

**City of Kingston
Ordinary Council Meeting**

Minutes

26 September 2011

An Ordinary Meeting of Kingston City Council was held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 26 September 2011.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 22 August 2011
Minutes of Special Council Meeting 12 September 2011
Minutes of Special Council meeting 19 September 2011
- 3. Foreshadowed Declaration by Councillors, Officers or Contractors 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**
 - Alcohol and Gambling free zones around school, kindergartens and child care centres
 - Parking Arrangements – Shopping Strip on Nepean Highway, Mentone
- 5. Presentation of Awards**
 - Les Coleman
 - Parks and Leisure
- 6. Reports from Village Committees.....Page 5**
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time**
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**City of Kingston
Ordinary Council Meeting**

Minutes

26 September 2011

Minutes of the Ordinary Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 26 September 2011 which commenced at 7.07pm.

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

In Attendance: John Nevins, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Rachel Hornsby, General Manager Environmental Sustainability
Elaine Sowerby, General Manager Organisational Development & Governance
Sarah Bishop, Acting Manager Communications & Public Affairs
Phil De Losa, Program Leader Governance
Nicola Wright, Governance Officer
Mark Juler, Manager Parks & Depot Services
Steve Perumal, Coordinator Parks Projects & Design
Tim Bearup, Team Leader Community Engagement

1. Apologies

None.

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 22 August 2011
Minutes of Special Council Meeting 12 September 2011
Minutes of Special Council meeting 19 September 2011

Crs Staikos/Peulich

That the:

Minutes of Ordinary Council Meeting 22 August 2011
Minutes of Special Council Meeting 12 September 2011
Minutes of Special Council meeting 19 September 2011 be confirmed.

Carried

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

Cr Staikos declared an indirect financial interest in Item N 153 – Application by Mordialloc Sporting Club.

Cr Ronke declared an indirect interest due to conflicting duties in Item 159 – Fire Services Levy.

4. Petitions

Cr Dundas presented a petition from Michael and Fionnula Tate requesting the creation of alcohol and gambling free zones around schools, kindergarten and child care centres.

Crs Dundas/Peulich

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

Carried

5. Presentation of Awards

The Mayor, Cr Ron Brownlees presented a certificate to Les Coleman for his ongoing contribution to the local community for over 25 years.

Cr Staikos accepted a Certificate of Recognition from Parks and Leisure Australia for the Play Space Award for Bicentennial Park Playground for the Victoria/Tasmania Region and an Award of National Winner from Parks and Leisure Australia for Excellence in Play Space for Bicentennial Park Playground and congratulated Officers on the work they have done.

4. Petitions continued

Cr West presented a petition from Thrifty Drycleaners in Mentone requesting changes to parking time limits in Nepean Highway.

Crs West/Moloney

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

Carried

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 6 September 2011

Highlight: Jonathan Guttman's presentation on the Cheltenham Activity Centre and Structure Plan.

6.2 Mentone/Parkdale Village Committee

Chairperson – Claire Houston

Report of Meeting held on 6 September 2011

Highlight: None

6.3 Mordialloc Village Committee

Chairperson – David van Pelt

Report of Meeting held on 6 September 2011

Village Committee Motion:

The Mordialloc Village Committee requests that Council consider the purchase of the Mordialloc Masonic Lodge as a local heritage landmark and return it to community use for the people of Kingston.

Crs West/Shewan

The Village Committee be thanked for their suggestion.

Carried

Highlight: Mordialloc Masonic Hall Consideration

6.4 Chelsea/Chelsea Heights/Bonbeach Village Committee

Chairperson – John Bainbridge

Report of Meeting held on 7 September 2011

Meeting Cancelled due to lack of a Quorum

6.5 Dingley/Heatherton Village Committee

Chairperson – Anne Caprackas

Report of Meeting held on 7 September 2011

Highlight: The DVD Presentation from the Historical Society about Dingley Village

- 6.6 Moorabbin/Highett Village Committee**
Chairperson – John Atkinson
Report of Meeting held on 7 September 2011

Highlight: The Report regarding the intersection of Keys/Chesterville/Wickham Roads

- 6.7 Patterson Lakes/Carrum Village Committee**
Chairperson – Don Reed
Report of Meeting held on 7 September 2011

Highlight: Safety Concerns regarding Service Lane Access at the rear of Patterson Lakes Community Centre.

- 6.8 Aspendale /Edithvale/Aspendale Gardens/Waterways Village Committee**
Chairperson – Ken Carney
Report of Meeting held on 8 September 2011

Highlight: None

- 7. Reports from Delegates Appointed by Council to Various Organisations**
Cr Shewan reported on a recent meeting of the Metropolitan Transport Forum regarding railway stations and improving safety.

Crs Peulich/West

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 19 of the minutes).

9. Environmental Sustainability Reports

N 147 Kingston 2011 Active Youth Spaces Strategy – Draft Report

Approved by: Rachel Hornsby - General Manager Environmental Sustainability

Author: Hannah Croughan - Leisure Planner

1. Purpose

The purpose of this report is to seek Council endorsement of the draft Active Youth Spaces Strategy and commencement of a four week public comment period.

2. Council Plan

This project relates to the Council Plan as follows:

Planned Outcome 1 – Infrastructure for a Safe and Active Community

- Strategy 1.2 – Accessible and shared open spaces that promote social connectedness and active, healthy lifestyles
- Strategy 1.3 – Quality community facilities that are accessible, safe and well utilised

Planned Outcome 3 – Healthy Strong and Connected Communities

- Strategy 3.4 - Monitor and plan for the changing needs and aspirations of the community - Ensure currency of existing policies, plans and strategies to support our community to achieve a strong, healthy and active life

The Active Youth Spaces Strategy links specifically to actions within the Council Plan; it will be used as a guiding document for future provision of accessible, safe and well utilised active youth spaces in Kingston and will assist Council to address the changing leisure needs and aspirations of young residents.

3. Background

Council determined as part of its ongoing strategic leisure planning function to review the 2002 Skate and BMX Strategy and develop a 2011 Kingston Active Youth Spaces Strategy.

The change in focus for the new Strategy (and project title) to Active Youth Spaces is a direct outcome of Council's 2011 Active Leisure Plan and the 2006 Youth Leisure Needs Study which both highlighted the need for Council to provide opportunities for young people to be involved in leisure and recreation through the provision of facilities which are appealing, affordable and accessible to young people.

The strategy was 50% funded (\$27,000), by the state government via the 2010-2011 Community Facility Funding Program. Insight Leisure Planning was engaged to work with Officers to prepare the strategy.

Development of the 2011 Kingston Active Youth Spaces Strategy involved a review of existing facilities and sites; determination of the use of and demand for existing and potential new facilities; identification of opportunities to improve the management and maintenance of existing sites; and suggestions about ways that Council can further encourage skate/bmx/youth active leisure participation in Kingston.

4. Summary and Conclusion

The draft Active Youth Spaces Strategy presents recommendations based around key themes identified via the community engagement process and proposes actions that Council can pursue in order to meet stakeholders' expressed desires for *accessible, integrated and suitably challenging* spaces.

5. Consultation

As well as using more traditional methods of consultation such as workshops, surveys, interviews and public meetings, this project has included extensive use of online and social media in order to engage effectively with the key stakeholders i.e. young people.

A presentation outlining the key themes and findings emerging in the draft Active Youth Spaces Strategy, as well as site specific capital works recommendations was made to Councillors at the 8 August CIS.

It is now proposed to undertake a four week public comment period. During the public comment period, feedback will be sought from stakeholders and the community regarding the site specific recommendations and the proposed strategies for addressing the identified issues. The online forum will be re-opened for the four week period to record comments and feedback; copies of the draft strategy and public comment forms will also be made available in Customer Service Centres, public libraries and key local skate/bmx retail outlets.

6. Issues

The draft 2011 Active Youth Spaces Strategy (Attachment 3) suggests that the quantity and distribution of existing facilities within Kingston is adequate and as such does not recommend the creation of any new sites over the course of the coming ten years (2012-2022). It does however recommend that the quality of our existing sites be enhanced in order to meet current and future demand and that this be guided by the application of a hierarchy of site classifications (Regional, District, Local). Council currently adopts this method of classification for its open space and playgrounds.

The draft strategy identifies the following as key values held by the community and stakeholders, for the future provision of such spaces:

- **Hierarchy and distribution of facilities** – Apply a hierarchy of site classifications to existing spaces to guide long-term enhancement of the spaces (Regional, District, Local)
- **Specialist BMX facility** – at present Kingston does not provide a specialist BMX facility and none of our existing spaces are designed *specifically* to cater to bmx users. It is suggested that there is latent demand within the South Metro region for a specialist BMX facility and that

Kingston could pursue an investigation in to this to establish its validity (as well as further clarifying true local demand and facility needs).

- **Improve existing spaces to become ‘active, community gathering spaces’** - Consistent with the indicative infrastructure requirements for each venue hierarchy proposed (Regional, District, Local), proactively enhance existing sites to improve their capacity to function as community gathering spaces and active youth precincts i.e. increase seating, provide suitable access such as concrete paths, install public art and items of cultural expression.
- **Provision for diversity of ages and skill levels** - Ensure facility designs provide adequate consideration of spaces/facility components that cater for a variety of skill levels and ages (consistent with the hierarchy guidelines)
- **Graffiti management** - Graffiti and tagging should be removed from skate, BMX and active youth spaces at the earliest opportunities (ideally within 48 hours).
- **Improve maintenance** - Establish dedicated Asset Management Plans for skate, BMX and active youth space facilities and supporting infrastructure. Establish appropriate programs for inspection and rectification of minor maintenance and risk issues at each facility.
- **Risk management** – Recognise that part of the appeal of active youth spaces is that there are elements of ‘risk’ involved in the activities which take place within them, however adequately ‘educate’ users about the inherent risks. Suggest erection of signage at all sites as a minimum.
- **Lighting** – Consider provision of ‘timed’ lighting at Council’s regional active youth spaces (in winter only) to allow for increased hours of use.
- **Encouraging participation and use of facilities** – actively promote and program existing spaces, in partnership with local retailers, service providers and industry representatives.

The draft Strategy also makes site specific recommendations for Kingston’s 6 existing active youth spaces. These are intended as *key design considerations* only; any capital works at these sites will be the subject of a separate design and consultation process ahead of any works being undertaken.

The indicative cost to implement all Strategy recommendations including site specific capital works improvements is as follows:

- Short Term = 0-3 years from adoption \$537,500
- Medium Term = 4-6 years \$597,500
- Long Term = 6-10+ years \$180,000

Funding for implementation of the Strategy will be sought via Council’s capital works program over a ten year period. The Strategy is intended to provide guidance to Council about strategic investment in active spaces for young people and if subscribed to, will allow all works to be programmed according to identified needs and asset renewal/replacement timeframes. Additional funds from grants, developer contributions and other external sources/partners will allow Council to complete a greater number of projects and the adopted Strategy will strengthen and support any such efforts to obtain external funding.

The ten year total amounts to \$1,295,000 broken down into \$150,000 in operational funding recommendations with the balance (\$1,145,000) for capital funding consideration. It should be noted that a number of the recommendations will have financial implications for Council that are not able to be precisely quantified at this stage; informed estimates have been provided pending further investigation, design and/or service review.

7. Triple Bottom Line Checklist

- **Environmental** - No significant environmental impact will result via a four week public comment period. Implementation of the adopted Strategy can have a positive environmental effect through amenity and landscaping improvements.

- **Social** - Positive social outcomes have already been attained via this project including a consultation process which meaningfully engaged the community and involved them in the planning of active youth spaces. Additionally, planning such spaces to be consistent with existing and forecast needs will ensure that the community's ability to gain the social, health and wellbeing benefits associated with being physically active and interacting with others is improved.

- **Financial** – There are no financial implications associated with this report. Costs associated with the consultation period are provided for in Sport and Recreation's 2011/2012 operational budget.

8. Recommendation

That Council exhibit for public consultation the draft Active Youth Spaces Strategy .

Attachments:

- Attachment 1 – Draft 2011 Active Youth Spaces Strategy
- Attachment 2 – Volume 2 Reference Documents
- Attachment 3 – Map of existing facilities
- Attachment 4 – Consultation Plan

Crs Peulich/Staikos

That the recommendation be adopted.

Carried

N 148

**Contract No. 11/85
Frank Avenue, Clayton South - Road Reconstructions – Tender Report**

Approved by: Rachel Hornsby – General Manager Environmental Sustainability

Author: Brian Trower – Team Leader Roads & Drains

1. Purpose

This report seeks Council's approval to accept tenders for Contract No. 11/85– Frank Avenue, Clayton South – Road Reconstruction. It is proposed that Presta & Sons Pty Ltd be accepted as the preferred tenderer for this contract based on their submitted tender of \$973,000.00

2. Council Plan

2.1. Sustaining Kingston's Assets

2.1.1. Implement Kingston's Asset Management program including:

- Identify & undertake priority works

3. Background

The sections of road covered by this contract have been identified for replacement as part of council's standard road condition survey. The existing guttering and road surface has reached the end of its' expected life and is due for replacement to maintain a satisfactory road for local residents. Whilst rebuilding the road, council is taking the opportunity to improve the underground drainage system along Frank Avenue (from Newport Road to Centre Road). See project information Appendix 1.

4. Brief Description of the Work under the Contract

The works involved in this contract includes the reconstruction of Frank Avenue (from Newport Road to Centre Road). Items covered as part of this contract include:

- Replacement of all concrete kerbs on both sides of the road.
- Replacement of all concrete vehicle crossings.
- Replacement of the footpath on both sides
- Asphalt resurfacing of the road
- Upgrading of street drainage.

5. Tenders Received

Tenders were advertised in The Age on Saturday 30 July 2011 and closed at 2.00pm on Thursday 18 August 2011. Four (4) tenders were received, details of which are set out in the *Confidential Attachment*.

6. Project Funding

This project will be funded from Council's 2011/12 Capital Works Budget.

7. Evaluation Panel

The tenders were assessed by:

Tony Pell – Senior Construction Engineer,
Emad Nashed – Construction Engineer

8. Summary and Conclusion

The Evaluation Panel has ranked Presta & Sons Pty Ltd highly for this contract. The panel believes that Presta & Sons Pty Ltd have demonstrated their ability via their tender submission and previous works undertaken for Kingston City Council, to provide the best overall value for the construction of Contract No 11/85 – Frank Avenue, Clayton South – Road Reconstruction.

9. Triple Bottom Line Checklist

- **Environmental Impact** - Environmental impacts during construction of these works will be minimised due to measures put in place for controlling stormwater runoff quality, including silt barriers and straw bales. The final outcome of the works will alleviate a significant drainage/flooding issue in the area.
- **Social Impact** - There will be inconveniences during the works which are typical of a large road reconstruction contract such as this one. A Special Clauses document was prepared as part of the contract package, which outlines a number of requirements set out by Council to stage the works and minimise community disruption as much as possible.
- **Budget/Financial Impact** - For the subject contract the preferred tenderer represents the best outcome to Council in terms of value for money and level of risk. The submitted price from the preferred contractor is below the Design Engineer's estimate.

10. Recommendation

That Council award Contract No. 11/85 – Frank Avenue, Clayton South – Road Reconstruction – on a Lump Sum basis to Presta & Sons Pty Ltd for the tendered price of \$973,000.00.

Attachments:

Appendix 1 – Project Information


Confidential Attachment – Scoring Matrix for all submissions

Crs Peulich/Dundas

That Council:


1. Award Contract No. 11/85 – Frank Avenue, Clayton South – Road Reconstruction – on a Lump Sum basis to Presta & Sons Pty Ltd for the tendered price of \$973,000.00, and
2. That a report come to a CIS meeting reviewing the grading of roads, drains, footpaths and the like for Council's consideration.

Carried



CITY OF KINGSTON

Review of Prasta & Sons P/L OHS Management System documentation

Issue	Comment	Recommendation	Person/s Responsible for action	Evidence Satisfactory (Yes / No)	Signature of OHS Coordinator	Date
General comments	The company has provided a Certificate of Certification for the period 25/08/2010 - 28/08/2011 certifying the company's Occupational Health & Safety Management System meets the requirements of the Civil Contractors Federation Construction Management Code. Certification is the Civil Contractors Federation Construction Management Code provides evidence that the contractor has in place an OHS management system that satisfies the requirements set out in council's Contractor OHS Management Policy.	Certification Issued	Contractor	Yes		08/10/2010

Certification

I have reviewed the Occupational Health & Safety documentation provided by the recommended tenderer and certify that to the best of my knowledge it satisfies Council's statutory occupational health and safety obligations

Name: Mel Boongaard,  Date: 08/10/2010

N149 Update Draft Mordialloc Creek Masterplan

Approved by: Rachel Hornsby – General Manager Environmental Sustainability

Author: Jonathan Guttman – Manager City Strategy

1. Purpose

To obtain agreement from Council to place the draft Mordialloc Creek Masterplan on exhibition for public consultation.

2. Council Plan

Planned Outcome 2, A Sustainable Environment, lists as Strategic Action 2.3.2 to *progress implementation of the Mordialloc Creek Master Plan*'. This report seeks to further progress 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.

Council subsequently engaged a landscape-based consultancy Taylor Cullity Lethlean (TCL) to prepare the Masterplan for areas which include Peter Scullin Reserve, Hazel Pierce 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)

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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. 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 including suggested revisions arising from a meeting of the Foreshore Sub Committee.

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.

A commitment to dredging the Mordialloc Creek has now been provided by the State Government and works have commenced. Resolution of this significant community issue will assist to provide a basis for refocussing on the exhibition of the draft Masterplan.

Foreshore Sub Committee Meeting

The following representatives of the Foreshore Sub Committee met on Tuesday 19 July 2011 and modifications have been made to the Draft Masterplan including a reduction in emphasis on changes in the short term to the Peter Scullin Reserve.

4. Summary and Conclusion

This report provides a summary on the work undertaken to develop a draft Masterplan for the predominantly public open space areas adjacent to the Mordialloc Creek. The draft Masterplan was prepared following the preliminary community consultation. A consultation strategy for exhibiting the draft Masterplan has also been prepared. The draft Masterplan brings together a number of potential ideas over the 30 year life of the plan.

A decision is sought from Council to exhibit the draft Masterplan over the coming weeks. Feedback from the community consultation will be provided to Councillors for their consideration in finalising the masterplan.

5. Consultation

The following process of consultation is recommended in relation to the draft Masterplan and background report.

Exhibiting the Mordialloc Creek Draft Masterplan and supporting Background Report for a period commencing Monday 3rd October to Friday 11th November and:

- 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 relevant 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 October 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 on a one on one basis regarding the project.
- 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 where members of the community will be able to view the draft Masterplan between 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 environs which provides direction to Council on projects to be delivered over the coming 30 years is an important strategic initiative. The draft plan provides direction 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 on the ideas in the Draft Plan.

7. Recommendation

1. That the draft Mordialloc Creek Masterplan be placed on public exhibition from 3 October 2011 to 11 November 2011.
2. 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.

Attachments:

1. *Copy of Draft Mordialloc Creek Masterplan*
2. *Copy of the Draft Mordialloc Creek Masterplan Background*

Cr Athanasopoulos left the Chamber at 7.47pm

Cr Athanasopoulos returned to the Chamber at 7.49pm

Crs Staikos/Dundas

That the recommendation be adopted.

Amendment

Crs West/Shewan that the recommendation be adopted subject to:

- 1.1 A second choice of location for the district playground being provided.
- 1.2 Remove the new bridge across the creek from Hazel Pierce Reserve
- 1.3 Remove the palm trees from Beach Road

Cr West requested that each part of the amendment be put separately

- 1.1 A second choice of location for the district playground being provided.

The **Motion** was put and **Lost**

- 1.2 Remove the new bridge across the creek from Hazel Pierce Reserve

The **Motion** was put and **Lost**

- 1.3 Remove the palm trees from Beach Road

The **Motion** was put and **Carried**

Crs Staikos/Dundas

1. That the draft Mordialloc Creek Masterplan be placed on public exhibition from 3 October 2011 to 11 November 2011, subject to removal of the palm trees from Beach Road.
2. 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.

Carried

8. Question Time

Jason den Hollander of Bicycle Network Victoria asked:

“With Bayside City Council proceeding to construct the Bay Trail down to Charman adjacent to the road kerb how do Council Officers intend to link the Promenade options up to the Bayside section given the vast elevation difference without extreme cost blowouts and large vegetation loss beyond what is captured in this report?”

Response by CEO John Nevins:

“This issue is one of the considerations Council will have option of addressing in Item N 150 on tonight’s agenda.”

Jason den Hollander of Bicycle Network Victoria asked:

“Given that the Bay Trail in Port Phillip, Bayside and Frankston is a sealed path and Kingston’s own report stating cost-of-life and risk issues inherent with Granitic Sand paths when will Kingston Council seal sections 1A and 1B which were built in 2008?”

Response by CEO John Nevins:

“Council has no current plan to seal these sections.”

Jason den Hollander of Bicycle Network Victoria asked:

“Which standard did the ‘two independent traffic consultants’ refer to when recommending the path be “5 metres wide if speed of the trail users is to exceed 20km/h” given that AustRoads guidelines state that ‘typical path user speed is 20-30km/h’”

Response by CEO John Nevins:

“A written response will be provided on this point.”

N 150 **Kingston Bay Trail Report**

Approved by: Rachel Hornsby – General Manager Environmental Sustainability

Author: Jonathan Guttman – Manager City Strategy

1. Purpose

To obtain a decision from Council on how it wishes to proceed with the Kingston Bay Trail project.

2. Council Plan

The Council Plan 2009-2013 seeks to provide “Accessible and shared open spaces that promote social connectedness and active, healthy lifestyles” (Strategy 1.2). There is also a commitment to “Complete the Bay Trail community consultation on alignment of remaining sections” (Action 1.2.3).

3. Executive Summary

In 2002 the State Government released *Linking People and Spaces*, an open space strategy that included plans for a 1200km Melbourne-wide trail network. The Bay Trail is the part of that network that stretches from Altona Meadows to the City of Kingston largely following the coastline of Port Phillip Bay. The Kingston Bay Trail will form an important link in the Bay Trail. Stages 1a and 1b of the Kingston Bay Trail were completed in February 2008.

It is proposed that the Kingston Bay Trail is a shared path. The general purpose of a shared path is to offer cyclists, pedestrians and other users a facility that does not involve the safety risks and atmosphere of sharing a road with motor vehicles.

The City of Kingston currently has some funding from Parks Victoria for the construction of the Bay Trail. That funding would enable part of the Kingston Bay Trail to be constructed. Once a decision is made about if and where the Kingston Bay Trail should go further funding can be sought, the necessary design work can be started, permits can be obtained, and construction can continue.

At an Ordinary Council Meeting in November 2010, Council resolved:

“That designs for four bay trail alignments between the Parkdale Yacht Club and Charman Road, as set out in this report, be prepared and presented to Council for consideration.”

In preparing the alignment options for the Kingston Bay Trail officers have considered the following key principles:

- the purpose of the Bay Trail
- the amenity for users of the trail
- impact on vegetation
- risk and liability (including standards and requirements for construction)
- traffic safety and parking
- whole-of-life cost of infrastructure and maximum benefit

All of the alignment options have advantages and disadvantages. Often in developing options for a project, the initial scoping work will show that one option is clearly more advantageous than the others. That hasn't been the case in this instance. Each of the alignments has one or more sections that have greater disadvantages than an alternative alignment for that same section.

Rather than having to choose all of one alignment or all of another it is possible that, for each section, an alignment could be selected that would minimise the disadvantages and maximise the advantages at that point.

In determining how to move forward with the project it is appropriate for the Council to consider the time it would take to obtain the relevant approvals before construction would begin. This is particularly important as, depending on the legislative requirements, construction may not be able to start until the next Council term. There will also be a period of approximately one month in 2012 (September / October) when Council will be in care-taker mode when no significant decisions can be resolved at a Council meeting. It is likely that making a resolution on the preferred alignment of the Bay Trail would be considered a significant decision.

There are some sections of the Kingston Bay Trail that could proceed more quickly than others as a planning permit would not be required. The Council may wish to progress one of these sections while it undertakes further consultation with the community and/or seeks feedback from the relevant ministers.

4. Background

In 2002 the State Government released *Linking People and Spaces*, an open space strategy that included plans for a 1200km Melbourne-wide trail network. That network is known as the MetroTrail Network. The Bay Trail is the part of that network that stretches from Altona Meadows to the City of Kingston largely following the coastline of Port Phillip Bay. The State Government has provided funding to municipalities towards the construction of the Bay Trail. That funding has been taken up to differing degrees related to the amount of completed works. Some municipalities have completed their section of the Bay Trail (e.g. City of Port Phillip) and others still in progress (e.g. Bayside and Kingston).

The Kingston Bay Trail will form an important link in the Bay Trail. Stages 1a and 1b of the Kingston Bay Trail were completed in February 2008. Those sections are approximately 850m along the Mordialloc foreshore and were completed using granitic sand.

It is proposed that the Kingston Bay Trail is a shared use path. The general purpose of a shared path is to offer cyclists, pedestrians and other users a facility that does not involve the safety risks and atmosphere of sharing a road with motor vehicles. This approach and description of a shared-use trail is set out in the Kingston Cycling and Walking Plan 2009–2013. The Kingston Bay Trail project is heavily referenced through the Kingston Cycling and Walking Plan as a key component of the cycling and pedestrian network in Kingston.

The City of Kingston currently has some funding from Parks Victoria for the construction of the Bay Trail. That funding would enable part of the Kingston Bay Trail to be constructed. Once a decision is made about if and where the Kingston Bay Trail should go further funding can be sought, the necessary design work can be started, permits can be obtained, and construction can continue.

4.1 Existing Council resolutions

At the Ordinary Council Meeting in November 2010, Council resolved:

“That designs for four bay trail alignments between the Parkdale Yacht Club and Charman Road, as set out in this report, be prepared and presented to Council for consideration.”

The alignments were:

- an alignment that follows the existing promenade. For the purposes of this report a full upgrade or using the existing infrastructure is discussed
- a cliff-top alignment
- a back-of-kerb alignment with no narrowing on the Beach Road Pavement; and
- a back-of-kerb alignment that is based on reducing the Beach Road pavement width.

Officers prepared a briefing paper for a Councillor Information Session. Feedback at that information session was that Councillors were not in a position to consider the report at an Ordinary Council Meeting at that time.

At the Ordinary Council Meeting on 22nd June, 2011 a Notice of Motion was carried:

‘That consideration of the Bay Trail be referred to the next meeting of the Foreshore Sub-Committee.’

The Foreshore Sub-Committee met on Thursday 28th July, 2011. The Sub-Committee considered the pros and cons of the four alignments. They agreed that a report outlining the four alignment options should be presented for consideration by the Council. There was also some discussion on whether it would be preferable to consider a combined alignment that is to implement one alignment option in one section of the trail and another alignment option for another section of the trail.

5. Discussion

5.1 Key considerations

In preparing the alignment options for the Kingston Bay Trail officers have considered the following key principles:

- the purpose of the Bay Trail
- the amenity for users of the trail
- impact on vegetation
- risk and liability (including standards and requirements for construction)
- traffic safety and parking
- whole-of-life cost of infrastructure and maximum benefit

These key principles are discussed below. How these aspects relate to each alignment option is discussed later in this paper and is summarised in a table in Appendix 1.

In moving forward with the project there will also need to be consideration of the permit and consent requirements and how this may determine the timing of works. This is also discussed later in the paper.

5.1.1 Purpose of the Kingston Bay Trail

The purpose of the Kingston Bay Trail is to provide a recreational shared-use trail linking Mentone to Mordialloc and as part of the Metropolitan Bay Trail. As a shared-use trail we expect to see pedestrians, people with prams, mobility scooters, recreational cyclists, joggers, and possibly even in-line skaters using the trail. The trail may be used by some people to commute from home to work but the majority of users would be people visiting the foreshore and the trail for the recreational opportunities they provide.

There is a high level of use of Beach Road by cyclists, particularly on the weekends. It is not expected that the construction of the Kingston Bay Trail would reduce the use of Beach Road by these cyclists as they are looking for opportunities to train or exercise rather than recreate. It is important that the Bay Trail is designed and located so that it provides an opportunity for the wide variety of expected users rather than just focusing on cyclists, or just on pedestrians.

Trail user data obtained from Bayside Council indicates that, over a period of eight (8) days from 4 March 2008 – 11 March 2008, in the vicinity of Bay Street, Brighton 17,318 pedestrians and cyclists used the Bay Trail. The average number of Trail users on a weekday was 1782 and 3064 on a weekend day.

5.1.2 Amenity for users of the trail

The Kingston Bay Trail will provide a wonderful opportunity for people to discover and explore the Kingston coast. Consideration needs to be given to the experience of users of the trail – how will the trail provide a better or different experience than the current infrastructure?

There are existing opportunities to move along Beach Road and to access the beach – the footpath on the landward side of Beach Road, the road itself, ‘goat tracks’ through the foreshore, car parks on the foreshore, and existing paths or steps to the beach. For the Bay Trail to be a worthwhile to Kingston, it would seem appropriate that the investment of public funds (through rates or taxes) be made in a project that provides something more or different to the current situation. As such the amenity for users is a key consideration in determining how and where to proceed with the trail.

Given the recreational nature of the trail and the foreshore location, we can expect that a trail that has a strong relationship with the water and provides good views of the foreshore will provide the highest levels of amenity for users. The presence of informal ‘goat tracks’ and existing use of the promenade by pedestrians would seem to support this idea. Other considerations relevant to the amenity for trail users is the level of vehicular noise, opportunities for people with limited mobility to get to the trail (including accessible parking), viewing opportunities, and a diversity of experiences along the trail.

5.1.3 Impact on vegetation

The existing coastal vegetation is an important ecological resource and also contributes to the amenity of the Kingston foreshore. Minimising the impact on vegetation and looking for opportunities to mitigate any vegetation removal is an important consideration.

Council engaged Biosis Research throughout the development of the four alignment options for the Kingston Bay Trail. Their report, *Kingston Bay Trail Assessment of Options – June 2011*, analysed the alignment options identified in the November 2010 resolution of Council. Biosis concluded that the habitat hectare loss varies only marginally between the four alignment options (habitat hectare loss is a measure that takes into account the amount and significance of vegetation loss). It is encouraging to see that any one of the options can be implemented without significant impact on

native vegetation. The Biosis Report is a valuable piece of work as it identifies where the most significant vegetation is, which may help determine which alignment option is most appropriate for those sections of the trail. The report is attached.

5.1.4 Traffic safety and parking

A new shared trail has the potential to reduce some existing traffic concerns in relation to cyclist/vehicle interactions and pedestrian/vehicle interactions. However, depending on the design, there is also a potential to exacerbate existing and/or create new problems.

To ensure the safety of trail users and road users, a new trail should provide:

- good separation between trail users and road users
- separation and controls between trail users and vehicles entering/exiting car parks
- appropriate opportunities for people to access the trail (e.g. at existing or new pedestrian crossing points across Beach Road)
- appropriate widths, grades, and surfaces to allow for the expected variety of users.

As part of these considerations it is also important to look at road safety implications resulting from the construction of a trail. A reduced road space and/or the loss of the existing gravel verge for parking would impact on the available space for road users (vehicles and cyclists) and could impact on their safety.

Given the vulnerability of cyclists to moving vehicular traffic or inadvertent car door openings, and the high level of use by cyclists on Beach Road it is particularly prudent to consider the impact on road cyclists. Organisations such as Bicycle Victoria and the Amy Gillett Foundation will be able to provide useful feedback to VicRoads and Council about the likely impacts and requirements for cyclists along Beach Road.

Depending on the location of the trail there may be the potential for conflicts (accidents) between trail users and people exiting stationary vehicles to access the foreshore.

Demand during summer peak periods for foreshore parking is high particularly around key facility / foreshore activity nodes. A reduction in car parking on Beach Road would displace vehicles into surrounding residential areas during these periods.

5.1.5 Risk and liability

Potential risk and liability is a consideration for any public project. It is prudent that the trail is constructed to meet the relevant codes and standards, not only from a risk point of view but in order to be able to secure State or Federal government funding.

Advice from two independent traffic engineering consultants is that the trail should be built to Austroads Guidelines and Australian Standards. In particular the advice is that:

- Back-of-Kerb alignments should be at least 4.5 metres wide (1 metre clearance from Beach Road, 3 metre wide path, 0.5 metre clearance on foreshore side of path); or 5 metres wide if speed of the trail users is to exceed 20km/ph;
- Cliff-Top alignment should be total of 4 metres wide (3 metres wide path, 0.5 metre clearance on each side of path); and
- The Promenade would need to be widened to allow for shared use and passing.

The relevant standards are Austroads Part 14 [Bicycles] s6.3 Path Design Criteria for Bicycles and s6.6.61 Shared Use Paths where recreational path widths are recommended at 3.5m and the clear is 0.5m (absolute minimum) each side. Additional Austroads, Part 13 [Pedestrians] and AS1428 defines maximum longitudinal gradient at 1:33 for pedestrians and recreational cyclists. A table listing the relevant standards is provided in Appendix 2.

5.1.6 Whole-of-life cost of infrastructure and maximum benefit

Installing a significant piece of infrastructure brings with it considerable costs. The cost of a project needs to be considered in terms of the initial cost plus the ongoing cost of maintenance and renewal – the whole-of-life cost.

Generally when it comes to a shared-use recreational trail:

- creating or upgrading a trail and access points is cheaper where there is less of a height difference between sections of the trail because less engineering works are required to achieve the necessary path grades
- lower-cost trail surface options need more maintenance to ensure their ongoing quality and usability

At this stage the Council is discussing alignment options, rather than the specific surface of any trail to be created but it is still worth keeping considerations regarding the surface in mind. Appendix 3 provides a more detailed discussion on the whole-of-life costs for granitic sand and for concrete. In the short to medium term a granitic sand trail is less expensive but when considered over a period of more than 16 years the cost of concrete paths is less expensive. Bayside Council has adopted a concrete or asphalt surface for all of its constructed Trail and, more recently, Port Phillip Council has used a combination of asphalt and concrete. Frankston City Council has previously advised that exposed aggregate (a form of concrete/pebble mix) is its preference for an appropriate surface material.

Some of the alignment options include upgrading access down to the beach. These options will be more expensive than options that do not include upgraded beach access as they will require some engineering works. Upgrading existing access points rather than creating new access points can help to minimise that cost.

Some access points also provide greater benefit than simply allowing people to get down to the beach. They can provide accessible parking, a node for activity and gathering, and a place to view the foreshore. Using these particular access points creates a benefit greater than just that offered by building a shared-use trail. Particularly in the steeper Mentone end of the Kingston foreshore a key opportunity exists to build a ramp at a grade that is usable for older or disabled members of the community to more easily access the foreshore. Creating an improved path adjacent to an existing significant supply of foreshore car parking at the car park between Kitchener Street and Naples Road provides opportunities for substantially enhanced year round access to the foreshore.

This “maximum benefit” consideration is particularly important when looking at some of the options that require greater initial outlay. Another example is, upgrading the existing promenade to provide adequate and ongoing protection from storm surges to give a specific infrastructure benefit. Including provision for people to use those protection works as a shared-use path maximises the benefit of that infrastructure. It is worthwhile viewing the additional benefits that each alignment option provides when looking at the whole-of-life cost of the infrastructure.

5.2 Alignment options

The following section discusses the four alignment options set out in the Council resolution of November 2010 considered against the key issues outlined above. Following discussion at a Councillor Information session, Option 4 has been separated into two options. A summary table is provided in Appendix 1.

Option 1 - Back-of-kerb with the narrowing Beach Road

This option runs adjacent to Beach Road. It involves narrowing the available bitumen space on Beach Road, whilst retaining four (4) potential lanes for traffic. Beach Road currently varies in width, but is generally wider than the 13.4 metre maximum overall width proposed in this alignment option. The proposal would involve re-line marking Beach Road so that each of the outer lanes would (generally) be 3.7 metres wide (including kerb tray) and each of the inner lanes would be 3.0 metres wide.

The Kingston Bay Trail would then be constructed at the back-of-kerb on the seaward side of the road. A separation of 1 metre would be created between the trail and the road and be likely visually separated from the roadway with low plantings of indigenous grasses and low shrubs. The shared use path would be 3 metres wide which is sufficient for regular recreational use with a maximum bicycle speed of about 20km/h. A separation of approximately 0.5 metres is also required between obstacles, such as vegetation and structures on the beach.

The advantage of Option 1 is that it is relatively easy to construct. As it does not require upgrading of access points to the beach there are some cost savings. It also provides for a good level of passive surveillance of the trail and trail users. The disadvantage of Option 1 is that it removes approximately 35 parking spaces on Beach Road and does not provide a high level of amenity for trail users with the potential for conflicts between trail users and road users. Narrowing the lane widths on Beach Road will also impact on the available road cycling space.

Option 2 - Back-of-kerb retaining the current width of Beach Road

This alignment also runs adjacent to Beach Road on the seaward side. It differs from Option 1 outlined above in that it does not involve narrowing Beach Road to accommodate the Trail. The existing gravel road verge would be replaced by the trail.

The advantage of Option 2 is that it is relatively easy to construct. As it does not require upgrading of access points to the beach there are some cost savings. Another advantage is that there is not a reduction in the road width which may mean less impact on road traffic. The disadvantage of Option 2 is that it also removes approximately 35 parking spaces on Beach Road and does not provide a high level of amenity for trail users with the potential for conflicts between trail users and road users.

Option 3 – Cliff top

This alignment option generally utilises the informal 'goat tracks' along the cliff-top. However, there are points where it meanders up towards Beach Road and follows a 'back-of-kerb' alignment.

The advantage of Option 3 is that there would be minimal impact on available parking on Beach Road and on road users. This option also provides a good level of amenity for trail users enabling them to view and experience the foreshore. The disadvantage of Option 3 is there will be some areas where there are reduced sightlines for trail users.

Option 4a – Upgraded Promenade Option

This alignment runs along an upgraded Promenade. A back-of-kerb or cliff-top alignment (or a combination of the two) would run from Charman Road to the northern side of the Mentone Life Saving Club where the Trail would then descend to meet the existing promenade. This option relies on the progressive upgrade of the promenade.

The existing promenade is approximately 80 years old. The promenade is generally 2.3–2.5 metres wide and is physically constrained in some locations due to the vertical walls (cliff or a drop) which constrains passing opportunities that are otherwise available on an open path. There are also a number of pinch points which provide an effective width of only about 1.50 metres which would need to be addressed. The surface of the promenade is currently not suited to bicycle traffic and additional treatment at a cost may need to be made for interim use by cyclists. This means the existing promenade is not able to effectively cater for both pedestrians and cyclists of all ages and levels of mobility during periods of peak demand.

It would be possible to upgrade the promenade to meet the required standards if that work were to happen as part of a wider programme of coastal protection works. Considering existing and projected user demand as well as necessary mitigation against storm surges may mean the works become less cost prohibitive over the whole-of-life.

The advantage of Option 4a is that it provides a high level of amenity for users of the trail and has the second least impact on the significant vegetation (identified in the analysis by Biosis.) It also has minimal impact on parking and on road users. It provides an opportunity to upgrade the access to the beach at Mentone so that it complies with the Disability Discrimination Act. While the costs are higher, Option 4 provides the opportunity to seek funding from Federal and State Government to assist in mitigation against storm surges giving a potential additional source funding for the works.

The disadvantage of Option 4a is that it is the most expensive. It would also take longer to fully implement this option as it would rely on the upgrading of the promenade.

Option 4b – Existing Promenade (Limited Upgrade)

This alignment use existing Promenade and beach paths. Where there is no existing promenade the Trail would follow existing ‘goat tracks’ or paths. Specifically, the Bay Trail would follow the existing ‘goat track’ between Charman Road and Mundy Street carpark. It would then follow the existing access point at Mundy Street carpark down to the beach and along the existing beach path/promenade to Parkdale Yacht Club. At that point it would follow the access point up to the cliff top to join the existing Bay Trail built in 2008.

Under this option any upgrade to the Promenade could be limited to the places where it is particularly narrow. This would be at the pinch points which provide an effective width of only about 1.50 metres. The surface of the promenade is currently not well suited to bicycle traffic and some additional treatment may need to be made for interim use by cyclists. There would be some cost associated with this.

If Option 4b were pursued the Council would generally be relying on existing infrastructure and access points. This would essentially provide for the existing situation with some minor upgrades to width of the promenade at key points.

Progressively Council could upgrade the remaining parts of the promenade to meet the required standards as part of a wider programme of coastal protection works as identified in Option 4a.

The advantage of Option 4b is that it relies on existing infrastructure and access points. This reduces the cost. It has the least impact on the significant vegetation. It also has minimal impact on parking and on road users.

The disadvantage of Option 4b is that it does not provide a trail which provides compliant access to the Promenade or sufficient width along sections of the Promenade.

Summary of options

The table in Appendix 1 shows that all of the alignment options have advantages and disadvantages. Often in developing options for a project, the initial scoping work will show that one option is clearly more advantageous than the others. That hasn't been the case in this instance. Each of the alignments has one or more sections that have greater disadvantages than an alternative alignment for that same section.

Rather than having to choose all of one alignment or all of another it is possible that, for each section, an alignment could be selected that would minimise the disadvantages and maximise the advantages at that point.

5.3 Cost and funding

The cost estimates of the four alignment options are:

- Option 1 Roadside Narrowing - \$2,329,804
- Option 2 Roadside - \$2,374,804
- Option 3 Cliff-top - \$1,700,499 (based on granitic sand)
- Option 4a Upgraded Promenade - \$7,648,157
- Option 4b Existing Promenade (Limited upgrade) – \$1,016,480

These costs represent un-tendered prices and are based on engineering and quantity surveying estimates. It is not until sections of the alignment are tendered that definitive project costs will be established. Greater detail (including specific on-the-ground location of the trail) would be determined through the design process, tendering, and construction once an alignment (or combination of alignments) is decided.

Funding

Given the significant nature of the Metropolitan Bay Trail Project, Council is able to seek funding assistance for the implementation of the project through the Metropolitan Trail Network Grants program administered by Parks Victoria. Council has recently been notified by Parks Victoria that the following previously committed amounts have been carried over into the present financial year:

- \$60,000 for Planning and Design for Parkers Road to Charman Road.
- \$272,727 for construction between Charman Road and Mordialloc Creek.

In addition, Council's current Capital Works program has an allocation of \$400,000 for this financial year as well as an additional \$200,000 for the coming financial years to year 2015/16.

While Option 4a which involves a full upgrade to the Promenade comes at the highest initial cost it is worth noting that the promenade has remained largely unchanged for 80+ years. When viewed

against the necessity for Kingston to consider an infrastructure response to foreshore damage associated with higher frequency storm surges, and that a modified the Promenade would likely have an 80+ year life span, the required capital investment could be amortised over an extended time horizon to appropriately apportion the capital construction costs. In addition it is likely that opportunities to secure State or Federal Government funding for capital works projects to protect urban coastal environs will become increasingly available.

5.3 Approvals required and impacts on timing

In determining how to move forward with the project the Council may wish to consider the time it would take to obtain the relevant approvals before construction would begin. This is particularly important as, depending on the legislative requirements, construction may not be able to start until the next Council term. There will also be a period of approximately one month in 2012 (September and/or October) when Council will be in care-taker mode when no significant decisions can be resolved at a Council meeting. It is likely that making a resolution on the preferred alignment of the Bay Trail would be considered a significant decision.

Feedback from Ministers

Before applying for permits/consents it may be appropriate to seek the views of the relevant Ministers – Minister for Roads, and Minister for the Environment. This may enable Council to gain the Ministers' views on one or more alignment options before the Council resolves on a preferred alignment. It would be reasonable to expect that this feedback to take approximately three months although it is possible that the Ministers would provide only general feedback being conscious that the Kingston Bay Trail is a local decision. Seeking feedback from Ministers could run concurrently with community consultation (see point below) but it may be better to wait until the Council has received feedback from the community.

Community consultation

There has already been some community consultation on the Bay Trail. The Council may decide that further community consultation would provide a clearer picture of which alignment (or combination of alignments) is worth pursuing to the point of consent/permit application. Undertaking community consultation would complete Action 1.2.3 of the current Council Plan and could be expected to take about 3 months. It would be ideal to undertake the consultation over part of the summer months when there is the greatest use of the foreshore.

Coastal Management Act consent

To construct the Kingston Bay Trail, for any options, Council will require approval from the Department of Sustainability and Environment (DSE) through a consent under the Coastal Management Act. DSE has indicated that as part of the application for Coastal Management Act consent, Council would be required to demonstrate that it has considered a series of options for the trail. There has been sufficient analysis of options to date to satisfy the DSE that a series of alignment options has been considered before a consent application was made.

It would take 2-3 months to obtain Coastal Management Act consent from the DSE once a preferred alignment was selected and an application prepared.

Road consent

If Council were to pursue an alignment option that was located on the Beach Road road reserve, it would be required to obtain the formal consent from VicRoads as the relevant road authority. It is envisaged that this process would likely take between 4 and 6 months as Council would also need to submit detailed designs and a road safety audit by an independent third party auditor.

Planning Permit application

Any alignment where part of the proposed trail requires the removal of native vegetation will require a Planning Permit. It is likely that the Planning Permit application would be advertised and could draw objections, irrespective of which alignment option is applied for. It could, conceivably take Council twelve months to obtain a Planning Permit if the matter were referred to the VCAT for determination.

However, Council could decide to construct section(s) of the Bay Trail that do not involve the removal of native vegetation as was the case for Stages 1a and 1b. This would mean that a Planning Permit would not be required and other approvals could be put in place in 2-3 months (community consultation and feedback from Ministers aside).

6. Conclusion

The Bay Trail will be a significant recreational asset for the City of Kingston and is expected to be used by pedestrians, recreational cyclists, people with prams, people with limited mobility and more. Five alignment options have been analysed in terms of key matters for consideration. Each alignment option has advantages and disadvantages. It may be possible to maximise the advantages and minimise the disadvantages by looking at a combination of two or more alignment options.

There are some sections of the Kingston Bay Trail that could proceed more quickly than others as a planning permit would not be required. The Council may wish to progress one of these sections while it undertakes further consultation with the community and seeks feedback from the relevant ministers.

7. Recommendation

Council resolves that alignment option (*to be inserted by Council*) is / are to be progressed for the necessary statutory approval.

Attachments:

- Appendix 1 – Assessment of alignment options in relation to key considerations*
- Appendix 2 – Relevant Australian Standards*
- Appendix 3 – Whole of Life Cost / Surface considerations*
- Appendix 4 – Biosis Report*
- Appendix 5 – External engineering advice 1 (Confidential)*
- Appendix 6 – External engineering advice 2 (Confidential)*
- Appendix 7 - Bay Trail Alignment Plan*
- Appendix 8 - Bay Trail Alignment Comparisons*

Motion

Crs Dundas/Ronke

That Council commence construction of the Kingston Bay Trail with an alignment and design specification as follows:

- a) The alignment commencing at Charman Road (McBean Ramp) along the alignment of the existing informal path located on the edge of the cliff and continuing along the existing cliff top path to an appropriate location on the edge of the Mundy Street car park. This section of the trail must be a minimum of between 2.5m – 3.5m in width and be constructed out of granitic sand.
- b) Through the sea side of the Mundy Street car park undertake works to provide a direct link to the existing foreshore promenade access ramp located near the end of the car park.
- c) At the point the path on the beach narrows provide for an upgraded widened path connection to be constructed out of concrete to connect with the edge of the Mentone Life Saving Club Building undercroft.
- d) The trail to continue under the Mentone Life Saving Building annex to provide for a widened public area (plaza) to extend .5m beyond the four existing uprights.
- e) The Trail will then proceed to, as required an existing widened or reconstructed concrete path to join with the existing promenade at Naples Road decline.
- f) The Trail will then proceed along the existing sea wall promenade from Naples Road to Parkdale Yacht Club, and continue along the existing pathway to exit to the cliff top to join the existing granitic trail at Parkers Road, as now exists.

Cr West foreshadowed a Motion if the present Motion was lost.

Amendment

Crs West/Shewan

That part (a) be amended to that the alignment commence at Charman Road along the roadside alignment to the Mundy St Car Park to be constructed of concrete or bitumen

The **Amendment** was put and **Carried**

A Division was called:

For

Cr Peulich
Cr West
Cr Shewan
Cr Moloney
Cr Staikos

Against

Cr Athanasopoulos
Cr Dundas
Cr Ronke
Mayor, Cr Brownlees

The Chairperson declared the **Amendment** was **Carried**.

The **Amendment** became the **Motion**

The **Motion** now reads as follows:

Crs Dundas/Ronke

That Council commence construction of the Kingston Bay Trail with an alignment and design specification as follows:

- a) That the alignment commence at Charman Road along the roadside alignment to the Mundy Street car park to be constructed of concrete or bitumen.
- b) Through the sea side of the Mundy Street car park undertake works to provide a direct link to the existing foreshore promenade access ramp located near the end of the car park.
- c) At the point the path on the beach narrows provide for an upgraded widened path connection to be constructed out of concrete to connect with the edge of the Mentone Life Saving Club Building undercroft.
- d) The Trail to continue under the Mentone Life Saving Building annex to provide for a widened public area (plaza) to extend .5m beyond the four existing uprights.
- e) The Trail will then proceed to, as required an existing widened or reconstructed concrete path to join with the existing promenade at Naples Road decline.
- f) The Trail will then proceed along the existing sea wall promenade from Naples Road to Parkdale Yacht Club, and continue along the existing pathway to exit to the cliff top to join the existing granitic trail at Parkers Road, as now exists.

Carried

A Division was called:

For

Cr Ronke
Cr Moloney
Cr Dundas
Cr Peulich
Mayor, Cr Brownlees

Against

Cr Shewan
Cr West
Cr Athanasopoulos
Cr Staikos

The Chairperson declared the **Motion** was **Carried**.

**City of Kingston
Ordinary Council Meeting
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Minutes

Appendix 1 – Assessment of alignment options in relation to key considerations

Key Principles		Option 1 - Back of Kerb Road Narrowing	Option 2 - Back of Kerb No Road Narrowing	Option 3 - Predominantly Clifftop	Option 4a – Upgraded Promenade	Option 4b – Existing Promenade (Limited Upgrade)
Purpose	Advantages	Able to meet shared use purpose.	Able to meet shared use purpose.	Able to meet shared use purpose.		
	Disadvantages				Able to meet the shared use purpose only once parts of the promenade are upgraded.	Unable to meet shared use purpose due to path access to Promenade and width of Promenade.

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Minutes

Key Principles		Option 1 - Back of Kerb Road Narrowing	Option 2 - Back of Kerb No Road Narrowing	Option 3 - Predominantly Clifftop	Option 4a – Upgraded Promenade	Option 4b – Existing Promenade (Limited Upgrade)
Amenity	Advantages	Relative ease of construction and no requirement to upgrade access points to the beach. High level of passive surveillance of the trail and trail users.	Relative ease of construction and no requirement to upgrade access points to the beach. High level of passive surveillance of the trail and trail users.	High level of user amenity including relationship with and views of foreshore.	High level of user amenity including relationship with and views of foreshore. Greater opportunity for passive surveillance of the beach during high use periods.	High level of user amenity including relationship with and views of foreshore. Greater opportunity for passive surveillance of the beach during high use periods.

**City of Kingston
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Minutes

Key Principles		Option 1 - Back of Kerb Road Narrowing	Option 2 - Back of Kerb No Road Narrowing	Option 3 - Predominantly Clifftop	Option 4a – Upgraded Promenade	Option 4b – Existing Promenade (Limited Upgrade)
	Disadvantages	Reduced amenity due to road noise. Does not greatly increase amenity from existing infrastructure in terms of physical and visual access to the foreshore.	Reduced amenity due to road noise. Does not greatly increase amenity from existing infrastructure in terms of physical and visual access to the foreshore.	Less opportunity for passive surveillance of trail and trail users.	Less opportunity for passive surveillance of trail and trail users during “low use” period.	Less opportunity for passive surveillance of trail and trail users during “low use” period. Congestion issues during peak summer periods due to user conflicts associated with path width.
Vegetation	Advantages				Minimal impact upon the vegetation identified as being of highest significance	Minimal if any impact upon the vegetation identified as being of highest significance

**City of Kingston
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Minutes

Key Principles	Option 1 - Back of Kerb Road Narrowing	Option 2 - Back of Kerb No Road Narrowing	Option 3 - Predominantly Clifftop	Option 4a – Upgraded Promenade	Option 4b – Existing Promenade (Limited Upgrade)
Disadvantages	Impacts on the vegetation and cliff area identified to contain areas of the Coastal Heathland Scrub Ecological Vegetation Class and cliffs through Mentone of geological significance.	Impacts on the vegetation and cliff area identified to contain areas of the Coastal Heathland Scrub Ecological Vegetation Class and cliffs through Mentone of geological significance.	Impacts on the vegetation and cliff identified to contain areas of the Coastal Heathland Scrub Ecological Vegetation Class and cliffs through Mentone of geological significance.		

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Key Principles		Option 1 - Back of Kerb Road Narrowing	Option 2 - Back of Kerb No Road Narrowing	Option 3 - Predominantly Clifftop	Option 4a – Upgraded Promenade	Option 4b – Existing Promenade (Limited Upgrade)
Vehicular Traffic safety and parking	Advantages	<p>Able to meet the minimum standard for separation between trail users and road users.</p> <p>Provides for good sightlines so recreational cyclists are able to see and consider other users of the path.</p>	<p>Able to meet the minimum standard for separation between trail users and road users.</p> <p>Provides for good sightlines so recreational cyclists are able to see and consider other users of the path.</p>	<p>Minimal impact on available car parking along Beach Road.</p> <p>Minimal impact on road users.</p> <p>Minimal traffic safety issues between road users and Trail users.</p>	<p>Minimal impact on available car parking along Beach Road.</p> <p>Minimal impact on road users.</p> <p>Minimal traffic safety issues between road users and Trail users.</p> <p>Alignment is straight providing clear sightlines and avoiding traversing many foreshore car-parking areas.</p>	<p>Minimal impact on available car parking along Beach Road.</p> <p>Minimal impact on road users.</p> <p>Minimal traffic safety issues between road users and Trail users.</p>

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Disadvantages	<p>Loss of approximately 35 car parking spaces along Beach Road.</p> <p>Reduction in space available for road cyclists if cars that used to park on gravel verge park in outer lane. (Can be addressed if Council in consultation with VicRoads resolves to impose clearways).</p> <p>The close proximity of the trail and road and potential traffic safety issues as a result.</p>	<p>Loss of approximately 35 car parking spaces along Beach Road.</p> <p>Reduction in space available for road cyclists if cars that used to park on gravel verge park in outer lane. (Can be addressed if Council in consultation with VicRoads resolves to impose clearways).</p> <p>The close proximity of the trail and road and potential traffic safety issues as a result.</p>	<p>Reduced sightlines in some locations so recreational cyclists less able to see other path users.</p>		

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Key Principles

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Option 2 - Back of Kerb No Road Narrowing

Option 3 - Predominantly Clifftop

Option 4a – Upgraded Promenade

Option 4b – Existing Promenade (Limited Upgrade)

Risk and liability

Advantages

Able to be constructed to meet AustRoads standards. .

Able to be constructed to meet AustRoads standards.

Opportunity to provide DDA compliant access at the Mentone end of the Kingston foreshore in the location containing the highest number of foreshore car-parks (at the Mentone end), providing improved access to persons of limited mobility.

Disadvantages

Does not meet AustRoads standards.

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Whole-of-life cost and maximum benefit	Advantages	Relative ease of construction along the roadside so less construction costs.	Relative ease of construction along the roadside so less construction costs.		Provides opportunity to address implications of storm surges through incremental upgrading of the Promenade.	Uses existing infrastructure so is the least expensive option.
	Disadvantages	Will have to work around existing infrastructure (bus facilities, power poles).	Will have to work around existing infrastructure (bus facilities, power poles).		Opportunity to reinforce activity nodes along the foreshore through progressive improvements to the Promenade Greater construction costs given the distance from the road and ramp construction/upgrade. (This work will be required in the future as part of asset renewal and storm surge response so is not simply a cost for the Bay Trail.)	

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Key Principles	Option 1 - Back of Kerb Road Narrowing	Option 2 - Back of Kerb No Road Narrowing	Option 3 - Predominantly Clifftop	Option 4a – Upgraded Promenade	Option 4b – Existing Promenade (Limited Upgrade)
Estimated cost	\$2,329,804	\$2,374,804	\$1,700,499	\$7,648,157	\$1,016,480

Appendix 2 – Relevant Australian Standards

Austrroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths (2009)

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7.4 Gradient

As a general principle longitudinal gradients on paths should be as flat as possible. The potential hazard for cyclists due to high speeds on steep downgrades is as important as the difficulty of riding up the grade when determining maximum gradients on two-way paths.

In many cases there may not be any demand for wheelchair use on shared paths beside freeways (e.g. remote locations) in which case landing may not be required. However, the gradients in AS 1428.1 requiring landings are of the order of 3% to 5% and it is therefore suggested that where there is any likelihood that disabled persons will use a shared path, the preferred approach is to provide the flattest practicable gradient (e.g. 2%).

AS 1428.1 and AS1428.2 have specific requirements for pedestrians and require level rest areas at a specific spacing (refer Table 6.2). Whilst these standards were developed for buildings there is a need to consider the same issue with respect to the design of shared paths.

Designers should consult any jurisdictional guidelines; however, in the absence of such guides it is suggested that the following approach be considered:

- Where a path is proposed for a relatively short traverse pedestrian/cyclist overpass (e.g. across a road, creek or railway) it may be appropriate for it to be a shared path. For a shared path, the ramps should be provided with landings at a spacing that complies with AS 1428.1. However, because these landings result in a reduction in cyclist comfort and convenience they may only be acceptable to cyclists if used over a relatively short length.
- Where a gradient that requires landings under AS 1428.1 is proposed on a path (including a longitudinal path on a road bridge) that has to provide for ramps greater than 200m in length, the provision of standard landings may present an inconvenience or hazard for cyclists, particularly those travelling downhill. If there is a need for pedestrian landings in this situation they should be provided on a separated facility or outside the shared path, on both sides.

7.4.1 Ease of Uphill Travel

Figure 7.1 shows the maximum lengths of uphill travel acceptable to cyclists. The figure is based on a review of the ease of uphill travel (Andrew O'Brien & Associates 1996). In using the figure designers should understand that:

- Above 3% the acceptable length reduces rapidly and it is considered this is the desirable maximum gradient for use on paths. However, in practice there are cases where it is not feasible to achieve a 3% maximum and the designer has no choice but to adopt a steeper gradient.
- In cases where 3% cannot be achieved consideration should be given to limiting gradient to a maximum of about 5% and providing short flatter sections (say 20m) at regular intervals to give cyclists travelling both uphill and downhill some relief from the gradient.

It is sometimes difficult to achieve these gradients where a path follows a river and a connection between paths must be achieved in the vicinity of a steep escarpment. It should also be noted that a long, uphill grade preceded by a downgrade is more acceptable than one preceded by a flat or slightly rising grade.

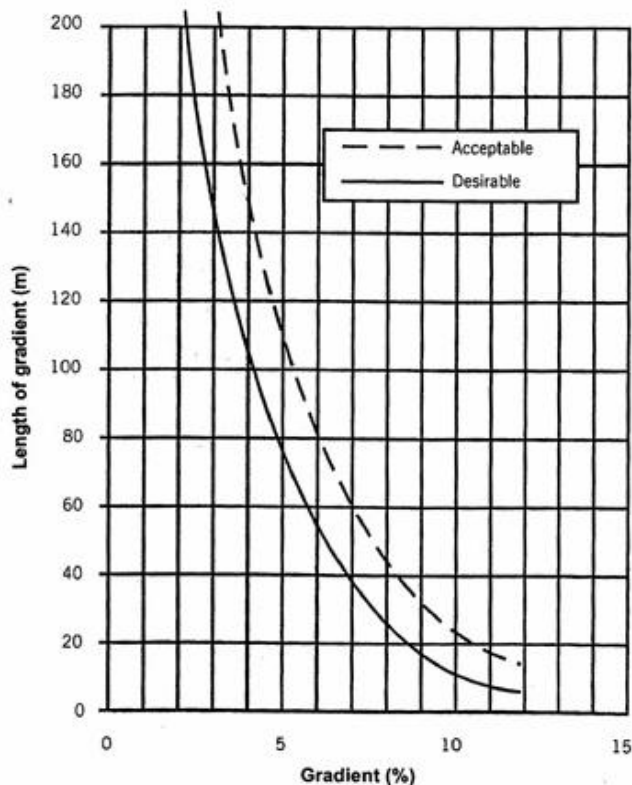
7.4.2 Safety and Downhill Travel on Paths

Gradients steeper than 5% should not be provided unless it is unavoidable. It is most important that sharp horizontal curves or fixed objects do not exist near the bottom of hills, particularly where the approach gradient is steep (greater than 5%) and relatively straight. If a curve must be provided at the bottom of a steep grade then consideration should be given to providing additional path width, and a clear escape route or recovery area adjacent to the outside of the curve.

Many cases where gradients are in excess of 5% occur on the approaches to grade – separated facilities (e.g. underpasses) and in these situations the provision of widened paths or clear escape routes is not practicable. In these cases adequate sight distance should be provided together with appropriate delineation and warning signs.

Intersecting paths, underpass access points and other circumstances that may result in conflict for cyclists should not be provided at the bottom of steep grades, except where there is no alternative. If an intersection must be provided then it is important that adequate sight distances are provided on all approaches. Commentary 10 provided additional information with respect to cyclists and downhill gradients.

Figures and Table below from Austroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths



Notes:

Gradients and the associated length would normally be based on the distance between the tangent points for an isolated steep section. However, where there are consecutive grades of varying steepness (all uphill) or large radius vertical curves, these should be calculated based on the intersection points of the respective vertical curves.

In general, the 'acceptable' line in the figure would be satisfactory for paths with a high proportion of regular or physically fit cyclists, which in most instances would include commuter and sporting cyclists. Otherwise, the 'desirable' line in the figure is recommended.

Source: Based on a review by Andrew O'Brien & Associates (1996).

Figure 7.1: Desirable uphill gradients for ease of cycling

Appendix 3 - Whole-of-Life Cost / Surface considerations

Concrete

A concrete trail would likely consist of a 125mm layer of concrete over a 75mm layer of crushed rock. This design should prevent any movement and should provide a solid, stable surface. Concrete can be constructed to strict tolerances and will remain in place for many years; a life of 50-80 years can be expected.

Users

A concrete trail is suitable for many leisure activities, including cycling and in-line skating. It is also easier for people pushing prams and for pedestrians, particularly during or after wet weather. It is a good surface for wheelchairs and mobility scooters.

Access and equity

A concrete trail is more accessible to the broader community. Users will have the same level of confidence in a concrete trail that they have in a standard footpath available throughout residential and commercial areas across the municipality. This is an important factor for the visually or mobility impaired and the elderly which is increasingly important, given the ageing of Kingston's population. A concrete surface is very stable and should provide an all-seasons' surface, suitable for wheelchairs and prams.

Colour

Concrete can include a colour oxide to blend in with the landscape or provide contrast if needed. Bayside Council has used a sandstone coloured concrete for recent sections of the Bay Trail constructed in concrete.

Maintenance

A concrete trail can be constructed to strict tolerances and is, therefore, likely to remain in place for approximately 50-80 years. The concrete bays (sections of concrete) may move vertically over time due to ground movement or tree root infiltration. This may require some maintenance to remove trip hazards. Remedial works could include concrete grinding or the replacement of affected bays.

Whole-of-Life Cost

A concrete path will require programmed maintenance. The capital and replacement cost of concrete is greater than granitic sand, however, a concrete path is unlikely to require any maintenance in the first 15 years of its life. After this period, a concrete path can be expected to require 0.5% of its length to be replaced each year. Work undertaken previously by Council's Senior Design Engineer indicated that the whole-of-life costing indicates that concrete will be 2.6 times cheaper in 2010 dollars than granitic sand over a 60 year period.

Granitic Sand

Granitic Sand (also known as decomposed granite or Dromana Fines) paths are a form of cement-treated crushed rock that is laid over a compacted crushed rock base. The granitic sand is laid as a compacted 150mm layer. Granitic sand is hardwearing and often used as an informal path.

Granitic sand paths are seen in some foreshore rural areas or used along some secondary bicycle / walking trails or running trails. Granitic sand will wear away over time from exposure to rain and

general use. Compaction during construction can slow the path's deterioration, however, patching and filling of the flexible surface at regular intervals is required.

Users

A well-constructed granitic sand path is suitable for walking, jogging, mountain bikes and most prams. Many joggers prefer a granitic sand surface over concrete. Granitic sand is considered generally unsuitable for most small-wheeled applications such as roller blades and small children's bicycles. It can also be unsuitable for some wheelchairs and mobility scooters (subject to the surface condition).

Access and equity

Granitic sand paths may limit the access to people who are confined to a wheelchair or have mobility impairments, especially if ruts or depressions have formed. A granitic sand path tends to remain wet for longer periods after rain which may deter many users from using the path during the wetter months.

Colour

Because granitic sand is a quarried rock, the colour cannot be altered. The colour of granitic sand is linked to the quarry from which the rock comes. The supplier of crushed rock for most of Melbourne is Hillview Quarries in Dromana and the sand from that quarry is an orange brown colour. If a different quarry is used, the colour of the crushed rock may be different. This is more of an issue in the future, when repairs are made and the reinstated granitic sand could be of a differing colour.

Maintenance

Granitic sand will gradually erode with time and use, bends in the path alignment and highly trafficable areas will form depressions which turn to puddles after heavy rain. Once a low point has formed, it can only be repaired by filling the depression with more of the same compacted material. Maintenance on a granitic sand path is generally required within 6 months of construction and on an ongoing basis.

Whole of Life Cost

Granitic sand will require more frequent reactive maintenance. For the first 10 years after construction, these costs have been calculated on 10% of the path requiring maintenance at 5% of the capital cost of granitic sand. After the initial 10 years, it is estimated that the maintenance will increase to 30% of the path requiring maintenance at 5% of the capital cost of granitic sand.

The whole-of-life costings indicate that granitic sand will have a total cost lower than concrete over the first 16 years of its use. At that point (16 years), costs will be comparable and after a 60-year period, granitic sand will have cost 2.6 times greater than concrete.

It is noted that Council introduced a granitic sand finish for Stages 1a and 1b of the Bay Trail. The trail has been popular and well used the condition of the trail has deteriorated quite substantially since its relatively recent construction. It highlights the ongoing maintenance requirements for this type of trail surface.

Procedural Motion:

Crs West/Peulich

That the meeting be adjourned for 5 minutes at 9.38pm

The **Motion** was **Carried**

The Meeting was recessed at 9.40pm

Crs Staikos/Ronke

That the Meeting resume

The **Motion** was **Carried**

The Meeting resumed at 9.50pm

N 151 **Submission to the Car Parking Advisory Committee**

Approved by: Rachel Hornsby – General Manager Environmental Sustainability

Author: Anthea Jennings – Team Leader Traffic and Transport
 Hannah McBride-Burgess – Team Leader Statutory Planning
 Jonathan Guttmann – Manager City Strategy

1. Purpose

To obtain approval from Council for the draft submission to the Car Parking Advisory Committee appointed by the Minister of Planning.

2. Council Plan

The Council Plan contains strategies which include:

- 2.1 – Insightful, intergenerational planning and delivery
- 2.2 – Striving for a balance between development and amenity

The preparation of a submission by the City of Kingston to this Advisory Committee review is consistent with the above mentioned strategies contained within the Council Plan.

3. Background

Clause 52.06 of the Victorian Planning Provisions regulates the number of car parking spaces required to be provided in new developments and as a result of land use changes. It does not regulate parking that relates to residential development applications considered under Rescode (ie. residential development of three storeys or less.)

Land uses currently triggering a car parking planning permit under Clause 52.06 include Industry, Medical Centres, Shops, Restaurants and Dwellings in Business Zones. There are also uses which at present do not require a specific car parking ratio including cafes, education centres and trade supplies – all of which are proposed to now be subject to parking rates in the new car parking provisions.

As a result of the out of date data used to formulate the existing parking ratios, Councils across Victoria regularly issue planning permits with a car parking rate less than what is specified in their Planning Schemes. These reductions are supported by a significant number of decisions from the Victorian Civil and Administrative Tribunal (VCAT) where Traffic Engineers are regularly called to present current data on car parking requirements for different uses. This exercise is often costly for applicants, residents and Councils, and consistently results in the car parking rates being significantly lower than those contained within the current car parking requirements at Clause 52.06.

The Minister for Planning has recently appointed an Advisory Committee to review the car parking provisions in the Victorian Planning Provisions.

The Advisory Committee are seeking submissions on the proposed changes which include:

- Revised car parking rates to better reflect current car parking demand
- Reduced car parking rates in Business areas
- Clearer guidelines governing the assessment of any proposed reduction to the car parking rates
- Greater emphasis on urban design matters, particularly relating to the layout and function of car parking areas
- A rationalisation of the car parking requirements, with the same provisions in Activity Centres and Shopping strips for many uses
- The introduction of a Car Parking Overlay, which would be specific to a certain geographical location (e.g. Cheltenham Activity Centre) that can specify increased/decreased car parking rates compare with the provisions at Clause 52.06
- The proposed overlay will also allow Councils to require cash-in-lieu payments where proposals can not provide the required car parking spaces. These funds would be held in an account for a pre-determined transport project, (e.g. Council car park expansions, upgrades to pedestrian access around and through centres, or bicycle trails to shopping precincts.)

The Advisory Committee is seeking submissions by 7 October 2011.

Discussion

Council's Strategic Planning, Statutory Planning and Traffic and Transport Planning teams have drafted a submission in response to the proposed changes (refer Appendix 1.)

The proposal from the State Government is to standardise provisions so that many land users will have the same parking requirements (3.5 spaces per 100m²). This will reduce the need for land occupiers who are seeking a change in land use to apply for a Planning Permit when there is no expansion to the floor area. This will be particularly beneficial in expediting the creation of small businesses in Kingston by removing the Planning Permit trigger for car parking in many instances.

Officers have reviewed the proposed car parking rates for the different land use activities and support the proposal. The new rates more closely reflect current industry standards and take into account the transport model shift to public transport use and the changing patterns of private car use.

The proposed changes to the planning process will allow Councils to develop specific parking rates for special areas under the new Parking Overlay provisions. Further discussion will be required with Councillors to determine which areas in Kingston should be the focus for tailored approaches to car parking rates and cash in lieu contributions if/when the parking overlay become available.

4. Summary and Conclusion

Key Points – Draft Submission

The draft submission highlights a number of technical drafting issues for the Advisory Committee to give further consideration too. The submission also reinforces the following key points:

- a. Kingston does not support a 'blanket' requirement for zero car parking spaces for the use of land for a Dwelling in an Activity Centre Zone. As an outer metro Council Kingston has different parking requirements in our Activity Centres to inner metro Councils in theirs.
- b. The provisions in the Activity Centre Zone should be modified to allow Councils to include the same content as is proposed to be included in the Car Parking Overlay. This would reduced any unnecessary layers within the Planning Scheme.
- c. Kingston supports the mechanism within the proposed Parking Overlay to allow it to secure funds to 'offset' required car parking spaces as well as the flexibility provided to allow Council to determine what 'infrastructure works' are required at a local level.
- d. The proposed provisions at Clause 52.06 that relate to car parking would be enhanced by combining them with the existing provisions at Clause 52.34 that relate specifically to Bicycle facilities.

5. Recommendation

That Council approve the submission included in Appendix 1 and that it be sent to the Car Parking Advisory Committee appointed by the Minister of Planning.

Attachment

Draft Submission - Car Parking Advisory Committee-(11/97302)

Crs Staikos/Shewan

That the recommendation be adopted.

Carried

Cr Dundas returned to the Chamber at 9.52pm

Cr West returned to the Chamber at 9.52pm

N 152 Sport and Recreation, Community Facilities Funding Program, Minor Category 2012/2013

Approved by: Rachel Hornsby, General Manager, Environmental Sustainability

Author: Michael Haley, Leisure Planner

1. Purpose

The purpose of this report is to seek Council support for the submission of applications for funding under the Sport and Recreation Victoria (SRV) Community Facilities Funding program 2012/2013 – Minor Facilities category.

2. Council Plan

Planned Outcome 1 – Infrastructure for a Safe and Active Community

Strategy 1.2. – Accessible and shared open spaces that promote social connectedness and active, healthy lifestyles.

These applications under the SRV Community Facilities Funding program will assist in infrastructure development that will enhance existing open space and provide additional opportunities for promotion of healthy active lifestyles for the community.

3. Background

The SRV Community Facility Funding Program assists sport and recreation organisations, communities and local government authorities to work together to develop grass roots sport and recreation facilities and environments.

Under the Minor Facilities category three applications can be submitted by Council for projects with a total project cost of up to \$500,000 per application. Council may apply for funding of up to \$100,000 on one particular project, but the total funding pool it can apply for under this category is capped at \$200,000. Funding applications must be matched on a \$1:\$1 basis.

4. Summary and Conclusion

This report provides information on applications received from sporting clubs/organisations for the SRV Community Facilities Funding program – Minor Facilities category and recommends three projects for Council to consider for submitting a funding application. It should be noted that Council has received applications for a number of high quality Minor Facilities projects and that all clubs are prepared to invest significant funds into these projects.

Attachment A to this report provides a detailed analysis of all projects against the funding criteria and provides a score for all projects. Council officers recommend that Council consider submitting applications for funding under the Community Facilities Funding program – Minor Facilities for the following three projects;

- (i) Edithvale Aspendale Junior Football Club – sports lighting at Glen Street Reserve
- (ii) Springvale Lions Baseball Club – toilets/change room upgrade

- (iii) Moorabbin Rugby Club – sports lighting at Keys Road Reserve

Applications for these projects would represent a Council commitment of \$160,000 in matching funding if all projects were successful. This would require Council allocating an additional budget of \$10,000 to provide matching funding for these projects. Currently Council has a budget allocation in 2012-2013 of \$150,000 in matching funding for the Minor Facility program.

5. Consultation

Council undertook a general awareness campaign about the availability of the grants including; advertisements in local editions of the Leader Newspaper, media release, website and display posters. Additionally each local sporting/recreation club was informed of the opportunity to submit an application to Council via mail and/or email. The closing date for expressions of interest to Council was Friday 26 August 2011. 7 project ideas were submitted by local sport/recreation organisations.

6. Issues

Minor Facilities category

An assessment of all submissions received was conducted by a panel of Sport and Recreation staff. Below is a brief analysis of all applications received under the funding program

- **Edithvale / Aspendale Junior Football Club – sports lighting at Glen St Reserve.**

The project meets SRV funding criteria and is supported strongly by Council as it provides additional participation opportunities and will relieve pressure on existing grounds. Based on previous lighting projects, and reports received from engineers in relation to soil composition and lighting design, the estimated cost for this project is \$170,000. The club has advised they are prepared to contribute \$15,000 towards the lighting project.

- **Moorabbin Rugby Club – sports lighting at Keys Road Reserve**

This application is to improve the current poor lighting on the main ground at Keys Road Reserve. The Project meets all of SRV's funding criteria, particularly in relation to increasing participation within CALD communities. The club has obtained a quote for \$210,000. A second quote has been received from one of Council's approved electrical contractors for \$150,000 which does not include design and contingency costs.. Given these quotes, costs for previous lighting projects and taking into account the poor ground conditions at this site we estimate the cost for the entire project will be approximately \$170,000. The club is prepared to contribute \$15,000 towards the project cost.

- **Cheltenham Baseball Club – sports lighting at Kingston Heath Reserve**

The Club currently has poor lighting of their main field and this lighting upgrade will increase participation opportunities by up to 50% by expanding the amount of the existing diamond which can be safely used for training drills etc. The lighting of the field is supported by the Kingston Heath Master plan. Detailed plans and project costs have been supplied by one of two council accredited contractors. The Club is prepared to contribute \$20,000 towards the estimated project cost of \$135,000.

- **Springvale Lions Baseball Club – toilet/change room upgrade**

This project is to upgrade the change/toilets at the Doug McLean Pavilion at Rowan Rd Reserve, Dingley Village. This upgrade is needed to meet the needs of increasing female participation in the sport. This project meets SRV criteria, particularly as it is about increasing participation in female

sport. Concept designs and an initial estimate of \$80,000 have been provided by the club but more detailed costings will need to be investigated before submitting a final application. The club is prepared to contribute \$30,000 towards this project.

- **Dingley Pony Club – development of sand based arena and parking area**

The proposal is for development of a sand based dressage arena at the club and improvements to the car parking provision. Dingley Pony Club currently has a Council lease for land at the Patterson Lakes Recreation Reserve, Learmonth Road Patterson Lakes. This project is based on the premise that Mentone Pony Club and Mentone Adult Riders will co-locate from their existing facility to this site. The Mentone Pony Club and Mentone Adult Riders Club are currently leasing private property in Bangholme, however this land is being sold and the clubs may soon be without a permanent home

All three clubs are in agreement that they will share the use of this site and a committee of management will be formed to assist in managing this shared use. Council could then lease this site to the Committee of Management. This would create a focus for equestrian activity in the south of the municipality. The site presents a number of difficulties due to its location on a floodplain and the necessary planning and drainage requirements for any excavation to take place, which may add significantly to the cost. Quotes are still to be obtained, however all three clubs have committed to contributing a minimum of \$5,000 each towards the project.

- **Parkdale Tennis Club – Upgrading court surfaces and drainage**

The project is to convert three existing en-tout-cas courts to classic clay (synthetic) and improve drainage at the facility to minimise court damage. The club has provided some quotes and cost estimates for the project (\$130,000) and is prepared to contribute \$20,000 to this project. This project would provide benefits to the club and is a worthwhile project however does not provide increased participation outcomes. This project may be more appropriate for alternative funding programs to support tennis court refurbishment, including the Tennis Australia National Court Rebate Scheme.

- **Mordialloc Bowls Club – landscaping and shelter of area west of bowls green**

This project does not meet the key criteria for the funding program, which is to provide for increased participation. The club has provided little information in relation to the project and has provided no quotes or design for project works. The club is prepared to contribute \$10,000 towards the project.

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Table 1 – Financial breakdown of applications

Project	Total Cost \$	Council \$	SRV \$	Club (Financial) \$
Edithvale /Aspendale Junior Football Club - Sports lighting for Glen Street Reserve	170,000	70,000	85,000	15,000
Moorabbin Rugby Club – sports lighting at Keys Road Reserve	170,000	70,000	85,000	15,000
Cheltenham Baseball Club – training lights upgrade at Kingston Heath Reserve	135,000	57,500	57,500	20,000
Springvale Lions Baseball Club – toilet change room upgrade	80,000	20,000	30,000	30,000
Dingley Pony Club – development of sand based arena and parking area	115,000*	50,000	50,000	15,000
Parkdale Tennis Club – upgrading court surfaces and drainage	130,000	55,000	55,000	20,000

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received, considering the scoring against the criteria, and taking into account the selection process used by SRV and the likelihood of success of the applications, Council officers would recommend that the following three projects be submitted to Sport and Recreation Victoria for funding under the Community Facilities Funding Program - Minor Facilities category;

- (iv) Edithvale Aspendale Junior Football Club – sports lighting at Glen Street Reserve
- (v) Springvale Lions Baseball Club – toilets/change room upgrade
- (vi) Moorabbin Rugby Club – sports Lighting at Keys Road Reserve

These projects represent a good mix of projects, provide good outcomes for a broad range of participants and sports across the municipality and represent funding for sports that traditionally have not always been funded. They also strongly meet the major criteria from SRV’s perspective of increasing participation in various sectors of the community, particularly juniors, females and CALD communities. Based on all of these factors officers believe the mix of these three projects provides the best chance for a successful funding submission.

7. Triple Bottom Line Checklist

- **Environmental** – The projects proposed for submission to the state government may have some environmental impact which will be managed through design and implementation plans for successful projects.
- **Social** – Applying for these grants highlights Council’s support for community organisations. Should any of the projects be undertaken they are likely to have a positive impact on health and well being as well as skill development of administrators involved in managing the project works in partnership with Council.
- **Financial** –. Submission of these projects will have a small financial impact as Council would have a funding shortfall of \$10,000 in matching funding if Council was successful in all three applications. Council already has a funding allocation of \$150,000 under the proposed 2012-2013 capital budget for matching funding for Minor Facilities projects. If all projects were successful Council would require \$160,000 in matching funding.

8. Recommendation

That Council resolve to support the submission of applications for funding under the Community Facilities Funding Program 2012-2013 –Minor Facilities category for the following three projects:

- (1) Edithvale/Aspendale Junior Football Club – sports lighting at Glen Street Reserve
- (2) Springvale lions Baseball Club – Toilet/Changeroom Upgrade
- (3) Moorabbin Rugby Club – sports lighting at Keys Road Reserve

Attachments:

Attachment A – Overall Evaluation of project priorities.

Crs Staikos/Peulich

That the recommendation be adopted.

Carried

10. Community Sustainability Reports

Cr Staikos declared an indirect financial interest in this item as he owns shares in Woolworths and the matter relates to gaming machines that might be operated by them and left before any discussion and voting on the matter.

N153 Application by Mordialloc Sporting Club for an additional 12 gaming machines

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Susan Heywood, Coordinator Social Planning

1. Purpose

This report aims to:

1. Inform Councillors on the issues surrounding the application by Mordialloc Sporting Club for 12 additional electronic gaming machines (EGMs) and the subsequent opportunity to provide a social and economic impact assessment to the Victorian Commission for Gambling Regulation;
2. Present findings of social and economic impact assessment undertaken by the Community Engagement team and recommendations to Council;
3. Present community attitudinal survey outcomes;
4. Seek Council's endorsement of the submission under Section 3.4.19 of the *Gambling Regulation Act 2003* to the Victorian Commission for Gambling Regulation in response to the application by Mordialloc Sporting Club.

2. Council Plan

This report relates to the following sections of the Council Plan:

- Planned outcome 3: Healthy Strong and Connected Communities
- 3.2 Strong, cohesive and engaged communities.

3. Background

Mordialloc Sporting Club Inc is seeking 12 gaming machines in addition to the 70 currently in operation at their venue. In accordance with section 3.3.4 of the *Gaming Regulation Act (2003)*, the Club has applied for a gaming license from the Victorian Commission for Gambling Regulation (VCGR) and commissioned a Social and Economic Impact Statement, prepared by Ratio Consultants. In accordance with *Kingston's Gaming Policy (2002)* and statutory obligations, Council must consider the economic and social impacts of the proposal and can make a submission to the VCGR for their consideration.

The Gambling Regulation Act 2003 (Section 3.3.7) states that the Victorian Commission for Gambling Regulation (VCGR) must not grant an application for approval of premises as suitable for gaming unless satisfied that:

(c) the net economic and social impact of approval will not be detrimental to the well-being of the community of the municipal district in which the premises are located.

Council officers have assessed the Mordialloc Sporting Club's Social and Economic Impact Statement which was produced by Ratio Consulting and have also undertaken an independent social and economic impact assessment providing findings relating to the detriments and benefits of the proposal.

3.1. Background Information: the Mordialloc Sporting Club

The Mordialloc Sporting Club is located at 528 Main Street Mordialloc and was established in 1991 by the Mordialloc Football Club and the Mordialloc Cricket Club "to provide social facilities to club members and to provide revenue for sustainability and growth" (Ratio Consulting, 2011).

The following information was provided by Ratio Consulting on behalf of the Mordialloc Sporting Club:

"Located at the Ben Kavanagh Reserve in McDonald Street, Mordialloc, these grounds proved to be unsuitable to develop and expand in accordance with members expectations at the time. Neighbours and the adjacent Bowling Club expressed concern about the expansion of the social club rooms and facilities and the possibility of offering TAB facilities.

Therefore, an alternative location at the current site at 528 Main Street, Mordialloc was sought. In 1997, the Mordialloc Sporting Club commenced trading with the introduction of EGMs that same year. The club was known for many years as the Kingston Club and is still trading under that name with the VCGR."

The Mordialloc Sporting Club fields the Mordialloc Football and Cricket clubs as well as various social sporting clubs such as darts, golf and pool. The club has indicated that it is also in the process of establishing an Anglers and Walking club.

The Mordialloc Sporting club purchased a courtesy bus in 2010 which provides free transport to and from the venue for club members and visitors.

According to the information in the application, the Mordialloc Sporting Club includes the following facilities:

- Jacks bistro with seating for 100 patrons and including a children's play room;
- Bob Martello Members Bar(sports bar) with TAB facilities, dual sided bar, food service and pool tables with capacity for 75 patrons;
- Members 'beer garden' - an enclosed grassed area with shade sails and table and seat combinations;
- Gaming lounge with 70 EGMs, cashier and bar with adjacent smoking room and a tea room;
- Museum Room with football and cricket club memorabilia, artefacts and trophies;
- Level 1 dining area and bar with outside deck with uninterrupted views of Port Phillip Bay with capacity for 135 patrons (40 inside and 90 outside);
- Four function rooms with combined seating for 220 patrons - the largest able to cater for 75 patrons - and the Stanton Room providing additional seating for Level 1 and alfresco dining and bar; and
- Wheelchair access and lift with capacity for 3 people.

Access to the site is via a double width vehicle crossover to/from Epsom Road. This provides access to an area of at grade car parking for approximately 70 cars for visitors and club members.

The Mordialloc Sporting Club is open 365 days a year. The gaming room remains open until 2am on Sun –Wed and until 3am on Thursday to Saturday. The Club currently employs 51 persons (equivalent of 35 EFT positions). As of 2010, there were 76 life members, 3210 social members and 108 financial members.

3.2. Electronic Gaming at Mordialloc Sporting Club

There are currently 70 EGMs in the gaming area with cashier and bar along with an adjacent smoking room and a tea room. In 2010, losses made by gamblers at the Mordialloc Sporting Club were \$5,832,882. The losses made by gamblers per machine was \$83,327, which was slightly less than the loss per machine for Kingston overall (\$91,423). While Club venues on average, receive fewer losses per machine in comparison to hotel venues, the Mordialloc Sporting Club gambling losses are the fifth highest in Kingston and are the most by a Club venue.

3.3. Community Contributions

The following information was provided by Ratio Consulting on behalf of the Mordialloc Sporting Club:

Cash Donations

The Club provided approximately \$117,800 in cash donations and sponsorships in the last financial year from 1 July 2009 to 30 June 2010 to various sporting groups, and community organisations.

Some of the cash donations include the following:

- Mordialloc Football Club \$49,200
- Sponsor of the Channel 31 Footy Show \$12,100
- Mordialloc Cricket Club \$53,670

(Both the Mordialloc Football Club and the Mordialloc Sporting Club use the cash donations of the Mordialloc Sporting Club to run their operations, make player payments, pay for insurance, medical supplies, equipment purchase, coaching, uniforms and team registrations.)

Other contributions:

- Federal District Cricket Association \$1,000
- Mordialloc Rotary Club \$350
- Parkdale Pacers Basketball Club \$250
- Mordialloc Historical Society \$500
- Local Karate Competitor (Ryan Abramczyk) \$250
- Oxfam - World Vision \$516

Gifts in Kind

Over the same period the venue has stated that it has provided 'gifts in kind' to the value of \$28,000. This included the following:

- Free room hire for community groups such as: SEDA (Sports, Education and Development Program) to use the Club facilities to conduct a Sports Development Program for

high school students;

- Free room hire for groups such as wakes, mother/baby groups;
- Free room hire to the Rotary Club of Mordialloc;
- Free room hire to the Mordialloc Traders Association;
- Free courtesy bus pick up for aged care groups and community groups;
- Subsidised meals offered to Meals on Wheels in conjunction with the City of Kingston;
- Free room hire and promotional support for fundraising events such as Nadiyas Challenge;
- Food vouchers offered to sports teams and community groups to the value of approximately \$22,400 per year including to the following groups: Carrum Bowling Club Cheltenham Bowls Club Mordialloc Bowls Club Mentone Bowls Club Mordialloc Football Club Parktone Probus Parkdale Bowls;
- Eastern Sward Golf Club Parkdale Pacers Basketball Moorabbin Park Cricket Club.

The Club has indicated that it is committed to continuing its current annual community contributions which have a total dollar value of approximately \$145,000 and will provide an additional \$20,000 in community contributions associated with the additional machines.

Investment into Ben Kavanagh Reserve

Information provide by Ratio Consultants indicated that the Mordialloc Sporting Club had made the following investments at the Council owned Ben Kavanagh Reserve. According to the information, the MSC has spent approximately \$100,000 in improving facilities at Ben Kavanagh Reserve including the installation of new internal roof tiles inside the pavilion, a new bar, a new cool room as well as new carpeting and painting.

3.4. Mordialloc Sporting Club - Stated Benefits of the application (Ratio Consulting)

According to the Club, the introduction of an additional 12 gaming machines will facilitate:

- The future option to purchase the freehold for the building which would secure the longevity of the Mordialloc Sporting Club as well as its affiliated clubs such as the Mordialloc Football Club and the Mordialloc Cricket Club;
- Upgrade and refurbishment of Club facilities including Jack's Bistro, function rooms and TAB/Back bar;
- Working towards the redevelopment of Ben Kavanagh Reserve with the help of local, state and national funding opportunities to provide a multi-purpose sporting and community precinct that could include health and medical services; [grant of this application would give the Club greater capacity to carry out the redevelopment]
- Increased community contributions of \$20,000 per annum in addition to existing community contributions in excess of \$145,000 per annum;
- The creation of 3-4 EFT positions at the Club; and
- Improved access to gaming for those amongst the community who choose to participate in this pastime.

3.5. Discussions with legal representative of the Mordialloc Sporting Club

As directed by CIS on 5 September, Officers had a discussion with Mr. Michael Scully of BazzaniScullyBrand Lawyers on 7 September. Mr. Scully indicated the following:

- Mordialloc Sporting Club's application cannot facilitate an overall net reduction in EGMs. The Club argued that as part of the EGM auction process conducted in 2010, as of August 2012 there will be 6 less EGMs in Kingston even if the additional 12 EGMs currently under consideration come into operation.
- A letter and executive summary of the Mordialloc Sporting Club's application was developed and has been provided to Council.
- Mr Scully stated that the Club's lease expires in 2017 and there is no extension available to the Club.
- The Club has the option within their lease to purchase the freehold on the current property at 528 Main Street Mordialloc. If unsuccessful the Club's only alternative will be to relocate.
- The revenue from the additional 12 EGMs is stated as essential to the Club's capacity to purchase the freehold of the current property and continue on this site. If freehold of property cannot be purchased "*the future of the Football Club and Cricket Club will be in severe jeopardy – as the income currently provided to these clubs by the Club would be lost*".

3.6. Electronic Gaming in Victoria and Kingston: Key Information

While gambling is generally seen as a socially acceptable form of entertainment, problem gambling remains a major issue in some areas in Victoria. Problem gambling makes up a disproportionate share of gaming expenditure. Problem gamblers were estimated to contribute 42% of EGM losses in Victoria despite problem gamblers making up just 4.7% of those playing EGMs¹. Overall, it is estimated that 15% of EGM gamblers contribute 75% of losses in Victoria (Tatts, 2002 cited in Livingstone 2006).

Locally, while Council's Gaming Policy has proven beneficial, electronic gaming remains an issue for concern in terms of net community benefit. The detail of local EGMs is as follows:

- In 2009-2010 Kingston had:
 - § 944 electronic gaming machines across 17 gaming venues; and
 - § 8 machines per 1000 adults (15th highest density in Victoria).

In 2010/11 the total net expenditure through electronic gaming machines in Kingston was \$86.3 million and was the 9th highest figure in Victoria. This equates to a net EGM expenditure of \$746 per adult that is 13.4% and 20.3% higher than the Melbourne metropolitan average and the Victorian figure respectively.

In 2002, a Kingston wide, random household phone survey found that 75.7% of respondents believed that poker machine gambling is a serious problem and almost 1 in 3 respondents (29.9 percent) knew of a problem gambler.

It is estimated that 0.5% of the Australian adult population has severe gambling problems, with a further 0.6% considered to be at risk.² If this was proportionately applied to the City of Kingston, the municipality would have around 5,902 problem gamblers. Gamblers Help Southern published total client figures for the financial year 2010-2011, with 91 clients from Kingston. It is impossible to know to what extent the discrepancy between these figures is attributed to there being large numbers of problem gamblers who are not accessing support or due to the inherent inaccuracies of arbitrarily localising the Victorian-wide figures on a proportional basis.

¹ Productivity Commission 1999, as cited in Livingstone, C., 2006, The Changing EGM Industry & Technology, p80.

² Australian Medical Association (AMA) submission to the VCGR

3.7. Regulation, Planning and Council Policy

3.7.1. Changes to State Government Policy

In August 2008 the State government announced a change in gaming policy post 2012. The new arrangements would allow hotels and clubs to acquire a 10 year gaming machine entitlement, which effectively ended the duopoly by Tabcorp and Tattersalls.

936 gaming entitlements were purchased for the Kingston municipality:

Hotel / Club	Current	August 2012	Change
Mordialloc Sporting Club	70	82	+12
St Kilda FC	83	83	
Chelsea RSL	65	70	+5
ALH TOTAL	196	166	-30
<i>ALH: Chelsea Heights Hotel</i>	<i>40</i>		
<i>ALH: Sandbelt Club Hotel</i>	<i>100</i>		
<i>ALH: Tudor Inn Hotel</i>	<i>56</i>		
Edithvale RSL	49	43	-6
Mentone RSL	25	25	
Highbett RSL	41	40	-1
Freccia Azzura Club	35	35	
Chelt Moor RSL	41	40	-1
Clayton Bowls Club	29	29	
Doyles Bridge Hotel	50	50	
Yadnum (The Cove Hotel)	45	45	
Willets (Dinlgey International)	90	90	
Areas of Hospitality (Royal Oak Hotel)	76	91	+15
Hopin (Long Beach Hotel)	49	49	
TOTAL	944	938	-6

This means that if the situation remains as it is, there will be a net reduction by 6 EGMs in Kingston (assuming the Mordialloc Sporting Club is successful). However, the EGM entitlements remain subject to an ongoing open-market process.

3.7.2. Gaming Regulation Act 2003

Under the *Gambling Regulation Act (2003)*, Local Governments are entitled to make submissions to the VCGR concerning the economic and social impacts on applications for a new gaming venue or additional electronic gaming machines in an approved venue within their municipal boundaries and in neighbouring municipalities. The *Kingston Gaming Policy (2002)* directs Council to respond to all applications within, and neighbouring, the City of Kingston.

In compliance with the Act, the Mordialloc Sporting Club has produced an *Economic and Social Impact Statement*. Council now has the opportunity to review the details and form a view on whether the proposal is likely to result in a net community benefit once all the detriments and benefits are taken into consideration.

3.7.3. Planning Controls

Clause 52.28 of the Planning Scheme provides that a planning permit is required in order to install or operate a gaming machine. Mordialloc Sporting Club have applied for a planning permit from

Council, however this process is currently on hold, pending further information being forwarded to Statutory Planning from the Club. This report does not cover planning permit issues but the need for a permit is noted as a future issue for Council consideration.

3.7.4 Kingston's Electronic Gaming Policy (2002)

In 2002, Council adopted a Gaming Policy in response to the social harms related to problem gambling. Based upon extensive research, including public and stakeholder consultation, the policy aimed to "*minimise the negative impacts that Electronic Gaming Machine (EGM) gambling can have on the Kingston community*".

There are a number of statements in Council's gaming policy that are particularly relevant to the current situation:

- Section 4.1 of the Position Statement states, "*Council is committed to a net decrease in EGMs within the municipality until the density of EGMs in Kingston is below the Melbourne metropolitan average*". Kingston currently has an EMG density 8.00 per 1,000 adults compared to 6.08 per 1,000 in Metro Melbourne.
- Section 4.4 of the Position Statement states, "*Council has the responsibility for its residents together with the State Government and other relevant agencies/organisations to minimise negative impacts of EGM gaming on the Kingston Community*".
- Section 5.0 on strategies to address the affects of gaming in Kingston states, amongst other things, "*Council will negotiate with gaming venue operators, where opportunities arise, to reduce the number of EGMs in the municipality until the density of EGMs in Kingston is below the Melbourne metropolitan average.*"
- Section 6.0 sets out a number of principles for Council to consider when undertaking a Social and Economic Impact assessment of a gaming application. These principles include:
 - § Potential population growth for the area;
 - § Recreational opportunities within the local area;
 - § The socio-economic profile with the local area;
 - § Potential for economic gain and employment opportunities through the proposal;
 - § Contribution to social and physical infrastructure in the area (beyond the venue itself);
 - § Community contributions made by venues;
 - § Effects of the application on the density of venues and EGMs in the local area (2.5km radius) and on the whole of Kingston;
 - § Commitment of the applicant to the Industry Code of Practice for Responsible Gaming; and
 - § The anticipated affect on any known gambling related problems in the local area.

The salient points from these references to the Gaming Policy are: there is no absolute requirement for Council to require a reduction in the number of gaming machines but rather for Council to attempt to seek an outcome that minimises any negative impacts.

If it is demonstrated that there are negative impacts from a proposal then Council is committed as per its Gaming Policy to taking action through its submission to the Victorian Commission for Gaming Regulation to minimise these impacts. This could be done in a number of ways including:

- § Proposing a reduced number of gaming machines;
- § Proposing reduced operating hours; and
- § Proposing other methods to limit gaming turnover.

The guidelines for responding to gaming machine applications acknowledge that there are some positive and negative impacts that will have to be balanced in Council's response to any application.

3.7.5 Submissions from Neighbouring LGAs

Bayside City Council were informed in writing by the VCGR of the pending Mordialloc Sporting Club license application and of their right to make submissions to the regulator. Bayside Council have chosen not to make a submission due to the distance of the Council boundaries from the Mordialloc Sporting Club.

4. Summary and Conclusion

Mordialloc Sporting Club Inc is seeking 12 gaming machines in addition to the 70 currently in operation at their venue. In accordance with section 3.3.4 of the *Gaming Regulation Act* (2003), the Club has applied for a gaming license from the Victorian Commission for Gambling Regulation (VCGR) and commissioned a Social and Economic Impact Statement, prepared by Ratio Consultants.

In accordance with *Kingston's Gaming Policy* (2002) and statutory obligations, Council can consider the economic and social impacts of the proposal and make a submission to the VCGR for their consideration.

Council officers have assessed the Mordialloc Sporting Club's Social and Economic Impact Statement which was produced by Ratio Consulting and have also undertaken an independent social and economic impact assessment providing findings relating to the detriments and benefits of the proposal.

Upon weighing up all these detriments and benefits as detailed in this report it is assessed that the application will have a moderate detrimental impact on the Mordialloc and on the broader Kingston Community.

As directed by CIS on 5 September, a submission was lodged with the VCGR on the 9 September objecting to the application whilst reserving the right to withdraw this submission subject to further information being provided by the Mordialloc Sporting Club. A request for a 30 day extension was submitted to the VCGR to facilitate further dialogue, however this was denied.

This assessment is presented for Council's consideration in determining whether to retain or withdraw its objection with the VCGR in response to the application by Mordialloc Sporting Club.

5. Consultation

5.1 Rapid Community Attitudinal Survey (August 2011)

The community was consulted in relation to the application by Mordialloc Sporting Club for an additional 12 machines. Telephone surveys were conducted (key community stakeholders – 24

participants) and a random local street survey (13 participants). 17 (46%) of the participants were residents, 4 (11%) were from a local organisation, 8 (22%) from local business, 1 (3%) business/resident and 7 (19%) resident/organisation/village committee.

The following outlines the results of the survey:

- Of the 37 people who responded 23 people (62%) disagreed that the Club should be permitted to have the additional EGMs, 6 agreed (16%) and 8 had no view (22%).
- In relation to benefits to the community; 30 (81%) thought the machines would offer no additional benefit to the community, 4 (11%) thought there would only be benefit to the Club, 1 (3%) saw benefit for the government and 2 (5%) had no view.
- When asked if they had any concerns about the application; 20 (54%) people had concern about the machines, 16 (43%) didn't and 1 (3%) had no view.
- Finally, in relation to Kingston overall, 23 (62%) thought there were too many pokies in the community, 4 (11%) thought there were enough, 2 (5%) thought there were not too many, and 8 (22%) had no view.

5.2 Selected Research Findings from Kingston Research (2002)

In 2002, Kingston conducted a comprehensive research study, *Striking a Balance: the impact of gaming in the City of Kingston* that investigated the extent of social and economic effects of gaming within the Kingston community.

Consultants Kate Dempsey and Associates were appointed by Council to undertake the research study. During February and March 2002, an extensive schedule of consultation occurred which involved:

- Focus group meetings with community support agencies, local gaming venue operators, Village Committee Representatives and Kingston's Faith Network;
- Telephone interviews with local schools and Chambers of Commerce;
- A random telephone survey of 304 residents across all local areas in Kingston;
- In addition, more than 80 key individuals were consulted in detail on the perceived and experienced effects of poker machine gambling in Kingston.

These consultations provided an understanding of the perceptions of various groups as to the effect (whether positive or negative) of EGMs on the local community.

The following section provides a summary of the key findings from the research undertaken:

Findings from the Telephone Survey:

- 75.7% of respondents believed that poker machine gambling is a serious problem;
- Almost 1 in 3 respondents or 29.9% knew of a problem gambler;
- 76.7% of respondents disagreed with the statement '*Poker machine gambling does more good for the community than harm*';
- 51.3% believed that there are too many EGMs within the municipality.

Findings from Individual Consultations:

- Of the people interviewed, 60% of local Chambers of Commerce representatives (9 of 15), all community support agencies, the majority of Village Committee representatives (8 of 13) and Faith Network representatives believed that there are too many EGMs within the municipality;

- Venue opening hours were raised by community support agencies, Chambers of Commerce and participants in the phone survey as contributing to problem gambling;
- Eleven of 13 Village Committee representatives thought venue opening hours should be reduced;
- A number of respondents thought that Council should consider lobbying State Government for a cap on gaming machines in Kingston.

5.3 Summary Community Attitudes

The consultation undertaken as a part of the ‘Striking a Balance’ research project in 2002 informed the development of Council’s Social Gaming Policy developed in the same year. This research found that approximately 75% of respondents believe poker machine gambling is a serious problem. Consultations regarding the proposed additional 12 EGMs at the Mordialloc Sporting Club found that the majority of the community were concerned about the additional EGMs at the Club, thought there was no community benefit and did not think the Club should be permitted to have the additional machines. In conclusion the majority of the community have concerns regarding EGMs and a belief that there are too many in the community providing little community benefit.

6. Issues

6.1. High EGM density and per adult expenditure

The following provides an outline of the current density of EGMs in Kingston. This data demonstrate that EGM density in Kingston is above Melbourne and Victoria figures, with a corresponding increase in net expenditure observed per adult on EGMs.

Table 1: Density of EGMs, September 2011

Area	2011 Population (18+) Projection	No. Venues	No. EGMs	Population (18+) per venue	Net EGM expenditure per adult	EGMs per 1000 residents (18+)
City of Kingston	115,721	17	944	6,807	\$746	8.00*
Victoria	4,322,850	511	26,778	8,460	\$613	6.19
Melbourne SD	3,198,129	326	19,446	9,810	\$651	6.08

Data from www.vcgr.vic.gov.au *figure calculated from 2011 forecast data (ID consulting, 2010)

6.2. Relationship between socially disadvantage regions and problem gambling

There is a proven strong correlation between areas of low socio-economic status (measured by SEIFA) and the incidence of problem gaming (Livingstone, 2006) – an issue recognised by Council’s own policy to relocate electronic gaming away from areas of social disadvantage. Overall the areas surrounding the Mordialloc Sporting Club are all relatively advantaged, with SEIFA scores in excess of the Victorian average of 1022, however there are patrons (established by the Mordialloc Sporting Club via a postcode survey) of the Club that reside in pockets of disadvantage with SEIFA scores less than 1022 (Chelsea, Chelsea Heights, Bonbeach and Springvale South (in Greater Dandenong LGA).

6.3. Council Policy

This application does impact upon Council’s capacity to deliver on its *Gaming Policy* (2002) with its key outcome to reduce overall machine numbers until they are at the Melbourne average per 1000 adult population.

Under Section 6 of the policy “if it is demonstrated that there are negative impacts from a proposal then Council is committed to taking action through its submission to the Victorian Gaming

Commission to minimising these impacts". It can do this by seeking machine number reductions, reducing operating hours or proposing other methods to limit gaming turnover.³ There is, however, no absolute requirement for Council to require a reduction in the number of gaming machines but rather for Council to attempt to seek an outcome that minimises any negative impacts.

6.4 City of Kingston Gaming Social Policy

The following strategies outlined in Council’s “Gaming Policy Electronic Gaming Machines” aim to encourage responsible gaming practices and partnerships with the gaming industry:

- Develop a closer link with gaming venues and the community to address community concerns regarding the impact of electronic gaming in Kingston;
- Provide a commitment to liaise with gaming industry working to reduce harm to problem gamblers and their families;
- Support principles and practices of the Industry Code of Practice for responsible Gaming and encourage venue gaming operator to comply by these codes.

Then following is an assessment of the application against Council’s Gaming Policy:

Table 2: Assessment of the application against Council’s Gaming Policy Position

Gaming Policy Statement	Position Council Assessment
Council is committed to a net decrease in EGMs within the municipality until the density of EGMs in Kingston is below the Melbourne Metro average.	EGM density per 1000 people in Kingston (8.00) is currently above the Metro Melbourne average (6.08) and this application will result in a further increase in density. Council is aware that currently there are 938 entitlements in Kingston including the current 12 EGMs under consideration, that will be in operation from August 2012 (assuming the applicant is successful) compared to the current 944 (also assuming that no further transfer of entitlements into Kingston occur). While this is a decrease in the total number of EGMs available in Kingston, the density (7.9 per 1000 adults) will remain above the Metro Melbourne average. The density in Kingston with 926 EGMs (assuming the Mordialloc Sporting Club is unsuccessful in its application to operate an additional 12 EGMs) would be 7.8 per 1000 adults in Kingston.
Council will work towards the relocation of EGMs from areas with higher identified problems arising from EGMs to areas with lower identified problems arising from EGMs.	This application does not involve the relocation of EGMs from within the LGA and therefore is a net increase. While the SEIFA index for Mordialloc-Braeside is 1037; above Victoria (1022) an analysis of the SEIFA at the Census Collection District (CCD – Australian Bureau of Statistics defined, approximately 250 households) level, reveals that 5 of the 9 CCD areas have an index less than Victoria. Furthermore the gaming patron catchment defined by the Ratio consulting for the applicant includes the disadvantaged suburbs of Chelsea, Chelsea Heights, Bonbeach and Springvale South (Greater Dandenong LGA) which would result in increased access to people living in low SEIFA areas which is associated with increased levels of problem gaming.
Whilst Council acknowledges	The venue currently provides EGMs as an entertainment option

³ See Section 7 on mitigation options.

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that for many participants EGM gaming is a form of recreational activity alongside other leisure options, Council also recognises the negative impact that it can create for some people and their families, which can extend to the broader community.

to the community and the applicant has identified current low utilisation for EGMs.

The following table lists Council's assessment criteria as detailed in its policy and Councils assessment.

Table 3: Assessment of the application against criteria outlined in Council's Gaming Policy Objectives

Council Policy - Prescribed Assessment Criteria	Council Assessment
Potential population growth for the local area;	Population growth in Kingston is expected to be modest and will have only a minor impact on density per 1,000 adults. Between 2011 and 2031 the population in Kingston is forecast to increase by 12.3% (18,321). If the number of machines in Kingston remains the same, density per 1000 will decrease from 8.0 to 7.1; remaining above Metro Melbourne density (6.08).
Recreational activities within the local area;	There are a wide variety of recreational activities in the local area.
The socio-economic profile of the local area;	The Kingston SEIFA index of 1030 conceals the significant disadvantage experienced in pockets of the municipality. Residents from Chelsea, Bonbeach and Springvale South (Greater Dandenong) have been identified as patrons of Mordialloc Sporting Club reside in areas of significant disadvantage.
Potential for economic gain and employment opportunities through the proposal;	The applicant failed to articulate what the new EFT positions roles will be or when they will be required and therefore it is difficult to determine economic gains.
Contribution (proposed/actual) to social and physical infrastructure in the area (beyond the venue itself);	The Mordialloc Sporting Club assert that they will use the revenue from the 12 additional EGMs to assist them to purchase the freehold and subsequently improve the facilities. They will also make alteration to the gaming room to accommodate the extra EGMs. No evidence has been provided to demonstrate that the Club would be unable to purchase the freehold without the expected additional income from the EGMs. Supporting the re-development of Ben Kavanagh Reserve is also identified by the applicant, however it is not clear that this support could not provided without the revenue from the 12 EGMs.
Community contributions made by venues;	Council acknowledges the cash and in kind contributions made by the Club to the community, in addition to the sport, recreation and entertainment provided by the venue. A \$20,000 community contribution has been committed to by the applicant in addition

	to the estimated \$145,000 currently given.
Effects of the application on the density of venues and EGMs in the local area (2.5km radius) and on the whole of Kingston;	The 2.5km density analysis undertaken by the applicant (8.08 to 8.34) reveals that density within this area is well above the Metro Melbourne average (6.08 per 1000). Analysis of the gaming patron catchment using the adult population forecast figures (ID consulting, 2010) for 2011 for the suburbs identified in the postcode survey undertaken by the applicant, also reveal above Metro Melbourne density (7.1 per 1000 adults – current EGM figures). Kingston is still above the Metro Melbourne density (8.00 compared to 6.08 per 1000 population).
Commitment of the applicant to the Industry Code of Practice for Responsible Gaming; and	Council acknowledges the Mordialloc Sporting Club is committed to the Industry Code of Practice for Responsible Gaming.
The anticipated effect on any known gambling related problems in the local area.	Council acknowledges that the effect of the application on gaming related problems in the local area is difficult to determine. However, as one third of regular gamblers are problem gamblers or moderate risk gamblers, and the EGMs constitute an increase in availability of EGMs in Kingston it is likely that there will be an increase in problem gaming in the area.

Summary

The application by the Mordialloc Sporting Club does not comply with Council's policy.

It will result in:

- A net increase in EGMs in the municipality;
- Kingston has a high density per 1000 adult population that is above Metro Melbourne density; this application will further increase the density;
- Patrons include residents from significantly disadvantaged communities (SEIFA < state average 1022); and
- As a recreational activity, utilisation is currently reported as low by the Mordialloc Sporting Club, and therefore there is no demonstrable community demand for further access to EGMs at the venue.

6.5 Evaluation of Economic and Social Impacts

6.5.1 Methodology

A two pronged analysis was undertaken to determine the social and economic impact of the application:

- Analysis of application in relation to Council Policy (see above); and
- Analysis of application in alignment with the VCGR Economic and Social Impact Submission Form and the guidelines provided by the International Association for Impact Assessment (Impact Assessment and Project Appraisal, volume 21, number 3, September 2003, p231-250, Published Beech, Tree Publishing, UK, for the International Association of Impact Assessment).

The following research findings also informed the social impact assessment of EGMs at the Mordialloc Sporting Club venue.

- *Reasons people gamble include for entertainment, to win money, for social reasons, because of boredom, isolation and loneliness, or as an escape. A lack of alternative entertainment options or barriers to accessing other forms of entertainment can encourage people to gamble (DoJ 2010a p.xiv; DoJ 2009a; DOJ 2009b).*
- *Approximately a third of regular (weekly) EGM gamblers are problem gamblers or moderate risk gamblers (PC 2010, p.14).*
- *Research and policy have identified a strong link between accessibility of gaming venues (geographical, temporal and social) and gambling behaviour (DoJ 2010a p.xii-xv).*
- *A high number of EGMs in an area, is associated with problem gambling and increased expenditure. Socio-economic disadvantaged communities are more vulnerable to problem gambling, and in Victoria most EGMs are located in areas of higher disadvantage (PC 1999 p.10.40; Livingstone 2006, Fig 4.1; Caps Review 2005).*
- *Problem gambling can lead to adverse health, social and financial outcomes for the gambler and their families. This can impact on service providers working to meet the needs of people with gambling problems (DoJ 2009a; PC 2010; PC 1999 p.25 Brown 1997).*
- *Gaming can provide entertainment and recreation for a community (PC 2010), and the level of social accessibility (is the venue is safe, fun, social and affordable?) is an important factor for gamblers (DoJ 2010a, p.xii-xv).*

6.5.2 Officers key findings and recommendations

The economic and social impacts associated with problem gambling are complex and difficult to quantify. The incidence of problem gambling is higher within disadvantaged communities that have high densities of EGM's and may be affected by exposure to opportunities to engage in other addictive behaviours such as alcohol consumption and smoking.

Assessment of positive economic and social impacts

The potential economic and social impacts that may result from the proposed 12 additional EGM's to the Club venue can be summarised as follows:

Summary of positive social impacts

- Increased revenue to the club and associated distribution of funds to taxes and spending; and
- The application will result in a further \$20,000 is cash contributions to the community from the Mordialloc Sporting Club.

Summary of social conditions that may mitigate against detrimental impacts

- Labour force participation in Kingston is above the Metro Melbourne average;
- There is a wide range of alternative entertainment and recreation options available to residents residing and visiting the gaming patron catchment;
- The Mordialloc Sporting Club is committed to Responsible Gambling Practices; and
- Residents of the City of Kingston report having good social supports and good participation rates in volunteering activity.

Summary of negative social impacts

- Socio Economic Index for Areas (SEIFA) – There are significant areas of disadvantage within the gaming patron catchment area, including in the immediate surrounds of the Mordialloc Sporting Club;
- Median household income levels – The areas of disadvantage identified using the SEIFA index, similarly have a median household income level below the Kingston and Metro Melbourne average;

- There is a relatively high density of EGMs in Kingston, and the gaming patron catchment area compared to Metro Melbourne. If the application is successful, the density of gaming machines per 1000 adults will increase;
- Expenditure per adult is above Metro Melbourne and State average;
- The Mordialloc Sporting Club has the highest gaming losses for a Club in Kingston, and is the fifth highest gaming losses of all venues in Kingston;
- The Mordialloc Sporting Club is located within easy walking distance of the main shopping strip in Mordialloc, and has long opening hours seven days a week;
- Access to EGMs in Kingston is very high, with every resident in Kingston living within a 2.5km radius of a gaming venue, when venues that are located just outside the municipality are considered;
- There are several suburbs within the gaming patron catchment area that are experiencing housing stress; and
- There are a wide range of local services available to support problem gamblers and their family and friends, however almost 40% of Kingston clients receiving support from Gamblers Help Southern in 2010/11 were from the suburbs which the Mordialloc Sporting Club primarily draw their gaming patrons. Therefore there may be an increase in the demand for support services that address the economic and social impacts of problem gaming.

Conclusion

On balance, Officers have concluded that the proposed 12 EGMs offering a range of leisure and social activities will have a moderate negative net economic and social impact.

7. Options

Option 1: Retain Council's position submitted to the Victorian Commission for Gaming Regulation objecting to the application by Mordialloc Sporting Club to operate an additional 12 gaming machines.

Option 2: Withdraw Council's position submitted to the Victorian Commission for Gaming Regulation objecting to the application by Mordialloc Sporting Club to operate an additional 12 gaming machines.

Option 3: Withdraw Council's objection submitted to the Victorian Commission for Gaming Regulation and submit a letter supporting the application by Mordialloc Sporting Club to operate an additional 12 gaming machines.

8. Triple Bottom Line Checklist

- **Environmental** – Not Applicable
- **Social** - Any increase in gaming activity may affect individual savings, increase problem gaming and associated health and wellbeing issues. This could result in an increased demand for counselling (gamblers help, financial) services.
- **Financial** - There are likely to be some economic benefits from the redevelopment, both during the construction and operational phases. There will be approximately \$255-355,000 spent on building works to accommodate the 12 machines, which will have modest flow on effects for the local economy. However, this gain should be balanced against the potential

transfer of a proportion of discretionary spending from local business to the additional EGMs. Furthermore, any increase in problem gaming will add further demand to local support services.

9. Recommendation

That Council resolve to retain its submitted objection to the Victorian Commission for Gaming Regulation in response to the application by Mordialloc Sporting Club to operate an additional 12 gaming machines.

Attachments:

Attachment A. City of Kingston Economic and Social Impact Submission form to the VCGR

Attachment B. Attachment to City of Kingston Economic and Social Impact Submission

Crs West/Shewan

That the recommendation be adopted.

Carried

A Division was called:

For

Cr Athanasopoulos
Cr West
Cr Shewan
Mayor, Cr Brownlees

Against

Cr Peulich
Cr Dundas
Cr Moloney
Cr Ronke

The Chairperson declared the **Motion** was **Carried**.

The Motion was carried on the casting vote of Chairperson.

Cr Staikos returned to the Chamber at 10.00pm

N 154 Individual Development Grant Applications with Potentially Perceived Conflict of Interest.

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Dominic McCann, Co-ordinator Community Wellbeing

1. Purpose

The purpose of this report is to seek approval for funding under the Individual Development Grants component of the Community Grants Program 2011-2012 for an application received from a relative of a Council staff member.

2. Council Plan

This report relates to the Council Plan 2009-2012 *Planned Outcome 3 – Healthy, Strong and Connected Communities* and in particular *Strategy 3.2 – Promoting strong, cohesive and engaged communities.*

3. Background

Council's Individual Development grants are available to individuals in the areas of arts and culture, sports and recreation, academic achievement, and environmental or humanitarian initiatives. Council received 91 applications in the 2010-2011 funding period. 89 of these applications were successful and shared in a total of \$23,976. In the 2011-2012 funding period 63 applications have been received to date with 61 being successful and the remaining 2 still being processed.

Successful applicants may receive up to \$500 for an international activity.

An application has been received from a relative of a Council staff member as follows:

- Niamh McGarry – Australian School of Performing Arts Australian Girls' Choir International Tour 2011.

(See Attachments A and B for further details of the application and supporting documentation).

There is a declared conflict of interest associated with this application as Niamh McGarry is a daughter of Catherine McGarry the Community Grants and Networks Officer with Community Engagement.

3.1. Process

Applications are currently assessed by the Grants Officer and approved by the Coordinator Community Wellbeing against established criteria (Attachment C). In addition, applicants are required to submit supporting information including letters from the relevant organising authority in order to verify the legitimacy of the event.

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In this case the application has been assessed by the Co-ordinator Community Wellbeing and the Team Leader Community Engagement and meets the Individual Development Grants' criteria in the Arts & Culture category as follows:

Criteria	Compliant	Comments
Permanent resident of Kingston	ü	Mentone resident.
Emerging artist and cultural performer	ü	Singing in a choir at a high standard.
Participating as an individual or as part of a team or group in the development activity	ü	Member of Australian Girls' Choir.
Able to demonstrate a record of achievement and practice in their field of pursuit	ü	Performed at the Final of the Australia Men's Open Tennis Championships – January 2011. Performed in Annual Concert at Hamer Hall.
Selected to represent Australia	ü	Selected by Australian School of Performing Arts through an auditioning process in Sydney, Adelaide, Melbourne, and Brisbane.
Special activities that enhance creative and professional development at an international level	ü	International tour of USA performing with girls from across Australia.
Presentation of work at a significant cultural event or venue.	ü	Performing in a number of cities throughout USA – Boston, New York, Washington, Los Angeles, San Francisco.

As an additional measure, to ensure transparency and to maintain the integrity of the process, all applications that present perceived conflicts of interest are presented to Council for its consideration.

4. Summary and Conclusion

There is a high proportion of Kingston Council staff members who are also residents of the City of Kingston, resulting in the likelihood that periodically there will be Individual Development Grant applications from residents who have a close association with Council.

An application has been received from a relative of a Council staff member as follows:

- Niamh McGarry – Following auditions, was selected by the Australian School of Performing Arts to participate in the Australian Girls' Choir International Tour 2011 in the USA.

Niamh's mother, Catherine McGarry is employed as Council's Grants Assessment Officer. To address any perceived conflict of interest and in alignment with Council guidelines, this application to the Individual Development Grants program is therefore presented to Council for its determination.

5. Consultation

The application has been assessed for eligibility at officer level against the guidelines. The application meets the Individual Development Grants' criteria. Assessing officers have declared no conflict of interest other than supervising the applicant's mother as a member of staff.

6. Issues

Grant funds disbursed to staff members or their families may potentially be perceived by some rate payers as a conflict of interest. It is important that there is a transparent assessment processes to ensure that there is no opportunity for perceived conflicts of interest to have undue influence on the allocation of grants.

7. Options

7.1 Recommended

That Council endorses the proposed recommendation for funding for the applicant as presented.

7.2 Alternative

That Council does not endorse the proposed recommendation for funding for the applicant as presented.

8 Triple Bottom Line Checklist

- **Environmental** – Not applicable.
- **Social** – The Individual Development Grant demonstrates Council's support and commitment to supporting growth and development in the areas of the arts and culture, sport and recreation, and humanitarian and environmental endeavours.
- **Financial** – The 2011-2012 Council budget has an allocation of \$24,696 for the Individual Development Grants component of the Community Grants Program. \$20,850 of this budget has been expended to date. There is sufficient budget for all current applications that have been received to date to be awarded.

9. Recommendation

That Council resolve to approve funding for the applicant via the Individual Development Grants as presented.

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Attachments:

Attachment A - Individual Development Grant 2011 2012 Application – Niamh McGarry

Attachment B - Individual Development Grant 2011 2012 Application – Supporting Documentation

Attachment C- Individual Grants Guidelines

Crs Staikos/Peulich

That the recommendation be adopted.

Carried

Cr Athanasopoulos left the Chamber at 10.00pm

Cr Athanasopoulos returned to the Chamber at 10.01pm

Procedural Motion:

Crs Peulich/Moloney

That the meeting be extended for a further 60 minutes to 11.00pm.

The **Motion** was **Carried**

11. Organisational Development & Governance Reports

N 155 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.

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

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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/Ronke

That the report be noted.

Carried

N 156

Expenditure of Ward Funds Schedule

Cr Athanasopoulos declared an indirect interest due to close association in relation to Kingston City Soccer Club because his son is a player of the Club and left the Chamber at 10.02pm before any discussion and voting on the matter.

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."*

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

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

Table of Councillor requests:

Councillor	Ward	Initiative	Request Date	Amount \$
Cr Dan Moloney	South	<i>Bonbeach Primary School Classroom Canines Program</i>	05/09/2011	\$125.00
Cr Trevor Shewan	South	<i>Bonbeach Primary School Classroom Canines Program</i>	05/09/2011	\$125.00
Cr Dan Moloney	South	<i>Aspendale Primary School 2011 Twilight Festival</i>	05/09/2011	\$300.00
Cr Arthur Athanasopoulos	North	<i>Kingston Historical Societies Network Exhibition of Historical Pictures</i>	19/09/2011	\$200.00
Cr Lewis Dundas	Central	<i>Kingston Historical Societies Network Exhibition of Historical Pictures</i>	19/09/2011	\$200.00
Cr Dan Moloney	South	<i>Kingston Historical Societies Network Exhibition of Historical Pictures</i>	19/09/2011	\$200.00
Cr Paul Peulich	North	<i>Kingston Historical Societies Network Exhibition of Historical Pictures</i>	19/09/2011	\$200.00
Cr John Ronke	South	<i>Kingston Historical Societies Network Exhibition of Historical Pictures</i>	19/09/2011	\$200.00
Cr Steve Staikos	North	<i>Kingston Historical Societies Network Exhibition of Historical Pictures</i>	19/09/2011	\$200.00

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Cr Rosemary West	Central	<i>Kingston Historical Societies Network</i> <i>Exhibition of Historical Pictures</i>	19/09/2011	\$200.00
Mayor, Cr Brownlees	Central	<i>Dingley Baseball Club</i> <i>Reimbursement of Costs due to unavailability of Ground</i>	21/09/2011	\$500.00
Mayor, Cr Brownlees	Central	<i>Southern Suburbs Hockey Club</i> <i>Provision of Two Flagpoles</i>	21/09/2011	\$1500.00

Recommendation

That Council approve the expenditure of Ward Funds in accordance with the table of Councillor requests.

Crs Staikos/Shewan

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests, with the addition of:

Cr Shewan	\$500	Chelsea Community Support Services
Cr Ronke	\$500	Chelsea Community Support Services
Cr Moloney	\$500	Chelsea Community Support Services
Crs Staikos and Peulich	\$500 each	Kingston City Soccer Club

Carried

Cr Athanasopoulos returned to the Chamber at 10.04pm

N157

MAV State Council - Motions

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

Author: Phil DeLosa, Program Leader - Governance

1. Purpose

The purpose of this report is to propose motions for consideration at the MAV State Council Meeting to be held on Friday 28 October 2011.

2. Council Plan

Strategy 5.3

Sound governance and responsible financial leadership

3. Background

The MAV is holding a State Council meeting on Friday 28 October 2011.

State Council is a meeting of the MAV membership. Its role is to set the high-level strategic direction of the MAV. Two meetings of State Council are held annually, with special meetings convened if needed.

Councils pay a subscription for full membership of the MAV. This entitles them to appoint a councillor representative to vote at State Council meetings. Only financial member councils can vote on business considered by State Council.

Council is allowed one vote at the State Council meeting. Council's MAV representative (the Mayor, Cr Brownlees,) attends this meeting, usually accompanied by the Chief Executive Officer.

4. Issues

The MAV has advised that any motions that Councils wish to have considered at State Council must be submitted to the MAV by **30 September 2011**.

There are three (3) proposed motions to be forwarded to the MAV which are attached to this report. The proposed motions relate to;

- Fire Services Levy
- School Crossing Supervisors Program
- Occasional Child Care

A full list of motions submitted by all Councils for the MAV State Council meeting will become available in early October.

5. Triple Bottom Line Checklist

- Environmental – Not applicable.
- Social – Not applicable.

- Financial – Not applicable.

6. Recommendation

That Council:

1. approve the motions as attached and that they be submitted to the MAV for the State Council meeting on 28 October 2011
2. note that the Mayor, Cr Brownlees, will attend the MAV State Council meeting accompanied by the Chief Executive Officer

Attachments:

City of Kingston Motions – MAV State Council, October 2011

Crs Peulich/Staikos

That the recommendation be adopted subject to the Motion regarding “Take a Break Funding” being amended to:

“That the MAV State Council write to the Commonwealth Minister for Employment Participation and Childcare, the Hon Kate Ellis MP seeking the reinstatement of the “Take a Break Funding” as a matter of urgency. Further that a copy of the letter be sent to the State Minister for Children and Early Childhood Development, the Hon Wendy Lovell MLC.

Carried

12. Corporate Services Reports

N158 Status of Contract CON-10/140 – Supply, Implementation and Maintenance of an Integrated Telephony System

Approved by: Paul Franklin, General Manager Corporate Services

Author: Duncan Kelly, Manager Information Services
Kevin Chan, Team Leader IT Infrastructure

1. Purpose

This report details the process undertaken to review, evaluate and make a recommendation to award the tender (CON-10/140) for the Supply, Implementation and Maintenance of an Integrated Telephony System to Gateway Business Communications.

2. Council Plan

Planned Outcome 5	Community Inspired Leaders
Strategy 5.4	Inspired, dynamic and accountable people
Strategic Action 5.4.3	Continue the development and implementation of Council's Information Services

3. Background

Council's current Telephony Systems are 11 years old and it was anticipated that by 2011/12 it would need replacing. Council was advised that the current Telephony System will be no longer supported by the vendor during the 2010/2011 year. As part of Council's "Enhancing our Reputation" project the need for a more modern and flexible Telephony System was also highlighted to improve the way we respond to our Customers. The project will also merge the currently separate Council Main Office and Library phone systems

Reasons for Change

1. A key outcome of Council's "Enhancing our Reputation" project was the need improve how it responds to its Customers who contact Council by phone. To do this Council needs to improve the treatment of incoming calls, therefore improving how we disseminate, monitor and report on calls. We cannot do this with our current system to meet this requirement.
2. The Telephony System at the Cheltenham and Mentone offices is a Nortel Meridian system. Nortel/Avaya has announced that they have ceased support for the Meridian PABX. Support of this system is no longer guaranteed and Council have been advised that support is expected to stop within 18 months if not sooner. Information Services have been advised that parts are only available using a "best efforts" methodology. Therefore, Council's existing Telephony Systems are at risk of not being able to be repaired or repaired in a timely manner if they are subject to failure.

3. The Telephony System at the Libraries is an Ericsson system. The Ericsson system that the Libraries use is also at it's "end of life". Support of this system is already difficult to obtain.
4. Council cannot purchase any further licensing for the Nortel system, as the software is no longer upgradable and therefore will not be able to expand the current phone system within the existing Cheltenham and Mentone offices.

Scope of Change

Information Services has tendered for a single Telephony System to operate across the Cheltenham, Mentone, Chelsea, Parkdale Offices and all the Libraries. It is not our intention to expand the system into the other Council offices at this point in time (these sites are not operated by the Nortel or Ericsson systems). It should be noted that this is technically possible and will progressively be considered in the future.

Long Term Financial Plan

The replacement of Council's Telephony System has been listed on Council's long term Financial Plan for the previous 5 years and has progressively moved up the order of capital projects over this time.

Objectives

The primary objectives of the Telephony System Replacement are:-

1. Improve Customer Service by:
 - Enhancing call reporting to allow call tracking and monitoring in the Customer Service Area and across Council;
 - Implement call queuing and call reporting for the HACC staff at Mentone;
 - Allowing the establishment of additional departmental call centres.
2. Replace the existing Nortel PABX and Ericson PABX, providing increased capacity;
3. Implementing full redundancy to address telephony disaster recovery;
4. Establish "unified communication", allowing the integration of Council's Phone / eMail / Calender and mobile systems.

It is essential to note that the implementation of a new Telephony System will not lower the Council telephony bill. Council will still have to pay for external calls, mobile calls and the 1300 number incoming calls.

4. Tender Process

Substantial consultation has occurred from the very early stages of the project. The Consultation Phases prior to the tender were designed to encourage staff to be involved in the process and allow them to have input on their requirements of a new Telephony System. To assist with the tender process Council engaged Barry Reichelt Telecommunications Consulting Services Pty Ltd at a cost of \$17,500 (ex GST).

Consultation

High Level Presentation

A presentation to John Nevins, Paul Franklin and Elaine Sowerby on the potential opportunities of the Telephony System Replacement Project.

Data Gathering

The Project Team met with a number of teams to determine their telephony requirements. The answers to these questions developed the licencing requirements, measured call flows and identified the potential features that will were requested as part of the tender.

Specification Development

The Project Team developed the functional specification, this included the sections on Site Details, Pricing Matrix, Compliance Matrix and Vendor Self Assessment.

Tender Governance Structure

Tender Steering Committee

The Tender Steering Committee consisted of:-

- Paul Franklin, General Manager Corporate Services (Chair)
- Elaine Sowerby, General Manager Organisational Development and Governance
- Duncan Kelly, Manager Information Services
- Glenn Stewart, Team Leader Customer Services
- Kevin Chan, Team Leader Infrastructure
- Darryn Pasma (Probity Officer), Manager Procurement and Contracts

Tender Evaluation Committee

This group's primary purpose was to:-

1. Review the returned vendor documentation;
2. Determine a short list of vendors;
3. Liaise with the Tender Reference Group;
4. Attend ALL vendor demonstrations;

Tender Reference Group

To ensure that the needs of the Council were met a Tender Reference Group was formed. This group's primary purpose was to:-

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

Contract Terms and Conditions

The proforma contract terms and conditions were prepared by Russell Kennedy based upon a standard Government Information Technology Contract (GITC) version 4 template. During the contractual negotiation phase with Gateway, ongoing advice was sought from Russell Kennedy in relation to the contract terms and conditions and any proposed variations there to.

Contract Items

Contract Terms: 5 years with 2 x 2 year options

Tender Responses and Evaluation

On 20 January 2011 the tender was released, 9 tenders were received with one being late:-

1. Dimension Data Australian Pty Ltd

2. Flexible Networks Pty Ltd
3. DataVoice Communications Victoria Pty Ltd (DataVoice)
4. Gateway Business Communications (Gateway)
5. Data #3 Limited (Data #3)
6. IP Systems Pty Ltd
7. PYXIS Australia Pty Ltd
8. Computer Systems (Australia) Pty Ltd
9. Aeges (Late tender) – not considered by Evaluation Team

On 1 March 2011 the Tender Steering Committee was briefed on the process and scoring of all the tenderers.

The Steering Committee agreed that the short list for demonstrations would be:-

1. Gateway
2. DataVoice
3. Data #3

Demonstrations

Gateway, DataVoice and Data#3 each had one day to present their products. Each section of the demonstration agenda (which was based upon the functionality specification) was scored independently by the Evaluation and Reference Committee members. At the completion of the demonstrations the scores for each provider were then used to reanalyse the Conformance to Specification.

Evaluation Revised – Including Price

- | | |
|--------------|-----|
| 1. Gateway | 88% |
| 2. Data #3 | 86% |
| 3. DataVoice | 83% |

Site Visits

A number of site visits were also conducted to review the capabilities of each solution.

References

A number of reference checks were also conducted on the number one ranked tenderer (Gateway). These references were all positive in regards to the Mitel product which is being implemented by Gateway.

Full details of the Tender Process can be found in Attachment A.

Approval of Probity

Darryn Paspas, Manager Contracts and Procurement has provided the following advice on 8 September 2011. His statement is detailed below:-

“The Probity Officer confirms that throughout the process, all potential respondents have been treated equitably and fairly, with equal access to all relevant information and opportunities. In regard to the evaluation of responses and selection of the preferred tenderer, all decision making has been suitably objective and undertaken in accordance with good practice and the process, criteria and specification as published, resulting in a sound and justifiable decision. In addition,

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appropriate records have been maintained and suitable levels of security, confidentiality and consideration of potential conflicts of interest have been maintained throughout the process.

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

Project Costs

The solution costs for are as follows:-

Gateway Business Systems

Gateway Contract Costs – Capital Cost		
Product	\$283,265	
Total Handsets	\$134,603	
Network Switches	\$111,114	
VoIP Readiness Assessment	\$1,000	
Implementation	\$20,750	
Training	\$29,950	
Total - Gateway		\$580,682

Gateway Contract Costs – Operational Cost		
Yearly Support & Maintenance	\$36,000	
Total Gateway Maintenance Costs 1 – 5 Years		\$180,000

Total Gateway Contract Costs Five Years		\$760,682
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Other Project Costs

Other Project Costs (estimated figures) – Capital Cost		
Additional Infrastructure required: Cabling, Cabinets, Project Management	\$80,000	
Telephony System Battery Backups costs	\$100,000	
Total - Other		\$180,000

Other Project Costs (estimated figures) – Operational Cost		
Yearly Telephony System Battery Backups Maintenance	\$20,000	
Total Other Maintenance Costs 1 – 5 Years		\$100,000

Total Other Costs Five Years		\$280,000
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“Other Project Costs” will be purchased in accordance with Council’s “Procurement Policy and Procedures” TRIM Ref: 11/37292.

Total Project Costs

Total Project Costs Year One – Capital		\$760,682
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Total Project Costs Year One – Operational		\$56,000
Total Project Costs Year One		\$816,682

Total Project Costs Five Years – Capital		\$760,682
Total Project Costs Five Years – Operational		\$280,000
Total Project Costs Five Years		\$1,040,682

Adopted Budget Allocation Year One	GL	Budget	Cost
Gateway Contract Costs – Year One	C0064	\$521,000	\$607,252
Other Project Costs – Year One	C0112	\$304,900	\$200,000
Total		\$825,900	\$816,682

All costs are ex GST.

There will be an impact to the annual Operational Budget of Information Service to the amount \$36,000 (approximately) for both the new Telephony System and Battery Backup system maintenance.

For details on the costings of all proposals please see Attachment B.

5. Summary and Conclusion

After extensive consultation with the Council Reference Group and the approval of the Steering Committee this reports seeks approval by CLG to endorse Gateway Business Systems as the preferred supplier and that Information Services be approved to send this report to Agenda Review. Subject to discussions at Agenda Review a report to award the contract will then be prepared for Council to formally award the contract.

6. Issues / Risks

One possible concern with the preferred supplier is that Gateway are a relatively smaller implementer with approximately 12 staff. Council would easily be their largest Telephony System implementation to date. As a counter to these concerns it has been verified that they are backed by both Mitel and Telstra.

7. Triple Bottom Line Checklist

- **Environmental** – not applicable.
- **Social** – The implementation of the new Telephony System will have a direct impact on how our Customers communicate with Council.
- **Financial** – This project at a total cost of \$807,252 (ex GST) is funded as part of the Information Services Capital Budget

Project Number	C0064:	2011 – 2012	\$521,000
	C0112	2011 – 2012	\$304,900

There will be an impact to the annual Operational Budget of Information Service to the amount \$36,000 (approximately) for both the new Telephony System and Battery Backup system maintenance.

8. Recommendation

That Council resolve to.

1. Award Contract CON-10/140 for the Agreement for the Supply, Implementation and Maintenance of an Integrated Telephony System to Gateway Business Systems at a Year One contract sum of \$580,682 (ex GST);
2. Award the five year annual system support and maintenance of Contract CON-10/140 for the Agreement for the Supply, Implementation and Maintenance of an Integrated Telephony System to Gateway Business Systems at an estimated cost of \$180,000 (ex GST) over 5 years; and
3. Authorise the CEO or delegate to exercise each of the two, two year extensions for the system support and maintenance subject to satisfactory performance
4. Note that the balance of the expenditure for this project is \$280,000 which will be purchased under delegation in accordance with Council "Procurement Policy and Procedures".

Crs Staikos/Peulich

That the recommendation be adopted.

Carried

Attachment A

Tender Process

Substantial consultation has occurred from the very early stages of the project. The Consultation Phases prior to the tender were designed to encourage staff to be involved in the process and allow them to have input on their requirements of a new Telephony System. To assist with the tender process Council engaged Barry Reichelt Telecommunications Consulting Services Pty Ltd. Barry Reichelt has assisted Council previously with a number of projects including the review of potential options for the Telephony System and the tendering of Council's Telephony and Mobile Service Provision. Barry Reichelt has also assisted a number of other Councils with a similar process.

Consultation

High Level Presentation

A presentation to John Nevins, Paul Franklin and Elaine Sowerby on the potential opportunities of the Telephony System Replacement Project.

Data Gathering

The Project Team met with a number of teams to determine their telephony requirements. The answers to these questions developed the licencing requirements, measured call flows and identified the potential features that will be requested as part of the tender. The departments interviewed were:

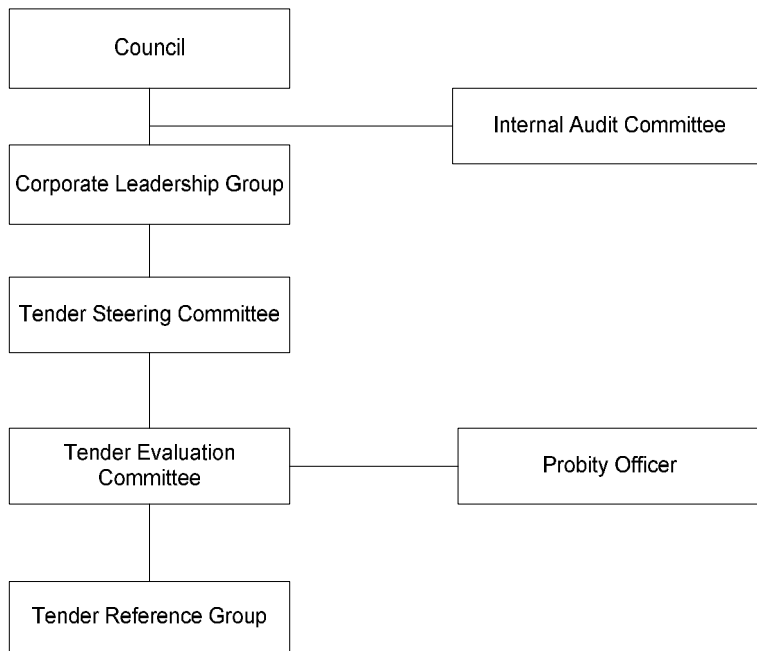
- Customer Service
- Planning
- Building
- Environmental Health
- Rates
- Local Laws
- Community Services
- Depot
- Libraries
- AccessCare Southern

Specification Development

The Project Team developed the functional specification, this included the sections on Site Details, Pricing Matrix, Compliance Matrix and Vendor Self Assessment.

Tender Governance Structure

The Tender Governance Structure used the following methodology:



Tender Steering Committee

This group's primary purpose is to:

1. Make final recommendation to CEO / CLG / Councillors

The Tender Steering Committee consisted of:

- Paul Franklin, General Manager Corporate Services (Chair)
- Elaine Sowerby, General Manager Organisational Development and Governance
- Duncan Kelly, Manager Information Services
- Glenn Stewart, Team Leader Customer Services
- Kevin Chan, Team Leader Infrastructure
- Darryn Pasma (Probity Officer), Manager Procurement and Contracts

Tender Evaluation Committee

This group's primary purpose was to:

1. Review the returned vendor documentation;
2. Determine a short list of vendors;
3. Liaise with the Tender Reference Group;
4. Attend ALL vendor demonstrations;

Due to the technical nature of the specification the tender responses were reviewed and evaluated by:

Division/Department

Staff

Information Services

Duncan Kelly
Kevin Chan

Barry Reichelt Telecommunications
Consulting Services Pty Ltd

Barry Reichelt

Tender Reference Group

To ensure that the needs of the Council were met a Tender Reference Group was formed. This group's primary purpose was to:

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

Division/Department

Staff

Organisational Development

Customer Service

Glenn Stewart
Katerina Kaldellis

Environmental Sustainability

Planning & Building Administration

Naomi Crowe

Corporate Services

Financial Services

Penny Marshall

Community Sustainability

Home & Community Care

Wendy Portlouis
Abrie DeWet
Joy Walker
Gail MacDonald
Elisabeth Chandler

Library Services

Corporate Services

Information Services

Roshan Joseph

Statutory Education & Compliance
Services

Dusan Ivanic

Kerri Piner represented by Kerri Moore

Contract Terms and Conditions

The proforma contract terms and conditions were prepared by Russell Kennedy based upon a standard Government Information Technology Contract (GITC) version 4 template. During the contractual negotiation phase with Gateway ongoing advice was sought from Russell Kennedy in relation to the contract terms and conditions and any proposed variations there to.

Contract Items

Contract Terms: 5 years with 2 x 2 year options

Contract Pricing covered:

- Implementation
- Software Licensing
- Hardware Licensing
- Ongoing support and maintenance
- Training

Contract classification and Occupational Health and Safety

Gateway will be undertaking the contracted works across various Council office. The works are classified as a consultancy service and hence are of a low OHS risk nature, thus the contract is classified as a Service Provider pursuant to Council's "Contractor OH&S Management Policy" TRIM Ref 09/102841. Prior to undertaking the works Gateway and its subcontractors will be provided Contractor induction.

Tender Responses and Evaluation

On 20 January 2011 the tender was released, 9 tenders were received with one being late:

1. Dimension Data Australian Pty Ltd
2. Flexible Networks Pty Ltd
3. DataVoice Communications Victoria Pty Ltd
4. Gateway Business Communications
5. Data #3 Limited
6. IP Systems Pty Ltd
7. PYXIS Australia Pty Ltd
8. Computer Systems (Australia) Pty Ltd
9. Aeges (Late tender) – not considered by Evaluation Team

The late tender of Aeges was not considered. Dimension Data submitted revised pricing after the closing of the tender and this was not considered. The late tender and revised pricing has not been opened.

Stage One Evaluation

All eight tenderers, remaining in the process, were scored in accordance with the scoring matrix as advertised in the tender documentation. This phase of the process consisted of four (4) components; Conformance to Specification, Vendor Capability, General Requirements and Demonstrated Experience. Each section was scored independently and the scores were then added and weighted according to the agreed weighting.

At Stage One the Overall Scores were:

- | | |
|-------------------------|--------|
| 1. Data #3 | 95.62% |
| 2. Gateway | 93.78% |
| 3. DataVoice (Option 1) | 90.77% |
| 4. Flexnet | 88.96% |
| 5. Calltime | 87.20% |
| 6. CSA | 86.89% |
| 7. Dimension Data | 83.72% |
| 8. IP Systems | 64.34% |

DataVoice provided two options as part of their tender response. Option 1 was for an Avaya Communication Manager system, this is a fully functional system with a detailed strategic direction. Option 2 was for an Avaya CS1000, while this is a fully functional system that meets Council's existing functional needs Avaya has stated that this system will not be developed any further. As this system offered no strategic long term advantage to Council this system was not considered.

Stage Two Evaluation

This phase of the process consisted of five (5) components; Conformance to Specification, Vendor Capability, General Requirements, Demonstrated Experience and Price. Each section was scored independently and the scores were then added and weighted according to the agreed weighting.

Each tender proposal was reviewed for all the costs associated with their tender including items such as Additional Software Requirements, Additional Hardware Requirements, Changes to Line Rental Costs. These amounts were then extrapolated to include:

- Total Year 1,
- Total Year 5,

The percentage score for the Price was based on the Total Year 5, whereby the lowest Full Solution Price was given the maximum score and then all other scores were a percentage of this.

At Stage Two the Overall Scores were:

1. Gateway	96.27%
2. DataVoice (Option 1)	93.47%
3. Data #3	91.35%
4. Dimension Data	85.70%
5. Calltime	83.54%
6. CSA	81.22%
7. Flexnet	79.81%
8. IP Systems	58.26%

At the end of Stage Two there was a clear 1st, 2nd and 3rd. On 1 March 2011 the Tender Steering Committee was briefed on the process and scoring of all the tenderers. Kevin Chan briefed the Steering Committee of the findings of the evaluation process and presented a short list of vendors for consideration.

The Steering Committee agreed that the short list for demonstrations would be:

1. Gateway
2. DataVoice (Option 1)
3. Data #3

Demonstrations

Gateway, DataVoice and Data#3 each had one day to present their products. Each section of the demonstration agenda (which was based upon the functionality specification) was scored independently by the Evaluation and Reference Committee members. These scores were then averaged.

Demonstrations scores:

1. Data #3	1158.5
2. Gateway	1063.5
3. DataVoice	883

These scores were then used to reanalyse the Conformance to Specification section of the original Stage One and Two stages. After the reanalysis, the revised Stage One and Two scores were:

Stage One Evaluation Revised

1.	Data #3	88%
2.	Gateway	79%
3.	DataVoice	71%

Stage Two Evaluation Revised

1.	Gateway	88%
2.	Data #3	86%
3.	DataVoice	83%

Site Visits

A number of site visits were also conducted to review the capabilities of each solution. The site visits undertaken were:

- Gateway
 - Crawford and Co.
 - Surf Coast Council
- Data #3
 - Hume City Council
- DataVoice
 - South East Water Limited

Further demonstrations were then arranged of the Reporting Ability of Data #3 and Gateway. These demonstrations clearly showed that Gateway had a superior out of the box reporting regime with no additional costs.

References

A number of reference checks were also conducted on the number one ranked tenderer (Gateway). The reference checks undertaken were:

- Autobarn
- Charles Sturt City Council
- John Alison Monkhouse
- Comcater
- Rodger David

These references were all positive in regard to the Mitel product which is being implemented by Gateway.

Cr Ronke declared an indirect interest due to conflicting duties because he is employed by the Melbourne Fire Brigade and left the Chamber at 10.08pm before any discussion and voting on the matter.

N 159

Fire Services Levy

Approved by: Paul Franklin - General Manager Corporate Services

Author: Julian Harvey – Manger Property Arts and Leisure Services

1. Purpose

The purpose of this report is to advise Council of the Fire Services Levy Options Paper issued by the State Government and to table a draft response for Council endorsement.

2. Council Plan

3.4 - Monitor and plan for the Changing Needs and aspiration of the community

3.4.3 - Maintain awareness of and respond as appropriate to relevant Commonwealth and State Legislation, policies and strategies.

3. Background

The Victorian Government released the Fire Services Levy Options Paper on 30 June 2011. The paper responds to the Victorian Bushfires Royal Commissions recommendation that the State replace the Fire Services Levy with a property-based levy and introduce concession for low income earners.

Victoria has three fire services, the MFB the CFA and Parks Victoria. Each service is funded in different manners, the MFB is funded 75% by insurance companies 12.5% by Local Government and 12.5% by State Government. The CFA is funded 77.5 % by Insurance companies and 22.5% by the State Government. The Parks Victoria Service is 100% funded by the State for the protection of Public Lands.

As the State Government has committed to implementing all of the recommendations of the Bushfire Royal Commission a property based levy is proposed to replace the existing arrangements to ensure that all property owners contribute to the cost of providing fire services not just those that take out insurance. To this end a discussion paper has been prepared by the State Government to receive feedback from the community.

Officers have considered the options paper and have attended the Municipal Association of Victoria briefing and scoping session and are able to proffer some suggested responses and observations on the likely impact on Council and the ratepayers of Kingston. It is the recommendation of officers that a submission be made to the Government based on this paper.

4. Summary and Conclusion

The State is seeking feedback on its proposal to introduce a Property Based Fire Services Levy. The levy design, implementation and administration has the potential to significantly impact Council

and the Ratepayers. Council is proposed as the collection agency which will further burden Council with administration and negative perceptions from increased rates bills.

5. Consultation

Officers have consulted with other officers in Local Government and have participated in the Municipal Associations workshop on the issue.

6. Issues

The State proposes that the new property levy will replace the existing statutory contributions. The following table identifies the current funding:

Funding Source	CFA	MFB
Insurance Contributions	\$303,170,000	\$206,136,000
Local Government	-	\$34,356,000
State Government	\$71,554,000	\$34,356,000
Federal Government	\$576,000	\$3,049,000
Major Incident Funding	\$4,389,000	0
Self Insurers and Brokers	\$20,670,000	\$8,086,000
Sale of goods and services	\$13,701,000	\$27,214,000
Interest and Dividends	\$4,544,000	\$8,072,000
Other Income incTAC	\$14,252,000	\$4,288,000
<u>TOTAL</u>	<u>\$432,856,000</u>	<u>\$325,557,000</u>

The current model relying predominantly upon Insurance companies to collect funding for what is now considered a “community good” is outdated and prone to inequity as it collects from only those who take out insurance. It is estimated that 4% of residential dwellings in Victoria have no insurance cover and 26% of Victorian households do not have contents insurance. Only Victoria and New South Wales continue to maintain an Insurance based model of funding.

The State is seeking feedback on the design and implementation of a new property based funding model. The options paper poses questions and Propositions for consideration which should practically form part of any formal response.

Council is asked to note that it is estimated that given a cost escalator of 4% per annum the amount to be collected from the Kingston community in the first year of operation will be approximately \$17.8m or a 16% increase in Rates in 2013/14 when the collection system is to change. The Submission attached canvasses the issues raised in the Options Paper

7. Options

Council has two Options:

- submit a response
- or
- remain silent on the matter.

It is recommended that Council submit the attached response to the State.

8. Triple Bottom Line Checklist

- **Environmental** - Not applicable
- **Social** – A clear and equitable Tax is essential to maintaining a just society.
- **Financial** – The design and collection of the proposed levy will have an impact on Council and the residents and ratepayers of the city.

9. Recommendation

That Council resolve to submit the attached response to the State Government's Fire Services Levy Options Paper.

Attachment :

Kingston Council Response to Fire Services Levy Options Paper - September 2011

Crs Athanasopoulos/Staikos

That the recommendation be adopted.

Carried

Cr Ronke returned to the Chamber at 10.11pm

N 160

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 in the June 2011 meeting (refer to confidential attachment for detailed minutes) included:

- Final 'OHS Review' internal audit report
- Final 'Fixed Assets' internal audit report
- 'Procurement and Contract Management Follow-Up' internal audit report
- 'Reconciliations Review' internal audit report for November 2010 – February 2011
- Status update on the progress of the Internal Audit Plan
- Internal Audit Register status update of outstanding recommendations
- Council's Risk Register
- Draft revised Internal Audit Plan
- Annual review of internal audit performance
- Review of Audit Committee Charter
- Draft Audit Committee annual report to Council
- 2010/2011 Annual Accounts timetable
- Draft 2011/2012 Annual Budget and Council Plan

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

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community to feel confident that Council is properly discharging stewardship and governance obligations.

Recommendation

That the summary of the Audit Committee activities be noted and the Audit Committee be thanked for its good work.

<p>Crs Peulich/Moloney</p>

<p>That the recommendation be adopted.</p>
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<p style="text-align: right;">Carried</p>
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13. Notices of Motion
Item listed under Items in Camera.

14. Urgent Business
None

Crs Staikos/Ronke

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

- N 161 as it relates to a contractual matter
- N 162 as it relates to a matter that would prejudice the Council
- N 163 as it relates to a contractual matter

Carried

The meeting was closed to the public at 10.25pm

Crs Athanasopoulos/Peulich

That the meeting be opened to members of the public.

Carried

The meeting was opened to members of the public at 10.46pm

There being no further business the meeting closed at 10.46pm

Confirmed.....His Worship, The Mayor 24 October 2011