

**City of Kingston
Ordinary Council Meeting**

Minutes

28 February 2011

An Ordinary Meeting of Kingston City Council was held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 28 February 2011.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 13 December 2010
Minutes of Special Council Meeting 3 February 2011
- 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**
Parking Issues in Barrett Street, Cheltenham
Rate Reduction for Residents of Retirement Villages
- 5. Presentation of Awards**
Retiring Members of the Village Committees
- 6. Reports from Village Committees**
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time**
- 9. Environmental Sustainability Reports**

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- 10. Community Sustainability Reports**

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- 13. Notices of Motion**
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- 14. Urgent Business**
- 15. Items in Camera**

**City of Kingston
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28 February 2011

Minutes of the Ordinary Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 28 February 2011 at 7.05pm.

Present: Cr Ron Brownlees (Mayor)
Cr Arthur Athanasopoulos
Cr Lewis Dundas
Cr Dan Moloney
Cr Paul Peulich
Cr John Ronke
Cr Trevor Shewan
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Mauro Bolin – General Manager Community Sustainability
Paul Franklin – General Manager Corporate Services
Tony Rijs – General Manager Environmental Sustainability
Elaine Sowerby – General Manager Organisational Development and Governance
Ian Nice – Manager Statutory Planning
Sarah Bishop – Program Leader Communications & Public Affairs
Jason Stubbs – Manager Governance and Performance Planning
Phil De Losa – Program Leader Governance
Nicola Wright – Governance Officer

1. Apologies

Nil

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 13 December 2010
Minutes of Special Council Meeting 3 February 2011

Crs Staikos/Peulich

That the minutes of the Ordinary Council Meeting 13 December 2010 and Special Council Meeting 3 February 2011 be adopted

Carried

3. Foreshadowed Declaration by Councillors or Officers of any Conflict of Interest

Nil

4. Petitions

Cr Dundas presented a petition in relation to Parking in Barrett Street, Cheltenham.

Crs Lewis/West

That the petition be referred to the Chief Executive Officer for action

Carried

Cr Moloney presented a petition in relation to a request from four Retirement Villages to consider a reduction in their rates because construction, repairs and ongoing maintenance of facilities within their Villages including roads, footpaths, kerbs, gutters, drainage, all street lighting, recreational facilities and parking areas are already paid for by the residents.

Crs Moloney/Ronke

That the petition be referred to the Chief Executive Officer for action

Carried

Cr Staikos presented a petition in relation to Melaleuca Drive Community Centre.

Crs Staikos/Athanasopoulos

That the petition be referred to the Chief Executive Officer for action

Carried

5. Presentation of Awards

The Mayor, Cr Ron Brownlees presented certificates to two of the retiring members of the Village Committees and thanked them for their contribution to the local community.

**Norm Bury, Clayton South Village Committee and
Robert Rowlands, Clarinda/Oakleigh South Village Committee**

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

6.1 Clayton South Village Committee
Chairperson – Chris Frangopoulos
Report of Meeting held on 1 February 2011

Highlight: Globe to Globe Festival

- 6.2 Cheltenham Village Committee**
Chairperson – Vic Russo OAM JP
Report of Meeting held on 1 February 2011

Highlight: Vic Russo being voted the new Chairperson

- 6.3 Mentone/Parkdale Village Committee**
Chairperson – Claire Houston
Report of Meeting held on 1 February 2011

Village Committee Motion:

That Council ensures the data collected from the Beach Road trials is analysed by Marilyn Johnston from the Monash University Accident Research Centre.

Officer Comment: The Beach Road Corridor Strategy group has engaged a traffic and transport specialist consultant firm to perform the data collection and detailed analysis. The consultants have used MUARC publications as reference information but it would not be appropriate to include an additional party in the analysis stage. There will be opportunities for academics and other interested people to comment on the various issue papers and reports as they are published.

Crs Dundas/West

The Village Committee be informed of the outcome of the analysis.

Carried

Village Committee Motion:

That when the Kingston City Council Planning Department is considering town planning applications and building permits in residential areas that the proposed structure will be compatible and blend visually with surrounding buildings.

Officer Comment: For all Applications for Planning Permits that involve 2 or more dwellings on a lot, or for new dwellings, or extensions to dwellings on lots less than 300 metres squared in area, Council Policy and ResCode require that Neighbourhood Character be considered as a major component in the application assessment process. Several years ago, Council's Statutory Planning Department introduced Neighbourhood Character Guidelines throughout all of the residential areas of Kingston to assist it, permit applicants and the general public in dealing with this matter.

Council's Statutory planning Department consider that the mandatory starting point in any residential planning application is the consideration of whether or not a proposal is consistent and / or in keeping with the existing neighbourhood character where it is proposed. This does not mean that development should mimic exactly what is found within a particular area, rather that it should be designed to blend in and improve the character of the area.

In respect to residential development that does not require a Planning Permit, such as one dwelling on a lot greater than 500 square metres, Council has little, if any, control on the design of such dwellings, including their external appearance. Such development usually only requires a Building Permit, which is more often than not, dealt with/issued by a Private Building Surveyor, that is, someone independent from Council.

Crs Dundas/West

The Village Committee be advised of Council's Neighbourhood Character guidelines.

Carried

Highlight: Murray Orr's discussion on the Beaumaris Cliffs.

Cr Staikos left the Chamber at 7.22pm

Cr Staikos returned to the Chamber at 7.22pm

- 6.4 Mordialloc Village Committee**
Chairperson – David Van Pelt
Report of Meeting held on 1 February 2011

Village Committee Motion:

The Village Committee recommends that Council retrofit mesh to the existing fence at Bradshaw Park.

Officer Comment: A report listing a fourth option to retrofit mesh to the existing fence is to be considered by Council on Monday 28 February 2011.

Crs West/Dundas:

The Village Committee be advised of Council's decision.

Carried

Highlight: Mordialloc Creek Water Flow

- 6.5 Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee**
Chairperson – Ken Carney
Report of Meeting held on 2 February 2011

Highlight: Mayor's Australia Day Breakfast

6.6 **Clarinda/Oakleigh South Village Committee**
Chairperson – Veeda Oakley
Report of Meeting held on 2 February 2011

Village Committee Motion:

That Council liaise with tip owners regarding the use of nets on the trucks to stop rocks from falling off onto local roads.

Officer Comment: Council will approach VicRoads and Victoria Police and request that they enforce the covering of loads on all Kingston Roads. Additionally Council will approach the owners of landfills to find out if they have a policy with regard to covering loads and if applicable ask them to enforce these policies and investigate options (eg cameras) for monitoring compliance.

Crs Peulich/Staikos

That Council approach Vic Roads and Victoria Police and request that they enforce the covering of loads on Old Dandenong Road and all local roads. Additionally Council approach the owners of landfills to find out if they have a policy with regard to covering loads and if applicable ask them to enforce these policies and investigate options (e.g. cameras) for monitoring compliance and that the Village Committee be advised of the outcome.

Carried

Village Committee Motion:

That Council review the fines for dumping rubbish to ensure it covers the cost of the rubbish removal.

Officer Comment: The fine amounts for dumping rubbish are not set by Council. They are set by State Government. However Council will investigate and report back on the issue of illegal dumping

Crs Peulich/Ronke

That Council undertake a review of illegal dumping in the municipality regarding the causes, effects and remedies.

Carried

Highlights:

1. **The Globe to Globe Festival**
2. **Clayton Clarinda**

6.7 Patterson Lakes/Carrum Village Committee

Chairperson – Don Reed

Report of Meeting held on 2 February 2011

Highlight: Melbourne Water visit in particular the opportunity to discuss current relevant issues directly with Melbourne Water officers.

6.8 Chelsea/Chelsea Heights/Bonbeach Village Committee

Chairperson – John Bainbridge

Report of Meeting held on 9 February 2011

Highlight: Election of the new Chairperson, John Bainbridge.

Cr Peulich left the Chamber at 7.40pm

Cr Peulich returned to the Chamber at 7.42pm

7. Reports from Delegates Appointed by Council to Various Organisations

Cr Staikos presented on the recent VLGA board elections. Although he was not successful in securing a position on the Board Cr Staikos looks forward to working with the new Board, comprising both old and new members.

Crs Ronke/Athanasopoulos

That the report be received and Cr Staikos thanked.

Carried

8. Question Time

The Mayor informed the meeting that question time would take place at approximately 8.00pm. (Refer to pg. 32 of the Minutes)

9. Environmental Sustainability Reports

N 2 Town Planning Application Decisions – January, 2011

Approved By: Tony Rijs-General Manager, Environmental Sustainability

Author: Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of January, 2011.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	41	84
Notice of Decision	0	0
Refusal to Grant a Permit	4	8
Other - Withdrawn (0) - Prohibited (0) - Permit not required (0) - Lapsed (4)	4	8
Total	49	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

Crs Ronke/West

That the recommendation be adopted.

Carried

Cr Staikos left the Chamber at 7.45pm

Cr Staikos returned to the Chamber at 7.46pm

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Planning Decisions January 2011

APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-694/2010	1426 CENTRE	CLAYTON SOUTH	1/10/2010	28/01/2011	EIGHT (8) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-687/2010	177 COMO PARADE EAST	PARKDALE	27/09/2010	28/01/2011	BUILDINGS & WORKS - CARPORT TO REAR	PERMIT ISSUED	NO
KP-426/2010	1193-1195 NEPEAN HIGHWAY	HIGHETT	2/07/2010	25/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-605/2010	9 AXELTON STREET	CHELTENHAM	2/09/2010	25/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-155/2009	51 TENNYSON AVENUE	CLAYTON SOUTH	17/03/2009	25/01/2011	FOUR (4) DWELLINGS	PERMIT ISSUED	NO
KP-438/2010	72 WHITE STREET	MORDIALLOC	5/07/2010	25/01/2011	THREE (3) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-748/2009	30 OAKES	CLAYTON SOUTH	16/11/2009	25/01/2011	FOUR (4) DWELLINGS	PERMIT ISSUED	NO
KP-575/2010	426 - 431 NEPEAN	CHELSEA	25/08/2010	25/01/2011	THREE (3) LOT SUBDIVISION - STAGE 1	PERMIT ISSUED	NO
KP-421/2010	19 POWLETT	MORDIALLOC	30/06/2010	25/01/2011	THREE (3) DWELLINGS	NOTICE OF DECISION	NO
KP-480/2010	36 IVAN	EDITHVALE	20/07/2010	25/01/2011	THREE (3) DWELLINGS	PERMIT ISSUED	NO
KP-528/2010	2 LORRAINE	CHELTENHAM	9/08/2010	25/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-656/2010	14 - 28 FLETCHER	MOORABBIN	20/09/2010	24/01/2011	BUILDINGS & WORKS	PERMIT ISSUED	NO

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APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-795/2010	3 / 73 NEPEAN	MENTONE	9/11/2010	24/01/2011	DWELLING EXTENSION	LAPSED	NO
KP-739/2010	24 GLENNIE AVENUE	OAKLEIGH SOUTH	18/10/2010	24/01/2011	BUILDINGS & WORKS	PERMIT ISSUED	NO
KP-775/2010	14 STATION	MENTONE	27/10/2010	24/01/2011	MIXED USE DEVELOPMENT	LAPSED	NO
KP-357/2010	44 FIRST AVENUE	CHELSEA HEIGHTS	8/06/2010	19/01/2011	TWENTY EIGHT (28) LOT SUBDIVISION	REFUSED	NO
KP-587/2010	REAR 1-53 FRANK AVENUE	CLAYTON SOUTH	26/08/2010	17/01/2011	SECTION 24A PLAN	PERMIT ISSUED	NO
KP-316/2010	611 NEPEAN HIGHWAY	CARRUM	24/05/2010	16/01/2011	CHANGE OF USE - MOTOR VEHICLE REPAIRS	REFUSED	NO
KP-525/2010	66 WHATLEY STREET	CARRUM	6/08/2010	16/01/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-308/2009/A	24 71-109 BOURKE ROAD	CLARINDA	19/05/2009	14/01/2011	THREE (3) DWELLINGS	PERMIT ISSUED	NO
KP-726/2010	17 MONTGOMERY STREET	MORDIALLOC	18/10/2010	14/01/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-849/2010	20 KNIGHT STREET	CLAYTON SOUTH	24/11/2010	14/01/2011	DWELL EXT ON LAND WITHIN A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-210/2010	8 ROSEBERRY AVENUE	CHELSEA	13/04/2010	13/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-854/2010	178 WICKHAM	HIGHETT	24/11/2010	13/01/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-867/2010	38-40 CURLEW POINT DRIVE	PATTERSON LAKES	30/11/2010	12/01/2011	REPLACEMENT JETTIES	PERMIT ISSUED	NO

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APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-137/2010	238 CENTRE DANDENONG ROAD	DINGLEY VILLAGE	18/03/2010	11/01/2011	CHILD CARE CENTRE & TWO (2) DWELLINGS	REFUSED	NO
KP-513/2010	24 REGENT PARADE	CHELTENHAM	2/08/2010	11/01/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-875/2010	12 WILLIAMS STREET	MENTONE	3/12/2010	11/01/2011	DWELLING EXTENSION ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-874/2010	20 WALTER STREET	MOORABBIN	3/12/2010	11/01/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-782/2010	479 MAIN STREET	MORDIALLOC	1/11/2010	11/01/2011	ADVERTISING SIGN & LIQUOR LICENCE	PERMIT ISSUED	NO
KP-797/2010	1 4 ALLWEN COURT	CLARINDA	5/11/2010	10/01/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-691/2010	30 BREEZE STREET	BONBEACH	30/09/2010	10/01/2011	TWO (2) DWELLINGS	REFUSED	NO
KP-892/2010	1 5 MOORE AVENUE	CLAYTON SOUTH	10/12/2010	10/01/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-731/2009	142-152 KINGSTON ROAD	HEATHERTON	6/11/2009	10/01/2011	PLANT NURSERY	PERMIT ISSUED	NO
KP-822/2010	35 FRIENDSHIP SQUARE	CHELTENHAM	17/11/2010	7/01/2011	BUILDINGS & WORKS TO EXISTING CHILD CARE CENTRE	PERMIT ISSUED	NO
KP-690/2010	13 OAKES AVENUE	CLAYTON SOUTH	30/09/2010	7/01/2011	DWELLING EXT	PERMIT ISSUED	NO
KP-760/2010	7B COLLINS STREET	MENTONE	22/10/2010	7/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO

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APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-487/2010	1 BATH STREET	CHELSEA	23/07/2010	7/01/2011	SIX (6) DWELLINGS	PERMIT ISSUED	NO
KP-689/2010	104 BERNARD STREET	CHELTENHAM	29/09/2010	7/01/2011	REMOVAL OF EASEMENT	LAPSED	NO
KP-883/2010	4 MARGARET STREET	PARKDALE	8/12/2010	6/01/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-884/2010	15 MCKAY STREET	PARKDALE	8/12/2010	6/01/2011	TWO (2) LOT SUBDIVISION / BOUNDARY RE-ALIGNMENT	PERMIT ISSUED	NO
KP-701/2010	11 BARKLY STREET	MORDIALLOC	8/10/2010	5/01/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-735/2009	1146-1148 NEPEAN HIGHWAY	HIGHETT	9/11/2009	5/01/2011	ONE HUNDRED AND THIRTY FOUR (134) DWELLINGS, ALTER ACCESS TO A ROAD ZONE CATEGORY 1, REDUCTION IN CAR PARKING REQUIREMENT PURSUANT TO CLAUSE 52.06 OF THE KINGSTON PLANNING SCHEME.	PERMIT ISSUED	NO
KP-266/2010	20 VICTORIA STREET	PARKDALE	6/05/2010	5/01/2011	TWO DWELLINGS	PERMIT ISSUED	NO
KP-597/2010	50 BOND STREET WEST	MORDIALLOC	31/08/2010	5/01/2011	BUILDINGS & WORKS - EXT TO FACTORY	PERMIT ISSUED	NO
KP-491/2010	6 SYCAMORE AVENUE	MENTONE	23/07/2010	5/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-384/2010	58 FRASER AVENUE	EDITHVALE	21/06/2010	5/01/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-610/2010	115 CHUTE STREET	MORDIALLOC	2/09/2010	4/01/2011	TWO (2) DWELLINGS	LAPSED	NO
KP-340/2010	39 KALIMNA STREET	CARRUM	3/06/2010	4/01/2011	SINGLE DWELLING ON LOT < 300 M2	PERMIT ISSUED	NO

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N 3

KP242/09/A – 501-505 Main Street, Mordialloc

APPLICANT:	Bjbac Pty Ltd
ADDRESS OF LAND:	No. 501 (Lot 1 on TP700539K) & 503 – 505 (Crown Allotment 4A Section 6 City of Mordialloc Parish of Mordialloc) Main Street, Mordialloc
MELWAY REF:	92F1
PROPOSAL	To amend the existing planning permit to allow for the construction of buildings and works and erection of one (1) business identification sign within a Heritage Overlay, a liquor licence, the waiver of car parking requirements pursuant to Clause 52.06 of the Kingston planning Scheme and the waive of the loading requirements pursuant to Clause 52.07 of the Kingston Planning Scheme at the above sites.
CONTACT OFFICER:	Tara Bryce
FILE NO:	KP-242/2009/A
ZONING:	Clause 34.01 – Business 1 Zone
OVERLAYS:	Clause 43.01 – Heritage Overlay Clause 43.02 – Design and Development Overlay – Schedule 10
KINGSTON PLANNING SCHEME CONTROLS:	<u>State Planning Policy Framework</u> Clause 17: Economic Development <u>Local Planning Policy Framework</u> Clause 21.06 (Retail and Commercial Land Use) Clause 21.12 (Transport, Movement and Access) Clause 21.13 (Heritage) Clause 22.14 (Mordialloc Activity Centre Policy) <u>Particular Provisions</u> Clause 52.05 – Advertising Signs Clause 52.06 – Car Parking Clause 52.07 – Loading and Unloading of Vehicles Clause 52.27 – Licensed Premises Clause 52.34 – Bicycle Facilities
DECISION BY:	2/11/2010
NETT DAYS:	158 Days @ 7/2/2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	9/11/2010 – Site plan and elevations 3/9/2010 – Traffic Report

1.0 MAIN ISSUES RELATING TO THIS APPLICATION:

- Car Parking
- External treatment of the development (Heritage Overlay)

2.0 EXISTING CONDITIONS

- 2.1 The subject site comprises two (2) allotments on the east side of Main Street, Mordialloc. The sites are identified as No. 501 Main Street and Shops 1 – 4 / 503 - 505 Main Street

Mordialloc. Shop 501 Main Street is currently a vacant building (however was previously occupied by a tobacconist with upstairs office) with a double storey street frontage. No's 503 – 505 Main Street is currently used for a one hundred (100) seat restaurant with the relevant permissions approved under Planning Permit KP242/09. The site directly abuts the Mordialloc Railway Station Forecourt to its south.

- 2.2 The subject site is located approximately 250m from the Mordialloc Foreshore.
- 2.3 Neither site have any restrictions listed on the Certificate of Title however No. 501 Main Street is encumbered by drainage and sewerage easement and No's 503-505 is encumbered by a sewerage easement. Both easements run parallel to the north-east (rear) property boundary.
- 2.4 No. 503-505 Main Street is not provided with any formal on-site car parking facilities; however No. 501 Main Street appears to have some vacant land to the rear which could accommodate a vehicle. No formal access to the site appears to be provided, however traders appear to utilise the Mordialloc Train Station forecourt and parking area as access to the rear of their shops.
- 2.5 The subject site is located within the Mordialloc Activity Centre, which is nominated as a Major Activity Centre within the hierarchy listed at Clause 21.06-3 of the Kingston Planning Scheme. Main Street, Mordialloc comprises a high variety of commercial and retail uses including (but not limited to) a major supermarket (Woolworths), restaurants/café's, specialty stores, grocers, personal training facilities and medical based uses (eg. dentist).
- 2.6 The following public transport routes serve the subject site:
- Railway Line - City – Frankton Railway Line (Mordialloc Railway Station)
 - Bus Routes - 705 Mordialloc – Springvale (along Albert Street)
 - 706 Mordialloc – Chelsea (along Centreway)
 - 708 Hampton – Carrum via Mordialloc (along Albert Street)
 - 903 (Smartbus) Mordialloc – Altona (from Centreway)
 - 970 (Nightrider) City – Rosebud (along Nepean Highway)
- 2.7 Car parking within the centre is provided in the following areas:
- On-Street
- McDonald Street
 - Main Street – East Service Road
 - Main Street – West Service Road
 - Bear Street
- Off Street
- North side McDonald Street (St Johns Ambulance)
 - Accessed via ROW south of McDonald Street
 - Commuter car park – east side ROW to rear of subject site
 - Commuter car park – north of Bear Street
 - Commuter car park – south of Bear
 - North side of Centreway

3.0 PROPOSAL IN DETAIL

3.1 As discussed within Section 2.1 of this report, a planning permit was issued for the use of the site for a restaurant with an on premises liquor licence, to waive the car parking requirements under Clause 52.06 of the Kingston Planning Scheme, and to construct buildings as works within a Heritage Overlay. This current application relates specifically to the extension of the restaurant into the adjoining property. The existing approvals are not being, and cannot be reconsidered.

3.2 It is proposed to extend the existing restaurant into the adjoining shop (No. 501) and utilise the upstairs component for an associated office. The extension of the restaurant involves the following:

- Buildings and works:
 - Extension of the ground floor component of existing building (No. 501) so that the rear wall of the building is set back 7.665m from the rear property boundary;
 - Construction of an alfresco area to the rear of the building, to be set back 3.665m from the rear of the site;
 - Upgrading of the building frontage at ground floor to provide for bi-fold windows and new door;
 - Upgrade of the façade of the upper component of the building;
 - Internal works including the relocation of the internal stairwell;
 - The provision of two (2) accessways between the buildings at No. 501-505 Main Street. One accessway is to be internal, with the second accessway providing access from the rear of 503-505 Main Street to the courtyard of No. 501 Main Street;
 - The installation of two (2) internal openings (windows) between the two buildings to create visual connections;
- Extension of Licensed area to include No. 501 Main Street;
- Provision of an additional 75 seats;
- Provision of new signage, in keeping with the existing Main Street signage at No 503-505 Main Street;
- A total of 45 staff attributed to the site, with a maximum of 15 staff on the site at any one time;
- Existing operating hours to be retained;
- No parking is to be provided on site; and
- No bicycle parking is shown on the plans.

3.3 The applicant has noted that they may wish to utilise the site for functions from time to time.

4.0 HISTORY

4.1 Planning Permit KP-242/2009 was issued by the City of Kingston on the 28th July, 2009, for the use of the site for a restaurant with an on premises liquor licence, to waive the car parking requirements under Clause 52.06 of the Kingston Planning Scheme, and to construct buildings as works within a Heritage Overlay.

4.2 This permit has been acted upon and the restaurant is currently in operation.

5.0 ADVERTISING

5.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining two (2) notices on site for fourteen (14) days. Nine (9) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Parking and traffic concerns

5.2 The following objections raised are not valid planning considerations:

- Utilisation of footpath for trading (to be assessed by Local Laws)

6.0 PRELIMINARY CONFERENCE

6.1 A preliminary conference was held on the 20th January, 2011, with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and eight (8) objectors in attendance. The above-mentioned issues were discussed at length.

6.2 Due to the broader and complex nature of the concerns regarding car parking within the Mordialloc precinct, the issues were unable to be resolved.

7.0 PLANNING PROVISIONS

7.1 The site is located within the Business 1 Zone and is subject to the Heritage Overlay (123) and Design and Development Overlay and Schedule 10 of this Overlay.

7.2 Main Street (Nepean Highway) is identified as a Road Zone Category 1.

8.0 PLANNING SCHEME REQUIREMENTS

8.1 Pursuant to Clause 34.01 – Business 1 Zone, a Planning Permit is required for the construction of buildings and works. A planning permit is not required for the use of the site as a restaurant.

8.2 Pursuant to Clause 43.01 – Heritage Overlay, a Planning Permit is required for the construction of buildings and works and to erect signage on the site.

8.3 Pursuant to Clause 43.02 – Design and Development Overlay, a Planning Permit is required to construct buildings and works.

8.4 Pursuant to Clause 52.06 – A Planning Permit is not required for the erection of business identification signage not exceeding 8m².

8.5 Pursuant to Clause 52.06 – Car Parking, a Planning Permit is required to waive the car parking requirements listed within the table of this clause.

8.6 Pursuant to Clause 52.07 – Loading and Unloading of Vehicles, a Planning Permit is required to waive the loading requirements of this clause.

8.7 Pursuant to Clause 52.27 – Licensed Premises, a planning Permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998.
- The number of patrons allowed under any licence is to be increased.

9.0 REFERRALS

9.1 The application was referred to:

- Council's Development Engineer;
- Council's Strategic Planning Department (Heritage Advisor);
- Council's Traffic Department; and
- Council's Health Department.

9.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

10.0 RELEVANT POLICIES

10.1 The following policies are relevant to this application:

10.2 State Planning Policy Framework

Clause 17: Economic Development

10.3 Local Planning Policy Framework

Clause 21.06 Retail and Commercial Land Use

Clause 21.12 Transport, Movement and Access

Clause 21.13 Heritage

Clause 22.14 Mordialloc Activity Centre Policy

10.4 Zoning

Clause 34.01 – Business 1 Zone

10.5 Overlays

Clause 43.01 – Heritage Overlay

Clause 43.02 – Design and Development Overlay – Schedule 10

10.6 Particular Provisions

Clause 52.06 – Car Parking

Clause 52.07 – Loading and Unloading of Vehicles

Clause 52.27 – Licensed Premises

10.7 General Provisions

11.0 DISCUSSION

11.1 State Planning Policy Framework (SPPF)

Clause 17 - Economic Development

Clause 17 seeks to support and foster economic growth of communities to provide for strong sustainable economic centres. More specifically the following objective is relevant to the proposal:

“To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to

accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.”

A specific strategy in place to support the above objective is to:

“Locate commercial facilities in existing or planned activity centres.”

The proposal is located within the Mordialloc (major) Activity Centre. Its location within an existing business centre should provide for ease of access, utilisation of existing infrastructure including utilities and service, and provide for synergies between businesses.

11.2 Local Planning Policy Framework (LPPF)

Clause 21.06 - Retail and Commercial Land Use

Clause 21.06 focuses on supporting and managing the locations of retail and commercial industries within the City of Kingston. At Clause 21.06-3, Mordialloc Activity Centre is nominated as a Major Activity Centre with its primary role being to provide for weekly shopping and increasing leisure / entertainment needs.

It is considered that the proposal is consistent with the intended primary functions of Mordialloc, providing a complementary use to the specialty stores and shops, whilst also providing entertainment / leisure opportunities for locals and visitors. It is considered that the mixed use nature of the centre (including residential) will benefit from the use of the site as a restaurant providing a diverse range of dining options within the centre. The proposed use should contribute to the achievement of the vision for Mordialloc as identified in “Pride of Bay” (Chapter 3.0 – Vision, November, 2004).

The proposed works to occur on the site should improve the visual amenity of the centre, with sympathetic improvements to the front facade of the building at No. 501 Main Street to be proposed.

Clause 21.12 - Transport, Movement and Access

Kingston seeks to ensure that safe and equitable transport is provided to members of and visitors to its community. One such objective is to integrate public transport, road, pedestrian and cycle systems with activity centres as a means of providing equitable and safe vehicular, pedestrian and cyclist movement and access for the community. Whilst it is acknowledge that many trips to the centre will be taken by car, Council seeks to encourage opportunities for non car based travel by maximising access to public transport, pedestrian and cycling routes.

It is considered that the location of the subject site, within 20m to the Mordialloc Railway Station, services by bus routes and road systems (and car parking) is supportive of equitable transport, with its position providing convenient, safe access for visitors to the site.

Clause 21.13 - Heritage

It is important that heritage places are recognised, protected and retained, and that any new development is effectively managed and integrated sympathetically with the heritage values of the place and area. It is considered that the proposal has taken a sympathetic approach with regard to the proposed works. Proposed design details seek to maintain the significant features of the site, specifically where it fronts Main Street. The application has also been assessed by Council Strategic Planning Department and Council’s external Heritage Advisor, both of whom are satisfied with the treatment of the building at No. 501 Main Street. The heritage value of the building and Main Street Mordialloc will be further discussed within the overlay section of this report.

Clause 22.14 - Mordialloc Activity Centre Policy

The purpose of this policy is to implement the objectives and principles of the Mordialloc *Pride of the Bay: A Structure Plan for the Future of Mordialloc, 2004* which sets a vision for the future of Mordialloc over the next 20 years. It establishes a sustainable long term future role for Mordialloc directed towards preserving what is highly valued and unique within the centre. Furthermore, the policies and objectives contained within the policy appears to focus on improvement and enhancement of pedestrian access to and within the centre.

The following general policies are relevant to the current application for amendment:

- Encourage active commercial premises at ground level and inactive uses such as offices, and residential at upper levels.
- Encourage the provision of service and commercial accommodation to address the needs of visitors to Mordialloc and the surrounding region.
- Ensure development is designed to reinforce Mordialloc's coastal village attributes, heritage features and environmental qualities.
- Encourage buildings to interact with the street by providing entrances, windows and other details that maximise movement and surveillance.
- Encourage all development to:
 - Be of a high architectural and urban design standard that presents integrated building forms that have a sense of address and clearly articulated facades, and sensitively designed building form.
 - Apply design techniques and detail that will integrate a building with its surrounding streetscape, natural landscape and heritage without replicating or mimicking historical detailing.

Mordialloc Railway Station Precinct Policy (Precinct Area 1) is of relevance to this application. Within this precinct it is policy to:

- Promote land use and development that reinforces the presence of the heritage railway station.
- Encourage premises addressing the Mordialloc Station Forecourt to accommodate a range of retail and commercial services that address commuter needs at the ground floor. Upper levels should provide for residential and office uses.
- Encourage premises facing Main Street east to provide a dual store frontage onto the car park.

Main Street Precinct Policy (Precinct Area 6) is also of relevance to this application. Within this precinct it is policy to:

- Promote specialised retail and commercial services to continue to address Main Street at the street level, contributing to an attractive and active commercial promenade.
- Reinforce the historic rhythm of commercial street frontages within Main Street through the incorporation of vertical elements, materials and details that reflect these elements but no not replicate or mimic them.
- Ensure buildings provide a zero lot alignment to the street frontage and physically address the street through permeable fenestration and points of entry.
- Promote the provision of shelter by providing continuous awnings, verandas and canopies.

It is considered that the proposal satisfies the relevant objectives and policies within Clause 22.14 – Mordialloc Activity Centre and should contribute to the successful growth of the

centre as a local shopping strip and tourist destination. The proposed design of the renovation / extension of No. 501 should improve the integration of site with the street. Openable windows provide for an active frontage increasing the surveillance of the footpath and surrounding area.

The alterations to the building are considered to be sympathetic to the site's historic value, with the majority of structural works to occur to the rear of the site. The Main Street frontage would undergo a façade upgrade, with minor changes to occur, retaining the historic features of this component of the building. The verandah component of the building at the front of the site is proposed to be maintained, providing sheltered pedestrian access along the east side of Main Street.

It is recommended that the proposed rear fence and gate to the rear of the site be provided with design treatments to improve the visibility of the rear pedestrian access (provided via a gate) which may encourage passive surveillance of the car park and improve the connectivity.

The current use of the site for a restaurant reinforces the presence of the Mordialloc Railway Station, given its existing frontage to the Mordialloc Railway Forecourt. The site currently has a take-away component, which users of the Mordialloc Railway station may use to purchase items including coffee and the like. It is considered that the proposed extension would continue to support this function.

11.3 **Zoning**

Clause 34.01 (Business 1 Zone)

The application has been assessed against the provisions of the Business 1 Zone and it is considered that the proposal is consistent with the purpose of the zone which is to:

- To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

As discussed within Section 8.1 of this report, a planning permit is not required to use the site for a restaurant. A planning permit would be required to use the site for a Place of Assembly (functions), however, Council considers this use to be ancillary to the primary function as a restaurant.

A planning permit is required pursuant to the zone to construct buildings and works. It is considered that the proposed works on the site are reasonable with external structural works generally confined to the rear of the site. It is considered that the works (extension to the rear and upgrade of front façade) will improve the visual amenity of the area and providing for improvements to the usable area of the restaurant.

11.4 **Overlays**

Clause 43.01 – Heritage Overlay

The application was referred to Council's Strategic Planning Department for comment of the proposed external works on the site and the proposed signage. It has been advised that the heritage value of No. 501 Main Street lies within the front façade of the building. The proposed ground and first floor works, including signage, painting and replacement of windows and doors have been considered and are considered acceptable from a heritage perspective. Council's Heritage Advisor and Strategic Planning department have not

required additional conditions to be placed on any permit, should Council seek to support the application.

Clause 43.02 – Design and Development Overlay – Schedule 10

It is considered that the proposed buildings and works which form part of the application for amendment are consistent with the maximum heights, design standards and performance criteria. It is considered that the alterations and extensions are sympathetic to the historic significance and character of Main Street and No. 503 Main Street specifically.

11.5 Particular Provisions

Clause 52.06 – Car Parking

Consideration of the impacts of the proposed development and use must be considered when assessing the application.

The applicant has proposed to increase the number of seats on the subject site from one-hundred (100) to one hundred and seventy-five (175). Pursuant to Clause 52.06 of the Kingston Planning Scheme, the following car parking requirement for the extension into No. 501 Main Street is applicable:

Requirement for restaurant	–	0.6 spaces per seat
No. seats proposed	–	75 seats

Total parking spaces required – **45 car parking spaces**

It should be noted that a waiver for of the requirements for No's 503 – 505 Main Street (60 spaces) was approved under the current planning permit and does not form part of this assessment.

The applicant has applied to waive the car parking requirements of Clause 52.06 as the size of the lot, approximately 180m², could not provide for the required number of spaces. The following paragraphs discuss the relevant considerations for a waiver of the requirement.

Can any spaces be provided on site?

Council's planning officer has considered the option of providing limited car parking to the rear of the site. It may be possible for two (2) vehicle spaces to be accommodated at the rear of the site should the length of the development be reduced with such spaces possibly providing for staff parking / loading. It is considered that such a minimal contribution of car parking would have a negligible impact on the overall car parking requirement and may in fact compromise the rear access between the two sites and the ability of the site to provide an identifiable pedestrian entry / access point from the rear (commuter car park) of the site. Such entry points are encouraged within Precinct Area 1 of the Mordialloc Activity Centre Policy.

Justification from Survey Results

The applicant provided Council with an independent traffic survey of the car parking availability within close proximity of the site. Both public on-street and off-street parking was assessed as part of the survey. The applicant submits that there is a moderate car parking demand during the operating periods and notes that a minimum of 36 on-street spaces were available during the period that the survey was taken.

The applicant submits that a car parking ratio of 0.6 spaces per seat is excessive and a more conservative approach of 1.5 spaces per seat during the day and 0.3 spaces in the evening is more reasonable, resulting in the following requirements for the extension:

Daytime operation - 11 car parking spaces; and

Evening operation - 23 car parking spaces.

Should Council accept the ratio of 0.3 spaces per seat (at all times) as a more reasonable approach, surveys would indicate that the car parking within Mordialloc could absorb the required parking, based on the available on-street parking detailed within the survey.

Internal Referral Response from Council's Traffic Department

Council's Traffic Department have raised no objection to the application for the extension to the existing restaurant and a waiver of car parking requirements. Council's Traffic Department has reviewed the traffic report submitted by the applicant and is supportive of the application, however this is subject to the inclusion of the following conditions on any approval issued:

- Limitation of the number of persons on the site (as distinct from seats) to -
 - A maximum of one hundred and forty (140) persons at lunch on weekdays;
 - A maximum of one hundred and seventy-five (175) persons at all other times;
 - The provision of four (4) bicycle parking spaces (see discussion within Clause 52.34 for details).

Concerns were raised specifically with regard to the use of the site for functions (particularly throughout the day which may generate a ratio of car parking demand similar to a Place of Assembly (accepted ratio of 0.3 spaces per seat) rather than the reduced demand suggested by the applicant's Traffic Engineers for a restaurant (0.15 spaces per seat). As discussed above, the higher of the two demands (23 car parking spaces) could be absorbed within the centre's existing car parking areas.

Council's planning officers agree with the Traffic Department's comments regarding the limitation of the number of people, rather than seats, given that a restaurant is permitted to supply liquor, other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. This would allow for an additional 19 (18.75) persons within the extension and 44 (43.75) additional persons in total as compared to the number of seats. This could result in a total patronage of 219 persons.

It is considered that site's location within close proximity of public transport (Mordialloc Railway Station, and 5 bus routes), the probability of persons walking to the site from within the centre and its immediate surrounds and the likelihood of shared trip generators within the centre, justifies a full waiver of the requirement. As discussed above, this would be conditional, with number of patrons (not seats) limited to 175 at any one time. Furthermore, Council could, limit the number of staff on site to any one limit to fifteen (15) members, to ensure that no further increases in staffing can impact upon the car parking availability within the centre.

Strategic Goals and Objectives

State policy seeks to provide a more integrated approach to land use and transport planning. A strong theme throughout State Planning Policy (transport) is encouraging the use of sustainable and equitable transport options, including walking, cycling and public transport.

More specifically, the following state wide strategies are in place to encourage and support the increased use of alternatives to vehicles:

- Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of the urban area.
- Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.

Melbourne 2030 (Policy Document) draws on the key (transport related) objectives with regard to the development of Activity Centres:

- Reduce the number of private motorised vehicle trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible locations
- Improve access by walking, cycling and public transport to services and facilities for local and regional populations

Kingston's MSS discuss strategies to encourage alternative modes of transport, including:

- Ensure activity centre structure plans provide direction in respect of opportunities to strengthen the role of public transport, walking and cycling as a means of accessing centres.
- Advocate for improvements to the capacity and frequency of the existing public transport network and the development of integrated public transport interchanges at existing activity centres of Southland, Moorabbin, Cheltenham, Mentone, Mordialloc and Chelsea.
- Promote the development of bicycle and pedestrian linkages between residential, commercial, industrial and open space areas recognising the important role east/west alignments play by intersecting the key arterial roads and the rail corridor.
- Encourage opportunities for non car based travel by maximising access to public transport, pedestrian and cycling routes.

The MSS is further strengthened by the Mordialloc Policy, which seeks to uphold the following objectives:

- To improve and enhance existing pedestrian routes and connectivity throughout the centre, residential areas and foreshore.
- Where a permit is required for the use and development of land within the policy area, it is policy to:
 - Encourage the development of an interchange between modes of transport including buses and the station area, commuter drop off points, park and ride, and bike locker facilities
 - Provide a series of safe and highly amenable pedestrian routes.

The abovementioned objectives and strategies demonstrate the importance of the consideration of alternative means of transport when assessing application. Whilst all of the above are not directly applicable to the application in terms of its permit requirements, it is considered that the broader goals support a waiver of car parking, and may provide for a possible means of encouraging alternative transport modes.

Addressing Broader Car Parking Needs Within Mordialloc

“Pride of the Bay – A Structure Plan for the future of Mordialloc, 2004” highlights that there is a need to provide additional car parking within Mordialloc to serve vehicle parking needs as Mordialloc progresses to achieve the goals outlined within the document. Specifically, the following opportunities to increase car parking have been provided for within the plan:

Precinct 1 – Mordialloc Railway Station

- Investigate with traders & property owners potential to consolidate rear service areas / fragmented car parks, as a consolidated, highly landscaped car park & pedestrian pathway at the rear of existing sites.
- Provide short term parking restriction for shopper access to Main Street shop adjacent to new rear shopfronts. All day commuter parking to comprise the remainder of the car park.

Precinct 2 – Centreway

- Construction of multi level car parking deck comprising:
 - Ground level - 58 car parking spaces
 - First level - approximately 60 car parking spaces
 - Potential Second level – approximately 52 car parking spaces
 - Total - approximately 171 car parking spaces (currently 42)

Precinct 3 – Timberyard Redevelopment

- Provision of 18 on street car parking spaces east of railway line.
- Provision of 24 on street car parking spaces west of railway line.
- Provision of 14 on street car parking spaces. This may now not be possible due to the Mordialloc Timberyard Development.
- Provision of 16 on street car parking spaces. This may now not be possible due to the Mordialloc Timberyard Development.

Precinct 4 – Pier, Creek and Foreshore

- Car park extension n with existing tennis court to be removed with proposed new car park and grassed open space / picnic area.

Precinct 5 – Pompei’s Landing

- Additional on-street parking to accompany redevelopment along Main Street south.

Precinct 6 – Main Street

- The provision of 16 off street car parking spaces to the rear of the shops located to the south of Bear Street.

It is considered that future car parking projects within Mordialloc may assist in easing the broader parking conditions throughout the Centre, particularly when the centre is under pressure within the busier Summer months. Council’s purchase of land within Centreway has indicated further interest in the redevelopment of the site for a car parking in the near future.

It is noted that Council is seeking to undertake an independent assessment of the car parking needs within Mordialloc to assist with ascertaining what future car parking provisions, restrictions and projects are required within the Centre. However it is considered that the broader issues should not preclude an application that is otherwise reasonable.

Clause 52.07 – Loading and Unloading of Vehicles

Pursuant to Clause 52.07 a planning permit can be granted if either:

- The land area is insufficient.
- Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

The proposal does not provide for loading and unloading on the site. The size of the land appears to be insufficient to provide a loading area, given the existing conditions and the proposed layout. It is considered in this instance that the nature of the use and types of goods could be unloaded from public spaces within close proximity of the site (including the car spaces and rear laneway / parking area) without adversely impacting the amenity of the area.

Clause 52.27 – Licensed Premises

The existing restaurant currently operating within No. 503 Main Street, Mordialloc, has been issued with an on premises liquor licence, with licensed hours restricted to the operating hours of the business, 6:00am to 12:00 midnight, seven (7) days a week. The applicant has proposed that the extension will operate within the same hours as the existing restaurant.

As the site is located within the centre of a business precinct and generally seeks to provide the service of meals and alcohol, it is considered that the impact of further licensing should not impact any sensitive uses (including residential). Land zoned Residential 1 zone is located at least 140m away from the site. Main Street and the shops located on its west side provide some buffer distance for residential land to the west, with the City – Frankston Railway line providing a buffer to the east.

In this instance, as no objections were raised with regard to the licensing of the premises, the site's location within the business centre and the intention of the site's use, it is considered that an extension to the area and number of patrons is reasonable. A condition limiting the number of patrons to be on the site at any one time to one hundred and seventy-five (175) should limit any adverse amenity impacts resulting from additional patrons, as a restaurant, by definition, can supply liquor, other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.

Clause 52.34 – Bicycle Facilities

The following bicycle parking requirements are applicable for a restaurant:

Employees - 1 to each 100 sq m of floor area available to the public

Visitors - 2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.

The proposed extensions comprise the following areas:

Ground Floor (indoor) floor area - 137.97m²

Alfresco / Courtyard - 43.03m²

Inaccessible to the public - 31.9m² (behind bar area)

Area Available to public - **149.1m²**

Required bicycle parking facilities as per the above requirements:

Employee facilities -	1.49
Visitor facilities -	2.00

Total required - **3.00 (rounded down to nearest whole number as per standard)**

Council's Traffic department have recommended the provision of two (2) bicycle hoops (allowing for four bicycle (4) parking spaces), for customers and employees of the restaurant. As the site has limited space to provide for these spaces on site, it has been recommended that these spaces be provided within the vicinity of the site frontage. As no car parking spaces are to be provided in association with the restaurant, such a recommendation is considered reasonable. The provision of bicycle parking facilities is also consistent with the goals of the Mordialloc Activity Centre Policy, which seeks to provide for equitable access to and within the centre.

11.6 General Provisions

Clause 65: Decision Guidelines

It is considered that the proposal satisfies the provisions of this Clause and should contribute to the orderly planning of the centre and its surrounds and should not adversely impact on the amenity of the surrounding area. It is considered that the application will result in a net benefit to the Mordialloc Activity Centre.

12.0 RESPONSE TO OBJECTORS CONCERNS

12.1 Car Parking

Please see discussions within Section 11.5 – Clause 52.06 – Car Parking.

12.2 Timing of Traffic Report

Objectors have raised concerns with the timing of the traffic survey undertaken by the applicant. Council requested, pursuant to Section 54 of the Planning and Environment Act, 1987, that the applicant provide further information for assessment. The applicant provided a copy of the traffic survey within 38 days of Council's request. It would be considered unreasonable to require the applicant to delay the undertaking of the survey until the busier summer months, which would have also delayed the advertising of the application (and risked the applicant lodging a failure appeal to the Victorian Civil and Administrative Tribunal for Council not making a decision on the application within the prescribed timeframe). It would also be considered unreasonable to request that the applicant provide a second traffic survey as Council has the relevant information to assess the application.

12.3 Traffic Management and Safety

The application has been assessed by Council's Traffic department who have deemed that the proposal should not have an adverse impact upon the traffic conditions in the vicinity of the site, or on the surrounding network.

12.4 Footpath Trading

Concerns have been raised with regard to the operation of footpath trading, particularly the limitation on pedestrian and wheelchair access when patrons are sitting outside. Whilst Council's planning officer can appreciate the concern, Footpath trading is strictly dealt with

by Council's Local Laws officers and is not assessed as part of the planning application. It is strongly recommended that the local Laws department be made aware of these issues to ensure that equal opportunities for the use for footpath are provided.

12.5 Parking Restrictions

As discussed within Section 11.5, there appears to be broader car parking issues within the Mordialloc precinct, including the application of parking restrictions. Whilst Council can assess the car parking provisions as part of this application, the distribution of particular time restrictions is applied outside of the planning process. It is considered that the time restrictions within the centre and surrounds should be reviewed as part of Council's investigation into the broader car parking issues within Mordialloc; however it would be unreasonable to require this to occur as part of the assessment of this planning application.

13.0 CONCLUSION

13.1 The proposed development and use is considered appropriate for the site as evidenced by:

- . The design and siting of the proposed development to be compatible with the surrounding area;
- . The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- . The proposal satisfies the requirements of the Kingston Planning Scheme, including the SPPF, MSS, Zoning / Overlay controls and Particular Provisions.

13.2 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

14.0 RECOMMENDATION

That Council resolve to issue a Notice of Decision to Grant an Amended Planning Permit for the construction of buildings and works and erection of one (1) business identification sign within a Heritage Overlay, a liquor licence, the waiver of car parking requirements pursuant to Clause 52.06 of the Kingston planning Scheme and the waive of the loading requirements pursuant to Clause 52.07 of the Kingston Planning Scheme be issued for No. 501 and No. 503 – 505 Main Street Mordialloc, subject to the following conditions:

1. Before the use and development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 9th November, 2010, but modified to show:
 - a) the provision of a red line drawing showing the location within which the proposed liquor licence is applicable
 - b) the first floor office within No. 501 Main Street nominated as being ancillary to the restaurant;
 - c) the design of the fencing enclosing the rear of the site amended to incorporate features that encourage access to the site from the rear in accordance with the Mordialloc Activity Centre Policy; and

- d) the tables and seating located on the footpath deleted from the plan.
2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
 4. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
 5. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 6. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
 7. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
 8. The use must operate only between the hours of:

Monday to Sunday: 6:00am to 12.00 Midnight, seven (7) days a week.

Or otherwise as approved by the Responsible Authority in writing.
 9. Without the further consent of the Responsible Authority no more than one-hundred and seventy-five (175) seats must be made available to patrons on the premises.
 10. No more than one hundred and seventy five (175) patrons must be on the premises at any one time without the prior consent of the Responsible Authority.
 11. No more than fifteen (15) staff must be permitted on the premises at any one time without the prior consent of the Responsible Authority.
 12. The use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.

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13. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
 14. The loading and unloading of goods to and from vehicles must be carried out at times to avoid/minimise any disturbance to the flow of both vehicular and pedestrian traffic within Main Street and the Mordialloc Railway Station forecourt.
 15. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
 16. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
 17. Construction on the site must be restricted to the following times:
Monday to Friday: 7:00am to 7:00pm;
Saturday: 9:00am to 6:00pm; and
Sunday and Public Holidays: No construction permitted.
Or otherwise as approved by the Responsible Authority in writing.
 18. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.
 19. The details of the signage (design, text, colours, illumination etc.) must be in accordance with the endorsed plans, or to the satisfaction of the Responsible Authority.
 20. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area, all to the satisfaction of the Responsible Authority.
 21. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
 22. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 23. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
 - The use and development are not started within two (2) years from date of this permit.In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.
-

Note: Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

Note: This proposal only allows for seating on-site. Any proposed footpath dining will require consent from Council's Local Laws Department.

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Note: Prior to the commencement of the use and development of the site the proposal must be referred to and approved by Council's Environmental Health Department.

OR

In the event that Council wish to oppose the application, it can do so on the following grounds:

1. The proposal would prevent the orderly and proper planning of the zone.
2. The traffic generated by the proposal would aggravate an existing traffic problem in the locality.
3. The proposal fails to provide adequate off-street car parking facilities pursuant to the requirements of Clause 52.06 – Car Parking of the Kingston Planning Scheme.
4. The proposal fails to provide adequate loading and unloading facilities on the site.

Attachments:

Traffic Report

Considered Plans

Miriam Matthews presented on behalf of the objectors

Peter Aldred presented on behalf of the applicant

Crs West/Dundas

That Council resolve to issue a Notice of Refusal to Grant an Amended Planning Permit on the following grounds:

1. The proposal would prevent the orderly and proper planning of the zone.
2. The traffic and parking generated by the proposal would aggravate an existing traffic and parking problem in the locality.
3. The proposal fails to provide adequate off-street car parking facilities pursuant to the requirements of Clause 52.06 – Car Parking of the Kingston Planning Scheme.
4. The proposal fails to provide adequate loading and unloading facilities on the site.

Carried

8. Question Time (Continued)

Michael Carty, made an enquiry into the communication expenses of two (2) Councillors for the period of 1 July to 30 September, 2010.

The Mayor determined, in accordance with Council's Meeting Procedures Local Law No 7, that the question may be derogative to the Councillors and did not answer the question at the time. The matter was referred to the CEO for attention and response.

N4 **Moorabbin Airport Final Masterplan 2010 Training Circuit Task Force**

Approved by: John Nevins, Chief Executive Officer

Author: Tony Rijs, General Manager Environmental Sustainability

1. Purpose

As part of the approval of the final Masterplan for the Moorabbin Airport, the Federal Minister requested the Moorabbin Airport Corporation to:

“work with my Department, the Civil Aviation Safety Authority, Airservices, local instructors and the community to assess whether modifications to the existing training circuits would further reduce noise and improve safety over residential areas. I expect this work to take no longer than twelve months to complete.” (Minister’s media statement)

In his letter to MAC the Minister further stated:

“I believe there is a need for an examination over the next 12 months of the operation and location of training areas given the safety and noise impacts of growth forecasts in the Master Plan. I expect Moorabbin Airport Corporation to coordinate this examination in consultation with my Department drawing on expertise from aviation safety and air traffic management agencies and liaising with community and industry stakeholders.”

The terms of reference of the taskforce subsequently established are as follows:

1. The Task Force is to act as a forum so that key participants in the operation of Moorabbin Airport and representatives of communities surrounding Moorabbin Airport can explore whether modifications to training circuits at Moorabbin Airport could further improve safety and residential amenity in the vicinity of Moorabbin Airport.
2. Membership of the Committee will be:
 - a. **Key participants:** Moorabbin Airport Corporation, the Civil Aviation Safety Authority, Airservices Australia, tenants of Moorabbin Airport.
 - b. **The Community:** State Government of Victoria, The City of Kingston, Moorabbin Airport Residents Association, Dingley Village Community Association.
 - c. **The Commonwealth:** Department of Infrastructure, Transport, Regional Development and Local Government.
3. Areas for discussion will include but will not be limited to:
 - a. The possibility of modifications to existing circuit training operations for fixed wing aircraft.
 - b. The times circuit training is accepted at Moorabbin Airport.
 - c. Alternate possibilities for circuit training including the establishment of satellite airfields.
 - d. Current operations of helicopters in training at Moorabbin Airport.
 - e. Alternate possibilities for helicopter training including the establishment of satellite sites.

4. The following areas will be considered:
 - a. The safety implications for any change both at Moorabbin Airport and at any satellite location.
 - b. The impact on amenity for local communities surrounding Moorabbin Airport and of any communities that might be affected by the establishment of satellite sites.
 - c. The economic impact on companies and individuals involved with circuit training.
 - d. The potential infrastructure requirements for any change, and responsibility for funding this infrastructure.
5. Meetings: The intent is that there will be four meetings.
6. Deliverables: Moorabbin Airport Corporation will, as requested by the Minister of Infrastructure, Transport Regional Development and Local Government, prepare a report to be presented to the Minister that will contain recommendations for action, if any, the body or authority responsible for action and the time frame suggested for completion.

The Task Force has met on two occasions and a discussion paper has been prepared. The Task Force is scheduled to meet on two future occasions. A meeting is scheduled for 17 March to consider issues arising from the discussion paper and on 6 May to finalise the findings and the preparation of a report to the Minister.

2. Background

The following points have previously been included in Council submissions relating to the operation of the Moorabbin Airport.

- Airservices Australia identifies Moorabbin Airport as the third busiest airport for aircraft movements in Australia. The Master Plan for Moorabbin Airport identifies movements to increase.
- It is acknowledged that air traffic volumes may have remained relatively static over the last 12 years or so, yet the impacts of airport noise as reflected in the 2009 Australian Noise Exposure Forecast (ANEF) have increased. The Draft Masterplan for Moorabbin Airport plan confirms that *'pilot training is the major activity at Moorabbin Airport'*.
- The areas identified in the 1999 ANEF for Moorabbin Airport as being subject to aircraft noise were generally located beyond the ends of the runways, industrial precincts, non urban areas and residential areas to the south and west of the airport.
- The ANEF included in the 2009 Master Plan identified residential areas to the east of the airport that are now subject to aircraft noise. This change is attributable to pilot training circuit activity.
- The Master Plan seeks to consolidate and support commercial flying training and that many students are full time commercial trainees from overseas. *'Pilot training is the major activity at Moorabbin Airport'*. The plan recognised that during April 2008 a record 40,000 movements were recorded mainly due to an increase in pilot training.

- Kingston Council has in previous responses to Airport Masterplans and Senate Enquiries raised concerns with the noise and safety aspect of ‘circuit training’ which requires aircraft to move directly over residential areas as identified in Section 7.5 of the Master Plan. By contrast aircraft travelling to and from the airport have significantly less impact on residential areas
- Given the increase in trainee activity, Council has consistently raised concerns on behalf of the Kingston community regarding the appropriateness of training being conducted over a densely populated urban area.
- In recent years there have been a number of incidents involving training aircraft including fatalities in the Cheltenham residential area and within the airport boundary.
- The City of Kingston does not believe it is appropriate that circuit training at Moorabbin continues to be encouraged, ahead of airfields located in regional areas within reasonable proximity to Melbourne where the exposure to risk and the impacts of aircraft noise are substantially less.
- Although there may be a clear economic benefit from international pilot training, Kingston does not believe this should be at the cost of increasing the exposure of more residents to aircraft noise as identified by the 2009 ANEF, and the ongoing and escalating public safety risk to people in their own homes.
- Supporting material for the ‘*Moorabbin Airport Australian Noise Exposure Forecasts (ANEF) November 2008 Revision*’ suggests that in 2007 approximately 43,400 or 14% of all movements, were helicopters. Anecdotally, based on community feedback, a greater tension is emerging between residential amenity and the operation of helicopters originating from Moorabbin.
- Council regularly receives complaints from residents in the Dingley, Mordialloc, Mentone and Cheltenham areas regarding the impact of aircraft noise.
- The level of complaints has increased as aircraft training has increased.
- Community members of the Moorabbin Airport Aviation Consultative Committee continue to raise concerns regarding aircraft noise. The issues raised have not been addressed to the satisfaction of the community members.

Over time the residential communities that live in the vicinity of Moorabbin Airport are becoming less tolerant of aircraft noise and increasingly concerned with the level of safety associated with pilot training being conducted over residential areas.

It is likely that future communities will be less tolerant of an airport in an established residential area.

The Ministerial Taskforce provides Council with an opportunity to critically evaluate the role of the Moorabbin Airport and suggest both longer term and short term measures to improve residential amenity for those who reside in close proximity to aircraft flight paths.

3. Summary and Conclusion

Response to Discussion Paper

Suggested responses to issues raised in the discussion paper are as follows:

1. The Pattern and Times of Circuit Training

1.1 70-80% of circuit training is over Dingley. Can this be altered?

Historically the number of training circuits at Moorabbin was significantly lower and those that were conducted were over the lesser developed eastern side of the airport.

Suggested long term Council response

In order to provide long term certainty it is suggested that Council adopt a position that all training activities at the Moorabbin Airport should cease by a set date in 2025 or 2030. unless the measures set out in this paper are adopted including:

- *Revised circuits are adopted which redirect traffic way from residential areas;*
- *Aircraft training movements are capped by the greater utilisation of flight simulators;*
- *Measures are introduced to prohibit noisy aircraft; and*
- *Noise sharing arrangements are put in place.*

Suggested short term Council response

The idea of noise sharing is supported on the basis that the impact of airport noise should not be concentrated over the Dingley area.

1.2 Can non standard circuits be introduced with aircraft avoiding residential areas?

Two alternatives have been put forward for future consideration. In the issue paper the options involve modifying the eastern circuit to minimise noise impacts on residential areas

Suggested Council response

If it is possible to modify circuits to reduce the impact on residential communities the concept of alternative circuits is supported.

1.3 Can helicopters confine their circuits entirely within airport boundaries?

As the discussion paper suggests, a significant number of complaints regarding aircraft noise in the Dingley area are already attributable to helicopter training, an activity that has increased significantly over the last years. Helicopter training does not require an airport and can be conducted at a remote location.

Suggested Council Response

Helicopter training should not be conducted in the vicinity of an established residential area and an alternative venue away from the airport should be established.

It is suggested that all helicopter training at the Moorabbin Airport should cease by 2015.

1.4 Can Helicopter departing Moorabbin Airport confine their departure to a set flight path?

Suggested Council Response

A designated flight path for helicopters wishing to access the airport that minimises low altitude flying over residential areas is supported.

1.5 Can the circuit height be raised and, if so, to what altitude

Suggested Council Response

An increase to the current altitude would only be supported if forecasting suggested that the overall level of noise associated with pilot training was reduced and the areas impacted by pilot training did not increase significantly.

1.6 Can circuit training be confined to the operating hours of the tower?

One of the major areas of concern raised by the Kingston community is the level of aircraft training conducted after hours and on weekends when residents are at home. The suggested reductions in the discussion paper (to coincide with tower operating hours) is not a significant change.

Suggested Council Response

Council's view is that training hours should be limited to weekdays between 0800 and 1800 and no training should be conducted on weekends, and public holidays.

2. The volume of circuit traffic at Moorabbin Airport

2.1 Can flying schools be encouraged to move some of their flight training to other airports?

The discussion paper highlights the limitations of relocating flight training away from Moorabbin. It would not be practical to introduce measures to relocate pilot training if there are no ready alternatives. The flying schools that operate on the airport are operating lawfully and have made a significant investment.

Suggested Council Response

There is a need to focus on the long term. If existing trends continue our communities will not tolerate the safety and noise issues associated with pilot training on an ongoing basis. Relevant government agencies should investigate the establishment of a training facility located away from built up urban areas.

2.2 Can helicopter companies be encouraged to move some or all of their circuits or hover training to an alternative site?

Suggested Council Response

Helicopter training should not be conducted in the vicinity of an established residential area and an alternative venue away from the airport should be established.

It is suggested that all helicopter training at the Moorabbin Airport should cease by 2015.

2.3 Can capacity caps be introduced to limit the number of aircraft in a circuit at any one time?

Suggested Council Response

If other measures as suggested by Council are adopted ie noise sharing and limiting the hours of flight training Council would not advocate for a cap in the number of aircraft in a circuit at any one time.

2.4 Can capacity caps be introduced to limit the total number of aircraft movements in Moorabbin Airport in total?

The ultimate capacity of the airport is well in excess of the 310,000 movements recorded in 2009. It is considered that if a cap is to be introduced it should be based on current levels.

If Council suggestions that limit training movements to 8.00am to 6.00 Monday to Friday a cap of 350,000 should accommodate existing training demands.

Suggested Council Response

Council supports a cap on the total number of movements at Moorabbin Airport be established at 350,000, based on the total number of movements recorded in 2008.

3. Other measures

Is it possible to introduce noise monitoring at Moorabbin the way it is done at other airports ie Melbourne and Sydney?

Suggested Council Response

Council's preference would be reduce training circuits in the evening periods, weekends and public holidays.

Council would not contribute to the cost of acquiring or manufacturing a noise monitoring system for Moorabbin Airport.

4. Recommendation

That Council response to the Moorabbin Airport final masterplan 2010 training circuit task force be based on the following:

- In order to provide long term certainty Council considers that all training activities at the Moorabbin Airport should cease by a set date in 2025 or 2030 unless the measures set out below are adopted:
 - Revised circuits are adopted which redirect traffic way from residential areas;
 - Aircraft training movements are capped by the greater utilisation of flight simulators;
 - Measures are introduced to prohibit noisy aircraft, and
 - Noise sharing arrangements are put in place.
- The idea of noise sharing is supported on the basis that the impact of airport noise should not be concentrated over the Dingley area.
- If it is possible to modify circuits to reduce the impact on residential communities the concept of alternative circuits is supported.
- Helicopter training should not be conducted in the vicinity of an established residential area and an alternative venue away from the airport should be established. It is suggested that all helicopter training at the Moorabbin Airport should cease by 2015.
- A designated flight path for helicopters wishing to access the airport that minimises low altitude flying over residential areas is supported.
- An increase to the current altitude for circuits would only be supported if forecasting suggested that the overall level of noise associated with pilot training was reduced and the areas impacted by pilot training did not increase significantly.
- Council's view is that aircraft pilot training hours should be limited to weekdays between 0800 and 1800 and no training should be conducted on weekends, and public holidays.
- There is a need to focus on the long term. If existing trends continue our communities will not tolerate the safety and noise issues associated with pilot training on an ongoing basis. Relevant government agencies should investigate the establishment of a training facility located away from built up urban areas.
- Helicopter training should not be conducted in the vicinity of an established residential area and an alternative venue away from the airport should be established. It is suggested that all helicopter training at the Moorabbin Airport should cease by 2015.
- If other measures as suggested by Council are adopted ie noise sharing and limiting the hours of flight training Council would not advocate for a cap in the number of aircraft in a circuit at any one time.
- Council supports a cap on the total number of movements at Moorabbin Airport be established at 350,000, based on the total number of movements recorded in 2008.
- Council's preference would reduce training circuits in the evening periods, weekends and public holidays. Council would not contribute to the cost of acquiring or manufacturing a noise monitoring system for Moorabbin Airport.

Crs West/Peulich

That Council response to the Moorabbin Airport final master plan 2010 training circuit task force be based on the following:

- In order to provide long term certainty Council considers that all training activities at the Moorabbin Airport should cease by a set date in 2025 or 2030 unless the measures set out below are adopted:
 - Revised circuits are adopted which redirect traffic way from residential areas;
 - Aircraft training movements are capped by the greater utilisation of flight simulators;
 - Measures are introduced to prohibit noisy aircraft, and
 - Noise sharing arrangements are put in place.
- The idea of noise sharing is supported on the basis that the impact of airport noise should not be concentrated over the Dingley area.
- If it is possible to modify circuits to reduce the impact on residential communities the concept of alternative circuits is supported.
- Helicopter training should not be conducted in the vicinity of an established residential area and an alternative venue away from the airport should be established. It is suggested that all helicopter training at the Moorabbin Airport should cease by 2015.
- A designated flight path for helicopters wishing to access the airport that minimises low altitude flying over residential areas is supported.
- An increase to the current altitude for circuits would only be supported if forecasting suggested that the overall level of noise associated with pilot training was reduced and the areas impacted by pilot training did not increase significantly.
- Council's view is that aircraft pilot training hours should be limited to weekdays between 0800 and 1800 and no training should be conducted on weekends, and public holidays.
- There is a need to focus on the long term. If existing trends continue our communities will not tolerate the safety and noise issues associated with pilot training on an ongoing basis. Relevant government agencies should investigate the establishment of a training facility located away from built up urban areas.
- Helicopter training should not be conducted in the vicinity of an established residential area and an alternative venue away from the airport should be established. It is suggested that all helicopter training at the Moorabbin Airport should cease by 2015.
- The number of plane movements in a single circuit over the same area be capped to minimise nuisance noise over residential areas
- Council supports a cap on the total number of movements at Moorabbin Airport be established at 350,000, based on the total number of movements recorded in 2008.
- Council's preference would reduce training circuits in the evening periods, weekends and public holidays. Council would not contribute to the cost of acquiring or manufacturing a noise monitoring system for Moorabbin Airport.

Carried

N 5

Bradshaw Park Fence Review

Approved by: Tony Rijs, General Manager Environmental Sustainability

Authors: Lee James, Natural Resource Area Supervisor
Tony Collins, Team Leader Parks Department
Mark Juler, Manager Parks and Depot Services

1. Purpose

To present Council with the results of the Bradshaw Park site review that was undertaken in response to concerns about the installation of a new fence and the officer recommendation.

2. Background

Bradshaw Park is a natural bushland reserve located on the corner of White Street & Nepean Highway., Mordialloc. As part of the adopted 2009/2010 Capital Works program the old 1.8 metre chain mesh fence that surrounded the reserve was removed in January 2010 and replaced with a 1 metre high post & rail fence, as the original fence had seriously deteriorated.

Members of Friends of Bradshaw Park (FOBP) and Mordialloc Beaumaris Conservation League (MBCL) were consulted as part of the fence replacement project.

The choice of new fencing style was determined based on suitability for protecting vegetation balanced against the cost and encouraging greater community involvement in the reserve by revealing the beauty of the park and providing a more welcoming appeal for locals to enjoy the reserve while still 'steering' pedestrians towards the existing paths. Retention of the original fencing style gave the impression to the community that the reserve was 'locked away' and couldn't be accessed.

After the new fence was installed, members of FOBP and MBCL raised concerns of a potential increase in litter blowing into the park given the new fence has no mesh as well as potential increase in trampling of vegetation due to the installation of the lower more open fence.

In response to these concerns, Council committed to monitoring the reserve in regard to a potential increase in litter blowing into the park and the potential increase in trampling of vegetation. In discussion with FOBP & MBCL, Council agreed to review the need for retrofitting mesh to the new fencing.

On 26 July Council considered the following motion from the 5 July 2010 Mentone/Parkdale Village Committee meeting:

That the Village Committee strongly requests that Council replace existing fencing at Bradshaw Park with standard 1.8 metre black cyclone wire fencing and the Park be declared a dog free zone.

Crs West/Dundas

Council is committed to monitoring the reserve in regard to concerns about the new fence. In discussion with FOBP, Council will review the need for retrofitting mesh to the new fencing. This review is likely to take place in September or later in the year to ensure sufficient time is allowed for making an informed decision.

Upon the completion of the review the Village Committee will be advised of the decision.

A letter advising of this recommendation including a copy of the Biosis Report will be sent to the Village Committee Chair.

Carried

On 27 September Council considered the following motion from the 31 August 2010 Mordialloc Village Committee meeting:

That Council, in addition to the current review initiated by Mentone Village Committee, the efficacy of a feral proof fence around the complete perimeter of the park including the railway frontage, be part of the terms of reference for that review.

Officer Comment:

Friends of Bradshaw Park (FOBP) were consulted as part of the fence replacement project. Council is committed to monitoring the reserve in regard to concerns about a potential increase in litter blowing into the park given the new fence has no mesh. In discussion with FOBP, Council will review the need for retrofitting mesh to the new fence. This review is likely to take place in September or later in the year to ensure sufficient time is allowed to make an informed decision. Effectiveness of a feral proof fence will be included as part of this review.

Crs West/Brownlees

Upon the completion of the review, which is to include consideration of feral proof fence, the Village Committee be advised of the Council's decision.

Carried

On 29 October an on-site review of the new fence took place that involved Council Natural Resource Area staff (Tony Collins & Lee James), members of FOBP & MBCL, also present were some members of Mordialloc/Mentone Village Committee and a Ward Councillor (Cr. West).

At this meeting it was resolved to inspect the surrounding fence line to determine if there was a significant increase in:

- Trampling of vegetation due to greater accessibility to the Park.
- Litter blown into the Park from adjoining Nepean Hwy., or properties.

The meeting toured the reserve and in total found a small plastic bag of litter and confirmed no tracks or trampled vegetation. Comments made by members of the groups included concerns about dogs entering the reserve and the desire for a dog-free area, concerns about potential stolen plants, concerns about access point near railway reserve and concerns about some concrete debris within the reserve.

**City of Kingston
Ordinary Council Meeting**

Minutes

28 February 2011

All present acknowledged that the vegetation was in good condition. There was no evidence of an increase in litter through the reserve or an increase in trampling of vegetation as a result of the new fence being installed. The representatives of the community groups attending the tour wanted it noted they desired retro-fitting of mesh fencing 1.5 metres high to existing posts regardless of the findings of the review.

On 22 November Council considered the following motion from the 9 November 2010 Mentone/Parkdale Village Committee meeting:

Part 1

In view of the unsatisfactory fencing around Bradshaw Heathland Reserve (Bradshaw Park), the Committee requests that Council makes Bradshaw Heathland Park a dog free zone at all times as a matter of urgency.

Part 2

That a request be put to the 2011/12 Council Budget process for funding allocation for the reimplementation of secure fencing and spring-loaded gating of Bradshaw Heathland Park.

Crs Dundas/West

The Village Committee be advised of the Council's decision when it considers a report at the December Council meeting on this matter.

Carried

The concept of placing a 'feral-proof' fence around the reserve is considered excessive as species using the reserve are largely transient and such a fence would provide questionable protection for such a small site (1.9Ha) for a large outlay of community money. This decision has been supported by advice from Dr. Jeff Yugovic from Biosis Research.

The following is an excerpt from the Dr. Yugovic report : “ *a predator proof fence would not be appropriate as there are no fauna within the park that are threatened within the City of Kingston by predators. Such a fence would also be expensive and unsightly and way beyond anything that exists in Victoria for such a reserve. The fact that there is nothing significant to protect would soon attract adverse attention. Accordingly, I support the Council in not installing such a fence. It would seem to me that the new low fence is a visual improvement on the old fence and better presents the vegetation to the public*”.

On 13 December a report was presented to Council, details of the recommendation and resolution are below:

Recommendation

That Council resolve to retain the existing fence and continue to monitor the reserve and vegetation.

Crs West/Shewan

That the item be deferred to allow for a fourth option that Council review retrofitting mesh to the existing fence

carried

In response to the resolution quotations were sought for its implementation. The cost to retrofit chainmesh to the existing fence is \$19,835, installation of 2 chainmesh vehicle gates is \$1,260 and 2 spring loaded self closing pedestrian gates is \$780. The total cost would be \$21,875. All figures exclude GST.

3. Summary and Conclusion

Bradshaw Park's old 1.8 metre chain mesh fence that surrounded the reserve was removed in January 2010 and replaced with a 1 metre high post & rail fence, as the original fence had seriously deteriorated. Following concerns raised about a potential increase in litter blowing into the park as well as potential increase in trampling of vegetation, Council committed to review the need for retrofitting mesh to this fence with the on-site inspection taking place on 29 October 2010. This review and inspection involved members of the key groups who had raised concerns. The inspection indicated no significant increase of litter and no evidence of trampling within the reserve as a result of the installation of the new 1 metre high post & rail fence.

Removal of the new fence and replacing it with a 'feral-proof' fence, a higher mesh fence or retrofitting mesh to the existing fence is considered excessive. Species using the reserve are largely transient and any such a fence would provide questionable protection for a large outlay of community money. There is no evidence of an increase in litter through the reserve or an increase in trampling of vegetation as a result of the post & rail fence being installed.

Changing the status of the park from dog on leash to dog free is also considered excessive given the community enjoy the benefits of walking dogs on lead within the park and there is no evidence of vegetation trampling as a result. Dog owners are required to clean up after their dogs and there is no evidence of vegetation being adversely impacted as a result of nutrient build up from dog droppings.

4. Issues

During the tour of Bradshaw Park there was no evidence of an increase in litter or an increase in trampling of vegetation or vegetation being adversely impacted as a result of nutrient build up from dog droppings.

The representatives of the community groups attending the tour wanted it noted they desired retrofitting of mesh fencing 1.5 metres high to existing posts regardless of the findings of the review.

Council's fencing contractor has advised retrofitting mesh panels to the existing fence is not viable. A cost estimate to remove the post & rail fence and replace with a 'feral-proof' fence or higher mesh panel fence would be in the order of \$90k - \$120k depending on what option was selected.

At the Councillor Information Session on 4 October 2010 Dr. Jeff Yugovic gave a presentation on recent habitat hectare data audit work he'd undertaken for Kingston in response to a priority action within the Biodiversity Strategy. He provided an overview of Ecological Vegetation Classes within Kingston and detail on what habitat hectare data is and what was involved in auditing it. The impact of management practices and issues on remnant vegetation were also highlighted.

The issue of fencing of Bradshaw Park was raised and discussed. A summary of the key points made by Dr. Yugovic are as follows:

- There was evidence to suggest removing the fence has positively impacted some flora species through disturbance required for regeneration.
- There are no fauna within the park that are threatened within the City of Kingston and need to be protected from feral creatures.
- It is not feasible to seek to introduce fauna into small parks such as Bradshaw Park.
- The new fence was far better visually than the previous fence and is appropriate for the Park.
- The park is now more open and allows the public to appreciate the vegetation.
- Installation of a feral proof fence would be ridiculed by people with environmental credentials, in fact Kingston would be seen as the laughing stock.

Impacts & issues of installing a feral proof fence at Bradshaw Park are:

- significant vegetation removal would be required to allow set back into the park to ensure the angled outline post extensions do not encroach into neighbouring property
- vegetation would need to be cleared either side of the fence to ensure its performance is not compromised
- it would be unsightly
- it would be very expensive
- it would be of little benefit from a habitat protection perspective due to the fauna species using the reserve and the size of the reserve.

Council officers do not believe there is a requirement to replace the existing fence given the result of the site inspection. Council staff will continue to monitor the reserve and vegetation as part of the normal works program on a 3-4 weekly basis to ensure the vegetation is not negatively impacted. If any negative impacts or issues are identified they will be responded to.

5. Options

Option 1: No change to existing post & rail fencing.

Council staff will continue to monitor the reserve and vegetation as part of the normal works program on a 3-4 weekly basis to ensure the vegetation is not negatively impacted.

Option 2: Remove the post & rail fence and replace with a ‘feral-proof’ fence.

A cost estimate to remove the post & rail fence and replace with a ‘feral-proof’ fence or higher mesh fence would be in the order of \$90k - \$120k depending on what option was selected.

Option 3: Remove the post & rail fence and replace with ARC wire based fencing as used at the rail crossing near Bradshaw Park.

A cost estimate to remove the post & rail fence and replace with ARC wire fence would be in the order of \$90k - \$120k. This style of fence uses fixed panels that are not well suited to a sloping site.

Option 4: Retrofit chainmesh to the existing post & rail fence, install 2 chainmesh vehicle gates and 2 spring loaded self closing pedestrian gates.

A quotation to retrofit chainmesh to the existing fence, install 2 chainmesh vehicle gates and 2 spring loaded self closing pedestrian gates is \$21,875 excluding GST. This option is substantially cheaper than the 1.8m fence and more visually appealing. This fence would increase entry and access via the designated entry points and reduce the amount of litter blowing into the reserve.

6. Triple Bottom Line Checklist

- **Environmental** – no obvious negative impact on the local vegetation and biodiversity within Bradshaw Park.
- **Social** – The existing fence would continue to enhance the reserve and encourage Kingston’s residents to utilise this reserve. Reduce public perception that the reserve is ‘locked away.’
- **Financial** – No negative impact on the existing Parks budget. However, there would be an unbudgeted expenditure in the order of \$90k - \$120k if the fence is removed and replaced.

7. Recommendation

That Council resolve to retain the existing fence and continue to monitor the reserve and vegetation on a regular basis to ensure the vegetation is not negatively impacted.

Crs Staikos/West

That Council adopt Option 4 - Retrofit chainmesh to the existing post and rail fence, install 2 chainmesh vehicle gates and 2 spring loaded self closing pedestrian gates.

Carried

Cr Athanasopoulos left the Chamber at 8.25 pm
Cr Athanasopoulos returned to the Chamber at 8.27 pm

N 6 Lilliput Lane Aspendale Construction Special Charge Scheme

Approved by: Tony Rijs, General Manager Environment Sustainability

Author: Peter Bain, Manager Infrastructure

1. Purpose

To seek Council's approval in principle to a 'special charge' scheme for the construction of Lilliput Lane and associated traffic management measures so that a detail design and project costs can be established.

2. Background

Lilliput Lane runs between Nepean Highway and the Foreshore over a length of 160 metres. There are 6 properties which require access to Lilliput Lane as its only road abuttal. Another one property abuts Lilliput Lane and therefore has legal rights of access, however they can utilise alternate access from an easement across their neighbour's property to the north, leading from Somme Parade.

Lilliput Lane is only 3.66metres wide. The road surface is crushed rock and with the current level of traffic the surface requires re-grading quarterly. There continue to be water drainage issues. Requests from residents have been received over a lengthy period of time for the road to be constructed to improve the serviceability of the road.

Attachment 'A' shows the current site plan of Lilliput Lane, including current property layout along with surrounding road network. Particular attention is drawn to the location of Somme Parade to the north, and carriageway easements leading from the south of Somme Parade.

Construction of an unmade road is typically undertaken under a special charge scheme from which a contribution from the benefiting properties is obtained. The Act provides for the scheme to be paid over a number of instalments or as a lump sum as elected by the ratepayer.

Statutory Process

Section 163 of the Local Government Act 1989 enables Council to recover the cost of constructing a private road or lane. The following process is recommended to ensure that Council complies with the requirements of the 'Act':

- (i) Council approves or rejects a recommendation to declare its 'Intention to Levy a Special Charge' together with the associated statutory requirements and manner of repayments.
- (ii) Subject to Council approval, explanatory letters to be sent to property owners and a public notice placed in the local newspaper outlining the 'Notice of Intention to Levy a Special Charge'. Property owners would then have fourteen (14) days in which to make a written submission.

- (iii) A future report to Council would then discuss any written submissions and recommend whether or not to proceed with or alter the proposed scheme.
- (iv) Subject to Council approval, further explanatory letters to be sent to property owners outlining Council's confirmation to 'Levy a Special Charge'.
- (v) Property owners would then have one (1) month in which to make a written submission to the Victorian Civil & Administration Tribunal (V.C.A.T) requesting a review of Council's decision.

If no further submissions are received, tenders for the construction of the lane would be sought and accounts sent to property owners following the commencement of works.

Apportionment Details

Lilliput Lane is currently bordered by six (6) properties as shown on the attached site plan. Six of these properties require access to Lilliput Lane as its only road abuttal. Another one property abuts Lilliput Lane and therefore has legal rights of access, however they can utilise alternate access from an easement across their neighbour's property to the north, leading from Somme Parade.

Apportionment has been calculated based on area of properties and distance from Nepean Highway and on how each property benefits from the use of the laneway and the length of their Lilliput Lane frontage.

Based on this apportionment model and a preliminary estimate of \$100,000 for the works, contributions for individual properties will range from \$1,445.00 to \$10,885.00. Total resident contributions represent 50% of the cost of construction with council paying the balance.

3. Summary and Conclusion

A special charge scheme is proposed for the construction of Lilliput Lane. Initial consultation has been undertaken with residents and there is general support for the scheme to proceed. The proposed scheme involved a Council contribution of 50% of the construction costs. This contribution level was based on the broad community benefit of the works, being a public footway leading to the foreshore.

In conjunction with the construction of Lilliput Lane, traffic flow improvements are proposed at the intersection with the Nepean Highway. The principal traffic management issues in Lilliput Lane relate to the inability of vehicles to pass when there is conflict with egress and access movement and potential conflicts with pedestrian and cycle traffic due to restricted visibility. Improvements proposed are to take possession of a carriageway easement at the intersection of Nepean Highway, effectively widening the intersection.

The key next stage will be for design plans and specifications and estimates to be prepared and for formal presentation to Councillors for approval to proceed with the special charge scheme process as defined under the Local Government Act.

4. Consultation

The residents have been consulted on a number of occasions over a lengthy period of time with general support for construction but changing opinions on who should pay for the costs.

There is currently majority support for the scheme. There is a general opinion that the cost of the scheme should fall more on the properties at the foreshore end. The proposed apportionment takes into account the distance from the Nepean Highway.

5. Issues

Construction

The construction of Lilliput Lane is warranted, mindful of the level of maintenance required and the number of residential abutments to the roadway. A small number of the properties may be subject to further subdivision in the future.

Lilliput Lane is also a public access way to the foreshore, albeit for pedestrian traffic only. Notwithstanding it is considered appropriate that Council contribute to the construction of Lilliput Lane on the basis of the broader community benefit of having a sealed access way to the foreshore. Therefore a contribution of 50% is considered appropriate. A previous Council had supported such a contribution; however this would need to be reaffirmed by the current Council.

The proposed construction treatment is an asphalt surface with a brick band edge. Drainage will also be upgraded in the form of soakage pits to avoid constructing another drainage outfall across the foreshore. Optional use of pervious pavers have also been discussed.

It is also proposed to upgrade the water hydrant supply to improve CFA access to water. One house was destroyed by fire a number of years ago and is being replaced.

Traffic Issues

Lilliput Lane is only 3.66 m wide and has seven properties with direct abutment. Midway along the lane there is a turnout section which allows for opposing vehicles to pass.

There is a challenge however at the intersection with Nepean Highway where the current width of 3.66 m does not accommodate opposing vehicles. It is understood that there is a general understanding amongst residents that a vehicle entering Lilliput Lane will be provided with priority. That is a vehicle exceeding laneway will reverse back to the turnout section.

Oneway movement

Approximately 8 years ago Council disposed of a section of the Somme Parade road reservation to the north of Lilliput Lane, thereby removing any opportunity of creating a one-way circular link to the constructive section of Somme Parade to the north. A one-way travel movement would obviously remove issues with opposing vehicles, oversee greater majority of Lilliput Lane.

Intersection widening

An earlier subdivision, of the property on the northwest corner of Lilliput Lane and Nepean Hwy (309 Nepean Highway) provided for a carriageway easement in favour of Council of 1.5 m width over a distance of 7 m, with a view of providing a widened entrance. This easement is still fenced within the relevant property; however it could be used for the purposes of widening the entrance. Costs will be incurred moving a local telecommunications pit and a power pole.

On the south-west corner in Nepean Highway there is a large telecommunications pit which significantly compromises any benefit cost consideration for any effective widening on this side.

6. Options

The road surface could be constructed of permeable pavers which would increase the cost of the scheme by about 30%.

7 Triple Bottom Line Checklist

Environmental – Reduced re-grading of the crushed rock road surface and improvement of water drainage issues.

Social – Broad community benefit of the works, being a public footway leading to the foreshore.

Financial – Fifty percent of the cost to be borne by Council

8. Recommendation

That Council resolve to proceed with development of a “Special Charge” scheme for the construction of Lilliput Lane.

Attachments:

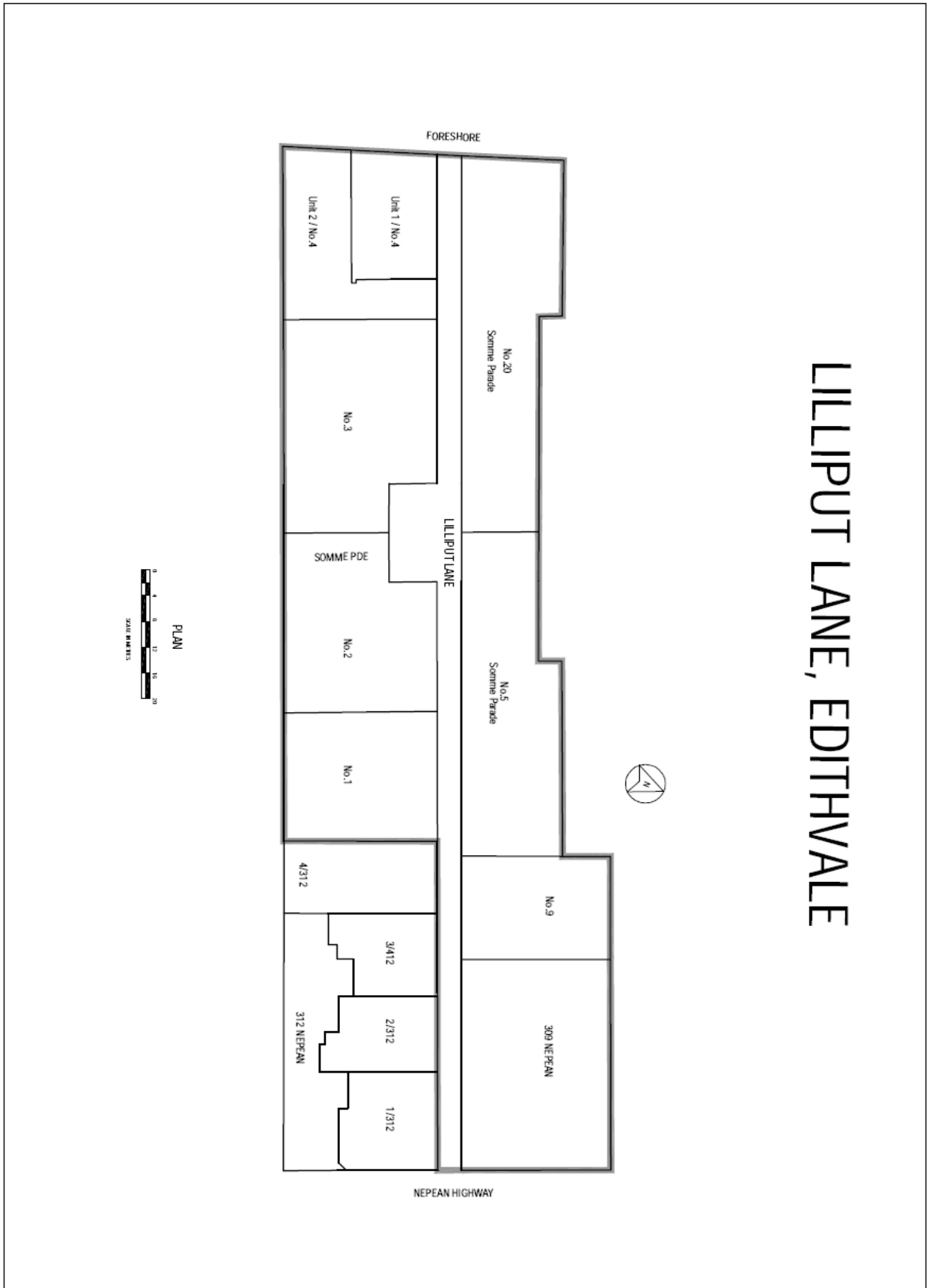
Attachment A – next page

Crs Ronke/Moloney

That the recommendation be adopted

Carried

Attachment A



10. Community Sustainability Reports

N 7 Briefing on Youth Strategy 2007-10 and Development of Youth Strategy 2011-14

Approved by: Mauro Bolin, General Manager, Community Sustainability

Author: Jihan Wassef, Team Leader, Youth & Family Services
Sharon Bahn, Manager, Family, Youth & Children's Services

1. Purpose

To provide information regarding achievements of the Youth Strategy 2007-2010 and recommend an approach for the development of the Youth Strategy 2011-2014.

This report relates to Planned Outcome 3: A Healthy and Secure Community in the Kingston City Council Plan 2006 – 2011.

2. Background

2.1 Youth Strategy Framework

The Kingston Youth Strategy 2007-2010 was developed to provide the overall framework for the operation of Youth Services, with a focus on the involvement of young people in all areas of service planning, delivery and evaluation. This framework was based on a community development approach in that young people were actively involved in the identification of needs, the development of responses and the evaluation of the effectiveness of those responses. The framework was based on four key principles:

- Participation
- Identification of Need
- Responding Through Action
- Sustainability.

2.2 Youth Strategy development process

The following process was undertaken in the development of the 2007-2010 Youth Strategy.

- Analysis of demographics and factors impacting on the wellbeing of young people;
- Consultation with key stakeholders (service providers and young people);
- Analysis of relevant Council consultations and strategies, including Youth Leisure Needs Study, Youth Employment Strategy, Community Plan, Municipal Public Health Plan, Arts and Cultural Strategy, Disability Action Plan and the Multicultural Action Plan;
- Service Usage Analysis, including presenting issues and service demand;
- Youth Services 2009 program evaluations and customer satisfaction feedback; and
- Industry best practice and government policy directions.

2.3 Strategic Priorities

The Youth Strategy 2007-2010 provided the following seven key Strategic Priorities.

- **Mental Health:** Increase awareness of mental health issues within the community; provide support and effective entry and progression through the service system through identification of gaps and barriers for young people with mental health issues.
- **Healthy Lifestyles:** Provide education and support to young people regarding healthy lifestyle choices, including nutrition, physical activity, community safety and other emerging health issues.
- **Community Participation:** Value, support and increase the contribution that young people make within the community.
- **Service Access:** Ensure that all young people are aware of services available to them, and the flexibility and availability of these services as required with a focus on emerging cohorts and special needs groups.
- **Education, Employment and Training:** Support young people to access information and gain the skills required to make effective, informed decisions regarding their future education and careers.
- **Leisure:** Utilise leisure activities as a tool to engage young people in order to address their needs and ensure that a wide range of leisure options are available to young people.
- **Parenting:** Provide support to young people making the transition to parenthood, and parents of young people.

3. Summary and Conclusion

The development of the Youth Strategy 2007-2010 was based on sound research and community consultation. The strategy provided a process whereby young people had the opportunity to contribute to the identification of their needs, development of appropriate responses and participated in the evaluation of the effectiveness of those responses.

The Youth Strategy 2007-2010 has expired and needs to be redeveloped to set the agenda and actions for planning and intervention over the coming years. The Youth Strategy 2011-2014 is being developed by an internal working group of Council officers for Council consideration and endorsement. A thorough program has been developed to ensure that policy issues, sector changes and youth and family issues are reflected and analysed and that the community is provided with appropriate mechanisms to be consulted in the development of the Youth Strategy. Councillors will be informed at key points in the development of the Plan.

4. Impact and issues

The following objectives and actions of the 2007–2010 Youth Strategy were successfully implemented:

4.1 Mental Health:

- Development of partnership with Headspace Consortium, raising mental health awareness and providing mental health interventions;
- Facilitation of Kind2Mind – Youth focus on Mental Health;
- Facilitated mental health and community well being Community Education Sessions; and
- Ongoing advocacy, support, mediation and counselling.

4.2 Healthy Lifestyles:

- Continued to provide a range of mediums to promote healthy lifestyles for young people;
- Continued to provide a range of education strategies to influence positive behaviour change; and
- Facilitated school based community education sessions, addressing health and nutrition, love the skin your in and ensuring your well being during exam times.

4.3 Community Participation:

- Continued opportunities for youth participation in the development, implementation and evaluation of existing programs (eg expanded Youth Consultative Committee);
- Provided opportunities for young people to increase their capacity for informed decision making through a range of information and skills development initiatives;
- Promoted and celebrated achievements and contributions of young people within the community;
- Developed, promoted and recruited a Globe2Globe (G2G) committee of young people who planned and delivered a dance event at 2010 G2G community event; and
- Expanded the Youth Volunteer program to assist with Kingston Youth Festival and community based events.

4.4 Service Access:

- Development of an improved duty system at Kingston Youth Services, to address referrals and assessment of young people presenting at the Youth Centre Monday to Friday 3-5pm;
- Development of a new Youth Services Website (www.kyfs.org.au) to improve information access for young people and their families; and
- Flexibility regarding when, where and how a client/group is provided with support, for example: increased weekly school based outreach sessions, School based counselling appointments, outreach recreational and sport based activities at park, beach and skate parks.

4.5 Education, Employment and Training:

- Development and delivery of program and workshops to meet specific requests from local Secondary schools.
- Delivery of various Youth, and Family related community education across the municipality.

4.6 Leisure:

- Secured a \$10,000 Music Equipment Grant to assist young peoples access to community based activities and provide them with skills and experience to explore career pathways in the music, arts and entertainment industry.
- Development of Recreational Outreach Youth Connect program operating during the term school holidays and semester breaks.

4.7 Parenting:

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- Outposting of Kingston Maternal and Child Health service at Youth Services to provide a Young Mums Group and Sexual Health Education; and
- Development of Pilot Program - CALD young men's support group at Westall Secondary School.

The Youth Strategy 2007-2010 has expired and needs to be redeveloped to set the agenda and actions for planning and intervention over the coming years. Background consultation and research to support the development of The Youth Strategy 2011-2014 is being undertaken by an internal working group of Council officers.

The following table outlines an indicative framework for the development of the Youth Strategy.

Task	Who's responsible	Indicative Time frame
Develop introduction, literature / policy review and research section of report	Manager Family Youth and Children's Services	January 2011
Development of demographic profile	Social Strategies Coordinator	February 2011
Community consultation completed	Team Leader Youth and Family Services	April 2011
Complete draft Youth Strategy	Manager Family, Youth & Children's Services	May 2011
Seek CIS endorsement of draft Youth Strategy being opened for public comment	Manager Family, Youth & Children's Services	June 2011
	Councillors	
Council adoption of final Youth Strategy	Council	August 2011
Launch of Youth Strategy	Youth & Family Services	August – September 2011

5. Options

N/A

6. Triple Bottom Line Checklist

- **Budget/Financial impact**
The development of the Youth Strategy 2011–2014 will occur within the existing Council Youth Services budget.
- **Social impact**
It is well documented that young people who are supported in addressing issues in their lives, and/or encouraged to participate in their community, are more likely to be healthy people who make positive contributions to the society.

A core aspect of the Youth Strategy is to facilitate a positive social outcome for the community. The Youth Strategy 2011-2014 will identify a range of issues that influence the lives of young people and families and outline actions and outcomes which will result in an improvement to the lives of young people and families in the municipality.

- **Environmental impact**

Community consultation will provide a picture of the importance that young people, families and service providers place on environmental initiatives.

7. Recommendation

That Council note the achievements of the 2007-2010 Youth Strategy and support the plan for the development of the Kingston Youth Strategy 2011-2014, as detailed in the report.

Crs Staikos/Peulich

That the recommendation be adopted

Carried

N 8 Walter Galt Reserve – Replacement of fallen light pole

Approved by: Mauro Bolin, General Manager, Community Sustainability

Author: Michael Haley, Leisure Planner

1. Purpose

This report provides the background and a range of options to consider in relation to the replacement of a fallen light pole at Walter Galt Reserve in Parkdale. This report recommends options to fund the implementation of a lighting project at Walter Galt Reserve.

2. Background

The Walter Galt Reserve in Parkdale is the home ground for the Mordialloc Braeside Junior Football Club and the Kingston Saints Cricket Club. The football club fields 15 junior teams (320 children), using the main oval and at times the lower oval for training. Up until September 2010 there were three lighting poles supporting the main ground (two wooden poles and one stainless steel pole) and one of the poles on the main oval had additional lamps to provide some light to the lower oval to enable the club to conduct limited training activities on this ground.

On Saturday night 4 September 2010, one of the wooden poles at the ground was blown over. This pole was located adjacent to the pavilion and is the pole that had the additional lamps on the pole to provide some light to the lower oval. As a result of this incident Council arranged to have the other wooden pole at the site inspected by engineers to assess the structural integrity of the pole. The engineers report assessed the pole has having an expected lifespan of 1-2 years.

3. Summary and Conclusion

The light pole that has fallen at the reserve needs to be replaced to allow for junior training to continue at the ground during the 2011 winter season. There are a number of options for the replacement of this pole and the long term provision of appropriate lighting at this ground.

It is recommended that funding be approved to replace the fallen pole in the current financial year and that additional funds be considered in the 2011-2012 budget to enable the second pole's replacement.

4. Consultation

Council Officers have consulted extensively with the Mordialloc – Braeside Junior Football Club in relation to this issue since the light pole fell over. The club strongly supports the immediate replacement of the pole and has indicated a willingness to contribute \$10,000 towards this replacement cost. Council has obtained an estimated cost of \$65k for the reinstatement of the single pole.

5. Issues

Walter Galt Reserve was formally a landfill site and the soil composition is extremely poor. As a result the footings for any light towers at this site need to be more extensive and subsequently more expensive than footings for light towers constructed in more stable soil conditions. There may also

need to be special conditions and monitoring during construction of the footings at this site that would incur additional costs.

In addition to the cost of the replacement of one pole Council also needs to consider the replacement of the other wooden pole and the future lighting requirements of the users of the reserve. A lighting design has been completed for the main ground which will provide lighting that meets current Australian standards for training and junior competition when fully implemented. This lighting design includes a standard four pole configuration and an on ground pillar linked to the switchboard to provide all switching and controls for the lights. Completion of this project would require replacement of the wooden pole that fell over, replacement of the remaining wooden pole, repositioning and replacement of the existing steel pole, and installation of a new fourth pole.

The estimated cost for replacing one pole with suitable power supply and controls to service any future lighting upgrade at the reserve is \$65K. The implementation of the remaining elements of the lighting design has been estimated at \$210K.

Officers have sought independent engineering advice to determine if there are alternative options for the footings to support the installation of light poles. The advice from engineers is that deep bored reinforced concrete piers could be an alternative and cost details are currently being sought but are not likely to exceed \$65K.

Alternative training options should the light pole not be replaced in time for the 2011 winter season were discussed with the football club. Council suggested the use of Gerry Green Reserve, Parkdale for training on nights when the ground is not being used by Parkdale Football Club. Mordialloc-Braeside JFC felt it would be extremely difficult to accommodate the clubs training requirements at Gerry Green Reserve and that it did not want to split the club between venues.

Council has \$500K in its 5 year capital budget for the reconstruction of the main ground at Walter Galt Reserve. Councils Parks Department is recommending that this reconstruction be undertaken in 2012-2013. This project will require the closure of the ground for 12 months and the relocation of the Club for the 2013 season.

6. Options

The options for resolution of this issue are as follows:

Option 1 – To not replace the existing pole at Walter Galt Reserve and make allowances for the club to train at other locations for the 2011 winter season. The club will still be able to play their games at this venue. The replacement of the fallen pole could then be considered as part of a capital budget bid for 2011-2012 and if successful replaced during that year. This would have a significant impact on the club and its members and would be a very unpopular choice.

Option 2 – To immediately replace the wooden pole that has fallen over with a new 25 metre stainless steel pole complete with 3 phase pillar and controls for 4 pole set up in the future at an estimated cost of \$65K. This would require an additional unbudgeted Council contribution of \$55K in the current financial year (2010-2011) to complete the works with a \$10k contribution from the club.

Option 3 – To immediately replace the wooden pole that has fallen over with a new 25 metre stainless steel pole complete with 3 phase pillar and controls for 4 pole set up in the future at an

estimated cost of \$65K. This would require an additional unbudgeted Council contribution of \$55K in the current financial year (2010-2011) to complete the works with a \$10k contribution from the club. In addition Council allocate \$60K in the 2011/2012 budget for replacement of the second wooden pole at the reserve which engineers estimate has a lifespan of 1-2 years. Funding for the remaining 2 poles to provide a four pole set up could be considered in future years.

Option 4 - To immediately replace the wooden pole that has fallen over with a new 25 metre stainless steel pole complete with 3 phase pillar and controls for 4 pole set up in the future at an estimated cost of \$65K. Council contribution of \$55K with a \$10K contribution from the club to complete the works. In addition Council complete the installation of the remaining 3 poles in the 2011-2012 year to provide full implementation of the lighting design for Walter Galt Reserve. This would require bringing forward \$55K in funding from the proposed 2011/12 capital program (\$265K) to complete the sports lighting project at Walter Galt Reserve.

7 Triple Bottom Line Checklist

- **Environmental –**

The major environmental issue in relation to this report is the impact of the lighting on the environment and the need to carefully monitor work at this site given its former use and history. An environmental assessment of the site will be undertaken to determine any special conditions that may be required in installation of any light poles and footings at this site. The lights to be installed will be subject to Australian standards and will be designed to produce minimum emissions and conserve as much energy as possible.

- **Social –**

The major social issue in relation to replacement of the fallen light tower is the impact this will have on the football club and the more than 300 players and families who use this facility. Provision of training lights is essential for any junior football club and non replacement of this light pole would impact significantly on the club.

- **Financial –**

The financial impact of this report is that Council does not have any funds allocated in its current budget for replacement of the fallen pole at Walter Galt Reserve. An additional \$55K will be required for this work in 2010-2011 which could be funded through bringing forward funds from the 2011/12 budget. Funding for replacement of other poles can be considered as part of the 2011/12 budget development process.

8. Recommendation

That Council resolve to provide funds this financial year for replacement of the fallen pole at Walter Galt Reserve as per Option 3 and that funding for replacement of the second pole be considered as part of the 2011 / 2012 budget development process.

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Crs West/Dundas

That Council resolve to provide funds this financial year for replacement of the fallen pole at Walter Galt Reserve as per Option 3 and that funding for replacement of the second pole be considered as part of the 2011 / 2012 budget development process. Further, that officers undertake further investigations to ensure the costs and engineering requirements regarding the replacement of light poles at Walter Galt Reserve are appropriate.

Carried

N 9

Tender Acceptance Report – Contract 10/119
Electrical Contractor Panel

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Steve Lewis, Manager Community Buildings

1. Purpose

The purpose of this report is to seek Council's approval for the establishment of a standing panel of contractors to provide electrical services to Council for a period up to five years through the award of Contract 10/119.

2. Summary and Conclusion

As part of effectively managing and maintaining Council's community buildings, Council requires the services of Registered Electrical Contractors.

The type & value of individual works undertaken by the commercial electrical contractors ranges from small alteration/refurbishment works to large one-off capital projects typically, such as sports lighting upgrades.

With the anticipated increase in building works as part of Council's focus on providing building infrastructure for a safe and active community, in both the Capital & Programmed Works there will be a need to efficiently source available and committed electrical contractors without the requirement to publicly advertise for tenders for each individual project. This is also imperative for Council's response maintenance service.

Requests for tender (RFT) have been sought from commercial electrical contractors via an advertisement in The Age Newspaper's Tenders column, which closed at 2.00 p.m. on Thursday 11th November, 2010. In total, 21 submissions were received and these are set out within the confidential attachment detailing the submissions received, together with the Tender Evaluation Panel's rankings for each contractor.

3. Background

Council's commitment to providing building infrastructure for a safe & active community requires the engagement of commercially registered electrical contractors to undertake a range of electrical works, including:-

- New Installations
 - a) Caballing and wiring including running new mains
 - b) Installation of lights
 - c) Tagging and testing of electrical equipment
 - d) Supply and installation of meter boxes, fuse boxes and switchboards
- Repair work:

- a) Fault finding
- b) Standard office tube and lamp replacement
- c) Sports and aquatic facility lighting maintenance
- d) Repair of meter boxes, fuse boxes and switchboards

Additionally, the works to be performed under this contract include:-

- a) Reactive & Programmed Maintenance of existing Council buildings & surrounds
- b) Minor improvements to Council buildings and surrounds
- c) Refurbishment of Council buildings and surrounds
- d) Works in parks & reserves throughout the municipality
- e) Attendance at break ins and “make safe” work
- f) Provision of 24 Hour response service

The selection of suitable panel of contractors has been identified following a request for tender process. A Tender Evaluation Panel (TEP) was established to assess the submitted tenders and have recommended that a total of 5 electrical contractors be appointed as a standing panel, initially for a period of 3 years with an option of extending the term for a further 2 years at the Chief Executive’s discretion, subject to satisfactory performance.

4. Tender Evaluation

The criteria used to evaluate the submissions received ranked in order to importance were:

- (i) Past performance of tenderer in similar contracts and previous work for Councils
 - a) Details of organisations where services were performed
 - b) Scope of previous services performed
 - c) Period of previous contracts
- (ii) Relevant skills and experience of the tenderer’s personnel and subcontractors
 - a) Relevant experience and qualifications of key staff
 - b) Labour management processes and quality assurance
 - c) Subcontractor details (where applicable) and management processes
- (iii) Risk
 - a) References
 - b) Compliance to specification and contract
- (iv) Price
- (v) Compliance with Council’s OH&S standards
- (vi) Compliance with Council’s Environmental standards

The detailed Tender Evaluation Panel’s assessment is attached as a confidential attachment to this report. Accordingly, it is recommend that the following 5 electrical contractors be appointed to operate as an approved panel of contractors initially for a 3 year term, with an option of extending the contract for a further 2 years at the Chief Executive’s discretion:-

- A J Electrical Pty Ltd.
- Adapt Essential Services Pty Ltd
- Kingston Electrical Services Ltd
- Wallgates Electricial Services Ltd
- M J Scholfield Pty Ltd.

5. Triple Bottom Line Checklist

5.1 Economic

The appointment of a panel of commercial electrical contractors for use across Council will help to improve the efficiency and effectiveness of Council's reactive and planned works programs. The use of the panel will reduce time taken in evaluating and appointing separate contractors to deliver Council projects, as well as ensuring that contractors are fully compliant with Council and other legal requirements.

5.2 Social

The appointment of a electrical contractor panel to undertake the Council's planned and reactive electrical works will ensures the physical assets provided are constructed to a suitable standard and will ensure that the community are supporting with responsive services.

5.3 Environmental

The appointment of an electrical contractor panel to will ensure only contractors with the highest environmental credentials are appointed to work for Kingston and that their policies and practices continue to be aligned with Council's.

6. Recommendation

That Council approve the appointment of the following Commercial Electrical Contractors as panel of approved contractors, on the basis that they offer best value to Council, in accordance with provisions of Contract 10/119. This appointment is initially for a period of three years with an option of extending the term for a further two years, at the discretion of Council's Chief Executive, subject to satisfactory performance.

Name of Electrical Contractor to be appointed to Panel
A J Electrical Pty Ltd.
Adapt Essential Services Pty Ltd
Kingston Electrical Services Ltd
Wallgates Electricial Services Ltd
M J Scholfield Pty Ltd

Attachments:

Appendix A :

Contract 10/119 : Electrical Contractors Panel - Detailed Contractor Assessment Matrix (Confidential)

Crs Staikos/Peulich

That the recommendation be adopted

Carried

N10 **Tender Acceptance Report – Contract 10/120 Plumbing Contractor Panel**

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Steve Lewis, Manager Community Buildings

1. Purpose

The purpose of this report is to seek Council's approval for the establishment of a standing panel of plumbing contractors to provide plumbing services to Council for a period up to five years through the award of Contract 10/120.

2. Summary and Conclusion

As part of effectively managing and maintaining Council's community buildings, Council requires the services of commercial plumbing contractors.

The type & value of individual works undertaken by the commercial electrical contractors ranges from small alteration/refurbishment works to large one-off capital projects typically, such as roof replacements.

With the anticipated increase in building works as part of Council's focus on providing building infrastructure for a safe and active community, in both the Capital & Programmed Works there will be a need to efficiently source available and committed plumbing contractors without the requirement to publicly advertise for tenders for each individual project. This is also imperative for Council's response maintenance service.

Requests for tender (RFT) have been sought from commercial plumbing contractors via an advertisement in The Age Newspaper's Tenders column, which closed at 2.00 p.m. on Thursday 11th November, 2010. In total, 12 submissions were received and these are set out within the confidential attachment detailing the submissions received, together with the Tender Evaluation Panel's rankings for each contractor.

3. Background

Council's commitment to providing building infrastructure for a safe & active community requires the engagement of commercial plumbing contractors to undertake a range of plumbing works, including:-

- **HOT & COLD WATER:**
 - e) Locating and repair of water leaks
 - f) Replacement of hot water systems
 - g) Compliance works relating to servicing and testing of Thermostatic Mixing Valves (TMV) and Backflow Prevention Devices (BFPD)
- **SANITARY:**
 - e) Clearing of sewer blockages
 - f) Installation & repairs of toilet suites

- g) Modifications to sanitary installations in conjunction with associated building alterations
- **GAS:**
 - a) Locating and repair of leaks
 - b) Pressure testing
 - c) Appliance installation
- **ROOF PLUMBING:**
 - a) Locating and repair of roof leaks (typically metal)
 - b) Locating and clearing of gutter and storm water pipe blockages
 - c) Repair of gutters
- **STORM WATER:**
 - a) Locating blockages
 - b) Clearing blockages
- **GREEN PLUMBING:**
 - a) Water tank installation and maintenance
 - b) Solar hot water system installation and maintenance
 - c) Rain harvesting and distribution systems
 - d) Grey water collection and distribution/disposal systems

Additionally, the works to be performed under this contract may include:-

- g) Reactive & Programmed Maintenance of existing Council buildings & surrounds
- h) Minor improvements to Council buildings and surrounds
- i) Refurbishment of Council buildings and surrounds
- j) Works in parks & reserves throughout the municipality
- k) Provision of a 24 Hour emergency response service

The selection of suitable panel of contractors has been identified following a request for tender process. A Tender Evaluation Panel (TEP) was established to assess the submitted tenders and have recommended that a total of 5 plumbing contractors be appointed as a standing panel, initially for a period of 3 years with an option of extending the term for a further 2 years at the Chief Executive's discretion.

4. Tender Evaluation

The criteria used to evaluate the submissions received ranked in order to importance were:

- (i) Past performance of tenderer in similar contracts and previous work for Councils
 - d) Details of organisations where services were performed
 - e) Scope of previous services performed
 - f) Period of previous contracts
- (ii) Relevant skills and experience of the tenderer's personnel and subcontractors
 - d) Relevant experience and qualifications of key staff
 - e) Labour management processes and quality assurance
 - f) Subcontractor details (where applicable) and management processes

(iii) Risk

- c) References
- d) Compliance to specification and contract

(iv) Price

(v) Compliance with Council's OH&S standards

(vi) Compliance with Council's Environmental standards

The detailed Tender Evaluation Panel's assessment is attached as a confidential attachment to this report. Accordingly, it is recommend that the following 5 plumbing contractors be appointed to operate as an approved panel of contractors initially for a 3 year term, with an option of extending the contract for a further 2 years at the Chief Executive's discretion:-

- Campeyn Building Services Pty Ltd.
- Omni Trade Services Pty Ltd
- GMD Plumbing Pty Ltd
- Blue Plumbing Pty Ltd
- Urban Plumb & Scape Pty Ltd

5. Triple Bottom Line Checklist

5.1 Economic

The appointment of a panel of commercial plumbing contractors for use across Council will help to improve the efficiency and effectiveness of Council's reactive and planned works programs. The use of the panel will reduce time taken in evaluating and appointing separate contractors to deliver Council projects, as well as ensuring that contractors are fully compliant with Council and other legal requirements.

5.2 Social

The appointment of a plumbing contractor panel to undertake the Council's planned and reactive electrical works will ensures the physical assets provided are constructed to a suitable standard and will ensure that the community are supporting with responsive services.

5.3 Environmental

The appointment of a plumbing contractor panel to will ensure only contractors with the highest environmental credentials are appointed to work for Kingston and that their policies and practices continue to be aligned with Council's.

6. Recommendation

That Council approve the appointment of the following commercial plumbing contractors as panel of approved contractors, on the basis that they offer best value to Council, in accordance with provisions of Contract 10/119. This appointment will be initially for a period of three years with an option of extending the term for a further two years, at the discretion of Council's Chief Executive.

Name of Plumbing Contractor to be appointed to Panel
Campeyn Building Services Pty Ltd.
Omni Trade Services Pty Ltd
GMD Plumbing Pty Ltd
Blue Plumbing Pty Ltd
Urban Plumb & Scape Pty Ltd

Attachments:

Appendix A :

Contract 10/120 : Plumbing Contractors Panel - Detailed Contractor Assessment Matrix (Confidential)

Crs Staikos/Ronke

That the recommendation be adopted

Carried

N 11 Tender Acceptance Report - Contract 10/121 – Carpentry Services Contractor Panel

Approved by: Mauro Bolin, General Manager Community Sustainability.

Author: Steve Lewis, Manager Community Buildings

1. Purpose of Report

The purpose of this report is to seek Council’s approval for the establishment of a standing panel of carpentry contractors to provide carpentry services to Council for a period up to five years through the award of Contract 10/121.

2. Background

As part of effectively managing and maintaining Council’s community buildings, Council requires the services of suitably qualified carpentry contractors.

The type & value of individual works undertaken by the commercial carpentry contractors ranges from small alteration/refurbishment works to large one-off capital projects.

With the anticipated increase in building works as part of Council’s focus on providing building infrastructure for a safe and active community, in both the Capital & Programmed Works there will be a need to efficiently source available and committed carpentry contractors without the requirement to publicly advertise for tenders for each individual project. This is also imperative for Council’s response maintenance service.

Requests for tender (RFT) have been sought from commercial carpentry contractors via an advertisement in The Age Newspaper’s Tenders column, which closed at 2.00 p.m. on Thursday 11h November, 2010. In total, 7 submissions were received and these are set out within the confidential attachment detailing submissions received, together with the Tender Evaluation Panel’s rankings for each contractor.

3. Summary & Conclusion

Council’s commitment to providing building infrastructure for a safe & active community requires the engagement of commercial carpentry contractors to undertake a range of plumbing works, including, but not limited to:-

- h) Stud walls, roof framing, ceiling framing, verandas, posts, canopies
- i) Joinery, mouldings, architraves, skirtings (refer separate Trade Sections)
- j) Internal and external claddings, internal stairs and catwalks
- k) Handrails

Additionally, the works typically to be performed under this contract may include (but are not limited to):

- l) Reactive & Programmed Maintenance of existing Council buildings & surrounds

- m) Minor improvements to Council buildings and surrounds
- n) Refurbishment of Council buildings and surrounds
- o) Works in parks & reserves throughout the municipality
- p) Attend to break-ins and make safe and secure
 - a) Repair storm damage to buildings
 - b) Repairs and adjustment to cabinetry
 - c) Supply and installation of small cabinets
 - d) Window repairs
 - e) Replacement of fascia and eave linings and
 - f) Provision of a 24 Hour emergency response and “make safe” service

The selection of suitable panel of contractors has been identified following a request for tender process. The Tender Evaluation Panel is proposing to Council the recommendation to appoint an approved panel of 4 carpentry contractors, initially for a period of 3 years with an option of extending the term for a further 2 years at the Chief Executive’s discretion.

4. Evaluation Criteria

The tender Evaluation Panel comprised the following:

- Steve Lewis Manager Community Buildings
- Graham Lambert Team Leader Depot Services
- Gail McDonald Team Leader Library Operations
- Peter Leighton Capital Project Manager

The criteria used to evaluate the submissions received ranked in order to importance were:

- (i) Past performance of tenderer in similar contracts and previous work for Councils
 - g) Details of organisations where services were performed
 - h) Scope of previous services performed
 - i) Period of previous contracts
- (ii) Relevant skills and experience of the tenderer’s personnel and subcontractors
 - g) Relevant experience and qualifications of key staff
 - h) Labour management processes and quality assurance
 - i) Subcontractor details (where applicable) and management processes
- (iii) Risk Management
 - e) References
 - f) Compliance to specification and contract
- (iv) Price
- (v) Compliance with Council’s OH&S standards
- (vi) Compliance with Council’s Environmental standards

The outcome from the Tender Evaluation Panel’s assessment is attached as a confidential attachment to this report. From this assessment, it is proposed that to recommend to Council the

appointment of the following 4 commercial carpentry contractors to operate as an approved panel of contractors, initially for a 3 year term, with the option of extending the contract for a further 2 years at the Chief Executives discretion:-

- OMNI Trade Services Pty Ltd
- Campeyn Building Services Pty Ltd
- Cornerstone Constructions Pty Ltd
- KMS Group Pty Ltd

5. Triple Bottom Line Review

5.1 Economic

The appointment of a panel of commercial carpentry contractors for use across Council will help to improve the efficiency and effectiveness of Council's reactive and planned works programs. The use of the panel will reduce time taken in evaluating and appointing separate contractors to deliver Council projects, as well as ensuring that contractors are fully compliant with Council and other legal requirements.

5.2 Social

The appointment of an approved carpentry contractor panel to undertake the Council's planned and reactive works will ensure the physical assets provided are constructed to a suitable standard and will ensure that the community are supporting with responsive services.

5.3 Environmental

The appointment of approved carpentry contractor panel will ensure only contractors with the highest environmental credentials are appointed to work for Kingston and that their policies and practices continue to be aligned with Council's.

6. Recommendation

That Council approval be sought for the following commercial carpentry contractors to be appointed as panel of approved contractors who offer best value to Council, in accordance with provisions of Contract 10/121 (initially for a period of three years with an option of extending the term for a further two years, at the discretion of Council's Chief Executive Officer).

Name of Electrical Contractor to be appointed to Panel
OMNI Trade Services Pty Ltd
Campeyn Building Services Pty Ltd
Cornerstone Constructions Pty Ltd
KMS Group Pty Ltd

Crs Staikos/Ronke

That the recommendation be adopted

Carried

11. Organisational Development & Governance Reports

N 12 Expenditure of Ward Funds Schedule

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

Author: Nicola Wright, Governance Officer

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.

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

Table of Councillor requests:

Councillor	Ward	Initiative	Request Date	Amount \$
Cr Ronke	South	<i>Aspendale Gardens Community Centre Gala Day February 26</i>	14/02/2011	500.00
Cr Moloney	South	<i>Aspendale Gardens Community Centre Gala Day February 26</i>	21/02/2011	500.00
Cr Staikos	North	<i>Destiny Care Operating Costs</i>	21/02/2011	100.00

Recommendation

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

Crs Staikos/Shewan

That the recommendation be adopted

Carried

N 13

Assembly of Council Records

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

Author: Nicola Wright, Governance Officer

1. Purpose

This report provides copies of the Assembly of Council records in line with the Local Government Act to support openness and transparency of Governance processes.

2. Background

The Local Government Act requires that Assembly of Council records are reported to the next possible Council Meeting. This seeks to promote openness and transparency of Council decision making.

3. Summary and Conclusion

Attached are the Assembly of Council records completed for the month in the lead up to the Council Meeting.

The report is provided in line with Section 80A of the Local Government Act which requires that the record of an assembly must be reported to the next practical ordinary Council meeting and recorded in the minutes of that meeting.

4. Issues

The Chief Executive Officer must ensure that a written record is kept of every assembly of Councillors. These records must be reported to the next Ordinary Council Meeting

The written record only needs to be a simple document that records

- The names of all Councillors and staff at the meeting,
- A list of the matters considered,
- Any conflict of interest disclosed by a Councillor, and
- Whether a Councillor who disclosed a conflict left the room.

A standard Assembly of Council form will generally be used as the record for the purposes of the Act. These form the attachment to the report. At times however to avoid duplication minutes of some meetings may be attached as the record of the Assembly if they include the required information, including disclosures.

The Act does not require details of a conflict of interest disclosure at an assembly to be recorded.

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4. Recommendation

That Council notes the contents of this report.

Attachments: Assembly of Council forms

Crs Staikos/Athanasopoulos

That the recommendation be adopted

Carried

N 14

Village Committee Appointments

Author: Nicola Wright, Governance Officer

Approved By: Elaine Sowerby-
General Manager Organisational Development and Governance

1. Background

Council's "Policy for the Operation of Village Committees" provides that membership vacancies be advertised in October each year. Applications were duly invited in Kingston Your City and in local newspapers. The closing date was Friday 15 October.

Council's Village Committee policy provides that each Committee will have between 7 and 12 members, unless there are insufficient applications to achieve 7 members.

2. Current Situation

After the closing date two new applications were received from Cate James and Robyn McRae for membership of the Patterson Lakes/Carrum Village Committee. (See attachments 1 and 2 for details of their application.)

3. Interviews

Interviews for new members were held prior to the February Village Committee Meeting, with the outgoing Chair Patrick King, Advisory Officer Steve Lewis and Councillor Shewan in attendance.

4. Recommendation

That:

1. Village Committee members be appointed as set out in this report; and
2. Applicants be advised of the outcome of their application.

Confidential Attachment 1: Application from Cate James
Confidential Attachment 2: Application from Robyn McRae

Crs. Shewan/Moloney

That the recommendation be adopted

Carried

N 15

Council Plan Quarterly Report for October – December 2010

Approved by:

Elaine Sowerby, General Manager,
Organisational Development and Governance

Author:

Louise Barren, Program Leader Organisational Planning and Performance

Purpose

To present to Council the Council Plan Quarterly Report for October – December 2010.

Background

The 2009–13 Council Plan was endorsed by Council on 16 June 2009 and updated in June 2010. The Council Plan sets out Council's four year vision under five outcome areas, associated strategies and indicators. This quarterly report provides progress against each of the strategies of Council Plan for the period of October – December 2010.

Summary and Conclusion

The attached quarterly report highlights achievements against the outcomes and strategies of Council Plan for the second quarter of 2010–11. Of the 192 actions 6% (or 12 actions) are completed, 79% (or 152 actions) are on track, 13% (or 25 actions) are expected to have delays or issues rectified by next quarter, and 2% (or 3 actions) will be delayed significantly at year end.

Issues

October – December 2010 Highlights and Challenges

During the second quarter of 2010–11, significant progress has been made against the outcomes of Council Plan. Progress is as follows:

Outcome 1: Infrastructure for a Safe and Active Community

Highlights

- § Tender process complete for the Mentone pipe works project with works scheduled to commence in March 2011.
- § Playground works at Bicentennial Park are complete and works have commenced at Bald Hill Park.
- § Community infrastructure projects commenced this quarter including designs for the Tom Johnstone building and refurbishment works at Cheltenham Town Hall and Alan McClain Hall. In addition, funding has been secured through an Arts Victoria grant to complete the remodelling and refurbishment project at Shirley Burke Theatre.
- § Business assessments complete and commencement of environmental audits for all community buildings.
- § Community consultations complete for the design of Shirley Burke Theatre and the Chelsea sportswomen centre upgrade.

Challenges

- § 1.1.5 - Draft lease policy delayed and currently being prepared for consideration by Council in March 2011.
- § 1.2.2 - The Active Leisure Plan has been delayed and will be presented to Council by June 2011.

- § 1.3.2 - The backlog of expired sports and recreation club leases has not been able to be cleared as yet so progress to renew lease agreements has been delayed.

Outcome 2: A Sustainable Environment

Highlights

- § Stage three of the Water Cycle Strategy development is now complete.
- § The community consultation process for the draft tree strategy is complete with the policy to be considered by Council in early 2011.
- § Public consultation underway for First Avenue, Rayhur Avenue Reserve and Reg Marlowe Reserve.
- § Community consultation is underway for the installation of a sandbag erosion control wall at Carrum.
- § In partnership with Melbourne Water, weed removal and planting works continue on the southern side of the Mordialloc Creek and weed control has continued on the northern side.
- § Community working bees were undertaken with Friends of Moorabbin Reserve and Friends of Mentone Station and Gardens in October/November and Mordialloc Rotary at Parkdale Station in October.
- § Significant planting day at Heatherton Park in October with Friends of Heatherton Park and Westall Primary School.
- § The Climate Change and Biodiversity reference group met this quarter to review the draft Greenhouse and Energy Management Strategy. The group will meet again in January to learn more about Council's new electric vehicle and discuss the London travel plan model.
- § The draft Greenhouse and Energy Management Strategy was prepared for community comment in November. The strategy will now be revised for internal consultation and considered by Council in June.

Challenges

- § 2.1.1 - Strategic land purchases within the green wedge will be undertaken as part of the Green Wedge Plan.

Outcome 3: Healthy, Strong and Connected Communities

Highlights

- § The Family Children's Services Strategy is under development and is scheduled for completion by May 2011.
- § Community Care Services are provided in accordance with Council Budget and Funding & Service Agreements (MCAS).
- § The 4th annual Kingston's Charitable Trust dinner was held on 19 November in Chelsea. Attended by 190 guests, the event raised approximately \$50,000. Donations were received from the Bendigo Bank Parkdale and the Mentone East and Dingley community branches.
- § In recognition of the city's volunteers, the annual City of Kingston volunteer recognition event was held in November 2010.
- § Identified actions from the Chelsea Community Renewal Project and Clayton South Community Strengthening Project are being implemented.
- § Studio leases at the Kingston Arts Centre are finalised with one artist commencing work and another to commence work in late January 2011.

Challenges

- § 3.3.2 - Detailed plans and costings for the expansion of the Clarinda library are currently being prepared.
- § 3.3.3 - The 'Battle of the Bands' competition was postponed this quarter due to staff shortages; however two competitions are planned for January and April.
- § 3.4.2 - The new Kingston Arts Strategy has been delayed and the draft will now be finalised by February 2011.

Outcome 4: A Prosperous, Innovative Business City

Highlights

- § Footpath and landscape works at Aspendale shopping centre completed.
- § Christmas bin wrappers were installed at all shopping centres.
- § The CEO roundtable aimed at provided business owners with peer to peer support is functioning well and a new group will be established this year.
- § The October Kingston Business Women's Network meeting was well attended by the business community. Called "Hi Tea", the meeting was sponsored by Madame Flavour, a local businesswoman based in Highett. The highlight of the meeting was a presentation on social media by Lee Cummins, Director of Clarity Coaching.
- § The bi-annual Kingston Business Women's luncheon took place in November 2010, showcasing a mini expo on health and beauty businesses within Kingston. The event featured key note speaker Karen Phillips who is a leading Australian communications and brand specialist.
- § The establishment of Council approved contractor trade panels are progressing well. To date the Kingston trade panels include the general builders and architects panel (approved by Council on 25th October 2010), plumbers, electricians and carpenters/joiners (to be submitted to Council for consideration at its first meeting in February 2011) and other trade panel categories for minor/infrequent trades (currently being finalised). All contractors on approved trade panels will be subject to assessment, monitoring and review via the IPRO Live system to ensure compliance with Kingston's strict OHS and environmental standards.

Challenges

- § 4.1.3 - The priority list for new signage at shopping centres will be complete by March with funding for signage and installation to be determined through the 2011-12 budget process.

Outcome 5: Community Inspired Leaders

Highlights

- § Information sessions were held with Councillors and employees to raise awareness of amendments to the Local Government Act particularly in relation to conflict of interest and assemblies of Council. Policy work is currently underway to update Council's code of conduct and gift and hospitality policies to reflect these amendments.
- § Updates are continually being made to Kingston's website and intranet, and communication disseminated through media releases and information sheets. Improvements to the intranet include a new CEO blog aimed at improving communication between staff and management.
- § The implementation of the 'Influencing our Reputation' project aimed at improving the way we serve our community is progressing well. This quarter work began on a number of actions including assessing the use of social media as a form of communication, an upgrade to the

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internal telephone directory and the continued rollout the Pathway Customer Request system to efficiently manage customer enquiries.

- § The Occupational Health and Safety (OHS) policy was revised and launched in October and the OHS Strategic Plan endorsed in November. A temporary staff member has been engaged to assist with a review of all contracts for compliance with health and safety standards.
- § The leadership development program has continued to be implemented with two team leader forums facilitated in October and December. The 12 month learning and development program is being implemented with a range of both technical and behavioural programs delivered to address organisational needs.
- § Tender advertised for the new performance planning and reporting system.
- § An organisational review to ascertain the quality of performance conversations and staff development plans is now complete. Recommendations for improvement will be considered in early 2011.
- § Upgrade of the existing PDA system to BlackBerry is now complete.

Challenges

- § 5.1.1 - A taskforce has been established to progress increase funding and support for social and affordable housing in Kingston. There have been delays in scheduling a taskforce meeting due to competing work priorities however officers are working to reconvene the taskforce.
- § 5.3.6 – Negotiations with the contracted provider to settle on an implementation date continue.
- § 5.4.3 - The implementation of the Pathway Customer Request System has been delayed due to the volume of work currently being undertaken. The expected completion date for the rollout of the system is March 2011.

Master Action Sheet

The following data is provided purely as a work flow indicator to highlight the number of Master Action Sheet items added and completed during the December quarter.

Of the 169 actions received this quarter, 69% of actions are complete and 31% of actions are in progress.

Master Action Sheet October – December 2010			
Action Type	Actions received	Actions complete	Actions in progress
Ordinary Council/CIS	73	49	24
Councillor Requests	60	46	14
Village Committees			
• Aspendale	4	2	2
• Chelsea	5	3	2
• Cheltenham	4	3	1
• Clayton South	-	-	-
• Mordialloc	7	4	3
• Patterson Lakes	7	4	3
• Dingley	-	-	-
• Mentone	3	2	1
• Clarinda	5	3	2
• Moorabbin	1	1	-

Triple Bottom Line

Indicators

The Quarterly Report to the Council Plan also notes triple bottom line indicators where a specific quarterly figure is available. By reporting our financial, environmental and social performance we are providing a solid foundation for measuring our progress in these areas.

During the December quarter there was 2.3 kilometres of road renewal and 4.3 kilometres of footpath renewal. There were 259 planning permit applications received and 35 buildings applications received this quarter and 5,290 volunteer hours donated by community members.

Triple Bottom Line Checklist

- Environmental – not applicable
- Social – volunteers as above
- Financial – not applicable

Recommendation

§ That Council resolve to note the December 2010 Quarterly Report to the 2009-13 Council Plan

Attachment:

1. *Quarterly Report to Council Plan December 2010 quarter*

Crs Staikos/Peulich

That the recommendation be adopted

Carried

Crs Staikos/Athanasopoulos

That the recommendation be adopted subject to the following:

- Cr Staikos be appointed as Council's representative on the Clayton Community Strengthening Project
- Cr Staikos be appointed as Council's representative and Cr. Athanasopoulos be appointed as substitute on the Access and Equity Committee.
- Cr Staikos be appointed as Council's representative on the Kingston Interfaith Committee

Carried

Councillor Appointments to Committees and Organisations

1. Section 86 Committees or Special Committees

Section 86 or Special Committees *	2010/11 Appointee/s
Audit Committee	Mayor and Cr Peulich
Planning Committee	All Councillors

* Formal notification of meetings and minutes required to be kept in accordance with the Local Government Act.

2. Councillor Only Advisory Committees

Kingston Councillor Only Committee **	2010/11 Appointee/s
Foreshore Sub-Committee	All Councillors
Kingston Council Green Wedge Plan Steering Committee	Crs Staikos, Athanasopoulos, Brownlees and West

** If one or more Councillors present (irrespective of officers) then an Assembly of Councillor form is required and will be attached to the next practicable Council Meeting and included in the minutes.

3. Advisory Committees with Officer and/or community representatives

Advisory Committees *	2010/11 Appointee/s
Fine Food, Wine and Music by the Bay Festival	Crs Brownlees, Moloney and Ronke
Access and Equity Committee	Crs Athanasopoulos and Staikos
World Globe to Globe Festival Committee	Cr Peulich Sub Cr Staikos
Kingston Harvest Festival Committee	Crs Moloney, Ronke and Shewan
Australia Day Committee	Crs Brownlees and Staikos
Municipal Emergency Planning Committee	Cr Ronke
Kingston Youth Festival	Crs Peulich and Staikos
Kingston Youth Advisory Committee	Crs Peulich and Staikos
Arts and Culture Reference Group	Crs Peulich and Staikos
L F Payne Hall Usage Committee	Crs Moloney, Ronke and Shewan
Positive Ageing Steering Group	Cr Brownlees Sub Cr Dundas
Chelsea Community Renewal Project	Crs Moloney, Ronke and Shewan
Kingston Charitable Trust Community Grants Panel	Mayor and Cr Staikos Sub Cr Ronke
Climate & Biodiversity Reference Group	All Councillors
Historical Societies Network	Crs Dundas and West Sub Cr Brownlees
Clayton Community Strengthening Project	

* If one Councillor present (irrespective of officers) then an Assembly of Councillor form is required and will be attached to the next practicable Council Meeting and included in the minutes.

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4. External or Other Agencies Committees with Councillor representation

External/Other Groups/Agencies with Councillor Representation	2010/11 Appointee/s
Australian Mayoral Aviation Council	Mayor Sub Cr West
Moorabbin Airport Consultative Committee	Crs Brownlees and West Sub Cr Dundas
Association of Bayside Municipalities (ABM)	Cr Dundas Sub Cr West
Local Government Waste Management Forum	Cr Athanasopoulos Sub Cr Peulich
Municipal Association of Victoria (MAV)	Mayor appointed at Special (Statutory) Meeting on 2 December 2010. Sub Cr West
Patterson Lakes Advisory (Melbourne Water) Committee	Cr Shewan
Victorian Local Governance Association (VLGA)	Cr Staikos Sub Cr Shewan
Metropolitan Transport Forum	Cr Shewan Subs Crs West and Peulich
Inter Council Aboriginal Consultative Committee	Cr West
MAV Strategic Environment Advisory Group	Cr Shewan Sub Cr West
Melbourne Water Eastern Treatment Plant Community Liaison Committee	Cr Moloney Sub Cr West
Municipal Association of Victoria Planning Committee	Cr West Sub Cr Peulich
State Government Kingston Green Wedge Task Force	Crs Athanasopoulos and West
Friends of Manatuto Committee	Cr West Subs Crs Staikos and Moloney

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12. Corporate Services Reports

N 17 Investment Policy Report – December 2010 Quarter

Approved by: Paul Franklin, General Manager Corporate Services

Author: Bernard Byrden, Manager Finance

1. Purpose

In accordance with Council's adopted Investment Policy, the purpose of this report is to advise Council where Kingston's working capital is currently invested. Kingston's funds that are not immediately required for operating purposes are invested in accordance with the relevant legislative requirements and policy requirements, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that our liquidity requirements are being met.

2. Background

Council's Investment Policy that was adopted by Council in October 2008 requires Council to be updated on our investment portfolio each quarter and the General Manager Corporate Services to be updated monthly. This monthly report compares our investments as at 31st December 2010 compared to the overall portfolio limits specified in the Investment Policy.

3. Summary and Conclusion

At the 31st December 2010 Council had a total of \$24.4 million held in Cash and Investments, which is \$0.6 million favourable to December 2009. These funds were held in the following categories:

Category	December 2010 Amount (\$'000)	December 2009 Amount (\$'000)
Unrestricted Cash	(1,742)	(1,276)
Restricted Assets – Asset Development Reserve	6,266	5,004
Restricted Assets – Long Service Leave	6,600	6,500
Restricted Assets – Trust Funds and Deposits	13,306	13,606
Total	24,430	23,834

4. Discussion

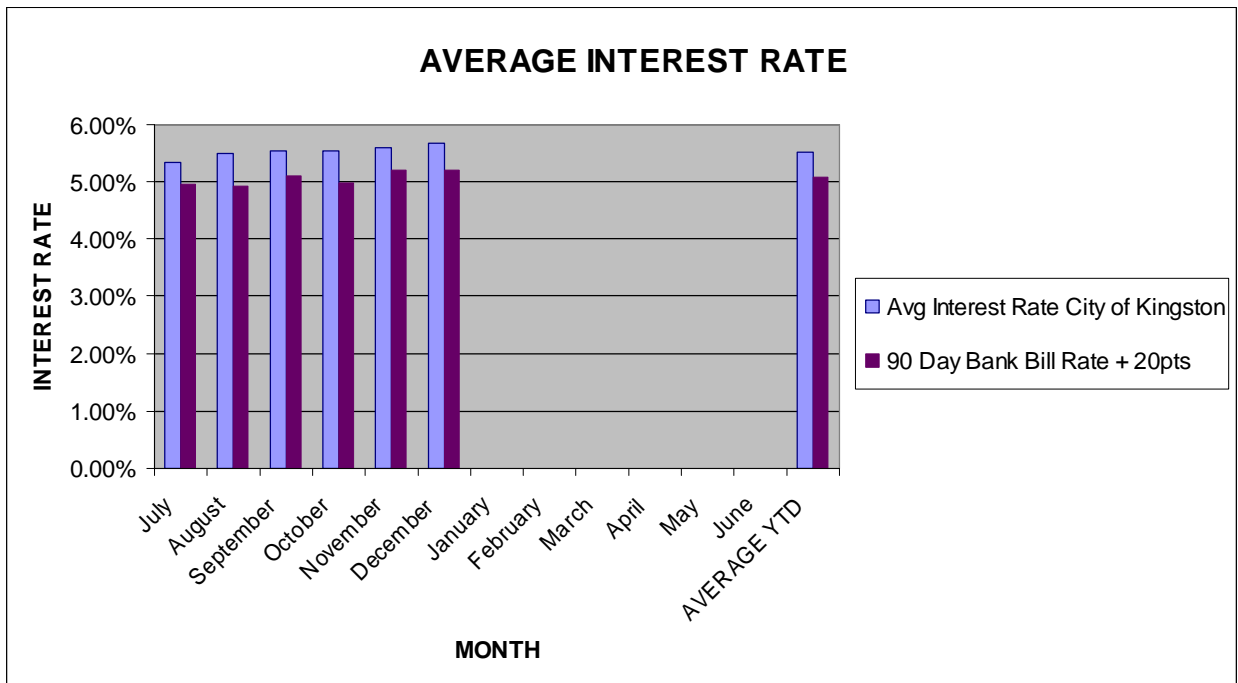
Cash has been invested in the following ways:

Type of Investment	December 2010 Amount (\$'000)	December 2009 Amount (\$'000)
Cash at Bank	4,680	1,684
Cash At Call	5,000	4,500
Funds Invested (Fixed term investments)	14,750	17,650
Total	24,430	23,834

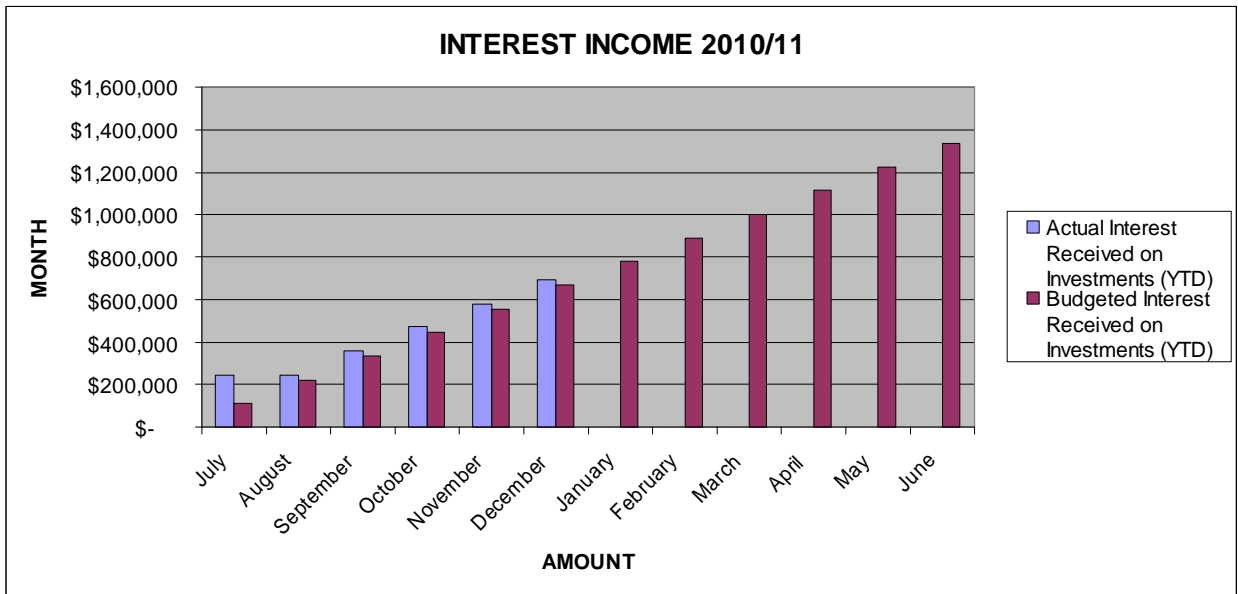
Council had funds of \$14.8 million invested as at 31st December 2010. The investments have been made for fixed terms periods from 3 months to 12 months. The interest rates achieved as at 31st December 2010 were largely in the range of 5.35% to 6.05% p.a.

The attached Investment Schedule details our investments by credit rating, by bank and by maturity and demonstrates compliance with the Investment Policy. The schedule shows that 85% of funds are invested in AA or AAA rated investments compared to the prescribed minimum of 75%. The majority of funds are invested as follows: Commonwealth Bank 45%; and Westpac 41%. All are below the 60% maximum required by the Investment Policy. 100% of funds are invested for less than 1 year.

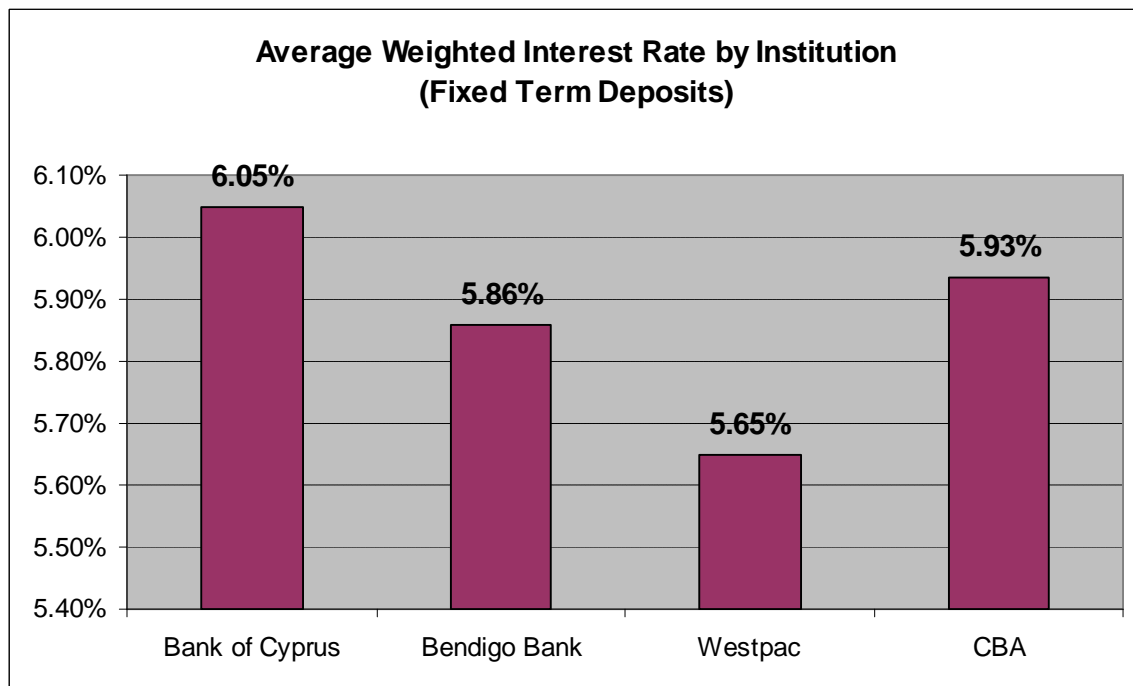
5. Portfolio Performance



The average interest rate for the year to 31st December 2010 is 5.53% (Sep10 – 5.45%) which is 66pts ahead of the average 90 Day Bank Bill Rate of 4.87% (Sep10 – 4.80%) and 46pts ahead of the investment policy target of the average 90 Day Bank Bill Rate plus 20pts of 5.07% (Sep10 – 5.00%).



Interest Income received on investments at 31st December 2010 totals \$694k, which is \$27k favourable to the budget of \$667k.



As at 31st December 2010 the average weighted interest rate per institution ranges from 5.65% to 6.05%. The lower rate for Westpac is due to investing an amount for 30 days where interest rates are typically lower than if investing for longer periods. The Bendigo Bank rate is hindered by a low rate (5.00%) received for a 12 month \$50k investment. This investment matures in March at which time a higher rate will be sort.

5. Recommendation

That Council note that funds at 31st December 2010 are being invested in line with the risk management profile prescribed in Council's Investment policy.

Attachment:
Investment schedule

Crs Staikos/Ronke

That the recommendation be adopted

Carried

N 18 General Revaluation 2012

Approved by: Paul Franklin – General Manager Corporate Services

Author: Julian Harvey – Manager Property Services

1. Purpose

The purpose of this report is to recommend to Council that it take up the option in the Valuation Contract and instruct KA Reed (Group) Pty Ltd to undertake a General Valuation of all rateable property in the Municipal district as at 1 January 2012.

2. Background

In accordance with the Valuation of Land Act 1960 (VLA) sec13DC(3) Council is required to cause a general valuation of all rateable property in its municipal district to be undertaken once every two years. Council may appoint a suitably qualified and experienced Valuer to undertake this work. Council accepted a tender for the provision of Municipal Valuation services on 18 December 2006 from KA Reed (Group) Pty Ltd. This included the 2008, 2010 General Valuation and an OPTION for the 2012 General Valuation.

The existing contract with KA Reed (Group) Pty Ltd has provided two high quality General Valuations with minimal objections. Of particular note is the commitment of the company to provide excellent customer service to Council's ratepayers when they have concerns regarding the value of their properties. The cost of undertaking the 2012 Valuation is estimated at \$845,000 depending on the level of objection and inquiry. Of this sum 50% is recovered from the State Revenue Office who use the valuations to levy Land Tax.

Council is required to notify the Valuer General and every other interested rating authority of its resolution to cause a general valuation to be made.

A person appointed to undertake the General Valuation must also declare that they will properly carry out their duties. A declaration has been executed based upon the oath of fidelity and secrecy as prescribed in the Valuation of Land (Oath of Fidelity and Secrecy) Regulations 1999.

3. Summary and Conclusion

The General Valuation is central to Council's rating system and its accuracy is essential in ensuring that the rating system remains equitable across the municipality. The existing contractor has continued to provide good service to Council and its ratepayers and it is recommended Council exercises its option for the 2012 General Valuation. Council is required to formally resolve to cause a General Valuation to be made. It is recommended that Council formally resolve to cause a General Valuation to be made and appoint Mr Brett Reed of K.A Reed (Group) Pty Ltd for that purpose. Mr Reed has declared an oath of fidelity, secrecy and impartiality (*attached*) to enable him to undertake this work on behalf of Council.

4. Issues

The General Valuation throughout Victoria takes place over an 18 month period and is required to be returned to Council by 30 June 2012. The State Government has amended the VLA to enable the responsibilities for preparing General Valuations to be transferred from Council to the Valuer General. Five Councils in Victoria have elected to use the Valuer General to undertake their General Valuations; of these valuation services four are small rural shires and one is a fringe shire.

Given the infancy of the Valuer General offering it is proposed that the offering be considered at the conclusion of the 2012 cycle as part of the future tender of valuation services.

5. Recommendation

That Council resolves that:

It formally accepts the option for the 2012 General Valuation as set out in the confidential attachment to a value of \$845,000 Plus GST .

A general valuation of all rateable properties within the municipal district to be made as at 1 January 2012.

The General Valuation be returned to Council no later than 30 June 2012.

The following parties be notified of Council's resolution to cause a general valuation to be made:

- Valuer General – Victoria
- Frankston City Council
- Greater Dandenong City Council
- Monash City Council
- Glen Eira City Council
- Bayside City Council
- State Revenue Office – Victoria
- South East Water

Mr Brett Reed of K.A Reed (Group) Pty Ltd be appointed to undertake the 2012 General Valuation.

Mr Reed's declaration of fidelity, secrecy and impartiality be noted.

Attachments

Declaration
Confidential attachment

Crs Ronke/Athanasopoulos

That the recommendation be adopted

Carried

Statutory Declaration

OATH OF FIDELITY, SECRECY AND IMPARTIALITY

I, Brett Michael Reed, of KA Reed (Group) Pty Ltd of Reed House, 8 Market Street Melbourne, swear that I will truly and faithfully perform any duties carried out under the Valuation of Land Act 1960 (the Act) to the best of my skill and knowledge and that I will not divulge or communicate any matter coming to my knowledge in relation to any books, documents or papers inspected for the purposes of making a valuation pursuant to the Act or any other matter coming to my knowledge in the performance of my duties to any person except for the purpose of carrying into effect the provisions of the Act.

All valuations made and returned for the 2012 General Valuation of the City of Kingston as at level of value date 1 January 2012, comprising all rateable property within the municipal district, will be impartial and true to the best of my judgement and made by me or under my immediate personal supervision.

.....
Brett Michael Reed
Certified Practising Valuer – AAPI

Declared at 1230 Nepean Highway Cheltenham in the State of Victoria

Before me

.....
Paul Franklin
General Manager Corporate Services
Senior Officer of Council under the Local Government Act 1989

On this day of February 2011

N 19 Clayton Bowls Club New Lease

Approved by: Paul Franklin, General Manager Corporate Services

Author: Julian Harvey, Manager Property Services
 Newton Gatoff, Team Leader Property Services

1. Purpose

To seek Council's instructions in respect of the Clayton Bowls Club lease over the premises located at Namitjira Park.

2. Background

At the Ordinary Council Meeting on 25 May 2009 Council resolved to:-

- Advise Clayton Bowls Club Inc. that a lease in accordance with Option C be presented to the Club, to commence as soon as Ministerial Approval for a new nine year lease has been received.
- Further advise Clayton Bowls Club Inc that if Council's selected option is rejected by the Club within 30 days and no reasonable compromise is received, Council shall revert to Option E and commence the procedure to tender the lease.

- Summary of Option C *full report attached*:-

Building Rent	\$ 2,140
Land Rent	\$ 4,550
Bar Sales	\$ 7,249
Gaming rent	<u>\$14,500 – fixed increase of 4% per annum</u>

Total Rent \$28,439

Initially the club accepted Council's terms and Officers issued Leases for execution. However in August 2009 Clayton Bowls Club had still not signed a lease and the Club raised a number of technical objections regarding the practicality of Council charging rent for gaming and bar sales.

There followed protracted discussions over many months with Clayton Bowls Club and subsequent correspondence with the Victorian Commission of Gambling Regulation. By March 2010 Officers were satisfied that provided Clayton Bowls Club accepted the principal of the rent proposed, there were no reasonable barriers to prevent the Club from entering into a lease under the terms offered by Council in May 2009 and documents were once again sent to the Club for execution.

At the beginning of June 2010 Clayton Bowls Club invited their local ward Councillors to meet with the Clubs Executive to discuss the lease terms in further detail.

On January 27th 2011, Cr Peulich, Cr Dundas, Cr Staikos and Cr Brownlees, Julian Harvey and Newton Gatoff met with Bill Turner (Chairman), Neil Smillie (Executive Officer) and Don Callaway (Past Chairman) of the Clayton Bowls Club. The meeting was held in response to the December Ordinary Council resolution to defer consideration until Councillors could meet with the

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Club to discuss Council's lease proposal which has been outstanding for some time and to enable the club to provide direct feedback to Councillors.

On February 4th 2011 Bill Turner and Neil Smillie met with Newton Gatoff and having reviewed the matter informed Newton that **the club would accept the offer** as set out in Council's Resolution of 29 May 2009.

At no time have the club rejected Option C.

2.1 Timeline

31 December 2006	The Clubs existing lease expires with rent passing at 0.5% of gross turnover, equivalent to \$6,000-\$7,000 p.a. (which has continued to be paid in over-hold).
5 May 2008	Councillors endorsed a rental structure of a 9 year lease at a rent commencing at \$10,021 in year 1 and rising to \$50,105 in year 5.
15 May 2008	Council proposed terms to the Club who confirmed their unhappiness with the level of rent increase.
23 June 2008	Letter from Hon Simon Crean questioning the large increase in rent.
21 July 2008	Officers and Cr Athanasopoulos meet the Club.
25 May 2009	Ordinary Council Resolution Offer to Lease at a rent equivalent to \$28,439 p.a.
16 July 2009	Club meets Officers to consider Councils offer
27 July 2009	Letter from Club 'reluctantly' accepting terms of Council's May 2009 rental offer.
13 August 2009	Letter from Club to Council explaining that the rent structure poses a problem for the Club and for Councillors being associated with gaming and alcohol thereby triggering section 3.6.8 of the Gambling Regs Act.
16 August 2009	Whilst Maddocks does not believe that such a trigger occurs they recommend seeking a definitive ruling from the Commission.
10 March 2010	Letter from Victorian Commission for Gambling Regulation confirming that the lease will not trigger section 3.6.8.
22 March 2010	Letter from Council to Club confirming the VCGR letter of March 10 th and asking the club to execute the lease
27 April 2010	The Club asked to meet with Ward Councillors.
7 May 2010	Letter from the Club asking for 60 days extension of period to sign lease as "Council took 4 months to respond to our concerns"
20 May 2010	Minister for Gaming reports Clayton Bowls as having offered \$1,293,431 for 29 licences commencing 2012.
25 May 2010	Letter to North Ward Councillors from the Club requesting a 'fair go' and highlighting the generosity of the club to local clubs and the financial strain the club faces in coming years.
1 June 2010	Ward Councillors visit the Club
8 June 2010	Mayor Cr Stakios writes to Club to confirm Councils offer and explaining that Council will distribute the gaming rent and bar sales rent to three local community organisations that provide assistance to those persons who suffer the ill-effects of gaming.
26 July 2010	Report presented to Ordinary Council for Council to resolve its position regarding the terms of the new lease. This item was deferred by Council. The report was subsequently re-presented to Ordinary Council in August, September, October. It was again deferred on each occasion.
13 December 2010	Report presented to the December Ordinary Council. At the meeting Council resolved to: "Defer to be reconsidered by Council after a meeting by all interested Councillors with Clayton Bowls Club has been undertaken and after discussion at the Councillor Planning Workshop"
27 January 2011	Meeting of Councillors and the Clayton Bowls Club.
4 February 2011	The Club writes to Council accepting Option C as set out in the Council Resolution of May 25 th 2009

3. Summary and Conclusion

Clayton Bowls Club has submitted various objections and alternatives to terms offered in May 2009 which has prevented Council from finalising a new lease.

Council is to provide instructions to Officers to respond to the Clubs acceptance of the May 25th 2009 resolution.

4. Issues

- Clayton Bowls Club has now accepted Councils Option of rent totalling \$28,430
- Council must decide whether or not to instruct Officers to proceed with the lease.
- The lease remains in over hold and the rent remains at 0.5% of the total turnover. The rent paid for the year to 24th October 2010 was \$6,502.
- Officers require Council's instructions to respond to the Clubs acceptance of Option C.

5. Triple Bottom Line Checklist

- **Environmental** – *n/a*
- **Social** – Clayton Bowls Club has a healthy membership and maintain their tenancy improvements to a high standard. The community access the club buildings to utilise the gaming facility; to bowl; for social club activities; and to partake in food and beverages.
- **Financial** – Council has been unable to collect increased rent in accordance with the May 2009 resolution and the rent remains at the pre-2007 level.

6. Recommendation

That Council resolves to enter into a lease with the Clayton Bowls Club as follows:

Gaming rent of \$500 per machine and a fixed increase of 4% per annum:

* Gaming rent	\$500 x 29 Machines =	\$14,500
* Building Asset Value	\$1,070,000 x 0.2%	\$ 2,140
* Land Asset Value	\$910,000 x 0.5%	\$ 4,550
* Bar Sales	\$362,447 x 2%	\$ 7,249

<u>Total Rent</u>		<u>\$28,439</u>
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Attachments:

Confidential Report Ordinary Council Meeting 25 May 2009

Motion

Crs Athanasopoulos/Staikos

That the recommendation be adopted.

Amendment

Crs. Peulich/Dundas

That consideration of this matter be deferred to the next Ordinary Council meeting in March pending officer assessment of the Clayton Bowls Club community benefit statement in order to maximise benefit to the community and justify the type of lease offered.

The Amendment was **put and carried**

The Amendment became the motion.

The Motion was **put and carried**.

N 20

Contract CON-09/67 Supply, Implementation and Maintenance of an Integrated Asset Management System

Approved by: Paul Franklin, General Manager Corporate Services

Author: Duncan Kelly, Manager Information Services
Alison Saunders, Project Manager Asset Management

1. Purpose

This report awards the tender (CON-09/67) for the Supply, Implementation and Maintenance of an Integrated Asset Management System to Infor Global Solutions Pty Ltd.

2. Background

Council is custodian of a substantial and diverse built asset portfolio with replacement value approximately \$1.2 billion (not including land assets). Major asset types include Roads (\$499m), Drains (\$244m) and Buildings (\$271m). Many of Council's services rely on sound assets that are functional, safe and fit for purpose. Samples of services include libraries, sports pavilions, child care, drainage and traffic management. These assets are deteriorating, or wearing out, at an average rate of \$18 million per year. Council utilises Asset Management Plans (AMPs) to manage and maintain these assets to enable them to continue to support service delivery to the community.

One of the greatest challenges for Council is striking the right balance between asset renewal, upgrade and creation of new assets. While there is a need at times to build new assets there is a need to consider the long term strategic objectives of Council's services, ensuring equity for all in the community. Ultimately the decisions made should be supported by the strategic direction of Council's service objectives. These complex decisions can be supported and enhanced by utilising a sophisticated Asset Management System

On 31 August 2009 it was determined by John Nevins, Chief Executive Officer that Council would discontinue the Asset Management Solution tender process relating to CON-08/6 and commence a new process under the auspice of Paul Franklin, General Manager Corporate Services and led by Duncan Kelly, Manager Information Services. The new tender process commenced on 31 October 2009.

3. Summary and Conclusion

This report recommends the awarding of CON-09/67 for the Supply, Implementation and Maintenance of an Integrated Asset Management System to Infor Global Solutions Pty Ltd at an estimated cost of \$896,945 (year 1 annual system support and maintenance).

4. Tendering Process

Listed below are the major activities undertaken by Council to identify and determine the suitability of the potential solutions.

4.1 Formed a Tender Steering Committee

This group's primary purpose was to:

1. Make final recommendation to Council.

The Tender Steering Committee consists of:

- Paul Franklin, General Manager Corporate Services (Chair)
- Tony Rijs, General Manager Environmental Sustainability
- Warren Ashdown, Manager Infrastructure (replaced by Peter Bain, December 2010)
- Duncan Kelly, Manager Information Services

4.2 Formed a Tender Evaluation Committee

This group's primary purpose was to:

1. Review the returned vendor documentation;
2. Determine a short list of vendors;
3. Liaise with Tender Reference Group;
4. Attend ALL vendor demonstrations;
5. Make final recommendation to Steering Committee.

The staff members selected for this committee have a strong understanding of the business processes related to asset management practice and represented the various Divisions of Council. The members of the committee were:

<u>Division/Department</u>	<u>Name</u>
<u>Corporate Services</u>	Paul Franklin (Chair)
Property Services and Purchasing	Julian Harvey
Finance	Bernard Byrden
Information Services	Duncan Kelly (Deputy Chair) Alison Saunders (Project Manager Asset Management System)
<u>Organisational Development</u>	
Customer Service	Glenn Stewart
<u>Community Sustainability</u>	
Capital Works/Building Maintenance	Dean Walker Steve Lewis
<u>Environmental Sustainability</u>	
Infrastructure	Warren Ashdown
Environment	Mark Juler
Asset Management	Brian McNamara
Roads and Drains	Brian Trower
Tender Probity Officer	Colin Danks (replaced by Darryn Paspas)

A tender reference group was also created in order to ensure that consultation was provided over a number of departments, not just those represented by the evaluation committee.

The tender reference group's primary purpose was to:

1. Attend vendor demonstrations of relevant modules;
2. Make suggestions to the Tender Evaluation Committee.

<u>Department</u>	<u>Name</u>
Leisure Centres	Alexia Morgan
Property Services	Newton Gatoff
Information Services	Kevin Chan
Community Services	Rob Crispin
Leisure and Culture	Nigel Brown
Libraries	Gail McDonald
Building Maintenance	Rob Savoia
Performance Planning/OHS	Steve Waugh
Roads and Drains	Tony Pell
Waste, Maintenance and Contracts	John Kelly
Engineering Design	Alan West
Environment	Tony Collins and Steve Perumal
Depot Services	Graham Lambert
Traffic	Shirleen Yee Yet
Asset Management	Craig Macaulay

4.3 Developed the Specification

The specification used for CON 08/6 was used as a base for a series of consultation meetings with Team Leaders from each department with an Asset Management related requirement. Each Team Leader was asked to detail their current business process and the functionality they required from the system. The original specification was then revised and expanded to add this business process work. A more extensive focus on the integrations required between the corporate systems was included into the document.

4.4 Tender overview

The intention of the tender was to obtain one system that could service multiple departmental requirements across Council to ensure consistency of asset management process and information, thus the tenderers were required to tender for an entire solution taking into account;

1. Project Governance
2. Integrations
3. Properties, Buildings and Facilities
4. Roads, Traffic and Transport
5. Drainage and Stormwater
6. Parks and Open Space

Contract Terms and Conditions

Council used Maddocks to prepare the contract terms and conditions which were based on a standard Government Information Technology Contract (GITC4) and to advise Council on the final form of the contract.

Contract Items

Contract Terms: 6 years with 2 x 2 year options.

Contract Pricing:

- Fixed price implementation services
- Software licensing
- Time and material implementation services
- Ongoing Support and Maintenance costs

4.5 Tender Governance

Council implemented a two tiered process to ensure the probity of the tender.

Tier One

Council developed a Probity Plan for the tender process. The Probity Plan detailed the major aspects of the tender and the standards on how the tender would be run. The Probity Plan was designed to provide a step by step guide on the major tasks of the process to ensure that all parties were treated fairly and equally.

Tier Two

Council appointed an internal Probity Officer to oversee the tender. It was this officer's role as part of the Tender Evaluation Committee to ensure that the items of the Probity Plan were adhered to and to monitor the activities and processes of the Tender Evaluation Committee. The Probity Officer had no voting rights as part of the Tender Evaluation Committee to ensure the impartiality of the role.

Approval of Probity Plan

Darryn Paspas, Manager Contracts and Procurement has reviewed the detailed Probity Plan and has approved it on 20 January 2011. His statement is detailed below:

"I have reviewed the summary of actions completed against the probity plan for this project, the Supply, Implementation and Maintenance of an Asset Management System through to the Tender Selection Recommendation Report stage and I am confident that an open, equitable, justifiable and sound process has been undertaken to get to this point. Appropriate records have been maintained and suitable levels of security, confidentiality and consideration of potential conflicts of interest have been maintained throughout the process.

Please note that this comment is provided on the basis of my role as the designated Probity Officer and not as a Probity Auditor."

4.6 Tender response

The Asset Management Solution tender closed on 3rd December 2009. Six responses were received for the tender, of which one was non conforming:

- Asset Lifecycle Management Pty Ltd;
- TechnologyOne Limited;
- Infor Global Solutions Pty Ltd;

- Pitney Bowes Business Insight;
- MRC and Onyx Technologies;
- Certus Solutions (non conforming).

4.7 Tender Evaluation

All conforming submitted tender responses were reviewed in detail. The responses were then evaluated in accordance with the published scoring criteria and reviewed in a two stage process.

Stage One Evaluation

This phase of the process consisted of 4 components:

- Conformance to Functional Specification;
- Conformance to Technical Specification;
- General Requirements; and
- Demonstrated Experience.

Each section was scored independently and the scores were then averaged.

Determination of Price

At Stage One the Overall Scores were:

• Pitney Bowes Business Insight	73.84%
• TechnologyOne Limited	73.33%
• Asset Lifecycle Management Pty Ltd	73.15%
• Infor Global Solutions Pty Ltd	71.16%
• MRC and Onyx Technologies	40.39%

At this stage Onyx did not proceed through to Stage Two as it did not meet either the Functional or Technical conformance.

Stage Two Evaluation

This phase of the process consisted of 5 components;

- Conformance to Functional Specification;
- Conformance to Technical Specification;
- General Requirements;
- Demonstrated Experience; and
- Price.

Each tender proposal was reviewed for all the costs associated with it such as Module Purchase, Maintenance and Support, Training, Data Migration, Implementation Services etc. These amounts were then extrapolated to include:

- The total cost of ownership in Year 1
- The total cost of ownership over a Year 10 period
- The total cost of ownership over a Year 10 period in Net Present Value terms

The percentage score for the Price was based on the total cost of ownership over a Year 10 period in Net Present Value terms, whereby the lowest Full Solution Price was given the maximum score and then all other scores were a proportional percentage of this.

Each section was scored independently and the scores were then collated.

At Stage Two the Overall Scores were:

- Asset Lifecycle Management Pty Ltd 80.04%
- Pitney Bowes Business Insight 76.58%
- TechnologyOne Limited 74.79%
- Infor Global Solutions Pty Ltd 72.41%

On review of the Pitney Bowes Business Insight's response it became apparent that they did not wish to commit to the contract terms of the tender, discussions were held with them and they did not want to change their position. On the basis of this both the Evaluation Committee and Steering Committee recommended that they did not proceed past Stage Two. Council's potential short listed candidates were then:

- Asset Lifecycle Management Pty Ltd 80.04%
- TechnologyOne Limited 74.79%
- Infor Global Solutions Pty Ltd 72.41%

4.8 Shortlist

At the completion of Stage Two of the Tender Evaluation it was decided to undertake a site visit of the number one ranked vendor as they were unknown to Council. A site visit to The Hills Shire Council in NSW was conducted, this site visit was attended by Paul Franklin, Duncan Kelly, Brian McNamara and Alison Saunders in January 2010. After this site visit was completed at The Hills Shire Council it was decided to shortlist Asset Lifecycle Management. Council also sought additional information from Asset Lifecycle Management in regards to their agreements with TechnologyOne to confirm their ability to develop and support their solution in the long term.

As the scoring for the second and third candidates was extremely close it was decided to invite both TechnologyOne and Infor Global Solutions to provide a short 3 hour presentation to the Evaluation Committee and Senior Executives to enable a second vendor to be shortlisted. At the conclusion of this process Infor Global Solutions was shortlisted.

- Asset Lifecycle Management Pty Ltd 80.04%
- Infor Global Solutions Pty Ltd 72.41%

4.9 Demonstrations

Both Asset Lifecycle Management and Infor Global Solutions spent two to three days presenting their products and the results were evaluated by the Evaluation Committee. Generally the responses indicated that the Evaluation Committee preferred Asset Lifecycle Management's presentation and integrations, however it wished to clarify questions that arose from the demonstrations of both vendors and confirm that the pricing that was being used for comparison was on a like to like basis. It should be noted that the Infor Global Solutions software application was also seen as an equally creditable proposal but Asset Lifecycle Management offered good integrations with TechnologyOne and Pathway and a more advanced mobile solution.

4.10 Preferred Supplier Status

On receipt of the answers to the questions arising from the demonstration stage the Evaluation Committee proceeded to review both proposals with the aim on determining a preferred supplier to commence contract negotiations with for endorsement by the Chief Executive Officer. All indications were that this supplier was to be Asset Lifecycle Management.

At this point the Manager Information Services was notified by, the new CEO of Asset Lifecycle Management that the company had entered Voluntary Administration. This information was provided to the Evaluation Committee and it was decided to investigate the situation and wait 4 weeks to see if Asset Lifecycle Management would trade out of the Voluntary Administration. Further concerns were identified over this four week period and these were not able to be satisfactorily resolved.

The Steering and Evaluation Committee decided that given the above uncertainties it could not recommend Asset Lifecycle Management and therefore recommended Infor Global Solutions as the preferred supplier to commence contract negotiations for endorsement by the Chief Executive Officer. On 10 May 2010 the Chief Executive Officer endorsed Infor Global Solutions as the preferred supplier to commence contract negotiations with.

4.11 Site Visits and References

As part of the process to determine a preferred supplier a number of site visits were conducted. For the Infor Global Solutions response site visits to Gippsland Water to investigate TRIM Integration, Wollongong City Council in NSW, Unity Water in Queensland and Maroondah City Council in Victoria were conducted. All site visits provided positive feedback on the Infor Global Solutions, however highlighted the fact that all had undertaken the implementations differently and had varying views on the importance of integration with the organisation's other corporate systems.

4.12 Infor Global Solutions

On approval to proceed by CLG the contract negotiations with Infor Global Solutions were broken into 3 parts:

- Contract Finalisation
- Scope of Works
- Project Plan

During the negotiations on the Contract it was decided that Infor Global Solutions would undertake a full Scope of Works including the development of the system design and implementation documentation to ensure that the project was fully scoped and costed. This would then provide Council with a definitive price and the level of work required to undertake the implementation. This process commenced in September 2010 and was completed in January 2011.

The Scope of Works document and associated project plan has been read and signed off by each of the relevant managers.

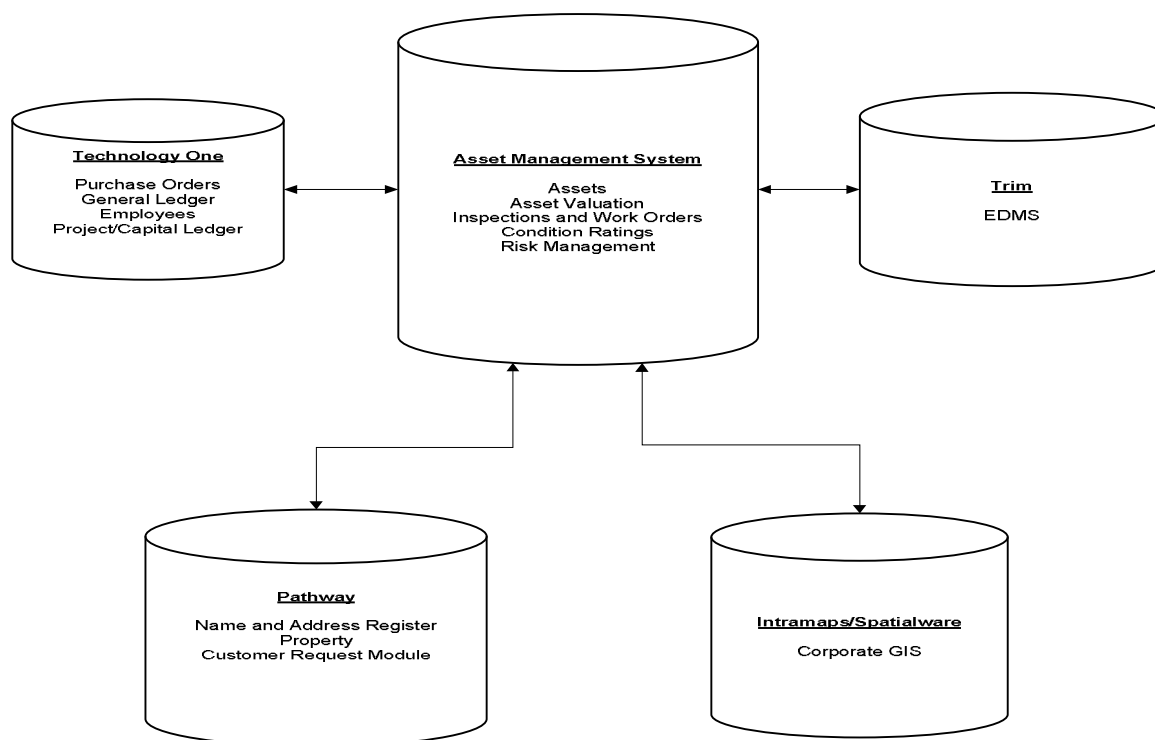
4.13 Evaluation and Steering Committee Recommendation

On 19 January 2011 the Evaluation and Steering Committee endorsed the selection of Infor Global Solutions as the recommended supplier.

5. Integrations

As the Asset Management System will sit within the corporate suite of applications it will need to integrate with the other main computer systems of Council. The required integrations have been investigated through site visits to relevant demonstration sites and/or had demonstrations of the functionality at Kingston.

The diagram below provides a schematic of the integrations.



5.1 GIS

The integration planned between the Asset Management System and the corporate GIS application, Intramaps, is currently operational at Maroondah City Council and has been demonstrated in a live form. The integration will enable an asset to be searched for on Intramaps and when selected, a form from the Asset Management System will appear with all relevant details. The integration is relatively seamless, with a member of staff unable to tell that they have actually switched systems behind the scenes. We are confident that this integration can be built as per the specification and in line with what has been demonstrated.

5.2 Pathway

The integration between Pathway and the Asset Management System is implemented at a number of sites including Wollongong City Council and Maroondah City Council. At the beginning of 2010, a number of sites were reporting a problem with the integration due to a recent upgrade. This problem has been resolved and we are satisfied that the integration can be implemented as per our specification.

5.3 TRIM

Upon investigation it was identified that every Infor site undertook the integration with TRIM differently and none used the integration tools actually developed by Infor. Instead a number of third party software vendors were used in order to integrate with TRIM. As a result we asked Infor to review how their integration worked and to have a meeting with HP TRIM to see how it can be improved.

We have been advised that they have reviewed the integration between the two applications and can meet the majority of our requirements, which will provide a practical solution; however this has not been demonstrated in a live environment yet.

5.4 TechnologyOne

The integration that was specified in the Tender outlined a number of components:

- If work was entered in the Asset Management System it linked with TechnologyOne Supply Chain to create a purchase order, which then was authorised through normal procedures;
- Once the work was completed and the invoice received, then the costs associated with the work order and the associated assets were exchanged between the systems to gain a comprehensive and audited view of the costs involved with creating and maintaining our assets;
- That draw down accounts could be established within the TechnologyOne Supply Chain system which then could be linked to the Asset Management System;
- That the whole of asset cost would be stored within the TechnologyOne Financial system and interfaced with the Asset Management System;
- That work orders could not proceed within the Asset Management System until the Purchase Order within TechnologyOne Supply Chain was approved, excluding urgent items;
- That the creation of a Purchase Order would link to the Contract it relates to so that the spend of Purchase Orders against a Contract would be maintained;
- This was intended to be further linked with the Human Resources/Payroll system at a later date, in order to track day labour costs against the assets as well.

During our investigations we have discovered that no organisations currently integrate to this extent, but rather exchange high level costs on a semi frequent basis in order to fulfil accounting requirements. Where Purchase Orders are derived from the Asset Management it is done on a one to one basis from the Asset Management Work Order. As a result further consultations between Council, Infor and TechnologyOne will need to occur in order to ensure that our specification can be fulfilled.

6. Project Costs

6.1 Included Items

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Infor Costs		
Software Licensing	\$290,000	
Implementation Services Fixed Fee	\$488,983	
Implementation Services Times and Materials	\$137,963	
Total Infor Costs		\$896,945

Other Costs (estimated figures)	
Advanced TechnologyOne Integration	\$70,000
Third Party Costs	\$50,000
Pathway/Customer Service Enhancements	\$40,000
Essential Safety Management Reporting	\$75,000
Backfill Allowance	\$15,000
Total Other Costs	\$250,000
Total Project Costs	\$1,146,945

Budget Sources	GL	Budget	Cost
Infor Costs	C0134	\$1,000,000	\$896,945
Advanced TechnologyOne Integration	C0134		\$70,000
Third Party Costs	N0156	\$50,000	\$50,000
Pathway/Customer Service Enhancements	N0154	\$97,000	\$40,000
Essential Safety Management Reporting	N0154		\$15,000
Backfill Allowance	N0154		\$75,000
Total Costs		\$1,147,000	\$1,146,945

6.2 Future Developments

Kern Mobile Solution	\$250,000
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This has not been recommended for acceptance at this point of time. Council will assess its mobility needs during the implementation and put forward of a new project if deemed necessary.

6.3 Summary of Estimated Items

6.3.1 Advanced TechnologyOne Integration (included in the project budget)

The extensive discussions with Infor Global Solutions has lead to a number of firm commitments on what can be delivered as part of the implementation:

- Functional requirements for the Asset Classes;
- Level of integration required with TRIM;
- Level of integration required with IntraMaps / GIS;
- Level of integration required with Customer Service.

What has been highlighted over the last 4 months of discussions is that the level of integration that was requested with TechnologyOne for General Ledger and in particular Electronic Purchasing is extremely difficult to undertake. The Evaluation Committee has endeavoured to review the

technical capabilities of what is potentially available but this has become extremely difficult as Kingston cannot coordinate a meeting between Infor Global Solutions and TechnologyOne to discuss the integration of both solutions until Information Global Solutions is announced as the successful bid due to the fact that TechnologyOne also tendered.

What can be determined is that the level of integration cannot be confirmed, however indicative pricing places this integration at approximately \$70,000.

The process for finalising the requirements and costs for this integration will involve a meeting of all relevant departments with TechnologyOne and Infor to review the scope and requirements for integration with TechnologyOne and the further scoping sessions to establish the detailed scope and specification for the building of the integration. Once these have been completed detailed costs will be available and a decision on the appropriate way forward will be presented to the Chief Executive Officer.

It is planned to confirm our requirements in March through a workshop that will be attended by General Manager Corporate Services, General Manager Environmental Sustainability, Manager Information Services, Manager Infrastructure, Manager Environment, Manager Community Buildings, Manager Finance, Manager Procurement, Manager Property Services, Senior Asset Analyst and Project Manager Asset Management System.

6.3.2 Third Party Costs (included in project budget)

In order to complete integrations between Trim and Intramaps, additional consulting and implementation services will be required by the suppliers of these systems in order to complete the connections to Infor.

This work is currently estimated at \$50,000 and has been included in the project budget.

6.3.3 Pathway/Customer Service Enhancements (included in the project budget)

As Pathway Customer Service has been constructed concurrently with this tender process, requirements that have emerged out of that project will require enhancements of the Work Management System within Hansen in order to achieve functionality that is not currently standard within the application. One of the requirements that has emerged is the need to send letters out of the system acknowledging the residents request and in some cases that the request has been completed. This will require approximately \$40,000 of work to enhance the system to the new requirements and has been included in the project budget.

6.3.4 Backfill Allowance (included in the project budget)

A number of managers have indicated that there will be a need for backfill for their staff during the implementation. An allowance for backfill has been included in order that there are no delays to this project or other projects due to staffing issues. This has been approximated at \$1,500 x 50 days to give a total of \$75,000

6.3.5 Advanced Essential Safety Management (ESM) Reporting (included in project budget)

As part of the scoping sessions with the Community Buildings Department, it was established that there are detailed ESM requirements that are needed by the department to meet legal requirements and will require an allowance of \$15,000 for Exception reporting which has been included in the overall project budget.

6.3.6 Mobility (Future Development)

A mobile solution will be required operationally in the future for many of the departments in order to maximise efficiencies from the new system, however as we were quoted \$250,000 for a solution from Infor's partner Kern Mobile, the Evaluation Committee decided to exclude the mobile solution from the original scope given that in the intervening time new technology and solutions may become available. This would give a customised "cut down" version of the application to users in the field.

However an alternative mobile solution will be required prior to the end of Stage 2 (mid/late 2012) in order that the Asset Management System is available for use in the field, in particular by the Parks Department. The interim solutions being proposed are mobile devices such as laptops; tablets or similar with access to the full application via a 3G mobile connection.

7. Triple Bottom Line Checklist

- **Environmental** – not applicable.
- **Social** – Improved works management capability and effectiveness will enhance the ability of asset managers to record and demonstrate timely provision of reactive and scheduled services that are expected by the community.
- **Financial** – The implementation costs of the Asset Management System are currently contained within the Roads Infrastructure and Corporate Systems capital budget as:

C0134 – Roads Infrastructure

2010/2011 - \$500,000

2011/2012 - \$200,000

2012/2013 - \$200,000

N0156 – Corporate System

2010/2011 - \$50,000

N0154 – Information Services Strategy

2010/2011 - \$97,000

There will be an impact to the Operational Budget of Information Service to the amount of \$75,720 per annum for the support and maintenance of the Asset Management System.

8. Recommendation

That Council Resolve to:

1. Award Contract CON-09/67 for the Agreement for the Supply, Implementation and Maintenance of an Integrated Asset Management System to Infor Global Solutions Pty Ltd at a firm contract sum of \$896,945;
2. Award the annual system support and maintenance of Contract CON-09/67 for the Agreement for the Supply, Implementation and Maintenance of an Integrated Asset Management System to Infor Global Solutions Pty Ltd at an estimated cost of \$75,720; (per/annum) and;
3. Authorise the CEO or delegate to exercise the two, two year extensions for the system support and maintenance subject to satisfactory performance.

Attachments:

Confidential Attachment – Cost Summary

Crs. Ronke/Athanasopoulos

That this matter be considered later in the meeting under Items in Camera

Carried

Adjournment

Crs. Staikos/Ronke

That the meeting be adjourned for five (5) minutes

Carried

The meeting was adjourned at 9.23pm

Resumption

Crs. Staikos/Ronke

That the meeting be resumed

Carried

The meeting resumed at 9.36pm

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13. Notices of Motion

N 21 206 Old Dandenong Road, Heatherton

That Council;

1. Proceeds promptly to investigate the best use of the land at 206 Old Dandenong Road in the light of its green wedge purpose and of whether it may be needed for a valid community use or uses and provides a report to the elected Council;
2. Consults the community and invites community submissions as part of that investigation;
3. In case no valid community need is identified for all or part of this land in Council's view, that officers also proceed to explore the preliminary measures that could be necessary should Council decide to proceed with the statutory and other processes involved in disposing of part or all of the land in keeping with policies outlined in S 189 of the local Government Act and of Council's policy for the Sale of Rights of Way and Drainage Reserves

22 February, 2011

Cr Rosemary West

Cr West requested that parts 1 and 2 be put to the vote separately to part 3.

Crs. West/Shewan

That Council

1. Proceeds promptly to investigate the best use of the land at 206 Old Dandenong Road in the light of its green wedge purpose and of whether it may be needed for a valid community use or uses and provides a report to the elected Council;
2. Consults the community and invites community submissions as part of that investigation;

Carried

Crs. West/Shewan

3. In case no valid community need is identified for all or part of this land in Council's view, that officers also proceed to explore the preliminary measures that could be necessary should Council decide to proceed with the statutory and other processes involved in disposing of part or all of the land in keeping with policies outlined in S 189 of the local Government Act and of Council's policy for the Sale of Rights of Way and Drainage Reserves

Lost



City of
KINGSTON

MEMORANDUM

To: Mayor and Councillors

cc: Chief Executive Officer and General Managers

Approved by: Paul Franklin, General Manager Corporate Services

Author: Julian Harvey, Manager Property Services

Date: 21 February 2011

Subject: 206 Old Dandenong Road, Heatherton

The following information is provided as officer comment on the Notice of Motion submitted by Cr West to the Ordinary Council meeting to be held on 28 February 2011.

Background

206 Old Dandenong Road Heatherton was purchased by Council on 22 December 2004 from the State Government as a site for a municipal depot. The negotiations for the purchase included the creation of a Section 173 agreement under the Planning and Environment Act 1987 to enable the price at which the property was sold to be reduced by 50%. The Section 173 agreement restricts Council's use of the land to 'activities conducted by the owner in its capacity as a Municipal Authority'.

Proposed Depot

Detailed design work on the proposed depot was undertaken during 2005 and 2006 and it became apparent that the site could not accommodate all of the required services. In 2007 the search for alternate locations continued. Leased premises in Industrial Drive, Braeside were secured in 2009 following the closure of the depot on the former golf course at Moorabbin Airport.

Current Uses of 206 Old Dandenong Road

Council has leased the site for the agistment of horses.

Section 173 Agreement

The Section 173 agreement binds Council to only use the land for the permitted use. That permitted use means 'activities conducted by the owner in its capacity as a municipal authority'.

The permitted use is quite narrow and restricts the use of the land to those uses that form part of Council's charter under the Local Government Act 1989 ('the Act').

The Section 173 agreement contemplates the steps to be followed should Council wish to remove the agreement from the title. In the event that Council wishes to remove the agreement it must first notify the State in writing. The State will then instruct the Valuer General to determine the market value of the property both with and without the 'permitted use' restriction. Council is then required to pay to the State the difference in the two values.

The Planning Scheme

The site is zoned PUZ6 (Public Use Zone - Local Government). The site is also located outside the Urban Growth Boundary.

The surrounding predominant zone is GWZ2 (Green Wedge Zone 2).

Under the PUZ6 zone uses are limited to (with some exceptions) those conducted by or on behalf of a municipal council.

If non-Council uses of the site are contemplated the site should be rezoned.

Sale or Lease of the Land

If Council wishes to sell or lease the land then it must first remove the Section 173 agreement and rezone the land. Following this, Council is required to notify the public of its intention to sell (S189 of the Act) or lease (section 190 of the Act) the land. The public may then make written submissions on the proposal and request to have those submissions considered in accordance with S223 of the Act. Council must not have predetermined or prejudged the outcome of the public consultation.

Should Council determine that it wished to continue with a sale officers would recommend that a sale be by way of public auction or public tender. If a lease were to be pursued a public Expression of Interest process would be recommended.

Consultation

The community consultation proposed via the Green Wedge Plan process would not be a valid substitute for the processes required by S189 or S190 of the Local Government Act.

Sale Policy Framework Guidance

Officers do not believe that the Sale of Roads, Rights of Way and Drainage Reserves Policy – subsequently amended by Council in May 2010 – should apply as the land in question is freehold land as opposed to a road, right of way or drainage reservation which are defined in the current Sale of Roads, Rights of Way and Drainage Policy as minor parcels of land.

The sale of other parcels of land are governed by the Local Government Act and guided by the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land which was endorsed by the Minister for Local Government in June 2009.

In summary, officers provide the following comments and recommendations in response to the Notice of Motion:

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1. Officers agree that alternate community uses that comply with the zoning of the land and the existing S173 agreement be explored and reported back to Council.
2. The Green Wedge Plan is a broad strategic review of land uses that are appropriate to be pursued in the non-urban area of the city. It is recommended that valid community uses that may be appropriate be identified and reported to Council for consideration.
3. Any consultation carried out as part of the Green Wedge Plan would not satisfy the requirements of S189/S190 of the Local Government Act.
4. That the intent of the Sale of Roads, Rights of Way and Drainage Reserves Policy does not apply to this parcel of land.

Recommendation

That Councillors note the above in relation to the Notice of Motion.

Extension of Time

Crs. Peulich/Moloney

That the meeting be extended until 10.30pm

Carried

14. Urgent Business

Practice of Councillors Drafting Preambles to Notices of Motion

Crs West/Shewan

That a motion in relation to the practice of Councillors drafting preambles to Notices of Motion be accepted as an item of Urgent Business.

The motion was **put and carried**.

Crs West/Shewan

That in the light of

- Past practice at Kingston Council to allow Councillors to submit a preamble to provide background to a notice of motion and to publish this in the Council agenda papers, and of
- The decision by officers to withdraw the preamble to my notice of motion concerning 206 Old Dandenong Road from tonight's Council agenda without any prior discussion with me

I move that Council

1. Include the preamble to my motion concerning 206 Old Dandenong Road in the minutes of this meeting;
2. In future permit councillors to submit and have published in the council agenda a factual preamble of no more than a page to provide background to a notice of motion in keeping with past practice.

Amendment

Crs. Staikos/Ronke

1. That the preamble to Cr West's notice of motion concerning 206 Old Dandenong Road be included in the minutes of this meeting.
2. That the issue of permitting councillors to submit and have published in the council agenda preambles to notices of motion be referred for further consideration to a Councillor Information Session.

The Amendment was **put and carried**

The Amendment became the motion.

The Motion was **put and carried**.

The entire Notice of Motion including the preamble as provided by Cr. West is as follows

Notice of Motion

1. Considering that:

- Council purchased the 2 ha former schoolyard property at 206 Old Dandenong Road Heatherton in 2004 from State Government to use as a Council Works Depot but subsequently found that it was not suitable for that purpose and has since allowed horses to be agisted on the site;
- The land was sold by State Government at a concessional price subject to a Section 173 agreement which restricts Council's use of the land to "activities conducted by the owner in its capacity as a Municipal Authority;"
- Horse agistment is a reasonable use for the land while Council makes up its mind about whether or not it wishes to keep the land and if so, what might be a suitable use for the land, but in the long-term it may not comply with the S 173 agreement;
- Council policy with regard to the sale of surplus land follows:
 - S 189 of the Local Government Act, and
 - Council's Policy for the Sale of Rights of Way and Drainage Reserves (December 1995). This policy requires Council to consult with the community to ascertain whether or not the land may be needed for a continuing community use.
- Council's purposes for the green wedge as set out in Clause 22.04 of the planning scheme include:
 - To protect quality agricultural land, and encourage sustainable farm management practices.
 - To protect and enhance environmental values including wetlands, flora and fauna habitats, hydraulic functions.
 - To protect and further develop the scenic and landscape values of the non urban area.
 - To provide for open space links and opportunities for recreation.
- State policy for the green wedge is set out in Clause 57 of the planning scheme which includes:
 - To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.
 - To protect productive agricultural land from incompatible uses and development.
 - To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.
 - To encourage the location of urban activities in urban areas.
- Council also has policy to maintain the rural ambience of Old Dandenong Road.

I move that Council;

1. Proceeds promptly to investigate the best use of the land at 206 Old Dandenong Road in the light of its green wedge purpose and of whether it may be needed for a valid community use or uses and provides a report to the elected Council;
2. Consults the community and invites community submissions as part of that investigation;
3. In case no valid community need is identified for all or part of this land in Council's view, that officers also proceed to explore the preliminary measures that could be

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necessary should Council decide to proceed with the statutory and other processes involved in disposing of part or all of the land in keeping with policies outlined in S 189 of the local Government Act and of Council's policy for the Sale of Rights of Way and Drainage Reserves

22 February, 2011

Cr Rosemary West

Extension of Time

Crs. Athanasopoulos/Peulich

That the meeting be extended until 10.45 pm

Carried

15. Items in Camera

Crs Athanasopoulos/Ronke

That in accordance with the provisions of section 89(2) of the Local Government Act 1989, the meeting be closed to members of the public for the consideration of the following confidential items:

- N 20 as it contains information relating to a contractual matter
- N 22 as it relates to a matter which the Council considers would prejudice the Council or any person; and
- N 23 as it relates to a matter which the Council considers would prejudice the Council or any person..

Carried

The meeting was closed to the public at 10.29 pm.

Crs Athanasopoulos/Peulich

That the meeting be opened to members of the public

Carried

The meeting was opened to the public at 10.54 pm

There being no further business the meeting closed at 10.54pm

Confirmed.....His Worship, The Mayor 28 March 2011.