the case where maintenance may be inconsistent and the use of a shock pad will help to prevent compaction of the synthetic, helping to maintain playability longer.

3. Summary and Conclusion

A detailed assessment has been undertaken on the tenders received using the following criteria:-

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

- Tender price compared against available budget
- Ability to deliver project within timeframe required by Council
- Performance of tenderers' synthetic product and the robustness of warranty offered

A copy of the completed tender assessment matrix for this contract is attached as Appendix B for Councillors' information. This assessment process was used to identify a final short list of two preferred contractors, who were then subsequently invited to interview during early November 2009.

Following the above, detailed site assessments were undertaken and both preferred contractors were formally interviewed by Council officers in order to clarify any remaining technical questions. A copy of the interview forms for both preferred contractors are attached as Appendix C. On the basis of the responses, it is considered that the tender from Sports Technology International Pty. Ltd. (STI) represents best value for Council, on the basis that:-

- they have provided the cheapest and best value price for provision of Council's preferred pitch configuration at Kingston Heath.
- Their proposed synthetic product will enable both pitches to achieve FIFA 2 rating, exceeding Council's performance requirements at the centre.

Whilst not part of the formal evaluation criteria it is worth noting that STI's synthetic surface product is fully Australian made in a local factory in Dandenong and that the company employs 50-60 local people in the manufacture and installation of synthetic turf products.

In addition, the synthetic surface will require the use of both a rubber shock-pad and rubber crumb infill to achieve FIFA standards. STI have confirmed that the material to be used will be made from recycled car tyres, which will have significant environmental benefits.

For information, a copy of STI's completed OH&S assessment form is attached at Appendix D, which confirms that STI meet the required Council standards to undertake the project.

- Provision of a PC sum for replacement of existing drainage at site, should testing show that this is unserviceable = \$47,490
- Cost of replacing existing grass strip between pitches with synthetic material = \$10,100

In addition to these costs, STI were also asked to provide quotations for a range of further enhancements to the synthetic pitches, above and beyond the scope outlined in the tender documentation, as follows:-

- Upgrade synthetic surface on pitch 2 to include use of newly developed LigaTurf 'Cool Yarn' technology yarn and use of a higher grade recycled

SBR coloured rubber granule, to create a more realistic turf appearance and reduce heat retention within the synthetic materials = \$38,750. Please note that, as a gesture of partnership, STI have agreed to fully meet the cost of the Cool Yarn upgrade on pitch 2, which has reduced the overall cost of this enhancement by approximately \$16,000).

- Upgrade synthetic surface on pitch 3 to include newly developed LigaTurf 'Cool Yarn' technology to reduce heat retention within the synthetic materials = \$15,250

Inclusion of these additional works items has resulted in the final revised tender price of \$1,546,176.40. Please note that, after inclusion of these additional costs, STI's revised tender price still remains the lowest and best value tender received for Council's preferred pitch configuration and, in addition, now includes a range of significant enhancements.

Finally, again in the spirit of partnership, STI have offered to meet 50% of the cost of undertake 6 monthly professional servicing of both soccer fields for a period of three years from practical completion.

Each service will include the following activities:-

- Brushing and vacuuming of the pitch surface using purpose-built synthetic turf maintenance equipment to remove detritus material from amongst the synthetic surface infill.
- Grooming of the pitch surface to de-compact the infill and to distribute more evenly.
- Spreading and grooming of additional infill material, if required
- Repairs to any minor damaged areas, if required

Council is, therefore, recommended to accept the revised best value tender, in the sum of \$1,546,176.40, as submitted by Sport Technology International Pty Ltd., for the provision of one FIFA 1 Star pitch and one FIFA 2 Star pitch, both fitted with additional shock-pads at Kingston Heath Regional Soccer Centre.

Subject to approval by Council and Federal Government, the project is expected to commence on site during early February 2010 and will be fully completed by the grant deadline of 30th June 2010.

4. Triple Bottom Line Checklist

- *Environmental* – The design and commissioning of any improvement works will take account of the need for reduction of the Council's impact on the environment. The chosen synthetic product will use a high proportion of recycled rubber material, helping to divert material from the waste stream.

- *Social* –The Club provide much needed social and recreational community facilities for residents in the area.
- *Financial* – This element of the project is primarily funded by Federal Government Local and Community Infrastructure Program, with a contribution from Council's 2009/10 Capital Program.

5. Recommendation

That Council:-

- (i) accept the revised best value tender received for Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches and Ancillary Works and agree that the contract be awarded to Sport Technology International Pty Ltd. for the fixed lump sum of \$1,546,176.40 (exclusive of GST), subject to formal confirmation of funding from Federal Government,
- (ii) Council authorise the Chief Executive or delegate to execute the contract and to utilise resources up to 10% of the approved contract value, to act as a contingency sum to address minor site issues, should they arise during the implementation of the works.

Confidential Attachments:

Appendix A : *Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches and Ancillary Works Expression of Interest Long-Listing Assessment Matrix*

Appendix B:-*Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches and Ancillary Works Tender Short-listing Assessment Matrix*

Appendix C:-*Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches and Ancillary Works Final Interview Assessment Forms*

Appendix D:-*Contract 09-49 Kingston Heath Regional Soccer Centre – Synthetic Pitches and Ancillary Works OHS Assessment Form - Sport Technology International Pty Ltd*

L189 Clarinda Community Centre Management Options

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Heath Stenton, Team Leader Community Engagement

1. Purpose

To seek Council endorsement of the proposed future directions relating to the management and operation of Clarinda Community Centre.

This review and report relates to the visions set out in the Council Plan 2009-2013, and these strategies:

- 1.1 Sustaining Kingston's assets
- 1.3 Quality community facilities which are accessible, safe and well utilised
- 3.1 Promoting family and community wellbeing and participation in community life
- 3.2 Strong, cohesive and engaged communities
- 5.1 Be community centric.

The purpose of this report is to:

- Provide a background on the current operation of the facility
- Provide detail on the current funding and resources provided to the facility and its users
- Identify potential options for both the future management and future users of the centre including after hours usage.

2. Background

At the time Clarinda Community Centre was built it represented the most significant investment of Council resources in a community facility since the construction of Waves Leisure Centre in 1995. Clarinda Community Centre was officially launched in November 2005. The Centre is occupied in three distinct areas; namely, Clarinda Library, Clarinda Community Centre and Central Bayside Community Health Services. Collectively the facility is referred to as Clarinda Community Centre.

Over the past four years the facility has evolved into a vibrant multicultural hub with a variety of activities held in the centre every day. The Centre is now home to a variety of community groups including Multicultural senior citizens clubs and multicultural playgroups. The facilities also provide activities for people with a disability, language and healthy living classes. The centre also has a variety of other community benefiting activities operating daily. (*Attachment A provides a weekly timetable*).

Following construction the facility was managed initially by Council and for the past two and a half years has been run as a partnership between New Hope Foundation and Kingston City Council. The New Hope Foundation is a non-profit public benevolent organisation. The New Hope Foundation aims to assist newly arrived refugee and humanitarian entrants who are living in poverty across Victoria through a range of services including the Settlement Grants Programme and the New Hope Employment and Training Services. New Hope Foundation has been responsible for the day to day operation of Clarinda Community Centre with Council officers providing additional support, guidance and management of the centre's finances.

The management agreement with New Hope Foundation has now expired and most of the “start up” issues associated with the commencement of a new centre have been addressed. Therefore it is now appropriate to evaluate the current management arrangements and consider future arrangements regarding the ongoing management and community usage of the facility.

In the development of this report a number of underlying principles have been identified to guide the discussion. These principles are:

- Equitable distribution of physical and financial resources to the community
- Equitable fees and hire charges amongst centre users which are also comparative to other Council facilities
- Creating sustainable operations of the Centre to support the vision and aims of the Kingston Council Plan.

3. Summary and Conclusion

Clarinda Community Centre has evolved into a vibrant multicultural hub with a variety of activities held in the centre every day. The Centre is a unique facility within Kingston and provides a variety of community services including senior citizens activities, early year’s activities, library, education, disability support services and health services.

One of the key issues which have been identified relates to user fees and after hours usage at Clarinda Community Centre Council. By ensuring access and equity for all community groups the quality of community use at the facility will be enhanced.

A variety of management options for Clarinda Community Centre have been identified with several different management options being implemented since the Centre commenced operation in 2005. Management options implemented have included management by Council, management by New Hope Foundation and the exploration of a community committee of management.

After a significant review of the management options available for Clarinda Community Centre it is proposed that the management of the Centre be returned to Council with a non government service provider being provided with funding to provide community advice and information at the centre. This will enable Council’s community objectives to be achieved whilst maintaining financial responsibility.

4. Consultation

The development of this report has included significant internal consultation; in particular with Property Services, Library Services, Arts & Cultural Services, Customer Service, Family, Youth and Children’s Services and Community and Aged Services.

New Hope Foundation as the current manager of the facility has also been significantly consulted. Previously, consultation has also occurred with other surrounding Councils to ascertain models of operation at centres similar to Clarinda Community Centre.

Long term users of the facility have also been informally consulted and have identified areas for consideration which are included in the report. Consultation regarding centre issues has

also occurred through quarterly User Group meetings facilitated by New Hope Foundation and Council officers.

5. Issues

5.1 Clarinda and Clayton South

Clarinda and Clayton South present unique challenges for Council due to the demographics of the area. Family incomes are well below the Melbourne and Kingston benchmarks. 42% of dwellings have no internet connection; the majority of dwellings have access to only one vehicle; the need for assistance for 65-74 year olds is twice that of Melbourne; and the proportion of residents in receipt of all payment types from Centrelink is greater than the Kingston average.

Inability to access community facilities is a key issue for local community groups and it limits their ability to conduct programs and activities that help strengthen the community. There is also a lack of services located within the Clarinda/ Clayton South area. Most services are located in other areas of Kingston or outside of the municipality. Two key service clusters are outside the Kingston municipality: Clayton (City of Monash) and Springvale (City of Greater Dandenong) and transport is an issue with many households reliant on public transport.

Clarinda and Clayton South are home to migrants and refugees of several backgrounds. Issues impacting local residents include: language barriers; unfamiliarity with service systems and supports; employment; above average incidents of residential burglary, food security, health and wellbeing issues and limits on access to knowledge.

5.2 A unique Kingston facility

When Clarinda Community Centre was established the primary objective of the Centre was to provide a space for people from diverse cultural and social backgrounds to be able to come together in a social setting in order to promote participation, engagement and integration with the wider community. Additionally the Centre's recommended objectives included "provision of Council supported Migrant Outreach Services" (*Facility Needs Analysis, Jenny Ashby & Associates, January 2000.*).

These identified objectives mean that the model of operation for Clarinda Community Centre is distinctly different to other Community Centres in that essentially the centre is a "multicultural hub". This means that the centre is fulfilling the role of a senior citizens centre, providing early year's programs, library, community health services and a community advice centre for residents from Culturally and Linguistically Diverse (CALD) backgrounds.

The cost to Council of having to provide separate facilities in this part of the municipality would be significantly greater than the current shared facility which addresses many community needs from a single facility. This is unique for Kingston as many other areas of the municipality contain individual service facilities, such as a senior citizens centre, community health services, library, child care and a community centre facility to deliver similar services. These many and varied facilities and management structures represent a more expensive model to Council when compared to the model associated with Clarinda Community Centre.

5.3 Current Status – Management and Users

5.3.1 Management

Currently the centre is managed by the New Hope Foundation with assistance from Council officers. Over the past two and a half years this arrangement has enabled the daily management of the facility to remain stable. It has however meant that on occasion there has been a lack of clarity for user groups around the role of Council at the facility and the role of New Hope Foundation. It has also meant that on occasion there have been significant delays in communication between groups at the centre and Council.

5.3.2 User Groups

Attachment A identifies all of the current long term community users of the facility. Many of these groups have utilised the centre since its commencement. The key user groups of the Centre include multicultural senior citizens clubs and multicultural playgroups. A range of other services are provided including activities for people with a disability and language and healthy living classes. All of these user groups had signed a two year user agreement which expired in June 2009.

5.3.3 Casual and after hours usage

The Centre currently has a range of casual and after hour's users of the centre. Casual and out of hours usage is an important component of the facility as it is one of the main income sources for the centre.

The current status of management, user groups and after hours usage have all been considered so that the level of community benefit that each provides can continue to be strengthened as part of the future direction of the Centre.

5.4 Current Status – Funding

5.4.1 Costs to Council

Clarinda Community Centre is frequently used by community groups during weekdays and it is the intention of current policy that after hours and weekend hiring is charged at commercial usage rates in an effort to recover some of the cost of operations. Over the past two years Clarinda Community Centre has on average received \$39,000 in income per year. The cost of operating the centre over this period has been on average around \$181,000 per year. This \$142,000 Council contribution is generally regarded reasonable for the nature and scope of services provided from this type of facility. In terms of function and services provided, the cost of Clarinda Community Centre is reasonably comparable to a Community Information and Advice Service, Community Centre and Senior Citizens Centre.

5.4.2 User Groups Fees & Charges

Attachment B identifies the current fees and charges which are charged to user groups using the centre. The exceptions to these charges are several senior citizens groups which are charged \$104 per year. This fee is in accordance with Council's payment policy for Group 1 tenants:

“Group 1 tenants will be charged the minimum rental as established from time to time by the Attorney General. This group will include tenants such as senior citizens, community centres,

citizens advise bureau and toy libraries. The minimum to apply at the time of the policy adoption is \$104 per annum.”

Several other senior citizens groups who utilise the facility are currently paying the standard hiring rate because they were not approved as Group 1 tenants. It is proposed that this inequity be addressed and that all future senior citizens groups who use the facility be charged as a Group 1 tenant.

5.4.3 After Hours Usage

Attachment B identifies the current fees and charges which are charged to user groups who use the centre out of hours. It is important to note that community groups currently receive a 40% discount on the hire fee which is currently subsidised by Council.

5.4.4 Other Funding Sources

Currently the Centre receives no other external funding or income. There are presently no known funding sources available.

5.5 Similar Facilities

Council officers have previously visited facilities in other municipalities that have been established to serve similar or identical objectives. The facilities viewed included: Grattan Gardens Community Centre (Pahran), Moorleigh Community Village (Bentleigh East) and South Melbourne Community Centre. These facilities showed a consistent service profile that sees community groups come in and make frequent use of the Centre during weekdays, leaving the weekends free for commercial use in an effort to recover some of the cost of operation.

6. Options

CENTRE MANAGEMENT

Centre Management Option One (Preferred)

That the management of the Centre is returned to Council and that a non government service provider is allocated funding to provide community advice and information at the centre.

New Hope Foundation has stated that it is comfortable relinquishing its management role at Clarinda Community Centre. It does however want to be considered to provide community advice and referral support programs at the Centre. Council funding of this program would enable the ongoing provision of community advice and referral to local residents from Culturally and Linguistically Diverse backgrounds. It is important to note that this service is an expert service which Council is currently not providing (and does not currently have the expertise to provide). The provider of this service would need to be considered through a tender process.

If the management of the Centre is returned to Council management the staff positions would be overseen by a Council department. The proposed management structure of the centre would remain the same with one Operations Coordinator and a .5 Casual Duty Manager employed by Council. These two positions would be supervised by a nominated Council department. The preferred internal management of the position would be an affiliation with Libraries and Education as this department currently operates from the facility. Team

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

members from Arts and Culture, Community Engagement and Youth Services would also provide additional staff presence at the facility on a service delivery or program basis.

Potential Budget Option One (In house)

Income	Year One	Year Two	Year Three	Year Four
	\$36,000	\$38,000	\$40,000	\$42,000

Expenditure	Year One	Year Two	Year Three	Year Four
Operations Coordinator	\$49,357 +16.5% On costs (\$8,144)	\$52,121 +16.5% On costs (\$8,600)	\$54,974 +16.5% On costs (\$9,070)	\$57,638 +16.5% On costs (\$9,510)
Casual Duty Managers	\$6911	\$7761	\$8667	\$9538
Utilities + Centre Maintenance	\$72,000	\$74,164	\$76,388	\$78,679
Payment to Service Provider for CAB services	\$40,000	\$42,000	\$44,000	\$46,000
Total Expenditure	\$176,412	\$184,646	\$193,099	\$201,365
Estimated Cost to Council	\$140,412	\$146,646	\$153,099	\$159,365

<i>Average Cost to Council 07/08 & 08/09</i>	<i>\$142,000</i>
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Centre Management Option Two

The management of the centre is put out to tender.

A non-preferred option is to put the management of the centre through a tender process. An advantage in this process may be the identification of another group which may run the centre at a lower cost. This outcome however is unlikely as New Hope Foundation and Council officers have spent significant time reducing the costs associated with the operation of the centre. It is also unlikely that any other organisation that could run the facility would have the same community connections that either New Hope Foundation or Kingston Council has developed. The appointment of a new provider may also see the history and built knowledge of Centre operations also being lost.

New Hope Foundation has informed Council that through any tender process any future arrangements that it would consider entering into would be based on a payment level similar to the original arrangements contained in the Agreement of 2007. This agreement provides \$124,750 per annum plus a service fee of \$65 per hour to cover the employment of after hours Duty Manager as required. This fee does not include payment of any services or utilities which is currently around \$70,000 per year. This amount (\$194,750) would be for both project work and management of the centre with an annual CPI increase over the agreed

period. This compared with Option 1 is likely to be more expensive. New Hope Foundation considers that any amount less than that would result in the organisation being financially disadvantaged; with the effect that it would be subsidising the City of Kingston's operation of the Clarinda Community Centre.

Centre Management Option Three

The management of the centre is run via a community committee of management.

The existence of Sundowner Neighbourhood House within the vicinity of Clarinda Community Centre means that the establishment of a “traditional” community centre structure at Clarinda Community Centre would also be likely to have a significantly negative impact on the ability of Sundowner Neighbourhood House to gain community support and funding from government departments. Clarinda Community Centre is also unique for Kingston as the centre houses a Community Health Service and Library and functions as a Senior Citizens and Early Years Centre. Due to the multiple functions of the building, Council involvement in the operation of the facility is preferred so that overall community benefit can be maintained.

FACILITY USERS

Facility Users Option One (Preferred)

That fees and charges for the centre are adopted as detailed in *Attachment B* and that these fees and charges are reviewed annually. To ensure transparency in these agreements all facility users will be required to sign a user agreement.

Attachment B identifies the current fees and charges at Clarinda Community Centre. It is an option that these fees remain. The exception to these charges will be that the senior citizens groups be charged in accord with Group 1 tenants which are currently \$104 per year. The reason for this is to align the Seniors Groups with fees other Seniors Groups in Council facilities are currently being charged. Currently Property services are reviewing the fees and charges that users of Council facilities are charged. Once this review is completed it may be appropriate to align Clarinda Community Centre with this framework.

Facility Users Option Two

A new model of fees and charges for user groups at Clarinda Community Centre is developed.

This option would require a review of fees and charges at all other facilities and developing a new fees and charges framework for the Centre.

AFTER HOURS MANAGEMENT

After Hours Management Option One (Preferred)

Options for the after hours management of the centre need to be considered as part of any future management arrangements. It is the preferred option that after hour's usage of the centre is charged at a commercial rate in line with Council's current policy. Community groups will receive a discount to this rate to make the hire cost neutral to Council. Long term users of the facility may also be provided with keys and instructions to utilise the facility out of hours. This will reduce the requirement for a duty manager and significantly reduce the costs associated with this after hours use.

After Hours Management Option Two

The centre is not made available for after hour's usage. This would limit available income and remove an option for community usage of the centre.

7. Triple Bottom Line Checklist

7.1 Environmental – Any new agreement will provide an opportunity to increase the capacity to manage the utilities that are used at the centre. This creates an opportunity to reduce the utility costs at the centre. Council's in-house knowledge of environmental issues can also be increasingly utilised at the centre to reduce the centre's carbon footprint.

7.2 Social – Any proposed future management structure of Clarinda Community Centre must continue to deliver positive social benefits for the community if the centre is to meet its original intent. The capacity of the centre to provide community advice and information services whilst providing a quality facility for community based programs. To allow equity in access to the centre an option may be that every two years an Assessment Process will take place to review the centre users. This assessment process could involve Councillor representative/s, Council officers and a representative from New Hope Foundation or other non-government organisation. This assessment panel will review current user groups and review any new applications for new user groups.

7.3 Financial – The identified management and user arrangements for the facility must find the balance between providing community benefit and responsible financial management of the centre. The centre is essentially a "multicultural hub" which by providing the diverse range of activities from the one centre may actually be providing significant cost savings to Council. The proposed action can be accommodated in Council's 09/10 program budget.

8. Recommendation

That Council resolve that:

1. the management of the Centre is returned to Council management and that a non-government service provider is provided with funding to support community advice and information at the centre.
2. fees and charges for the centre remain as identified in *Attachment B* and that these fees and charges are reviewed annually. To ensure transparency in these agreements all facility users will be required to sign a user agreement.
3. after hours usage of the centre is charged at a commercial rate as identified in *Attachment B*. Community groups will receive a discount to this rate to make the hire cost neutral to Council. Long term users of the facility may also be provided with keys and instructions to utilise the facility out of hours.

Attachments:

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Attachment A - Weekly Timetable

Attachment B - Schedule of Fees & Charges including after hour's fees and charges

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

L190 Regional & Local Community Infrastructure Program

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Steve Lewis, Capital Works Co-ordinator, Leisure & Culture

1. Purpose

This report has been prepared to inform Councillors of:-

- (i) progress with the implementation of projects funded under Round 1 of the Regional & Local Community Infrastructure Program (RLCIP).
- (ii) the recent announcement by the Federal Government of additional funding under the RLCIP Program, together with the revised bidding guidelines for the new funding.
- (iii) seek formal Council endorsement of a series of recommended priority projects for consideration under the new funding round.

2. Background

During late 2008, Federal Government announced the establishment of a new \$800 million Regional & Local Community Infrastructure Program (RLCIP) a part of a series of fiscal measures to help mitigate the impact of the crisis on the Australian economy and to help stimulate economic activity across the Country during 2008/09.

The RLCIP was split into distinct funding “streams”, as follows:-

- **Regional and Local Community Infrastructure Program – Local Award** – via this initiative, \$250million of funding was spread across all Australian local councils, on a formula basis which assessed relative need, population and projected growth. All funding was required to be spent by 30th September 2009 and Kingston was awarded \$488,000 under this part of the program.

Council, at its meeting of 22nd December 2008, agreed that the following projects should be delivered using this funding:-

Project Name	Amount of Funding Allocated	Project Status at 30/9/09
Moorabbin Bowling Club – creation of a new artificial green	\$150,000	RLCIP funded project elements completed by 30/9/09
Kingston City Hall – Foyer Upgrade	\$100,000	Complete
Doug Denyer Reserve –sustainable water management project,	\$120,000	RLCIP funded project elements completed by 30/9/09

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

L F Payne Hall – Contribution towards cost of new heating & cooling system	\$78,000	RLCIP funded project elements completed by 30/9/09
Waves – Outdoor Exercise Equipment	\$40,000	Complete

• **Regional and Local Community Infrastructure Program – Strategic Projects**

The remaining \$550 million of the RLCIP Program, was allocated to a limited number of large strategic projects, each totalling in excess of \$2million, on a competitive bidding basis. Council, again at its meeting in December 2008, agreed to submit a \$3.3million funding application for the creation of a Regional Soccer Centre at Kingston Heath Reserve, which was approved by Federal Government during May 2009.

The implementation of this project has now commenced and is on program to reach completion during June 2010, in accordance with the signed funding agreement with Federal Government.

Additional Funding Announcement

On 25 June 2009 at the second meeting of the Australian Council of Local Government, the Prime Minister, the Hon Kevin Rudd MP, announced an additional \$220 million for Round Two of the RLCIP for new projects during 2009-10. This funding will again be split into the two separate funding streams above, with \$100 million being directly allocated to local authorities via formula and the remaining \$120 million being set aside for a further competitive bidding round for new strategic projects.

Under the local funding stream, Kingston has been awarded a further grant of \$191,000 for new community infrastructure, including new construction and major renovations or refurbishments of assets such as:-

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

To access the additional funding, Council is required to submit an application form to Federal Government by 20th November 2009 setting out its proposals, providing evidence that all funding from round 1 has been spent by 30 September 2009 and guaranteeing that all new funding can be fully expended by 31 December 2010.

With regards to applications for the Strategic Projects fund, Federal Government has called on local authorities to submit applications by no later than 15th January 2010 for new community infrastructure projects exceeding \$2million in value that can be physically and financially completed by 30th June 2011.

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Council will recall that, following significant development work, officers had previously submitted a series of grant applications for Council priority projects under the Jobs Fund program, which was again established by Federal Government as an economic stimulus measure to create jobs. To date, only one of the nine projects submitted under the Jobs Fund program has been formally rejected. This project relates to the Pavilion Development Program and the proposal to significant upgrade existing priority sporting pavilions at:-

- Tom Johnson Pavilion, Chelsea
- Keeley Park West, Clayton South
- Namatjira Park, Clarinda

Accordingly, in order to maximise the potential for external funding for Council, it is proposed to rework and strengthen this previous project submission and to submit it for consideration as a strategic project under the 2nd round of the RLCIP program.

With regards to the additional \$191,000 local funding, as project information must be submitted before late November 2009, it is proposed to either allocate this funding to existing major projects that can be extended easily or to invest the funding in providing some additional infrastructure that can protect recent capital investments made by Council.

The two priority projects which meet these criteria and are to be submitted to Federal Government on 20th November 2009 for consideration under the program are:-

Project	Rationale	Amount to be allocated
Waves Leisure Centre - Upgrade of existing changing rooms project	This is a priority project for Council and can easily be extended beyond the scope of current works.	\$150,000
Dolamore Reserve, Mentone - Installation of a new hammer-throwing cage	The existing cage is severely damaged and cannot prevent stray hammers from hitting and damaging the newly repaired rubberised athletics track. Investment in a new cage would help prevent this and prolong the operational life of the refurbished track.	\$41,000

3. Summary and Conclusion

This report has been prepared to:-

- Inform Council of progress with the implementation of Council projects under the initial round of RLCIP funding
- Advise Council on the new funding guidelines and allocation for the second round of RLCIP
- Seek formal Council endorsement of a series of recommended priority projects for consideration under the new funding round.

Given the challenging timetables involved in meeting the deadlines set by Federal Government, and the current uncertainty around the status of the majority of Council's bids submitted under the recent Jobs Fund program, it is recommended that officers prepare a Strategic Project application for a project that has been formally rejected under the Jobs Fund program and to utilise the local stream funding to help deliver a priority project which is already in development or to invest the funding in providing some additional infrastructure that can protect recent capital investments made by Council.

4. Triple Bottom Line Checklist

- *Environmental* – the RLCIP is likely to have several positive environmental impacts, ranging from image enhancement of the City to effective water conservation management. Where available, environmentally sustainable products will be specified within contracts, helping to improve the Council's overall environmental performance.
- *Social* - the Program will have significant community benefits for the City. For example, projects funded through the RLCIP will invest in the community infrastructure of the municipality and will help to generate improved social outcomes, e.g. greater levels of social cohesion and inclusion. In addition, the Council will utilise the RLCIP program funding to support the safeguarding and creation of local employment across Victoria, by maximising the use of Australian made materials and contractors in the delivery of community infrastructure projects.
- *Financial* – the RLCIP will provide an additional \$191,000 in external grant funding for the Council to assist it in its efforts to renew community infrastructure across the City. This funding, spent together with the Council's own capital resources, will help to create levels of added value and extend the scope of priority Council projects.

5. Recommendation

That Council:

- (i) note the progress made with the successful delivery of Council projects under round 1 of the Regional & Local Community Infrastructure Program (RLCIP)
- (ii) note the recent funding announcement relating to round 2 of the RLCIP
- (iii) endorse the selection of the Pavilion Development Program as Council's preferred project submission for consideration under the second round of the Regional & Local Community Infrastructure Program strategic projects stream and authorise officers to prepare and submit a funding application by the program deadline.
- (iv) endorse the use of the \$191,000 local stream funding from the Regional & Local Community Infrastructure Program to support the delivery of the Waves Centre changing room refurbishment project and for the creation of a new hammer-throwing cage at Dolamore Reserve, Mentone, on the basis that these projects will either enhance or protect existing Council investments in its infrastructure.

11. Organisational Development & Governance Reports

L191 Expenditure of Ward Funds Schedule

Approved by: Elaine Sowerby, General Manager Organisational Development and Governance

Author: Jason Stubbs, Manager Governance and Performance Planning

1. Purpose

The purpose of this report is to seek formal Council approval of the expenditure of Ward funds in accordance with the ‘*Expenditure of Ward Funds Policy*’.

2. Background

The Council, on 23 March 2009, adopted a revised policy for the expenditure of ward funds.

Each financial year during a Council term, Kingston Councillors are allocated \$6,000 in ward funds for utilisation in accordance with the adopted policy. Part 2 of the policy, which outlines the limitations on the expenditure of ward funds, specifies that Councillors may propose that ward funds be allocated for initiatives that aim to:

- “a) assist a recognised community group (including sporting/recreational body, arts/cultural group, charity, youth group, pre-school, playgroup, senior citizens club, historical society, friendship group, environmental group, trader organisation or toy library) which provides a service, program or activity used by or of benefit to Kingston residents;*
- b) assist an individual who is a resident of the City of Kingston to participate in a sporting, recreational or cultural activity, or other pursuit of a personal development nature, or who is in necessitous circumstances;*
- c) Support an event or activity which will be of benefit or interest to residents of the City of Kingston;*
- d) Support the key external themes of enhancement of the physical environment or the development of community well being, identified in the Council Plan.”*

It should be noted that the policy also enables a Ward Councillor to propose that his / her ward funds be expended outside of the Councillor’s specific ward, provided that the ward funds are expended for the benefit of the Kingston community, and that one or more of the criteria set out above are met.

The table below lists the Councillor requests for the expenditure of ward funds received since the last Ordinary Council Meeting.

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Table of Councillor requests:

Councillor	Ward	Initiative	Request Date	Amount \$
Mayor, Cr Athanasopoulos	North	<i>Pilipino Elderly Association of Southeast Region (PEASER)</i> Community Engagement and Cultural Program	12/10/2009	500
Cr Bauer	South	<i>Chelsea Care Works</i> Community Breakfast	09/11/2009	500
Cr Bauer	South	<i>Patterson Lakes Kindergarten</i> Purchase of equipment	26/10/2009	500
Cr Bauer	South	<i>Patterson Lakes Motor Boat Club</i> Safety Training skills	26/10/2009	500
Cr Shewan	South	<i>Patterson Lakes Motor Boat Club</i> Safety Training skills	26/10/2009	500
Cr Ronke	South	<i>Aspendale Gardens</i> Community Fun Day	09/11/2009	500
Cr Shewan	South	<i>Aspendale Gardens</i> Community Fun Day	13/11/2009	500
Cr Ronke	South	<i>Aspendale Gardens Community Centre</i> Security System	09/11/2009	1000
Cr Bauer	South	<i>Aspendale Gardens Community Centre</i> Security System	09/11/2009	500
Cr Shewan	South	<i>Aspendale Gardens Community Centre</i> Security System	13/11/2009	500
Cr Brownlees	Central	<i>Cheltenham Secondary College</i> Presentation Night Awards	16/11/2009	100
Cr Dundas	Central	<i>Cheltenham Secondary College</i> Presentation Night Awards	16/11/2009	100

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Cr West	Central	<i>Cheltenham Secondary College</i> Presentation Night Awards	16/11/2009	100
Mayor, Cr Athanasopoulos	North	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Bauer	South	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Brownlees	Central	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Dundas	Central	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Peulich	North	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Ronke	South	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Shewan	South	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

Cr Staikos	North	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr West	Central	<i>Roadrunners Speed Skating Club Inc</i> Training and OH&S Compliance re attendance at Skate Victoria Grand Prix meetings	16/11/2009	100
Cr Brownlees	Central	<i>Cheltenham Baseball Club</i> Compensation for relocation due to Masters Golf event	16/11/2009	1,000
Cr West	Central	<i>Cheltenham RSL</i> Memorial Wreaths and Operating Expenses	16/11/2009	500
Cr West	Central	<i>Mentone RSL</i> Memorial Wreaths and Operating Expenses	16/11/2009	500
Cr West	Central	<i>Mentone Public Library</i> Operating Expenses	16/11/2009	500
Cr West	Central	<i>Mentone Citizens Advice Bureau</i> Operating Expenses	16/11/2009	500
Cr West	Central	<i>Mordialloc Beaumaris Conservation League</i> Anniversary Costs and Operating Expenses	16/11/2009	500
Cr West	Central	<i>Kingston Conservation & Environmental Coalition</i> Operating Expenses	16/11/2009	500
Cr West	Central	<i>Defenders of the South East Green Wedge</i> Operating Costs	16/11/2009	500
Cr West	Central	<i>AWARE</i>	16/11/2009	500

**City of Kingston
Ordinary Council Meeting**

Agenda

23 November 2009

		Operating Costs		
Cr West	Central	<i>Earthcare</i> Operating Costs	16/11/2009	500

Recommendation

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests.

4. Consultation

Relevant Managers and General Managers have been consulted in order to review the current legislative provisions, whether those provisions are appropriate to be delegated and, where deemed relevant, that the staff titles are accurate and reflective of the current staff / organisational structure.

5. Issues

Effective use of delegations in accordance with the provisions of Section 98 of the Act, allows decisions to be made at the most appropriate level of the organisation. It ensures that policy and strategic decisions are dealt with by Council, and more minor administrative 'implementation' matters are dealt with at officer level. Empowering officers in this way enables decisions to be taken by officers "on the spot" in accordance with direction previously established by Council, eliminating the need to repeatedly refer matters to Council meetings for decisions.

Delegations permit powers to be possessed by an officer, as well as the Council. The power is not "removed" from Council, but is "shared" with the designated officer/s.

There is no change proposed to be made to the draft delegation (S5) to the CEO. With respect to the draft delegation (S6) to various staff members, the changes either relate to:

- new / amended clauses within the various pieces of legislation;
- new pieces of legislation made since the last review of the delegations; and
- amendments due to changes to the staff structure since the last review of the delegations, including reporting structures and position titles.

The 12 month time period within which the review of the Council's delegations must occur expires on 28 November 2009.

While some sections of Acts which are able to be delegated have not been delegated, they have been retained in the attached document for the purposes of completeness. Sections 8A(3) and 11(3)(b) of the Planning and Environment Act 1987 are examples of this. Additional conditions and limitations have been applied to certain sections. Sections 61(1)(a), 61(1)(b) and 69(2) of the Planning and Environment Act 1987 are examples of these conditions and limitations.

The delegations are supported by policy, procedures and management practice, which further direct how a delegation may be used. For example, the town planning delegations operate under a Town Planning Delegation Policy which identifies applications to be brought to Council as follows:

- Applications of major significance;
- Applications which are particularly controversial in nature; and
- Applications which depart significantly from Council's policy.

6 Triple Bottom Line Checklist

Not applicable

7. Recommendation

That Council adopt the attached Instruments of Delegation, as follows:

1. Instrument of Delegation to Chief Executive Officer (S5); and
2. Instrument of Delegation to Members of Staff (S6).

Attachments:

1. *Council to Chief Executive Officer Instrument of Delegation*
2. *Council to Staff Instrument of Delegation*

4. Consultation

Consultation has taken place with Councillors, senior staff and Darren Ray, Acting Chief Executive Officer, Victorian Local Governance Association to the extent that a mock Council meeting was conducted in order to highlight and discuss various aspects of the Local Law, including identifying where further clarification / elaboration was desirable.

Maddocks has reviewed the proposed amendments to the Local Law to ensure they comply with statutory requirements.

Following the Council decision to proceed with the proposal on 24 August 2009, a formal public consultation process was undertaken in accordance with the provisions of section 223 of the Act.

5. Issues

A notice in relation to the proposed amendment to the Local Law was published in 'The Age' newspaper on 29 August 2009 and the Government Gazette on 3 September 2009 and posted on the Council's website. Additionally, copies of the proposed amendments to the Local Law were made available in each of the Council's offices in Cheltenham, Mentone and Chelsea.

Following the expiration of the 28 day notice period referred to in the notice, no submissions have been lodged.

The attached Meeting Procedures Local Law 7, includes the following amendments:

- Deletion of references to the Village Committee which are no longer Special Committees of the Council;
- Revised disclosure of Conflicts of Interest provisions to accord with the legislative changes;
- The requirement to include in a confidential report, the reason why the report is deemed to be confidential.
- Clarification of the items of business at an Ordinary and Special Council meeting, including at Statutory Council meetings;
- Clause 19 has been amended to read "should contain a recommendation" not "must contain a recommendation" to allow greater flexibility in reporting requirements.
- Clarification of the provisions with respect to the use of a casting or second vote;
- Recognition that voting is by show of hands;
- Updated procedures for the election of the Mayor based on Local Government Act amendment (including voting by show of hands); and
- Elaboration of the duty of the Chairperson.

Since publication of the proposed amendments to the Local Law other minor editorial errors have come to light, including:

- Clause 4 has been amended to read “The Local Law comes into operation on the day Council makes it.”
- Clause 18(3)(e) has been amended to read “does not relate to a matter already considered and resolved upon by the Council.”
- Clause 38(d) has been amended to include reference to the applicable penalty units as follows, “Penalty: Five (5) Penalty Units”.

As no submissions have been received, in accordance with the Council resolution of 24 August 2009, the Chief Executive Officer has directed that this report be presented to the Council meeting for consideration.

Notices of Motion

Councillors have raised the issue of the cut off time for Notices of Motion in the Draft Local Law.

In the existing Local Law the cut off is 7:00pm Thursday (4 days) prior to the Ordinary Council meeting. In the revised Local Law, as drafted, this clause has been further clarified (clause 21 refers). The cut off time is 7.00pm one week prior to the meeting.

To be included in the printed Agenda, Notices of Motion (NOM) must be received in time to for collation and printing of the agenda on Thursday morning. The current practice of receiving NOMs on Thursday is tied to the past practice of circulating the Agenda on a Friday to Councillors. Agendas are now circulated Thursday afternoon to allow Councillors additional time for review.

Rescission Motion

Councillors have raised the issue of the time frames to lodge a rescission notion. The Draft Local Law has been amended to remove the cut off time to lodge a rescission motion.

A past decision of Council which has been acted on can not be rescinded. A new resolution of Council at a future date may however change a formerly resolved position of Council. This would not impact on actions undertaken in the past in accordance with the earlier resolution.

‘Ownership’ of amended motions

Councillors have raised the issue of the ownership of the motions that have been amended by resolution of the Council. Clause 27 has been amended to identify that the mover and seconder of the original motion effectively ‘own’ any subsequently amended (or substantive) motion.

6. Options

Do nothing

There is no absolute requirement for the amendments to the Local Law to be adopted at this time.

Where the Local Law conflicts with the Act, the Act takes precedence. The issues of inconsistency with current practices are not sufficient or pressing enough in their own right to require the local law review / amendment process.

Additionally, the sunset provision, with respect to this local law does not come into effect until 2015.

This option is not supported

Amend the Local Law

As far as practical the local law should reflect current legislative provision, even through the Act takes precedence where any conflict exists.

The number of amendments is considered sufficient to warrant a formal review and amendment process being undertaken, particularly given the work of the existing Council in considering meeting protocols and procedures in the early part of its current term of office.

This option is supported.

7 Triple Bottom Line Checklist

Not applicable.

8. Recommendation

That Council resolve pursuant to Sections 119 of the Local Government Act 1989, to:

1. make the amendments to the City of Kingston's Meeting Procedures Local Law 7 in accordance with the attached document;
2. give notice in the Government Gazette and a public notice specifying:
 - the title of the local law;
 - the purpose and general purport of the local law; and
 - that a copy of the local law may be inspected at the Council office.
3. send a copy of the Local Law to the Minister.

Attachment:

Meeting Procedures Local Law 7 of 2009.

12. Corporate Services Reports

L194 Proposal to discontinue a section of road abutting Stanley Avenue Reserve, Cheltenham

Approved by: Paul Franklin General Manager Corporate Services

Author: Newton Gatoff, Acting Manager Property Services

1. Purpose

The purpose of this report is to seek Council's approval to begin the statutory procedure to discontinue part of the road abutting Stanley Avenue Reserve, Cheltenham for the purpose of incorporating the land into the reserve as part of Council's Open Space for Cheltenham.

2. Background

An investigation into the possible discontinuance and closure of the road abutting 2 to 18 Stanley Avenue and 1 to 19 Elman Road, Cheltenham, or at least the portion adjoining Council's property at 6 to 8 Stanley Avenue for incorporation into the reserve, was first undertaken by Council in 1998. Having received objections from adjoining property owners at both ends of the subject road, the discontinuation process was abandoned.

Discontinuation of the whole road was also considered during 2003 when Council received requests from adjoining owners of 2/2 Stanley Avenue and 4 Stanley Avenue to purchase the land within the subject road abutting their blocks. Officers commenced the process but the process was abandoned for the following reasons:-

- Access required by 1/2 Stanley Ave
- 5 Elman Road would have had to use the Council Car Park for access
- Reports that pedestrians use the subject road section between Stanley Avenue Car Park and Hoffman Street for access

The possibility of discontinuation was raised during a public meeting to discuss the playground proposal at Stanley Avenue Reserve in July 2009 and a number of residents expressed their support for such a proposal. In October 2009 Officers received a request from Councillor West to re-examine the possibility of discontinuing the subject road hence this report.



Stanley Ave is located in the northern part of Local Area 4C / 6A and is noted as having access to large areas of open space but separated from these by a geographic constraint. In this case, Cheltenham Park in Bayside is within 150 metres of the site but separated by the railway line.

This area is not currently listed in the Open Space Strategy as it is designated PUZ6 (Public Use Zone 6) in the Kingston Planning Scheme. If considered as public open space, the site would add 2,250m² or .225 ha to the provision within the local area.

The Open Space Strategy for the area encourages expansion of selective play sites to enhance diversity and complexity and the retention of trees and streetscapes in the event of future residential development.

As the northern part of this local area is aligned with increased housing density, the provision of public open space will be important and will come under pressure from increasing population needs.

3. Summary and Conclusion

If having consulted with residents and other stakeholders and subsequently completed the formal process of discontinuation, Council considers it appropriate, the section of road shown in red can be discontinued and incorporated into the reserve.

4. Consultation

Officers have undertaken internal consultation and have received Officers' comments from Leisure Planning, Strategic Planning, Parks and Infrastructure, Roads and Drains and Engineering Design Departments.

Officers are generally supportive of the discontinuation of the subject road marked red and incorporation into Stanley Avenue open space. Should the section of road be discontinued, Council will erect bollards at either end of the discontinued road, to prevent vehicles from gaining access to the reserve.

It is now appropriate to contact all adjoining owners and the usual authorities to seek their comments. Provided no fundamental reasons arise from this investigation which would prevent the discontinuation from proceeding, Council can commence the statutory procedures for the proposed discontinuance

5. Options

- a. To begin the Council formal procedure to discontinue the subject road marked in red
- b. Not to begin the Council procedure to discontinue.

6. Triple Bottom Line Checklist

- **Environmental** – The Stanley Avenue Reserve will be further enhanced by the addition of the subject section of road.
- **Social** – The Community have already shown their support for this proposal and Council will now seek the opinions of those individual owners adjoining the subject land.
- **Financial** – Council would be relieved of the burden of maintaining this section of road.

7. Recommendation

That Council:-

1. Commences the formal consultation with the various stakeholders and adjoining owners in relation to the proposal to discontinue a section of road at the rear of the Stanley Avenue Reserve for the purposes of that section being incorporated into the Stanley Avenue Reserve.
2. Directs that a public notice be given of the above proposal in accordance with section 223(1) of the Local Government Act 1989.
3. Authorises the Acting Manager Property Services to carry out administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989.
4. Appoint Cr West, Paul Franklin, General Manager Corporate Services and Newton Gatoff, Acting Manager Property Services as the S223 Committee to consider any submissions and report back to Council.

13. Notice of Motion

L 196

Notice of Motion

Cr West: Review of the NNUAFP and Associated Documents

1. That Council confirm that we have requested Dr Trevor Budge to:
 - undertake a review of the NNUAFP and of associated documents including the Sandbelt Open Space Project, Green Wedge Land Capability Study & Review of Water provision;
 - conduct a green wedge planning workshop for councillors in February 2010 or earlier.

2. That Council:
 - engage an independent expert planner to share the planning work associated with Dr Budge's review;
 - request State Government to accept the nomination of that planner or of Dr Budge to represent Council on the Government's Green Wedge Task Force, and
 - request State Government to accept the nomination of the Mayor or their nominee and of a councillor or their nominee to the Task Force to provide further representation.

Signed
Cr West OAM

L 197

Notice of Motion
Cr West: Dingley Freeway Route

1. That Council review and discuss the Dingley Freeway Route to:
 - determine what would be the optimal route with a view to
 - preserving the amenity of the green wedge and of the sustainable market garden agriculture in and around the current route and
 - providing an adequate arterial road link between the South Road extension and Westall Road.; and
 - advocate Council's preferred route to State Government.

Signed
Cr West OAM

Officer Comment:

Please find below a copy of the Council resolution of 24 August 2009, together with the Map (from Wikipedia) contained in the original notice of motion from Cr Peulich, for Councillors information.

Council Resolution – 24 August 2009

- “1. That the Kingston Council re-affirm its support for the completion of all stages of the Dingley Bypass especially all yellow sections which mark sections which have not been completed as per the map below (from Wikipedia) which set out the original routes;
2. That the Council strongly advocate for the funding and completion of the incomplete stages of the Dingley Bypass including section 4 which falls within the Kingston Council's boundaries being the link between the South Road Extension and Westall Road.”



L 198

Notice of Motion

Cr West: Right of Way & Drainage Reserve Sales Policy

1. That Council review Council's policy for the Sale of Right of Way and Drainage Reserve (December 1995) with a view to including:
 - a strong statement to protect neighbouring properties or public land from adverse amenity impact from any such sales;
 - such other amendments as may be deemed necessary.

Signed
Cr West OAM

L 199

Notice of Motion

Cr West: Kingston Development Applications

1. That Council keep a register of lobbyists, planners, developers and landowners associated with development applications for 10 or more dwellings approved in Kingston over the past five years and in future; and

That as a measure of transparency and accountability, councillors and officers disclose any contact they have had with such lobbyists, planners, developers and landowners with regard to Kingston development applications in notes to be attached to the register.

Signed
Cr West OAM