

**City of Kingston
Ordinary Council Meeting**

Minutes

23 May 2011

Minutes of the Ordinary Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 23 May 2011.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 27 April 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

New Footpath in Reserve in Aspendale Gardens
Chelsea Public Golf Course
Mentone Bowl Site

5. Presentation of Awards

David & Veeda Oakley

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7. Reports from Delegates Appointed by Council to Various Organisations

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9. Environmental Sustainability Reports

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N 81 Residential Aged Care Strategic Review

N 82 Melbourne Water Offer for Council to Purchase Land at Park Way, Braeside

N 83 Delegation of Authority of Chief Executive Officer to enforce the terms of Council's lease with St Kilda Football Club on behalf of Council

**City of Kingston
Ordinary Council Meeting**

Minutes

23 May 2011

Minutes of the Ordinary Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 23 May 2011 which commenced at 7.05pm.

Present: Cr Ron Brownlees (Mayor)
Cr Arthur Athanasopoulos
Cr Lewis Dundas
Cr Dan Moloney
Cr Paul Peulich
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
Sarah Bishop – Program Leader Communications & Public Affairs
Phil De Losa – Program Leader Governance
Newton Gatoff – Team Leader Property Services
Rob Crispin – Manager Community and Aged Care Services

1. Apologies

Cr John Ronke

Crs Staikos/Peulich

That the apology be noted.

Carried

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 27 April 2011

Crs Staikos/Peulich

That the minutes of the Ordinary Council Meeting 27 April 2011 be confirmed.

Carried

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

Cr Staikos declared an indirect interest in Item N66 - Affordable Housing Taskforce

The Mayor, Cr Brownlees declared an indirect interest in Item N83 – Delegation of Authority of Chief Executive Officer to enforce the terms of Council’s lease with St Kilda football Club on behalf of Council

4. Petitions

Cr Moloney presented a petition in relation to a new footpath in reserve in Aspendale Gardens

Crs Moloney/Shewan

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

Carried

Cr Shewan presented a petition in relation to the Chelsea Public Golf Course

Crs Shewan/Moloney

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

Carried

Cr West presented a petition in relation to the Mentone Bowl site

Crs West/Dundas

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

Carried

5. Presentation of Awards

The Mayor, Cr Ron Brownlees presented a certificate to David and Veeda Oakley for their work in the community.

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

6.1 Cheltenham Village Committee

Chairperson – Vic Russo OAM JP

Report of Meeting held on 3 May 2011

Highlight: That all Committee members receive copies of the Notices of Planning Applications.

6.2 Mentone/Parkdale Village Committee

Chairperson – Claire Houston

Report of Meeting held on 3 May 2011

Highlight: Community Grants Process and Approval by the Village Committee

Cr Peulich left the Chamber at 7.19pm

6.3 Mordialloc Village Committee

Chairperson – David Van Pelt

Report of Meeting held on 3 May 2011

Village Committee Motion:

The Village Committee recommends to Council that the four bicycle path options for the Bay Trail go out for community consultation. The Village Committee would give preference to the back of kerb option which preserves the most vegetation.

Officer Comment:

This matter is still to be considered and determined by Council and until then it would be pre-emptive to speculate on the most appropriate form of community consultation.

Crs Wesrt/Dundas

The Village Committee be thanked for its advice and that the Village Committee be advised that it will be taken into account and the Village Committee informed of Council's decision when it formally considers and determines its position on the Bay Trail

Carried

Highlight: Visit by Mayor, Cr Ron Brownlees

Cr Peulich returned to the Chamber at 7.22pm

- 6.4 Dingley/Heatherton Village Committee**
Chairperson – Anne Caprackas
Report of Meeting held on 4 May 2011

Highlight: None

- 6.5 Moorabbin/Highett Village Committee**
Chairperson – Les Heimann
Report of Meeting held on 4 May 2011

Highlight: Conversation with and information received from Jonathan Guttman

- 6.6 Patterson Lakes/Carrum Village Committee**
Chairperson – Don Reed
Report of Meeting held on 4 May 2011

Highlight: None

- 6.7 Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee**
Chairperson – Ken Carney
Report of Meeting held on 5 May 2011

Village Committee Motion:

That Council investigate and respond to the Village Committee's concerns regarding the service station site at the corner of Springvale & Governor Roads including specifically:

- What are the requirements of the original permit?
- Subject to what those requirements are, why is it apparent that those requirements have not been adhered to?
- What still needs to be done to make the observation tower functional?
- What is planned regarding the proposed bike path on or around the site for which Pellicano's has contributed substantial funds?
- Why have responses from Council varied substantially?

Officer Comment:

What are the requirements of the original permit?

Planning Permit KP97/959 was issued by Council on 30 December 1999 following the new format Victorian Planning Provision requirements that resulted in the removal of site specific amendments from planning schemes, which were converted into planning permits, as a best translation of the amendment relevant. Accordingly, Planning Permit KP97/959 allows for the use and development of the site for an integrated information centre, observation tower, petrol filling station, restaurant, convenience store, bike paths and landscaping.

The requirements of this original Planning Permit are reflected within six (6) conditions. A copy of the Permit will be provided to the Village Committee.

Subject to what those requirements are, why is it apparent that those requirements have not been adhered to?

With specific reference to the conditions of the Permit, Council's Planning Department is not aware of any non-compliance issues. However, to ensure that this is the case, Council's Planning Department is seeking legal advice on the matter, to clarify whether a breach in any of the Permit conditions has occurred.

What still needs to be done to make the observation tower functional?

It is the Planning Department's understanding that the reason the observation tower is not in use is due to public liability and safety concerns relating to detailed design aspects of the structure.

Putting aside the structural safety aspects of the Tower, Council's Planning Department is also seeking legal advice regarding what the Land Owner's obligations are (if any) with respect to making this facility open for public use.

What is planned regarding the proposed bike path on or around the site for which Pellicano's has contributed substantial funds?

It is understood that a one off payment was made by the Permit Applicant to Council on 31 October 2007 to relieve the Permit Applicant of the requirement to construct the bike path proposed around the site. These funds have now been utilised as part of a funding package for works recently completed to provide a shared pathway along the north side of Governor Rd around the development site and linking into Springvale Rd. Additional funds for the project were obtained from Council's recurrent footpath program and the Federal Government's Economic Stimulus Package program.

Why have responses from Council varied?

Council's Planning Department are uncertain as to what responses the Village Committee are referring to with respect to this question.

Crs Shewan/Moloney

That the Village committee be thanked for its interest and advised of the outcome of legal advice when known.

Carried

Highlight: The completed installation of traffic calming devices in Kearney Drive and Branagan Drive, Aspendale Gardens

- 6.8 Chelsea/Chelsea Heights/Bonbeach Village Committee**
Chairperson – John Bainbridge
Report of Meeting held on 11 May 2011

Village Committee Motion:

The Committee is concerned with the bus interchange at Chelsea Railway Station and wants officers to investigate the issues and provide guidance on the proposed solution.

Officer Comment:

The Village Committee is commenting on work that is currently being implemented by the Traffic Engineers. From the additional notes it appears they are objecting to the solution the officers have already determined is best in the short term given that we are in talks with VicRoads regarding a range of problems along the Station Street alignment from Edithvale to Carrum. The solution is to change line marking to provide more even lane widths in both directions. It is recommended that this interim solution is implemented and monitored for performance before we consider any further changes.

Crs Shewan/Moloney

That the Village Committee be thanked for its interest and be advised of the outcome of talks with VicRoads regarding Station Street.

Carried

Highlight: The planting of trees in the Chelsea Safeway carpark

7. Reports from Delegates

Cr Staikos reported on his recent attendance at the Access and Equity Committee where the new committee discussed its new terms of reference.

Cr Staikos advised he will be attending the next meeting of the Interfaith Network

Crs Staikos/Athanasopoulos

That the report be received.

Carried

8. Question Time

The Mayor informed the meeting that question time would take place at approximately 8.00pm. (Refer to page 53 of the minutes).

9. Environmental Sustainability Reports

Cr Staikos declared an indirect interest because of a conflicting duty in Item N 66 by virtue of his position with the Community Housing Federation of Victoria and left the Council Chamber at 7.37pm before the discussion and the vote on the matter.

N 66 Affordable Housing Taskforce – Update

Approved by: Tony Rijs, General Manager Environmental Sustainability

Author: Jonathan Guttman, Manager City Strategy

1. Purpose

To update Councillors on the discussions held at the Affordable Housing Taskforce and to discuss its future role and whether Council seeks to commence the development of an Affordable Housing Strategy.

2. Council Plan

The Council Plan highlights the importance through Planned Outcome 3 of Healthy, Strong and Connected Communities. Understanding more regarding the housing needs of the Kingston community is considered to be consistent with this Planned Outcome stemming from the Council Plan.

3. Background

Council Reports

At the Ordinary Council Meeting on 27 July 2009, Council resolved to create an Affordable Housing Taskforce. A Terms of Reference was subsequently discussed at the Councillor Information Session on 21 September 2009.

Subsequent to this a report was provided to the Ordinary Council Meeting on 27 April 2010 updating the Council on the discussions of the taskforce.

Councillor members of the taskforce include Councillors Peulich, Athanasopoulos, West and Shewan. Whilst Officer members include Tim Bearup and Susan Heywood (Community Engagement), Newton Gatoff (Property Services) and Jonathan Guttman (City Strategy).

Council Plan (2010 update)

Section 5.1.1 has as an action - *Develop and implement advocacy programs to champion community needs for: increased funding and support for social and affordable housing.*

Taskforce Meetings

The taskforce has now met on five occasions with the key focus areas identified briefly:

Meeting 1 – 20 October 2009

- Inception Meeting
- Viewed 4 Corners program on homelessness
- Discussed potential key presenters to the taskforce

Meeting 2 - 9 December 2009

- id consulting presented its work 'Analysis of Housing Stress in Kingston'
- Explored rating / taxation policies
- Discussion regarding owner occupier / overseas investment in housing

Meeting 3 – 17 March 2010

- Presentation by Newton on Seminar he attended
- Presentation by Community Engagement on existing Kingston Housing Networks

Meeting 4 – 21 April 2010

- Presentation by Garry Spivak – Housing Officer City of Port Phillip and formerly St Kilda on the importance of policy
- Presentation by Darren Ray (VLGA / Formerly Councillor Port Phillip) on the role of Councillors in relation to Affordable Housing Issues

Meeting 5 – 8th December 2010

- Presentation recapping on the above.
- Presentation on what other Councils have done in relation to policy

4. Summary and Conclusion

The Council Officers who have participated in the taskforce believe that it is appropriate that Council give consideration as to whether it now wishes to commence the development of an Affordable Housing Strategy. Such a strategy would likely opportunities which may include:

- The advocacy role of Council in the area of housing focussed particularly on those unable to access the private housing market through rental or purchase;
- Developing alliances with Housing Associations and the Office of Housing;
- Providing direction in relation to property sale / long term leases / joint ventures etc; and
- Seeking to encourage private development (via planning scheme 'incentives') of smaller more diverse housing.

Direction is sought therefore from Council as to whether it wishes at this time to further advance is work in this area.

5. Consultation

At this stage discussions have been contained within the Taskforce group.

6. Issues

The provision of community housing facilitated by Council or incentives to encourage housing at greater density to reduce purchase / rental costs has and will continue to be of significant public interest. Although a variety of views will be expressed in relation to this issue challenges associated

with the affordability of housing both to rent and purchase will continue to present challenges to Kingston in addressing its desire to provide for a diverse community.

7. Options

Given Council Officers believe that the taskforce has been beneficial in providing background information to Councillors in relation to housing issues prevalent in Kingston and policy options adopted by other Councils, direction from Council is now sought to determine whether it is appropriate at this time to undertake further strategic work in this area.

The options therefore seemingly available to Council are to:

- 1) Resolve to develop an Affordable Housing Strategy which introduces meaningful measures to incrementally influence the supply of affordable housing through public and private sector incentives;
- 2) Resolve not to develop an Affordable Housing Strategy;
- 3) Continue to undertake background work in relation to housing trends within the municipality.

8. Triple Bottom Line Checklist

- **Environmental** – Not Applicable
- **Social** – The development of an Affordable Housing Strategy would place Council in a stronger position to be able to further address issues relating to the provision of housing within the municipality. Anticipated positive social benefits include increased development of an appropriate and diverse range of dwelling types to maintain and continue to foster a vibrant and socially diverse community.
- **Financial** – The development of an Affordable Housing Strategy would be largely undertaken through existing internal resources and would likely take twelve months to complete.

9. Recommendation

That Council:

1. develop Social and Affordable Housing guidelines to assist Planning Assessments consistent with the planning scheme, and;
2. continue to lobby the State and Federal Governments on affordable housing when opportunities present.

Crs West/Peulich

That the matter be deferred to allow further consideration of the strategy by the Affordable Housing Taskforce.

Carried

Cr Staikos returned to the Council Chamber at 7.40pm

N 67

Updated Tree Management Strategy

Approved by:

Tony Rijs, General Manger Environmental Sustainability

Author:

Tim Ford, Parks Supervisor Tree Planting & Establishment

1. Purpose

To present Councillors with the Draft Tree Management Policy (DTMP) and a Summary of Comments, Feedback and Suggested Amendments following the formal public consultation period with a view to sending the Draft Tree Management Policy to Council to consider it for adoption.

2. Council Plan

Planned Outcome 2 – A Sustainable Environment
Strategy 2.1 – Insightful, intergeneration planning and delivery

- Strategic Action 2.1.4 Development and implementation of key strategies including - Tree Strategy.

3. Background

Council manages approximately 90,000 trees located within reserves, streets and Council managed facilities. Protecting and enhancing Kingston's urban forest through proper management is vital to sustaining a healthy vibrant community. The residents and Council have made trees a priority for the quality of life benefits they provide. The Urban Forest is the sum total of all trees growing within an urban area. It includes trees on private and public managed land. The City of Kingston Draft Tree Management Policy, however, pertains solely to trees located on Council managed land.

In response to the growing appreciation of trees and to respond to the increasing challenge of managing trees in the urban environment, Council has developed a DTMP. The DTMP outlines Councils policies and strategic direction in regard to the management of the public component of the urban forest. Council seeks to create a vision on how the urban forest should look. The DTMP provides the guidelines for achieving the vision.

Council approved a formal public consultation process for the DTMP in August 2010. An extensive, 2 month public consultation process followed.

4. Summary and Conclusion

The DTMP provides an overview of the strategic direction for the management of the public Urban Forest, and is supported by Technical Guidelines that underpin the implementation of the policy and outline best arboricultural practice for tree management functions.

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In summary, the DTMP identifies seven key areas of tree management.

1. Tree Establishment	5. Tree Risk Management
2. Tree Maintenance	6. Assigning a Monetary Tree Value
3. Tree Protection	7. Challenges for the Future
4. Tree Removal	

It further notes that Council will:

- Place public safety as a priority.
- Seek to achieve a sustainable urban forest taking into consideration ecological principles, the dynamic nature of trees in the urban landscape community expectations and the built environment.
- Implement and manage appropriate tree removal / replacement programs that ensure the tree resource is continually renewed thereby ensuring a biological diverse and sustainable tree population.
- Implement tree management in line with relevant legislative requirements, strategic policies and accepted tree care practices. Any operation that is known to be detrimental to long-term tree health is not appropriate.
- Maintain and enhance the existing tree population for inheritance by future generations by preserving tree health, biological diversity, aesthetic appearance and amenity value.
- Maintain high standards of tree management to current best practice and recognised standards and provide adequate resources to ensure proper tree management.
- Utilise a program of systematic tree assessment and best practice tree management to mitigate tree risk for residents and visitors to the City.
- Remove hazardous trees and inappropriate species where necessary and plant replacement trees in order that the City's landscapes are reinvigorated and maintained with regard to safety.
- Select tree species for planting based on their suitability to the site, climatic conditions biological diversity, performance, and potential to contribute to the landscape. Tree selection, placement and planting of trees will be undertaken to mitigate potential conflicts with infrastructure and to reduce long-term risk.
- Undertake planting programs to achieve a net increase of trees across the City.
- Protect Council trees from development and other activities that threaten their health and viability. The conflict between trees and infrastructure will be minimised where possible.
- Implement design solutions to enable residents to develop a sense of pride and ownership and reduce the incidence of vandalism.
- Consult with the community about all major projects involving tree removal and tree planting.
- Maintain accurate and current documentation on the management of Council's tree assets.

5. Consultation

The DTMP was circulated to internal stakeholders to seek feed back and input during the drafting. Departments consulted include Parks, Roads and Drains, Infrastructure, Statutory Planning, Local Laws and Maintenance Contracts and Waste.

An extensive public consultation programme was run for the formal period. A 'Have Your Say' leaflet was produced and was made available with copies of the DTMP. A Media Release was

distributed and each local media publication ran stories on the DTMP including KYC. Copies were also provided to all Village Committees. Copies of the DTMP were available at all Libraries and Customer Service Centres, on-line at Council's website and CD-versions were sent out to interested community members.

A Community Workshop was also held to discuss the DTMP, on 30 September 2010.

Some 12 respondents submitted formal responses, following the consultation period. These are outlined in **Attachment A – Feedback, Summary and Recommendations**.

6. Issues

Several common themes were identified through the formal responses submitted during the consultation period. Council was also commended by several respondents on compiling a positive DTMP. Council was also commended on their efforts in street and park tree planting and in recognising the importance of the Urban Forest and the preservation of existing natural plant communities.

Over development of private property

The over development of private property resulting in private tree removal and a lack of available space for tree planting was a prominent issue raised during the consultation process. Four formal objections to the DTMP were submitted highlighting this issue. The retention or clearing of vegetation on residential blocks for development is currently assessed by Councils Planning Department under Kingston Planning Scheme and as is guided by the Planning and Environment Act 1987. The DTMP however pertains solely to trees on Council managed land and issues surrounding private vegetation are outside the scope of this policy.

Cars parking on nature strips

Three respondents argued cars should not be allowed to park on nature strips. The residents were concerned that cars parking on nature strips were detrimental to street tree health and also reduce the opportunity for street tree planting and establishment. Car parking on nature strips is managed by the Local Laws Department and is considered to be outside the scope of this policy. It is acknowledged that car parking on nature strips can be problematic for establishing and maintaining existing street trees, when issues arise they are reported to Local Laws to address.

In an effort to balance road safety with amenity improvement Council uses discretion when policing car parking on nature strips. Consideration is given to the following guidelines as part of the enforcement process.

- The vehicle is parked too close to an intersection (which is also an offence under the Road Rules – Victoria);
- Vision of drivers exiting their properties along major roads such as Nepean Highway or Warrigal Road (where four lanes exist) are impeded by a vehicle on the nature strip;
- A vehicle is parked the wrong way around (which is also an offence under the Road Rules – Victoria);
- When a complaint is received that the vehicle on the nature strip does not belong to the property owner or occupier who looks after the nature strip;
- The nature strip or curb and channel is being damaged by the vehicle being parked on the nature strip; or
- The vehicle present as a significant risk of damage to vegetation; and
- A heavy vehicle is being parked on the nature strip (which is also an offence for a heavy vehicle to be parked in a built up area for longer than one hour).

Planting of Fruit Trees

Three respondents suggested Council plant fruit trees within the streets and public open space. The opportunity of planting fruit trees within streetscapes is limited due to the risk associated with fruit fall and the challenge with the management of pest and disease. However the planting of an 'Urban Orchard' may be beneficial for cultural reason where the community has input and can take ownership with the establishment of vegetation within a park or reserve. Council has planted a number of fruit trees within parks and reserves over the past two years. Figs, Olives, Chestnuts and Pomegranates have been planted as a part of park and reserve upgrades within Clarinda and Clayton South area. The plantings have been adopted and well received by the local residents. It is recommended that Council consider the suggestion of planting fruit trees within parks and reserves where appropriate.

Consultation

Four respondents suggested Council consult with the community on tree removal and tree planting issues. Council currently consults and informs the community on all tree management projects including tree pruning, tree removal and tree planting. The DTMP clearly outlines 'Council will consult and inform the community about all major projects involving tree removal and tree planting'. Council will continue to place an emphasis on community consultation on all major projects involving tree planting and tree removal.

Plant native and indigenous vegetation

Planting native and indigenous vegetation only was the most prominent issues during the consultation process. Five respondents argued that Council should plant native and indigenous trees only. The DTMP outlines a range of suitable drought tolerant indigenous trees within Appendix 4 - Street Tree Species. The policy further outlines the significance and importance of biodiversity and encourages the use of indigenous species adjacent to open space that has significant remnant vegetation. The DTMP clearly outlines within the policy statement for tree establishment, Council will 'reinforce habitat links' and places further emphasis on maintaining and enhancing significant areas of remnant vegetation.

The following recommendation was carried at Ordinary Council 23 August 2010.

In response to item 1 Street Tree Removal: Councils current process for street tree removal is comprehensive and already involves providing the affected resident and adjacent residents seven days written notice of the impending tree removal and provides reasons why the tree is scheduled for removal.

Any appeals relating to tree removal by residents must then be submitted in writing to the Parks Team Leader. The existing tree removal process is comprehensive and an independent report gained by the resident for a council asset is arbitrary and for this reason officers do not support this request.

In response to item 2 Native Tree Plantings in Streets and Parks: Council has planted on average 74% native trees within streets and parks over the past five years and will continue to plant a predominantly native tree palate including utilise indigenous tree species in order to create habitat corridors adjacent to areas of significant remnant vegetation. It is critical to plant the right tree for the right location. In response to feedback from Council and the five respondents officers do not support the request of planting native trees only.

It is recommended that Council allow for a broader species palate as outlined within the DTMP

Appendix 4 Street Tree Species List. This inturn will ensure the community will be given the opportunity to make a choice as to the preferred tree species for their street.

This recommendation of allowing residents to choose a native or exotic street tree if suitable is consistent with feedback received from the community when undertaking street tree planting projects where there is a substantial change to the streetscape. If an exotic street tree is suitable and or appropriate residents are offered to choose one of three tree species as the preferred street tree for their street. Out of the three species offered, two of which are native trees and one exotic tree, the community has consistently been nominating the exotic street tree offered as the preferred species for the street.

Furthermore this recommendation is based upon the importance of maintaining heritage values around the municipality at sites such as the Mentone Station, Main Street Mordialloc and Keith Styles Reserve. The use of exotic tree species is necessary when considering planting 'Urban Orchards' within Reserves in suburbs with diverse cultural populations. This inturn reflects submissions received from the community consultation for the DTMP and also the positive response received from the community with the recent planting of fruit trees within reserves in Clarinda and Clayton South.

The urban environment is a highly modified urban environment. Once a tree is planted in the urban environment it ceases to be in its native environment. It is important to understand, just because a tree is native to an area does not necessarily mean the current site conditions are optimum for its growth. Tree species selection should focus on species adapted to a site with acceptable characteristics relative to the desired purpose. For example the 'right tree for the right location'.

Changes have been made to the DTMP in order to better reflect the option for the community to choose a native or exotic tree where appropriate. The following sentence has been removed from the policy statement for Tree Establishment on page 11, 'In general Council will plant native trees, however, appropriate alternative species may also be considered'. The following sentences have been removed from the policy statement for Tree Removal on page 31 as the existing tree removal process is comprehensive and an independent report gained by the resident for a Council asset is arbitrary. 'Council will provide residents seven days notice regarding proposed street tree removal unless a tree poses an unacceptable risk and requires immediate removal. Appeals relating to tree removal must be provided in writing to the Team Leader of Parks. Residents also have the option to obtain an independent arborist report'.

7. Triple Bottom Line Checklist

- **Environmental** – Recognising the importance of a healthy and sustainable urban forest and the environment benefits it provides
- **Social** – Protecting and enhancing the urban forest to sustain a healthy and vibrant community.
- **Financial** – Directing Council resources in a strategic manner based on existing and projected recurrent expenditure.

8. Recommendation

That Council resolve:

1. to adopt the attached Tree Management Policy and;
2. when proposing street tree planting undertake Community consultation inclusive of a choice being provided to the Community between native and/or exotic species which are appropriate for the location under consideration for street tree planting.

Crs West/Shewan

That Council adopt the consultation version of the tree management strategy, which includes the following words:

1. (Page.31) 7 days notification to all residents in the streets will be required before removal of any street trees, except where they are dangerous; residents who object will have right to appeal such a decision to an independent arborist.
2. (Page.11) In general, native trees should be planted unless there is good reason for other varieties, e.g. where residents of a street want something else. Complementary indigenous or native trees should be planted in streets adjacent to natural resource and foreshore areas, including parks and reserves with remnant vegetation.
3. When proposing street tree planting undertake Community consultation inclusive of a choice being provided to the Community between native and/or exotic species which are appropriate for the location under consideration for street tree planting.

Carried

Attachment:

Draft Tree Management Policy – Feedback Summary and Recommendations
Draft Tree Management Policy

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Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
Respondent 1	-	-	Provide funding for nesting boxes for possums. Plant street trees along the inland side of Beach Road with proper consultation with Beach Road residents.	Council will continue to plant indigenous trees adjacent to areas of significant remnant vegetation in order to create wild life habitat. Council will be undertaking additional street tree planting consultation with Beach Rd residents regarding the planting of nature strip trees on the inland side of Beach Road in March / April 2011.	No Change Required.
Respondent 2	-	-	Highly commended Council and staff for huge effort in greening streets and parks. Believes planting of single species mature at the same time. Requiring removal at the same time. Planting of single species does not increase biodiversity	The DTMP outlines within the policy statement of 'Tree Removal' pg 31, Council will investigate all tree management options prior to the removal of a tree and that Council will consider the removal of trees where necessary in order that the cities landscapes are reinvigorated. The Street tree species list Appendix 4 provides a range of suitable native indigenous and exotic trees that will assist in increasing biodiversity.	No Change Required.
Respondent 3	-	-	The DTMP is very thorough. Agrees with the direction of natives and constant replanting of street trees. However there is no	DTMP pertains solely to trees on Council managed land and the issue surrounding the maintenance of residential and main road nature strips is outside the scope of this policy.	No Change Required.

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Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			mention of the maintenance of nature strips. Nature strips in and around the Cheltenham area are poorly maintained.		
Respondent 4	-	-	Would like to plant shrubs to 3m under powerlines and plant trees to 6m on other side. Believes trees should be pruned at planting time. Would prefer to prune overhanging branches into resident's properties. Risk management of resident's driveways footpaths and road. Would like Annual assessment of growth potential.	One of the planting themes outlined within the DTMP under 'Tree Establishment' pg 15, is 'Power line Plant' where a smaller growing species is planted under powerlines and a larger species planted on the opposing side. There is no horticultural benefit of pruning trees at the time of planting all formative pruning is undertaken as the tree establishes into the landscape. The DTMP clearly defines within pg 21 & 22 "Tree Maintenance" Councils responsibility for the pruning, maintenance and assessment of street trees including assessing the risk potential of street trees	No Change Required.
Respondent 5	-	-	Resident remarked DTMP is all encompassing and very thorough. Suggest refer to the significant tree	Council currently consults with the community on all major projects involving tree planting and tree removal. The DTMP is explicit in its policy statement in 'Tree	No Change Required.

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Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			register before removing any tree. Would like village committees consulted regarding trees issues in their area.	Establishment' pg 11 & 'Tree Removal' pg 31, for consultation with residents on all major projects involving tree planting and tree removal. Council currently refers to the Significant Tree Register prior to undertaking tree removal.	
Respondent 6	-	-	Would like to see more medium to large evergreen trees as wind breaks and habitat and Flowering Gum added to species list. Produce pamphlet on indigenous and native species common in Kingston. Would like to stop cars parking on nature strip effecting tree health, people should be fined. Provide a bucket for residents to water their new street tree. Inform residents of forthcoming tree removal and reasons. Plant shade and bee attracting trees.	The DTMP outlines a range of suitable evergreen trees within Appendix 4 - Street Tree Species List, that have the ability to improve amenity, provide shade, habitat and filter coastal winds. Kingston's NRA Depot currently provides information on indigenous species commonly found within The City of Kingston. It is acknowledged that car parking on nature strips is problematic Cars parking on nature strips is a State Law outlined within 'Road Rules Victoria' and is enforced by Kingston's Local Laws Department.. Council currently consults with the community on all projects relating to tree planting and tree removal. The DTMP is explicit in its policy statement for 'Tree Establishment' pg 11 & 'Tree Removal' pg 31 for consultation with	It is recommended that the DTMP be altered to include the Western Australian Flowering Gum - <i>Corymbia ficifolia</i> be added to Appendix 4 - Street Tree Species List. It is recommended Council consider providing residents a bucket following new street tree planting.

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			Label historic or heritage value trees. Believes Indigenous trees to be grown from locally collected seed. Asked can residents purchase indigenous plants from Councils nursery please provide details?	residents on all major projects involving tree planting and tree removal. Councils Significant Tree Register is available for viewing on Councils web site. Council NRA nursery does not sell plants to the public. All plants in the nursery are grown from locally collected seed for revegetation projects within Kingston. The Nursery has provided indigenous plants for national Tree Planting Day and to schools in the past. They promote other local indigenous nurseries for example the Carrum Indigenous Nursery to those residents seeking to purchase local indigenous plants.	

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
Respondent 7	-	-	Suggest planting fruit trees in open space to reduce eco foot print and carbon emissions in Kingston. Suggest planting a range of fruit trees as street trees in parks and council managed facilities.	Council has planted a number of fruit trees within parks and reserves over the past two years. The opportunity of planting fruit trees within streetscapes is limited due to the risk associated with fruit fall and the challenge with the management of pest and disease. However the planting of an 'urban orchard' may be beneficial for cultural reason where the community has input and can take ownership with the establishment of vegetation within a park or reserve.	It is recommended that the DTMP be altered to consider the planting of fruit trees.
Respondent 8	-	-	The six main objectives of the DTMP are commendable. Suggested species selection must be drought tolerant and Indigenous trees to planted around natural resource areas. Stated there is insufficient space for tree planting due to over development. Suggested compensation can be made to residents who maintain	Council will continue to plant indigenous trees adjacent to areas of remnant vegetation in order to create wildlife corridors. The DTMP outlines a range of suitable drought tolerant indigenous trees within Appendix 4 - Street Tree Species. The DTMP outlines the significance and importance of biodiversity and encourages the use of indigenous species adjacent to open space that has significant remnant vegetation pg 18 'Tree Establishment'. Planning applications for development are assessed by the planning department under	No Change Required

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			trees and fees charged to residents who have over developed properties.	Kingston's Planing Scheme and is guided by the planning & Environment Act 1987. The DTMP pertains solely to trees on Council management land and issues surrounding private vegetation are outside the scope of this policy.	

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
Respondent 9	-	-	Place Western Australian Flowering Gum on species list. Stop planting Drooping Sheoaks. Plant fruit trees and habitat trees on nature strips. Plant more than one species per street. Stop developers clearing trees on blocks make sure permits are given to ensure there is space for trees to be planted.	Drooping Sheoak - <i>Allocasuarina verticillata</i> is an important indigenous species utilised for planting in parks and reserves and important in creating habitat links between remnant vegetation. Council has planted a number of fruit trees within parks and reserves over the past two years. The opportunity of planting fruit trees within streetscapes is limited due to the risk associated with fruit fall and the challenge with the management of pest and disease. Planning applications for development are assessed by the planning department under Kingston's Planing Scheme and is guided by the Planning & Environment Act 1987. The DTMP pertains solely to trees on Council management land and issues surrounding private vegetation are outside the scope of this policy	It is recommended that the DTMP be altered to include the Western Australian Flowering Gum - <i>Corymbia ficifolia</i> be added to Appendix 4 - Street Tree Species List
Respondent 10	-	-	Congratulates Council on many positives within the DTMP. Suggests policy presents opportunities to	Council will continue to plant indigenous trees adjacent to areas of significant remnant vegetation in order to create wild life corridors. The DTMP clearly outlines	No Change Required.

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			<p>create and encourage local native vegetation and wildlife habitat and corridors. Has preference for local native trees only. Suggests to avoid ambiguity define biological diversity. Would like rewording to include the planting of local native trees. Suggest alternatives to Palm trees and Brush Box. Continue to encourage residents to adopt street trees. Suggest there is an overemphasis on safety resulting in tree removal. Would like an increase in shade trees planted around public facilities. Would like new developments to retain space for tree planting. Clarification on new technologies. Suggest</p>	<p>within the policy statement for Tree Establishment, pg 11 Council will 'reinforce habitat links' and places further emphasis on maintaining and enhancing significant areas of remnant vegetation. The Queensland Brush Box - <i>Lophostemon confertus</i> is listed in Appendix 4 - Street Tree Species List as Kingston has significant avenues of mature Brush Box within the municipality that require infill planting. The Canary Island Date Palm - <i>Pheonix canariensis</i> is planted as at it has significant heritage and cultural values in certain location around Kingston for example Main Street Mordialloc and Mentone Train Station. Council will continue to place safety as a priority to all residents and visitors to the City of Kingston with regard to tree removal. The DTMP outlines a range of suitable trees within Appendix 4 - Street Tree Species List, that have the ability to improve amenity, provide shade, habitat and filter coastal winds. Planning applications for</p>	

**City of Kingston
Ordinary Council Meeting
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Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			<p>pending greenhouse strategy to be added to appendix. Queries assigning a Monetary value trees. Suggest the extension of the coastal planting zone inland for at least 1 km. Suggest removing recent street tree plantings within Mentone Parade and Warrigal Road.</p>	<p>development are assessed by the planning department under Kingston's Planing Scheme and is guided by the planning & Environment Act 1987. The DTMP pertains solely to trees on Council management land and issues surrounding private vegetation are outside the scope of this policy. Council will investigate new technologies in order to minimise negative impacts between the urban forest and the built urban environment. Given the Draft Greenhouse Strategy has not been formally adopted by Council it will not be listed as a reference within Appendix 1. Assigning a Monetary value is included within the policy for the purpose of seeking compensation when vegetation is illegally removed or deliberately vandalised. The coastal planting zone is a map which highlights conditions that affect tree species selection. Conditions up to 1km further inland from the Port Phillip bay do not limit tree species selection. The community has been consulted with regard to species</p>	

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
				selection and the recent planting of exotic species within Mentone Parade and native trees in Warrigal Road.	
Respondent 11	-	-	Supportive of Councils opposition to new line clearance regulations. Suggest involvement of residents regarding street tree planting projects. Would like residents to be informed of tree removal and why. Encourage residents to adopt a street tree and provide a bucket to water tree. Suggest planting fruit trees in streets and parks and planting a small botanic garden. Provide brochures on tree species and weeds. Label heritage listed trees or tree on significant tree register. Plant local indigenous trees over native trees and also	Council currently consults with the community on all major projects involving tree planting and tree removal The DTMP is explicit in its policy statement in 'Tree Establishment' pg 11 & 'Tree Removal' pg 31, for consultation with residents on all major projects involving tree planting and tree removal. Council has planted a number of fruit trees within parks and reserves over the past two years. The opportunity of planting fruit trees within streetscapes is limited due to the risk associated with fruit fall and the challenge with the management of pest and disease. However the planting of an 'urban orchard' may be beneficial for cultural reason where the community has input and can take ownership with the establishment of vegetation within a park or reserve. Councils Significant Tree Register is available for viewing on Councils web site. The DTMP outlines a	<p>It is recommended that the DTMP be altered to include the Western Australian Flowering Gum - <i>Corymbia ficifolia</i> be added to Appendix 4 - Street Tree Species List</p> <p>It is recommended that the DTMP be altered to consider the planting of fruit trees.</p> <p>It is recommended Council consider providing residents a bucket following new street tree planting.</p>

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			<p>plant a mix of trees within the street. Suggest plant large trees along foreshore reserves for birds of prey. Plant trees as wind breaks and bee pollinators and bird attracting. Provide possum boxes in trees. Keen for more information regarding previous species list and the amount of indigenous tree planted as street trees grown from locally collected seed. Issues with cars parking on nature strips damaging soil and tree health add Flowering Gum to the species list</p>	<p>range of suitable tree species within Appendix 4 - Street Tree Species List, that have the ability to improve amenity, provide shade, drought tolerant, create habitat links and filter coastal winds. Council has recently developed a small Botanic Garden at the rear of Kingston Heath Reserve Cheltenham. Council will continue to focus on planting native and indigenous trees in order to create wildlife and biodiversity links between areas of remnant vegetation. Council has included all of the same indigenous trees species within Appendix 4 - Street Tree Species List that are in the Street Tree Management Plan 2000. It is acknowledged that car parking on nature strips is problematic Cars parking on nature strips is a State Law outlined within 'Road Rules Victoria' and is enforced by Kingston's Local Laws Department.</p>	

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
Respondent 12	-	-	Council was applauded on emphasising the importance of the Urban Forest and on the preservation of remnant and natural plant communities. Has a preference to planting indigenous trees. Queried if residents will be consulted regarding street tree planting and species selection and what species are to be planted and who decides? Concerned about a common sense approach to street tree planting. Plant one tree per property. Plant small trees under powerlines. Plant indigenous trees around remnant vegetation and along Beach Road. Don't remove trees without a good reason and replace	Council currently consults with the community on all projects relating to tree planting and tree removal. The DTMP is explicit in its policy statement for 'Tree Establishment' pg 11 & 'Tree Removal' pg 31 for consultation with residents on all major projects involving tree planting and tree removal. The DTMP outlines a range of suitable tree species within Appendix 4 - Street Tree Species List, that have the ability to improve amenity, provide shade, drought tolerant, create habitat, links and filter coastal winds. A common sense approach applies to the entire document. However the planting and management of trees within commercial precincts are different to managing trees within residential streets. Council currently plants one tree per property this is further outlined in Tree Establishment pg 16. One of the planting themes outlined within the DTMP under 'Tree Establishment' pg 15, is 'Power line Plant' where a smaller growing species is planted under powerlines and a	No Change Required.

**City of Kingston
Ordinary Council Meeting
23 May 2011**

Agenda

Respondent	Address	Suburb	Summary of Comments	Comments	Recommended Changes
			<p>immediately. Review pruning practices. Notify residents of impending tree removal and allow residents right of appeal. Consult with regard to park tree pruning. Remove replace recent exotic plantings in parks and streets with indigenous trees unless approved by residents</p>	<p>larger species planted on the opposing side. Council will continue to plant indigenous trees adjacent to areas of remnant vegetation in order to create wildlife corridors. Council will be undertaking additional street tree planting consultation with Beach Rd residents regarding the planting of nature strip trees on the inland side of Beach. Road in March / April 2011. Council currently undertakes pruning according to AS 4373 Pruning of Amenity Trees as outlined within Tree Maintenance' pg 21. The community has been consulted with regard to species selection and the recent planting of exotic species within streets. Council will continue to focus on planting native and indigenous trees in order to create wildlife and biodiversity links between areas of remnant vegetation</p>	

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Draft Mordialloc Creek Masterplan

Approved by: Tony Rijs, General Manager Environmental Sustainability

Author: Aidan Mullen, Place Manager Activity Centres
Jonathan Guttman, Manager City Strategy

1. Purpose

This report provides an update to Council on the development of the Mordialloc Creek Masterplan (the Masterplan) and highlights the process for the next stage of community engagement involving the exhibition of the draft Masterplan.

The development of the draft Masterplan follows the exhibition of the *Draft Concept Design Report – April 2010* in May/June 2010.

2. Council Plan

Planned Outcome 2, A Sustainable Environment, lists as Strategic Action 2.3.2 to *progress implementation of the Mordialloc Cree Master Plan*'. This report seeks to address this strategic action.

3. Background

Council received \$250,000 in funding from the Department of Sustainability and Environment in June 2009 to provide for the preparation of the Masterplan for the public spaces around Mordialloc Creek and for the implementation of landscape improvement works.

Utilising this funding Council subsequently engaged a landscape based consultancy Taylor Cullity Lethlean (TCL) to prepare the Masterplan for areas which include Peter Scullin Reserve, Hazel Pearce Reserve, Pompei's Landing, Attenborough Park, George Woods Reserve, Lambert's Island. The basis for developing the Masterplan is to create an integrated open space network and provide clarity on the different roles of each of the precincts. The final Masterplan will become the pivotal document in guiding key expenditure in the study area over the next 30 years.

Preliminary Consultation Phase

The preliminary stages of consultation involved:

Stakeholder Meetings

As a precursor to developing the *'Draft Concept Design Report – April 2010'* a series of stakeholder consultations were undertaken. These sessions included:

- **Maritime Users** (Mordialloc Motor Yacht Club, Mordialloc Boating and Angling Club, Mordialloc Sea Scouts, Mordialloc Surf Life Saving Club, Mordialloc Sailing Club, Pompeis Boat Building)
- **Community Groups** (Mordialloc Beaumaris Conservation League / Mordialloc and District Historical Society)
- **Commercial Stakeholders** (Chamber of Commerce, Tour De Café, Bridge Hotel, Blue Line Boat Hire)

Community Consultation

Following the preparation of the ‘*Draft Concept Design Report – April 2010*’ a community consultation process was conducted over a period of five (5) weeks and 101 submissions were received commenting on the paper. A community meeting was also held on the 25th May, 2010 at Mordialloc Bridge Hotel.

Respondents were encouraged to provide feedback on the ‘ideas’ developed in the ‘*Draft Concept Design Report – April 2010*’. A summary of the feedback received in relation to the ideas is provided below:

	Very Poor	Poor	Fair	Good	Very Good	Response Total
District Playground	(4%) 3	(5%) 4	(17%) 14	(45%) 38	(29%) 24	83
Living & Working History	(1%) 1	(11%) 9	(16%) 13	(48%) 39	(24%) 20	82
Botanical Jewel	(4%) 3	(7%) 6	(23%) 19	(40%) 32	(26%) 21	81
Civic Promenade	(7%) 6	(6%) 5	(34%) 28	(33%) 27	(20%) 17	83
Heart of the Community	(17%) 13	(18%) 14	(31%) 24	(25%) 20	(9%) 7	78
Community Park	(4%) 3	(5%) 4	(18%) 14	(53%) 42	(20%) 16	79
Creek Link	(57%) 49	(15%) 13	(4%) 4	(12%) 10	(12%) 10	86
Intersection Improvement	(25%) 20	(12%) 10	(15%) 12	(30%) 24	(18%) 15	81

Based on the community consultation results and discussions amongst the Ward Councillors (Central and South Wards) and Council Officer members of the project steering committee two of the original ideas, the *Creek Link* (new bridge proximate to creek mouth) idea and *Intersection Improvement* (Signalising Beach Road and Main Street intersection) ideas have been removed from the draft Masterplan. The balance of the ideas have been further refined and developed into the draft Masterplan document for the next round of community consultation.

Based on preliminary discussions with Life Saving Victoria regarding the Mordialloc Life Saving Club and its potential for enhancement over the coming years it has now been identified in the draft Masterplan. Further refinement of the final masterplan may be required once more is know regarding the proposed enhancements.

Mordialloc Creek Dredging

A significant issue which arose as part of the preliminary consultation process was the need to progress the dredging of the Mordialloc Creek. It was apparent that diverse segments of the community felt that a commitment to dredging needed to be provided before further master planning work was undertaken on the area around the creek environs.

As Council will be aware a commitment to dredging the Mordialloc Creek has now been provided by the State Government. Resolution of this significant community issue will assist to provide a basis for refocussing on the exhibition of the draft Masterplan.

Works around Pompeis Landing

In addition to the dredging works, Council Officers are also in the process of ongoing discussions with the Pompei family around rectification works to jetty and moorings at Pompeis Landing Precinct.

4. Summary and Conclusion

This report has sought to provide a summary on the work undertaken to this time in developing a draft Masterplan for the Mordialloc Creek and adjacent public open space areas. A draft Masterplan has now been prepared following the preliminary stage of community consultation together with a consultation strategy for exhibiting the draft Masterplan. The draft Masterplan brings together a number of potential ideas over the 30 year life of the plan.

Direction is therefore sought from Council to exhibit the draft Masterplan over the coming weeks with a view toward then reporting back formally to Council seeking its direction in relation to the final form of a Mordialloc Creek Masterplan later in 2011.

5. Consultation

Having already undertaken a significant amount of community consultation as part of exhibiting the *'Draft Concept Design Report – April 2010'* through May and June, 2010 the following process of consultation is recommended in relation to the draft masterplan and background report.

Exhibit the Mordialloc Creek Draft Masterplan and supporting Background Report for a period of six (6) weeks commencing Monday 6th June to Monday 18th July. The consultation process will involve:

- Making available on Council's website the draft Master Plan and Background Report and providing copies in local Libraries and Customer Service Centres.
- Notifying via letter all Government Departments and Agencies of the development of the draft plan and seeking comment. Agencies include the Department of Sustainability and Environment (DSE), Parks Victoria, Melbourne Water, VicTrack and VicRoads.
- Notifying the community of the project through the June addition of KYC.
- Notifying via letter or email all key stakeholders involved in the initial stakeholder session and inviting them to meet with Council Officers regarding the project. This will also involve notifying directly the Mordialloc Creek Community.
- Notifying via letter or email all parties who made submissions as part of the preliminary consultation inviting them to make submissions in response to the draft Masterplan.
- Promoting and conducting a community information session whereby members of the community will be able to view the draft Masterplan across the hours of 4PM to 8PM in Mordialloc and meet with Council Officers and representatives of the consultant team to discuss suggestions.
- Promoting the exhibition of the draft Masterplan in the relevant Leader Newspaper.
- Promoting the exhibition of the draft Masterplan on Council's Facebook Page.

6. Issues

The development of a Masterplan for the Mordialloc Creek which provides direction to Council on projects to be delivered over the coming 30 years is an important strategic initiative. As is evidenced in the draft plan direction is provided in relation to priority areas of focus for Council by identifying projects as either short (1-5 years) / medium (5-15 years) / long term (10 – 30 years) or ongoing (1-30 year) opportunities. By providing direction in relation to priority areas through the final Masterplan consideration will be able to then be given to providing funding through the capital works program.

The opportunity to now undertake a further round of community consultation on the draft Masterplan will provide for further input from the community in relation to the ideas which have been formulated.

7. Triple Bottom Line Checklist

- **Environmental** – The development of the draft Masterplan has taken account of the Victorian Coastal Strategy and key responses required in the medium to longer term in relation to the design of the landscape to assist in mitigating against the culmination of sea level rise and storm surges. Opportunities have also been identified for strengthening existing vegetation themes throughout the different landscape environs proximate to the creek.
- **Social** – It is apparent that the area covered by the draft Masterplan provides for a variety of active and passive community activities. The future implementation of the adopted Masterplan will assist to strengthen the diverse range of recreational opportunities presented in Mordialloc.
- **Financial** – The balance of the funds (\$180,000) from the Department of Sustainability and Environment will be available to assist in the implementation of the adopted Masterplan. Consideration beyond this in Councils future Capital Works Program will be required to assist with the implementation of the plan as will opportunities to seek funding from the State and Federal Government.

8. Recommendation

That the draft Mordialloc Creek Masterplan be placed on public exhibition from 6 June 2011 to 18 July 2011 and that a subsequent report be presented to Council following the public exhibition summarising the submissions received and seeking direction from Council in relation to the final form of the Masterplan.

Crs West/Dundas

That the matter be deferred for consideration by the Foreshore Sub Committee

Carried

A sample of the scope of works covered by the Contract includes:

- General planting of tube stock, container plants, and trees;
- Garden bed cultivation and preparation;
- Demolition of park infrastructure such as park furniture, light pole footings, fencing, paths and stone work;
- Concrete work;
- Stone work;
- Construction of retaining walls;
- Park furniture installation;
- Earth Works;
- Mulch installation;
- Path construction including granitic gravel, asphalt, concrete and lily-dale toppings;
- Landscape construction of rain gardens;
- Minor plumbing work for the installation of drinking fountains; and
- Minor timber works such as pergola, arbour and boardwalk construction.

Total annual expenditure on Works is likely to be in the order of \$500,000, with the number of Works Orders in a typical year being approximately sixty (60) in the range \$500 to \$50,000 each. Orders for single works or projects estimated to be over \$50,000 fall outside the scope of this Contract, and orders for such Works shall not, therefore, be issued under this Contract. Works estimated to be over \$50,000 in value will be subject to Council's normal quotation or public tender processes.

The Contract was structured as a Schedule of Rates document with detailed specifications for various routine landscape construction services. The Contract has an Initial Term of three (3) years with an option to extend the operation of this Contract beyond the Initial Contract Term for a maximum period of two (2) years from the expiration of the Initial Contract Term.

Tender process:

An advertisement was placed in The Age on Saturday, 5 February, 2011. Tenders closed on Thursday, 3 March, 2011.

Some 35 downloads of the Contract documentation were registered. Six submissions were received in the Tender Box. No (0) addenda were issued during the Tender Process.

Contract Funding:

The Contract will be funded from various Capital Works Programmes including the Park Asset Renewal, Minor Park Refurbishment Works, Playground Renewal and other capital project budgets, including those from other Council areas such as Engineering, Community Engagement and Leisure.

Tender Assessment:

Six submissions were received in the Tender Box.

- Ambius Pty. Ltd.
- CDN Pty. Ltd.
- Ecoform Pty. Ltd.
- Fulton Hogan Pty. Ltd.
- Sevron Environmental Contractors Pty. Ltd.
- Urban Plumb & Scape Pty. Ltd.

A tender assessment panel consisting of three evaluators was formed including:

- Mark Juler – Manager Parks & Depot Services
- Graham Lambert – Team Leader Depot Services
- Steve Perumal – Co-ordinator Park Projects & Design

The evaluation criteria used were:

- **Compliance Criteria (Pass/Fail)**
 - i. Tender Compliance – Schedules 2, 4.1, 6 and 7
 - ii. Financial Soundness – Schedule 4.2
 - iii. Statutory Compliance – Schedule 8
- **Price Criteria**
Schedule of Rates – Schedule 3
- **Qualitative Criteria** (in order of importance)
 - i. Methodology – Schedule 4.4
 - ii. Relevant Experience – Schedule 4.3
 - iii. Skilled Personnel, Subcontractors and Management and Administration – Schedules 4.5, 4.6 and 4.7
 - iv. Quality Management – Schedule 4.8
 - v. Occupational Health and Safety – Schedule 5

A 40% qualitative and 60% price weighting split was used.

Total Tender Price was determined by using the 2009/2010 annual quantities of work and multiplying the anticipated quantity by schedule of rates amounts.

Insurance and Occupational Health and Safety:

Each company supplied Certificates of Currency for Public Liability of \$10,000,000.00 and was required to have an appropriate Health and Safety system.

4. Summary and Conclusion

It is recommended that Urban Plumb and Scape (UPS) should be awarded Contract 11/13 – Park Infrastructure and Landscape Services.

UPS scored highest in the qualitative assessment of the six tenders. UPS submitted the lowest overall score price of \$552,545 per annum based on estimated annual works quantities from the 2009/2010 financial year.

UPS has in place suitably-qualified staff and plant with no transition period required to start work under the Contract. UPS is an Ipro Live certified Contractor with Kingston City Council and it elaborated on the service philosophy outlined in the Contract in a way that demonstrated an understanding of the provision of landscape services in public open space. UPS has performed well under their current Contract – Park Infrastructure & Landscape Services (08/110) without any non-conformances.

8. Recommendation

That the tender submitted by Urban Plumb & Scape Pty. Ltd for Councils Park Infrastructure & Landscape Services Contract (11/13) be accepted on a schedule of rates basis for a three-year term.

That the CEO or delegate be authorised to exercise the two-year extension subject to satisfactory performance of the contractor.

Confidential Attachment

Crs Staikos/Athanasopoulos

That the recommendation be adopted

Carried

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Adoption of the Moorabbin Activity Centre Structure Plan

Approved by: Tony Rijs, General Manager, Environmental Sustainability

Author: Rosa Zouzoulas, Team Leader Strategic Planning

1. Purpose

The purpose of this report is to provide a summary of the submissions received in relation to the Draft Moorabbin Activity Centre Structure Plan and to provide an overview of the major issues that have emerged through the public consultation process. The report also updates Council on the recent further traffic analysis undertaken in consultation with Vic Roads.

The report recommends that Council adopt the Draft Structure Plan and that a request be made to the Minister for Planning to obtain authorisation to prepare an Amendment to implement permanent planning controls for the Moorabbin Activity Centre into the Kingston Planning Scheme.

2. Background

2.1 Draft Moorabbin Activity Centre Structure Plan

The Draft Moorabbin Activity Centre Structure Plan has been prepared to provide an integrated response to the change envisaged for the Centre over the next twenty (20) years, it envisages a number of key projects. These projects have been identified to relieve existing traffic pressures on the Centre and its road hierarchy and to provide for the Centre's beautification, and increased useability and liveability, such projects include:

- § The potential redevelopment of the railway airspace (Axispace project) in Station Street, to create a unique development precinct incorporating prominent contemporary multi level buildings for living, employment and regional entertainment opportunities.
- § The rationalisation of commuter & visitor car parking at the Railway Station and development of a new car park within the Axispace project.
- § Provide for an enhanced Station Forecourt to improve access to public transport, provide a community focal point for the centre and link to newly created open spaces for recreation embellished with public art and street furniture
- § Extending and making Central Avenue one way to Redholme Street to provide direct access to open space, improve traffic circulation, reduce rat running through the centre and to assist the improve pedestrian amenity.
- § Making Station Street one way between Nepean Hwy and South Road to improve traffic circulation by seeking to preference the arterial road network in managing car traffic. This initiative will bring opportunities to substantially enhance the experience for pedestrians through Central Avenue and Taylor Street.
- § Transform the triangular block surrounded by Redholme St, Tuck St and Central Avenue to a vibrant mix of retail activity, with residential opportunities and a new public space at the Taylor St and Central Ave junction.

The development of the Draft Structure Plan follows on from work undertaken through the Moorabbin to Mordialloc Integrated Framework Plan, July 2008 (PLAN). This earlier work identified the broad parameters for growth in the Cheltenham, Moorabbin, Mentone and Parkdale Activity Centres and provided a platform for managing future development through individual structure plans for these centres.

2.2 Interim Structure Planning Controls

Following the adoption of PLAN, Council sought interim planning controls via Amendment C100 in

the form of new Schedules to the Design and Development Overlay. The controls seek to manage design and built form outcomes for the Cheltenham, Moorabbin, Parkdale and Mentone Activity Centres. After some negotiation and re-drafting, interim planning controls were approved by the Minister for Planning on 21 January 2010. The interim structure planning controls are due to expire on 31 October 2011.

3. Summary and Conclusion

The development of the Draft Moorabbin Activity Centre Structure Plan has been a significant planning task for Council which has involved community consultation and detailed background analysis. The public consultation undertaken has provided an opportunity for the community to review and test the visions and objectives that have been developed through the consultation processes over recent years. The community has provided valuable input to the development of the plan and will continue to have input through the future planning scheme amendment process and the implementation of the ideas identified in the Structure Plan.

Council officers believe that the Draft Structure Plan presented to Council for adoption seeks to achieve a reasoned balance when reviewing the surveys and submissions and matters of relevant policy.

Council's adoption of the Draft Moorabbin Activity Centre Structure Plan will enable exciting implementation actions to be progressed and will in turn allow Council to give consideration to the objectives and design guidelines contained within the Draft Structure Plan in assessing development proposals in the study area to ensure an integrated approach.

4. Consultation

The Draft Moorabbin Activity Centre Structure Plan was made available for public comment for a period of 6 weeks between 27 April and 18 June 2010. Community consultation included:

- § Making the Structure Plan available at the Moorabbin and Highett Libraries, Cheltenham and Mentone Customer Service Offices and Council's website.
- § An information morning held on 8 May 2010 on Taylor Street, Moorabbin.
- § An information session held on 5 May 2010 at Council's Moorabbin Arts Centre.
- § Direct notification to seven hundred and fifteen (715) landowners and occupiers within the study area (including the Cities of Bayside and Glen Eira), community groups, developers and authorities.
- § Articles in local media.
- § An article in Kingston Your City.
- § Presentations carried out with the Moorabbin Village Committee.
- § Presentations to and consultation with key stakeholders including Victrack, VicRoads, Department of Transport, Bayside City Council, Glen Eira City Council, Department of Planning and Community Development and key landowners.

5. Issues

5.1 Submissions

Consultation of the Draft Structure Plan generated a total of fifty one (51) submissions either through survey form (on line and hard copies) of written responses). A copy of the submissions received have been previously circulated to Councillors and a copy is available to view in the Councillors lounge.

An analysis of surveys and submissions received the following reflects the key themes that emerged.

5.2 Discussion of Submissions Received

1. Horscroft Place – Rezoning

The Draft Moorabbin Activity Centre Structure Plan identifies the redevelopment of a small pocket of industrial and commercial land on the edge of the activity centre into future parkside contemporary residential living. The initiative seeks to create a new residential precinct within walking distance of public transport, retail and on the doorstep of major recreational space. The precinct was proposed to be connected to the centre and station through the extension of Central Avenue noting it is within convenient walking distance.

In order to facilitate the gradual shift from Industrial and Commercial to Residential, a Planning Scheme Amendment involving a land rezoning will be required. The draft structure plan seeks to rezone this land to resolve issues of amenity with adjoining residential areas, and alleviate any potential for an intensification of industrial activities in this area.

Kingston has a substantial supply of strategically located industrial land within the municipality, which provides significant employment opportunities. Horscroft Place is not deemed to be 'strategic' industrial land in the sense of providing significant industrial land and employment opportunities for the municipality. The rezoning of the Precinct would therefore not compromise Kingston's industrial objectives.

Mixed responses were received in relation to the proposed rezoning and redevelopment of this precinct to future residential development. Those concerned raised issues associated with future uncertainty for industrial businesses and viability, and investment loss. Whilst an amendment would be progressed in the short term which would include the rezoning of land in the activity centre, businesses will not be forced out of the area and may continue to operate in accordance with the provisions of the Kingston Planning Scheme that provides them with existing use rights. As with other strategic sites in the municipality this initiative may take up an extended period to transition from Industrial to Residential.

Recommendation: That Council proceed with the initiative to rezone and promote the redevelopment of this precinct through the initiation of a detailed amendment to the Kingston Planning Scheme.

2. Inappropriate densities proposed in established residential areas

Another key initiative of the Draft Structure Plan which has received mixed support is the extent and nature of redevelopment for residential purposes throughout the activity centre. The draft structure plan seeks to capitalize on the under developed nature of the heart of the activity centre and identifies projects to create a significant accommodation role within and on the edge of the activity centre.

Key projects identified to achieve the accommodation role in the centre include the redevelopment of the railway airspace (Axispace Project) for a number of new mixed use buildings of approximately 7 storey's, the Avenue Place Project (redevelopment of 'The Link' building), for new mixed use buildings up to 5 storeys in height, redevelopment of existing retail properties to accommodate a mix of uses in upper levels up to 4 storeys in height, a new contemporary residential precinct on the above mentioned industrial land of up to 4-5 storeys transitioning down to a lower scale at the interface with established residential areas, in height, and development of up to 3 storeys in height in established residential areas where consolidation of land is achieved.

Some residents have raised concerns in regards to the proposed scale of development, and others with regard to the increased densities in the residential areas at the edge of the centre. The draft structure plan proposed building heights in established residential areas of maximum three storeys or 11 metres only where site consolidation is able to be achieved. It is therefore considered that the concerns of residents have been addressed.

Some concern with regard to high density development in the heart of the activity centre stem from recent planning permit approvals including the redevelopment of 358 South Road Moorabbin. Concerns identified include social problems, lowering of living standards, and increased traffic. The socio-economic work undertaken to date identifies significant growth in the 34-49 year and 70-84 year age brackets with younger people in the 25-34 age bracket finding it more difficult to purchase suitable housing in Moorabbin. As with many of Kingston's established areas, Moorabbin has experienced some incremental growth in its existing residential areas through 2-3 dwelling developments, but is yet to experience any substantial growth due to cost of land and development costs. Officers believe that the under developed nature of the Moorabbin activity centre offers the potential for new and varied housing forms to be introduced into the centre that cannot be accommodated elsewhere thus providing for those in younger and older age groups seeking alternate housing forms.

Varying scale of development in Activity Centres has proven successful in nearby suburbs and allows for passive surveillance of adjoining open spaces and streets, provides a living population and activation of predominantly static and potentially unsafe spaces (particularly at night) and given the proximity and likely future occupants, residential living on the doorstep of public transport delivering reduced car journeys. Officers are therefore of the view that the benefits to the Moorabbin Activity Centre in providing for new forms of development and investment are necessary and deliver significant community benefit.

A proposal to amend the concept plan for the Axispace project to remove building bulk near the proposed new station entry is considered by Officers to have merit. Such a proposal would reduce the number of proposed new buildings over the railway airspace to provide for greater open space and exhibition areas within this precinct of the Moorabbin Activity Centre. This would reduce the extent of building bulk, remove the sense of enclosure and allow greater flexibility and variety in the design of the open space as part of this project.

Recommendation: That the draft Structure Plan be amended at figure 7 to show an increased open space surrounding the station entry, and at figure 14 to reduce the number of new building footprints as part of the Axispace Project.

§ *Central Avenue extension*

As previously identified, the Parkside Contemporary Living Precinct encouraged by the draft Structure Plan will benefit from a new link from the Moorabbin Reserve along Central Avenue to Moorabbin Railway Station. This will 'open up' the reserve and potentially provide a direct visual link between these two key features of Moorabbin. This initiative would result in the potential loss of existing residential properties to achieve a direct visual connection.

The submissions received identify significant concern from those owners of residential properties fronting Healey Street, and industrial properties where illustrations depict the extension of Central Avenue to occur. The illustrations included in the draft Moorabbin Structure Plan are indicative at this stage to illustrate the initiative rather than clarify the design details and alignment.

The future extension of Central Avenue clearly requires substantial detailed design work to be undertaken by Officers and appropriately qualified engineers prior to the implementation of the extension of the road.

It is recommended that in order to achieve the objectives of this initiative, that further work be undertaken by Council following adoption of the structure plan to determine the ultimate road alignment and design and future development options for the precinct. Accordingly, it is appropriate that Council proceed to adopt the initiative to extend Central Avenue but that all references to acquisition or alignments through private property be removed from the adopted structure plan.

Recommendation: That Council support the proposal to extend Central Avenue, and that an ultimate road alignment for Central Avenue to provide a vehicular link through to the Moorabbin Reserve be master planned, following adoption of the structure plan. That the Structure Plan be amended to remove reference to acquisition and conceptual alignments for the extension of Central Avenue, until such time as the master plan is completed.

3. Car parking

The submissions received highlight parking as another perceived constraint for the Moorabbin Activity Centre. Submissions received raised concern that the Structure Plan does not provide for a substantial increase in car parking within the Centre. Commuter car parking at Moorabbin Railway Station is currently under serviced with many commuters parking in surrounding streets (in all three municipalities).

The Draft Structure Plan indicates the potential for the provision of new car park utilising the airspace above the railway station or the ability to utilise one of the building cells to provide for a multi deck car park. A car park in this location could be designed to cater for growth in commuter parking demand. The draft structure plan identifies the ability for such a car park to cater for approximately 230 vehicles. The anticipated demand for car parking in the centre would cater for not only commuter parking but provide increased car parking during other periods arising from the nearby arts and culture precinct outside the commuter demand during weekdays. The State Government Department of Transport did not highlight any concerns with the redevelopment of the railway airspace but did note that any development would be required to have minimal impact to rail services and will need to be designed to cater for railway infrastructure.

Comments received in relation to the provision of car parking in new private development are considered to be best assessed as part of new development proposals which are advanced in the Activity Centre. Generally speaking, Council Officers give consideration to the amount of car parking required as part of the assessment of development proposals.

Officers have sought to investigate the short to medium term existing car parking situation with particular reference to the arts and culture precinct, that occasionally creates greater short term car parking demand within the centre. A review of the events calendar, patronage and parking demand provided by the Kingston Arts Centre indicates that the majority of the major events (a major event is classified as an event that has 200 plus patrons), provided at the Kingston Arts Centre occur after business hours. It is understood that approximately 40 car spaces are generally available at the arts centre/ town hall in addition, the commuter car parking at the station, the public parking areas at the rear of the Bayside shopping centre, and within the Moorabbin activity centre within Kingston is

utilised for significant events. Furthermore, officers have been advised that many of the major events occur seasonally with a large number of patrons travelling to the Arts Centre by private bus thereby eliminating the pressures on short term car parking for such events. Officers of the Kingston Arts Centre have advised that the availability of short term car parking whilst not fully catering for the number of patrons particularly during the seasonal major events, is a historically existing condition, and that should additional car parking be dedicated for the arts centre that this would not be utilised at capacity in the majority of instances.

Officers have also examined the likely number of car parking spaces that would be lost through the new intersection at Jasper and South Roads. In considering the loss of car parking in this location an examination has been undertaken as to the potential for additional car parking spaces along Station Street when changed to one way. The one way design of Station Street would provide for an approximate additional forty three spaces which when added to the existing spaces available would result in an approximate increase of seventeen spaces following the loss of spaces through the design of the new intersection to the supermarket precinct.

Recommendation: That the Concept Strategy and Section 3.3.1 & Section 3.4.1 of the Structure Plan be amended to include consideration of how car parking is best provided as part of the future axispace development including options which involve both a multi level car park and the option as exhibited in the draft structure plan.

That Section 3.3.1 of the structure plan be amended to include the potential for additional parallel short term car parking along Station Street once it is changed to one way northbound.

§ *Traffic changes*

A number of submissions received whilst supportive of the vision of the Draft Structure Plan consider that Council have not appropriately explored the impacts of the proposed traffic changes envisaged by the draft Structure Plan.

The Draft Moorabbin Activity Centre Structure Plan considers a number of road changes as appropriate traffic and urban design interventions to manage the tension between the needs of the vehicular traffic passing through the centre and those wishing to use and visit the centre. Projections indicate that without a strategic response which seeks to further concentrate traffic on the peripheral arterial road network congestion will increase further during peak periods in the Moorabbin Activity Centre and create a tension between vehicles trying to move through the centre versus those trying to access its facilities.

In its initial study, ARUP, traffic consultants identified changes to the existing road network to manage the tension, eliminate rat runs, slow the traffic down and return key roads to those wishing to visit and use the centre other than a 'cut through'. Key initiatives included:

- § Closing the median at South Road/Taylor St to stop the existing rat run to Jasper Road and providing greater storage capacity on South Road.
- § Making Station Street one way north bound with a priority bus lane at the intersection of Station St and South Road
- § Making Central Avenue oneway eastbound between Station St and Redholme St
- § Providing traffic calming in Redholme St
- § Direct future access from the Safeway site into the intersection of Jasper and South Roads

In its analysis of the centre, and establishing the proposed changes to the existing road network, ARUP assessed a number of different proposals to identify the most appropriate, this included consideration of a dedicated right turn from Nepean Hwy into South Road to eliminate rat run through Station and Taylor Streets, making Station Street one-way in part, creating a new road to extend Jasper Road through the heart of the centre to link directly to Nepean Hwy thereby reducing demand on Station and Taylor Streets and a number of other such measures. These are outlined in detail in the background report prepared by ARUP and are measured against the preferred option, favoured for its ability to achieve the desired urban design treatments, reduce or eliminate rat runs, eliminate the need for new roads and thus acquisition and improve vehicle congestion during peak periods.

Concerns raised during the consultation period predominantly arose from residents in Redholme and Healey Streets, Moorabbin. Changing Central Avenue to one way eastbound between Station Street and Redholme Street creates egress problems for these residents wishing to turn right onto South Road. Current traffic levels on South Road necessitate residents of these streets to enter the centre via Central Avenue and turn right or head north along Jasper Road through the Taylor Street and South Road signalised intersection.

The submission from VicRoads highlighted the need to undertake further work to justify to their satisfaction the proposed road network changes particularly their impact to arterial roads before their acceptance of the draft Structure Plan for Moorabbin.

Since the consultation period, ARUP have undertaken further detailed traffic modelling of the activity centre to justify to VicRoads the proposed changes to the road network. The further work has also sought to consider the issues raised by residents of Moorabbin, and seek to identify solutions with access onto South Road particularly during peak periods where traffic volumes are at their greatest. ARUP's further work has reconfirmed the initiatives originally identified to improve traffic movement in the activity centre. Their work has sought to establish a clear way at the intersection of Healey St and South Road across both eastbound and westbound lanes providing clear vehicular access. Furthermore, their work has identified the need for the future detailed design of the Jasper and South Roads intersection to require a new local road within the redevelopment of the Woolworths site to allow vehicles to turn right onto South Road or head northbound on Jasper Road using Redholme St and the new local road and intersection at this location thereby catering for any difficulties that may arise particularly with projected traffic volume growth on South Road arising from future arterial network connections.

Officers believe that the abovementioned detailed traffic modelling work undertaken by ARUP to substantially justify the proposed changes to the arterial and local road network be incorporated in the background documentation of the adopted Structure Plan and any key initiatives be included in the Concept Strategy, and implementation sections of the adopted Structure Plan

Recommendation: That the Concept Strategy and Section 3.3.1 of the Structure Plan be amended to include the keep clear at the Healey St and South Road intersection, and that Section 4 of the Structure Plan be amended to include key non statutory implementation measures as per ARUP's further traffic study to reinforce to VicRoads suggest improvements to the road network in Moorabbin and for Council to undertake local road upgrades as appropriate.

That the Concept Strategy be modified to illustrate a road through land at 382-

384 South Road to provide for the new signalised intersection at Jasper and South Roads.

That 382-384 South Road be identified as a key acquisition site in the implementation section of the adopted Structure Plan to provide for the new intersection at Jasper and South Roads, Moorabbin.

4. Moorabbin reserve

The redevelopment of Moorabbin reserve was a key issue for the residents of Moorabbin. Concerns raised during the consultation period include, the need to redevelop the reserve, oval, facilities and improve its visual aesthetic appearance, particularly given the identified projects of the draft structure plan to substantially increase the number of residents in the future.

The study boundary of the draft Moorabbin Structure Plan extends to Linton Street but did not include the east side of Linton Street. Whilst the reserve is not included in the study area of the structure plan, the Plan does identify the need to expand the opportunities for people to meet and relax in new and improved places within and on the edge of the centre. Accordingly a key initiative of the structure plan is the extension of Central Avenue to Linton Street thereby 'opening up' and linking the reserve to the activity centre, persons accessing and living in the centre.

Recommendation: That the community's comments in relation to the Moorabbin Reserve be forwarded to Council's Leisure and Culture Department for consideration as part of its future master planning work.

§ Other Issues

Both Bayside City Council and the Department of Planning and Community Development provided comment in relation to study area defined by the Draft Structure Plan and the need to take into account the adjoining areas of Bayside and Glen Eira. The Draft Moorabbin Activity Centre Structure Plan has been devised considering the adjoining Bayside and Glen Eira areas, however, is it considered that given the adjoining land uses the structure plan will work in a complimentary way to any future planning undertaken by the neighbouring Councils.

Bayside City Council submission also raises concern with the Draft Structure Plan initiatives proposing one way changes to the road network citing unclear and inefficient access to the Bayside part of Moorabbin as a key issue. Further traffic concerns raised the need for Kingston City Council to further investigate and lobby VicRoads for a lane changes to South Road to alleviate traffic build up from cars queuing to turn left onto Nepean Hwy. There are a number of existing vehicular routes available for persons wishing to access the Bayside portion of Moorabbin including right hand turns from the service lane on Nepean Hwy, and direct access to the public car parking and Keiller Street via South Road and Katoomba Street at the rear of the Nepean Hwy fronting retail premises within the City of Bayside. Accordingly, Officers do not believe any further work by Kingston is necessary.

The Department of Planning and Community Development's submission raises concern with the vision of the Draft Structure Plan lacking clarity and requiring it to be more consistent with State Policy and promote mixed use development including residential throughout the Activity Centre. It is considered that the vision contained in the Draft Structure Plan is appropriate for the Moorabbin Activity Centre. The objectives contained in the Draft Structure Plan identify future aspirations for housing, office, business mix, retail, entertainment etc which is considered consistent with Government Policy.

The Department has also stated that some precincts need to be enlarged, that it needs to mention and cater for existing and proposed community facilities and that the implementation section requires more detail. It is considered that the Draft Structure Plan is clear in terms of its maps and study boundary, in addition the background report provides more information with regard to the established study boundary and thus precincts. Many of the community facilities established in the Moorabbin activity centre are located along Nepean Hwy and west of Nepean Hwy. The draft Structure Plan acknowledges their presence and long term role albeit in some instances with the potential to incorporate them within mixed use developments. It is appropriate that the concept strategy of the adopted Structure Plan be amended to highlight key community facilities. Further work will also be done on refining the implementation plan to outline more clearly the key initiatives coming from the structure plan particularly as they relate to the role of VicRoads and Department of Transport.

Officers in reviewing the draft Structure Plan have identified the need to further clarify the heights envisaged for Precinct B south of Central Avenue between Station Street and Tuck Street. It appears that the provisions of Precinct B clarify maximum heights for three of the four sub precincts but remains ambiguous with regard to the aforementioned sub precinct. A review of the adopted provisions of PLAN, the existing Design and Development provisions and the background research undertaken for the Structure Plan, indicates that this subprecinct was proposed to accommodate a sliding scale of heights from 7 storeys where the current building at 1001 Nepean Highway exists to 5 storeys on the corner of Station Street and Nepean Hwy and a maximum of 4 storeys to those properties located on the corner of Station Street and Central Avenue due to their property dimensions and to provide for consistency with adjoining sub precincts north of Central Avenue. Accordingly, it is proposed to amend the draft structure plan to further clarify heights in this sub precinct of Precinct B in Section 3.3.5, as detailed above.

Recommendation: That the concept strategy of the adopted Structure Plan be amended to highlight key community facilities.

That Council amend the Structure Plan at Section 3.3.5 to clarify maximum building heights of 7 storeys transitioning down to 5 and 4 storeys respectively for those properties south of Central Avenue between Station Street and Tuck Street and north of Redholme Street, Moorabbin.

5.3 Next Steps

The existing interim structure planning controls for the Moorabbin Activity Centre were based on the work undertaken by PLAN and were sought to provide immediate protection to the Moorabbin Activity Centre while a more detailed structure plan was being undertaken for the Centre. As highlighted previously, the interim structure planning controls are due to expire on 31 October 2011.

It is now recommended that Council adopt the Moorabbin Activity Centre Structure Plan and seek authorisation from the Minister of Planning to commence a Planning Scheme Amendment. The Amendment should:

- § Modify relevant Clauses of the Municipal Strategic Statement (MSS) to give recognition to the objectives for the future of the Moorabbin Activity Centre.
- § Review as appropriate zoning controls which apply to land within the study area.

- § Introduce planning provisions via the Activity Centre Zone to tackle issues relating to building heights, setbacks, public realm enhancements and key site development facilitation.

Council Officers are also presently giving consideration to what role development contributions mechanisms may play in supporting some of the initiatives identified in the structure plan. As further work is undertaken in this area additional advice will be provided to Council as to whether a future Planning Scheme Amendment would include modifications to the Kingston Planning Scheme to make provision for contributions.

6. Triple Bottom Line Checklist

- § **Environmental** – The vision and key projects identified in the Draft Moorabbin Activity Centre Structure Plan seek to encourage the development of alternate transport travel modes and encourage energy efficient building design and layout through appropriate planning guidelines for redevelopment. These guidelines are proposed to be translated into permanent planning controls.
- § **Social** – The vision for Moorabbin will improve the liveability of the area, increase opportunities for social interaction and improve transport choice. The introduction of permanent planning controls provides a mechanism to assure residents that matters of building scale, amenity, character and design will be considered and that new activity developments will not unduly impact on the liveability of the peripheral established residential neighbourhoods.
- § **Financial** – The Draft Moorabbin Activity Centre Structure Plan identifies the direction of the centre which will in turn improve the competitiveness of the centre by stimulating business and employment opportunities.

Crs Staikos/Athanasopoulos

That the recommendation be adopted.

Amendment

Cr Peulich

That the recommendation include the following as Part 4

4. (a) Seek to develop a strategic partnership with the City of Bayside and the City of Glen Eira to work collaboratively on the implementation of the Structure Plan as well as the alignment of strategies
- (b) Seek advice from the Minister for Planning on the appropriate means in which to achieve State Government support
- (c) Modify the Structure Plan Boundary to remove all properties on the south side of Healy Street between numbers 2 and 18 and those properties in Orana Court, Bataba Street and those fronting the north side of Gwenda Avenue from the defined boundary of the Activity Centre and as a consequence remove Precinct E from the Precincts identified in the Activity Centre Boundary.
- (d) Modify Section 4.2 of the Structure Plan to include a requirement for Council to investigate the availability of car parking in the Activity Centre and formulate a strategy for improving the supply of car parking which addresses additional pressure generated by new development.
- (e) Prior to the rezoning of Precinct D, an Economic Impact Assessment be conducted

The mover and seconder agreed to include the amendment in the motion

The entire motion reads as follows

Crs Staikos/Athanasopoulos

That Council resolve to:

1. Adopt the Moorabbin Activity Centre Structure Plan with the following changes as outlined in this report:
 - (a) That Council support the proposal to extend Central Avenue, and that an ultimate road alignment for Central Avenue to provide a vehicular link through to the Moorabbin Reserve be master planned, following adoption of the structure plan. That the Structure Plan be amended to remove reference to acquisition and conceptual alignments for the extension of Central Avenue, until such time as the master plan is completed.
 - (b) That Council proceed with the initiative to rezone and promote the redevelopment of Horscroft Place and adjoining commercial land fronting South Road through the initiation of a detailed amendment to the Kingston Planning Scheme.
 - (c) That the Concept Strategy and Section 3.3.1 of the Structure Plan be amended to include the “keep clear” at the Healey St and South Road intersection, and that Section 4 of the Structure Plan be amended to include key non statutory implementation measures as per ARUP’s further traffic study to reinforce to VicRoads suggested improvements to the road network in Moorabbin and for Council to undertake local road upgrades as appropriate.
 - (d) That the Concept Strategy be modified to illustrate a road through part of land at 382-384 South Road to provide for the new signalised intersection at Jasper and South Roads.
 - (e) That part of 382-384 South Road (lot between 374-378 and 390-392 South Road extending to the Right of Way and part of the car park immediately south of the Right of Way to extend the width of the Right of Way) be identified as a key acquisition sites in the implementation section of the adopted Structure Plan to provide for the new intersection at Jasper and South Roads, Moorabbin
 - (f) That the concept strategy of the adopted Structure Plan be amended to highlight key community facilities.
 - (g) That the draft Structure Plan be amended at figure 7 to show an increased open space surrounding the station entry, and at figure 14 to reduce the number of new building footprints as part of the Axispace Project.
 - (h) That Section 4 of the Structure Plan be amended to introduce section 4.4 project implementation and timeframes to group projects into short, medium and long term projects and to identify indicative costs and funding sources which will enable co-ordination with Council’s capital works budget and programme in accordance with the attached document to this report.
 - (i) That the Concept Strategy and Section 3.3.1 & 3.4.1 of the Structure Plan be amended to include consideration of how car parking is best provided as part of the future Axispace development including options which involve both a multi level car park and the option as exhibited in the draft Structure Plan.
 - (j) That Section 3.3.1 of the structure plan be amended to include the potential for additional of parallel short term car parking along Station Street once it is changed to one way northbound
 - (k) That Council amend the Structure Plan at Section 3.3.5 to clarify maximum building heights of 7 storeys transitioning down to 5 and 4 storeys respectively for those properties south of Central Avenue between Station Street and Tuck Street and north of Redholme Street, Moorabbin.
2. That the community’s comments in relation to Moorabbin Reserve relevant to the development of a masterplan, be forwarded to Council’s Leisure and Culture Department for consideration.

3. Support the initiation of a Planning Scheme Amendment and authorisation from the Minister for permanent planning controls for the Moorabbin Activity Centre based on the Moorabbin Activity Centre Structure Plan.
4.
 - (a) Seek to develop a strategic partnership with the City of Bayside and the City of Glen Eira to work collaboratively on the implementation of the Structure Plan as well as the alignment of strategies
 - (b) Seek advice from the Minister for Planning on the appropriate means in which to achieve State Government support
 - (c) Modify the Structure Plan Boundary to remove all properties on the south side of Healy Street between numbers 2 and 18 and those properties in Orana Court, Bataba Street and those fronting the north side of Gwenda Avenue from the defined boundary of the Activity Centre and as a consequence remove Precinct E from the Precincts identified in the Activity Centre Boundary.
 - (d) Modify Section 4.2 of the Structure Plan to include a requirement for Council to investigate the availability of car parking in the Activity Centre and formulate a strategy for improving the supply of car parking which addresses additional pressure generated by new development.
 - (e) Prior to the rezoning of Precinct D, an economic impact assessment be conducted

Carried

ATTACHMENT

Moorabbin

4.4 PROJECT IMPLEMENTATION & TIMEFRAMES

Co-ordinate Council's capital works budget and programme based on the list of priority projects:

Short Term Projects (2011-2015)

1. Bus Interchange
2. Central Avenue
3. Cycle Paths
4. Station to Park Connection

Potential Additional Funding

- (DoT)

(DoT)
(Adjacent developers)

Medium Term Projects (2016-2020)

5. Moorabbin Reserve
6. Station Street
7. Taylor Street
8. South Road

Potential Additional Funding

- (VicRoads)
(VicRoads)
(VicRoads)

Long Term Projects (2021-2030)

9. Station Square & Axispace
10. Avenue Place Plaza

Potential Additional Funding

- (State Government)
(Adjacent developers)

Ongoing Projects (2011-2030)

11. Streetscape beautification & maintenance
12. Park beautification & maintenance
13. Building & maintenance

Potential Additional Funding

The total cost for Council to implement the capital works projects identified in the Moorabbin Activity Centre Structure Plan is assumed to be in the vicinity of \$10m - \$20m over a 20 year timeframe. A key catalyst action in the structure plan will be to priorities the detailed costing of short and medium term projects to then allow them to be incorporated into the Capital Works Program.

8. Question Time

June Weston asked:

What is the reason for Council planning trees on Beach Road, when 78% of the respondents in the August 2010 survey, objected to the proposal?

The Chief Executive Officer advised that Council at its October meeting resolved:

“That Council advise the Mentone Parkdale Village Committee and surveyed residents of Beach Road that following community consultation, Council will be planting street trees along Beach Road between Antibes and Foam Street and/or other streets, outside the homes of residents who either supported or did not oppose trees outside their houses in accordance with the wishes of residents who indicate a preference for a particular nature-strip location for their tree.”

The result of this Council resolution is that Council will not be planting nature strip trees on Beach Road outside the homes of residents who object.

10. Community Sustainability Reports

N 71 Youth Services : Refit of Southland Office Reception – Approval to Commit Resources and appoint Builder

Approved by: Mauro Bolin – General Manager Community Sustainability
Paul Franklin – General Manager Corporate Services

Author: Steve Lewis – Manager Community Buildings
Newton Gatoff – Acting Manager Property Services

1. Purpose

To seek Council approval to commit \$30,000 from the draft 2011/12 Capital Program, in order to facilitate the early commencement of works during June 2011 and the urgent completion of the required refit work at the Youth Services offices located at Southland.

2. Council Plan

Planned Outcome 1 – Infrastructure for a Safe and Active Community
Strategy 1.3 – Quality community facilities that are accessible, safe and well utilised

3. Background

In September 2010 Councillors were advised that Officers had completed lease negotiations with Westfield for the Youth Services Centre located at Southland. A further 5 year lease commenced on 25 September 2010. The new lease included an option for Westfield to require the surrender of some tenancy floor areas located near to the mall entrance. To replace the lost space, Westfield also agreed to construct additional floor areas to Council's tenancy and to install a new glass wall frontage facing the Westfield car park. As part of the agreement, Westfield agreed to provide \$5,000 towards Council's costs arising from the reconfiguration of the tenancy. A provisional allocation of \$30,000 forms part of the draft 2011/12 Capital Programme to meet the costs of the fit-out which was originally expected to take place during 2011/12.

During March 2011, Officers were advised that Westfield required the surrender of space earlier than expected in April. It was agreed that it would be best for all parties if Council moved out of the tenancy completely to allow works to commence. Westfield agreed to a further \$5,000 towards Council's costs.

In view of this earlier than anticipated works commencement date, it is more efficient and cost effective to undertake the works now. Thus Council is requested to confirm its funding commitment to the project during the current financial year, in advance of the formal approval of the draft 2011/12 budget by Council during June 2011.

4. Summary and Conclusion

In view of the earlier than anticipated commencement of works by Westfield, Council is requested to formally bring forward \$30,000 towards the project from within the draft 2011/12 Capital Programme and confirm its intention to proceed with the re-fit work, which will now commence during June 2011.

As such, Council is recommended to approve the bring forward of \$30,000 from within the draft 2011/12 Capital Program in order to facilitate the early efficient and cost effective completion of the refit of the Youth Services Southland office reception area.

5. Consultation

Consultation has taken place with officers from Youth Services and with Westfield, the owners of the Southland centre.

6. Triple Bottom Line Checklist

- **Environmental** – In order to minimise costs to Council, a number of existing fixtures and materials are to be reused in the proposed re-fit work, which will reduce waste and minimise impact on scarce resources.
- **Social** – The Youth Service office at Southland provides direct contact and services to young people in an accessible location. Continuation of services from this location will assist Council in delivering its key outcomes in relation to children and young people.
- **Financial** – the cost of the proposed work is \$40,000 and is to be jointly funded between Council and, the owners of Southland, Westfield. Westfield will provide \$10,000 towards the cost for fit-out of Council’s tenancy and Council currently proposes to contribute a further \$30,000 from within the draft 2011/12 Capital Programme to meet its costs. In light of the earlier than anticipated wider major refit work by Westfield, Council is now requested to consider formally bringing forward its contribution from of the draft 2011/12 Capital Programme by Council in June 2011. Should Council not approve this early committal of 2011/12 resources, there is likely to be both a delay in delivering the re-fit work and additional costs.

7. Recommendation

That Council authorises expenditure of \$30,000 to be offset in the draft 2011/12 Capital Program in order to facilitate the early completion of the refit of the Youth Services Southland office reception area in June 2011.

Crs Staikos/Peulich

That the recommendation be adopted

Carried

11. Organisational Development & Governance Reports

N 72 Assembly of Council Record

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 amendments which came into effect on 24 September 2010 to support openness and transparency of Governance processes.

2. Council Plan

Planned Outcome 5 – Community Inspired Leaders
Strategy 5.3 – Sound governance and responsible financial leadership

The reporting of Assembly of Council meets the requirements of the Local Government Act.

3. Background

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

4. 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 the Local Government Act section 80A 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.

What are the main things that need to be considered. Discuss any impact of implementing your proposal and what the costs would be.

5. 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.

6. Recommendation

That Council notes the contents of this report.

Attachments:

Assembly of Council forms

Crs Staikos/Athanasopoulos

That the recommendation be adopted.

Carried

N 73

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. Council Plan

Planned Outcome 5 – Community Inspired Leaders
Strategy 5.3 – Sound governance and responsible financial leadership

The reporting of Ward Fund Grants meets the requirements of the Local Government Act.

3. 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 Trevor Shewan	South	<i>Kingston Historical Societies Network Exhibition of Historical Photographs</i>	08/05/11	200.00
Mayor, Cr Ron Brownlees	Central	<i>Kingston Historical Societies Network Exhibition of Historical Photographs</i>	09/05/11	200.00
Cr Trevor Shewan	South	<i>Defenders of the South East Green Wedge Operating Costs</i>	08/05/11	500.00
Cr Trevor Shewan	South	<i>Kingston Conservation & Environment Coalition Inc Operating Costs</i>	08/05/11	500.00
Mayor, Cr Ron Brownlees	Central	<i>St Louis de Montfort Primary School Fit as a Fiddle Appeal</i>	09/05/11	200.00
Mayor, Cr Ron Brownlees	Central	<i>Fun over 50's Expo Launch</i>	16/05/11	182.00

Recommendation

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

Cr Staikos/Shewan

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests and with the inclusion of the following request;

Cr Shewan - South Ward
AGRA Community Newsletter
22 /5/11 - \$400

Carried

12. Corporate Services Reports

**N 74 Compensation Arising from Compulsory Acquisition of land
- Westall Station Upgrade**

Approved by: Paul Franklin, General Manager, Corporate Services

Author: Newton Gatoff, Acting Manager Property Service

1. Purpose

As part of the redevelopment of the Westall Railway Station, the State Government via the Department of Public Transport (DOPT) exercised their compulsory acquisition powers to acquire 3 parcels of land, comprising 1,805 sqm of road reserve and 72 spm of open space that formed part of the contribution from the Timber Yard developer.

The offers of compensation now having been received by Council need to be assessed and a resolution of Council to accept the compensation for disposal of land by compulsion is required.

2. Council Plan

- Planned Outcome 1 – Infrastructure for a safe and active community
Strategy 1.1 – Sustaining Kingston’s Assets
- The subject parcels of land have been acquired by DOPT to provide parking and better access to the benefit of commuters.

3. Background

On 22 September 2010 and on 11 March 2011 the DOPT acquired a total of 3 parcels of Council-owned land by compulsory acquisition. On 24 December and on 6 May 2011 Council received formal offers of compensation in the sum of \$10,800, \$320,000, \$89,000 for all 3 parcels of land. The land acquired forms part of the Westall Station upgrade. The intended use of the land, in part for the provisions for commuter parking, is seen by Officers as being a significant improvement to the previous use of the land mainly as road reserve.

Officers have asked for an independent valuer to review the offers of compensation to ascertain if they can be considered fair and reasonable and if not, that the valuer’s should indicate what additional monies Council could seek further to the current compensation offered.

4. Summary and Conclusion

The DOPT has provided Council with offers of compensation for the three parcels of land. Council can either accept the offers in full or accept in part and claim further compensation if it wishes.

5. Issues

The land has already been acquired in accordance with the Land Acquisition and Compensation Act 1986 and it is for Council to assess if the offer of compensation is fair or if further compensation should be paid. Should the formal offer be considered inadequate, Officers need the delegated

authority to negotiate the amount of compensation and the authority to execute the required documentation.

6. Options

- 6.1 That Council accepts the formal offers in full and final settlement or:-
- 6.2 That Council accept the payments offered and having considered a valuation by Council's appointed valuers, that additional compensation should reasonably be expected to be paid for any of the subject parcels, that the Manager Property Services and General Manager Corporate Services be authorised to seek such additional payments and accept such additional payments on Council's behalf.

7. Triple Bottom Line Checklist

- **Environmental** – The land acquired has been significantly improved by the department of Public Transport following the Westall Station Upgrade.
- **Social** – Local commuters will enjoy improved parking facilities and the surrounding landscape is much improved.
- **Financial** – The land acquired was previously maintained at Council's cost and the relief of such responsibility together with the compensation can be put to a better and more practical municipal outcome in the future.

8. Recommendation

That Council resolves to:-

- Accept the formal offer of compensation for the three parcels of land previously owned by Council and acquired by compulsory acquisition by the Department of Public Transport as an initial payment;
- If in the opinion of Officers any one of the three amounts of compensation offered are lower than Council should reasonably expect to be paid, Council authorises the General Manager Corporate Services to formally seek and accept additional offers of compensation for any one of the three parcels of land.
- That the Chief Executive Officer or delegate be authorised to execute the required documentation to accept the compensation for the land subject to the compulsory acquisition by the Department of Public Transport.
- That \$10,800 be paid to Council's Public Open Space Area 3 Reserve and the balance of the compensation received in respect of the land at Autumn Terrace be reinvested in the local area.

*Attachment:
Plans of Westall Station Upgrade Acquisitions*

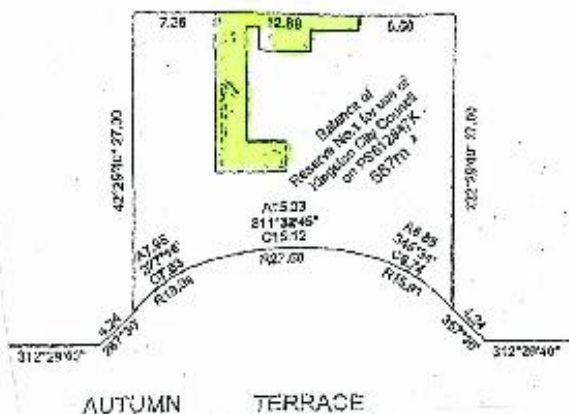
Crs Athanasopoulos/Peulich

That the recommendation be adopted

Carried

PLANS OF WESTALL STATION ACQUISITIONS
Acquired areas are shown in yellow

Autumn Terrace



Rayhur Street



Westall Road



N 75

Advertising of Proposed 2011/12 Draft Budget

Approved by: John Nevins, Chief Executive Officer

Author: Paul Franklin, General Manager Corporate Services

Background

Under the *Local Government Act 1989* as amended by the *Local Government (Democratic Reform) Act 2003* (“the Act”), Council is required to prepare and adopt an annual budget. The budget is required to be adopted by 31 August each year.

The key objective of the Long Term Financial Plan and this budget is financial sustainability; in particular, this plan provides the resources to allow Council to adequately fund service delivery to the community and the required level of maintenance of the community’s infrastructure assets such as roads, footpaths, drains and Council buildings.

As directed officers have prepared a Budget for the 2011/12 financial year and Long Term Financial Plan which seeks to balance the demand for community services, prudent management of existing assets and the demand for new assets with the community’s capacity to pay.

Following the February Strategic Workshop, Councillors have previously considered briefings on both the long-term financial plan and the 2011/12 budget on: 3 May 2011 and 16 May 2011.

Council is required to formally resolve to advertise its inspection period for the Draft Budget and Statutory Information required pursuant to Section 127(2)(d) and Section 158(1) of the Local Government Act and Regulation 8 of the Local Government (Finance and Reporting) Regulations 2004.

To give effect to these recommendations, a Public Notice will be inserted in The Age on Wednesday 25 May 2011 noting that copies of the Draft Budget and Statutory Information will be available for inspection at Council’s Customer Service Centres and Libraries. They will also be available for inspection and downloading from Council’s website www.kingston.vic.gov.au. Further, the Public Notice will invite written submissions on proposals contained in the Draft Budget by 5.00pm on Wednesday, 22 June 2011. This is a period of 28 days for the community to provide comment on the Draft Budget as is required under Section 223 of the Local Government Act. Council will then meet at a Special Council Meeting to be held at 6:00pm on 4 July 2011 to hear any presentations in support of submissions received in relation to the Draft Budget. Council will then formally consider the Budget for adoption along with community comment on 11 July 2011.

Recommendation

That:-

1. Council notes that the Budget annexed to this resolution has been prepared pursuant to Sections 125 and 127 of the Local Government Act 1989;
2. The Chief Executive Officer be authorised to:-
 - (a) give public notice of the preparation of such Budget, in accordance with Sections 125 and 129 of the Local Government Act; and
 - (b) make available for public inspection the information required to be made available by Regulation 8 of the Local Government (Finance and Reporting) Regulations 2004; and
3. Council hear any presentations in support of any submissions received in relation to the draft Budget, made in accordance with Sections 129(2) and 223 of the Local Government Act 1989, at a Special Meeting of Council to be held on Monday, 4 July 2011 at 6.00pm at 1230 Nepean Highway, Cheltenham.

Procedural Motion

Crs Athanasopoulos/West

That Cr Staikos be granted an extension of 3 minutes to speak on the matter.

The motion was **put and carried**

Crs Shewan/Staikos

That the recommendation be adopted

Carried

Cr Shewan left the Council Chamber at 8.42pm

N 76

Unfunded Superannuation Liability

Approved by: Paul Franklin, General Manager Corporate Services

Author: Bernard Byrden, Manager Finance

1. Purpose

To determine how Council will fund a call from Vision Super on its Defined Benefits Superannuation Scheme. Kingston's liability is \$2.044 million and is due and payable on 1 July 2011.

2. Council Plan

- Planned Outcome 5 – Community Inspired Leaders
Strategy 5.3 – Sound governance and responsible financial leadership

3. Background

A shortfall in the liquidity level of the closed (to new members) Vision Super Defined Benefits Superannuation fund has been identified by the Funds' actuary and the Trustees of the Fund have made a call on employer members of the fund. Kingston's share of the overall \$71 million shortfall is \$2,043,893 including the Federal Government Superannuation Contributions Tax. This is due and payable on 30 June 2011.

4. Summary and Conclusion

It is in Council's interest to pay the call from Vision Super Defined Benefits Scheme of \$2.044M as soon as possible. It is proposed that this will be funded from the following sources:

- Above forecast Interest Income in 2010/11 of \$400k
- Better than forecast salary savings in 2010/11 of \$644k
- Funding from Cash Reserves of \$500k
- Increased 2011/12 budget productivity savings of \$500k

Amounts not paid by 30 June 2011 will accrue interest at the required earning rate of the fund plus contributions tax – a total of approximately 10% on outstanding balances after 30 June 2011. Further it is proposed that Council provide for further calls in the future by setting aside a provision of \$500k pa in the Long Term Financial Plan from 2012/13.

5. Discussion

Council makes employer superannuation contributions in respect of its employees to Vision Super. Vision Super has two categories of membership, each of which is funded differently.

Those categories are:-

(a) Accumulation Superannuation Fund

The Fund's accumulation category, Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (9% required under Superannuation Guarantee Legislation). No further liability accrues to the employer as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.

Over 90% of Council's employees are in this part of the superannuation fund and these employees do not contribute to any liability for Council.

(b) Defined Benefits Superannuation Fund

The Fund's Defined Benefit Plan is a multi-employer sponsored plan which closed to new members in 1993. As at 30 June 2008 Council had 99 members participating in the Defined Benefits Fund – typically these employees were originally employed by the former cities that now comprise Kingston. As at 30 June 2010 this number had reduced to 85 employees.

Council makes employer contributions to the defined benefit category of employees in two ways:

- At a rate determined by the Fund's Actuary - currently 9.25% of an employees' salary; and
- If the fund is in deficit, by calling on employers to make good the short fall.

The Trustee has now three times since 1997 made additional calls on employers to make additional contributions when the assessed liabilities of the fund (benefits due to employees) exceed the market value of the assets of the fund.

An actuarial review has been completed as at 30 June 2010 to review the assessment made as at 31 December 2008 and the results were advised to all Councils on 6 December 2010. The actuary has confirmed the December 2008 \$71M shortfall in the defined benefits fund and recommended that the Superannuation Trustees make a call on member organisations as the shortfall would have increased from the amount assessed at 31 December 2008.

Kingston's share of this is \$2,043,893. This is due and payable on 30 June 2011.

Vision Super have offered terms of up to 10 years to repay this amount. The balance unpaid will accrue interest at 8.5% pa plus the Federal Government's contributions tax which is payable on the interest accrued on any unpaid balance after 30 June 2011.

The last call on the fund was in 2002/03 when Kingston's share of the \$127 million shortfall was \$3.1 million.

Options for Kingston to pay this liability are discussed below.

It is certain that the Defined Benefits Superannuation Scheme has been impacted by the Global Economic Crisis and in particular the fall in the value of the equities (shares) across the globe. Also impacting will be the lower interest rates that can be achieved from cash investments and falling property values. **Note assessment of shortfall is as at 31 December 2008.**

The critical measure for Vision Super is the Discounted Accrued Benefits Index (DABI). This compares the current market value of its assets to the probable benefit payments that it is obliged to make to members of the fund. The federal regulating body (Australian Prudential Regulation Authority - APRA) will not allow the fund to reach a point where this index is less than 100%. That is, the assets held will not cover the liabilities of the fund.

As at December 2002 the index was 94%. This resulted in a call on employers totalling \$127 million, of which Kingston's share was \$3.1 million for approximately 150 Defined Benefits Fund employees on staff at the time.

As at June 2005 the index was 107%, but had reduced to 104% as at June 2008. By June 2010 it had reduced further to 93%.

Matters that impact on the fund and the actuarial review include forecasts of:-

- Investment returns;
- Salary levels;
- Salary Growth;
- CPI;
- Age profiles; and
- Mortality Rates.

The call from the Vision Super Defined Benefits Scheme of \$2.043M is due and payable on 30 June 2011, with the option to repay over 10 years. The balance unpaid will accrue interest at 8.5% pa plus contributions tax. It is therefore in Council's clear interest to pay this debt off as soon as possible and if cash holdings allow in 2010/11.

As indicated by Councillors it is proposed to fund the \$2.043M repayment from within existing resources and without making a call on the community. Further Councillors indicated that, given that this is the third call by the fund, they wished to set aside a provision in future years to fund any future call by the fund. The proposed Draft 2011/12 Budget achieves both of these objectives and the Long Term Financial Strategy provides for \$0.5M pa to be set aside from 2012/13.

Since Council adopted the mid-year forecast in March we have continued to manage Council's financial position to the extent that we have identified some funding sources in this year's budget to partially repay this debt in 2010/11:

- Interest Income achieved from higher interest rates \$0.4M better than mid year forecast of \$2.1M; and
- Better than forecast labour costs achieved through salary savings \$0.644M better than forecast \$58.2M.

From the proposed Draft 2011/12 Budget it is proposed that:

- A further \$0.5M be drawn from Council's cash reserves on the basis that it is better to repay the debt than incur the interest charge; and
- 1% or \$0.5M of the overall 2.4% labour productivity target built into the budget be allocated to repayment of this debt and for a future funding call provision.

6. Recommendation

That Council resolve to:

1. Pay the call from Vision Super Defined Benefits Scheme of \$2,043,893M. This will be funded from:
 - Above forecast Interest Income in 2010/11 of \$400k.
 - Better than forecast salary savings in 2010/11 of \$644k.
 - Funding from Cash Reserves of \$500k.
 - Increased 2011/12 budget productivity savings of \$500k.
 - Should cash holdings allow, bring forward the 2011/12 allocations to 2010/11.
2. Provide for further calls in the future by setting aside a provision of \$500k p.a. in the Long Term Financial Strategy from 2012/13.

Crs Staikos/Moloney

That the recommendation be adopted

Carried

N 77

Summary of Audit Committee Meetings

Approved by: Paul Franklin, General Manager Corporate Services

Author: Hayley White - Team Leader, Financial Accounting

As a part of Council's governance obligations to its community the Audit Committee was established as an independent Advisory Committee to Council in 1997.

The Audit Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted the Audit Committee under a Charter to facilitate the following outcomes as a part of its work program:-

1. The enhancement of the credibility and objectivity of internal and external financial reporting;
2. Effective management of financial and other risks and the protection of Council assets;
3. Compliance with laws and regulations as well as use of best practice guidelines;
4. The effectiveness of the internal audit function; and
5. The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

This report forms part of the on-going communication between the Audit Committee and Council. The key items considered by the Audit Committee since the August 2010 meeting (refer to confidential attachment for detailed minutes) included:

August 2010:

- Consideration of the 2009/10 annual statements
- Final internal audit report on execution of CAATs

September 2010:

- Annual accounts progress
- Revised Information Architecture diagram
- Confidential briefing on the proposed acquisition of 1230 Nepean Highway
- Revised Internal Audit Plan
- Draft terms of reference for Payroll Review internal audit
- Draft Fraud Policy and Guide to Fraud Risk Assessment
- Revision to Audit Committee Guidelines
- Auditor General's report on Local Government Performance
- Ombudsman's report on the St Kilda Triangle and Kew Cottages

December 2010:

- 2009/10 year-end Management Letter
- Final Payroll Review internal audit report
- Reconciliations Review update for June-October from Deloitte
- Updated Information Architecture Diagram

March 2011:

- VAGO Audit Engagement Letter
- 2010/11 External Audit Strategy (HLB Mann Judd)
- Final internal audit report on Continuity of Service
- Terms of reference for the Fixed Asset Review and Procurement Follow Up Review internal audits
- Auditor General's report on Local Government Performance in 2009/10 audits

Conclusion

Council has an on-going obligation to the community to properly utilise the resources put at its disposal. The Audit Committee and the activities that it oversees is one mechanism that allows the community to feel confident that Council is properly discharging stewardship and governance obligations.

Recommendation

That the summary of the Audit Committee activities be noted.

Cr Athanasopoulos left the Council Chamber at 8.44pm

Crs Peulich/Staikos

That the recommendation be adopted

Carried

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N 78

Appointment of External Member to the Audit Committee

John Nevins: John Nevins, Chief Executive Officer

In accordance with the Audit Committee Charter a process has been undertaken to appoint an external independent member to the Audit Committee.

It is recommended that Mr Bruce Potgieter be appointed to the Committee for a term to expire on 30 June 2014. The confidential attachment contains a copy of Mr Potgieter's Curriculum Vitae.

Recommendation

That Mr Bruce Potgieter be appointed as external member of the Audit Committee for a period of three years expiring on 30 June 2014.

Confidential Attachment:

Mr Bruce Potgieter's Curriculum Vitae

Crs Peulich/Staikos

That the recommendation be adopted

Carried

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13. Notices of Motion

No Notices of Motion

14. Urgent Business

No Urgent Business

15. Items in Camera

Crs Staikos/Peulich

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 confidential items

- N 79 as it relates to a contractual matter
- N 80 as it relates to a matter which Council considers would prejudice the Council or any person
- N 81 as it relates to a matter which Council considers would prejudice the Council or any person
- N 82 as it relates to a matter which Council considers would prejudice the Council or any person
- N 83 as it relates to a matter which Council considers would prejudice the Council or any person

Carried

Cr Shewan returned to the Council Chamber at 8.45pm

Cr Athanasopoulos returned to the Council Chamber at 8.45pm

The meeting was closed to members of public at 8.45pm.

Formal Motion

Crs Staikos/West

That the meeting be adjourned for 5 minutes.

The motion was **put and carried**

The meeting was adjourned at 8.45pm

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Formal Motion

Crs Staikos/Peulich

That the meeting be resumed

The motion was **put and carried**

The meeting resumed at 8.55pm

<p>Crs Staikos/Peulich</p> <p>That the meeting be opened to members of the public.</p> <p style="text-align: right;">Carried</p>
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The meeting was opened to the public at 9.59pm

There being to further business the meeting closed at 9.59pm.

Confirmed.....His Worship, The Mayor 27 June 2011